

LEGAL UPDATE - OCTOBER 12TH - 18TH, 2015

MFP Order no. 1198/2015 amending and supplementing certain accounting regulations entered into force on October 12th, 2015. We mention below several regulated issues:

- Order no. 1802/2014 of the Minister of Public Finance approving accounting regulations on the individual annual accounts and annual consolidated financial statements shall be amended, in the sense that will enter into force on 1st January 2015, except for head. 13 „*Reporting payments made to governments*” which shall apply starting with the financial year of 2016;
- Order no. 1286/2012 of the Minister of Public Finance approving accounting regulations in accordance with International Financial Reporting Standards, applicable to companies whose securities are admitted to trading on a regulated market is amended, in the sense that the provisions of Chapter III¹ „*Reporting payments made to governments*” shall apply from the financial year of 2016.

ANAF Order no. 2594/2015 establishing competent fiscal authorities for the organization and management of the fiscal record, the procedure for registration, withdrawal and rectification of information to/from fiscal record, request and issuance of the certificate of fiscal record, the form and content of the necessary forms, as well as the appropriate level of access to information from fiscal record entered into force on October 12th, 2015. We mention below several regulated issues:

- The fiscal record shall be organized by the National Agency for Fiscal Administration at central level and administrated by the fiscal authorities, in accordance with the conditions provided by Government Ordinance no. 39/2015 on fiscal record;
- In the fiscal record of legal persons shall be entered the facts set out in its subunits without legal personality, such as: branches, workstations and other.

Government Emergency Ordinance no. 42/2015 amending and supplementing certain acts of gambling entered into force on October 14th, 2015. We mention below several regulated issues:

- Government Emergency Ordinance no. 77/2009 on the organization and operation of gambling, approved with amendments and additions by Law no. 246/2010 shall be supplemented, in the sense that the state monopoly administration shall be made by the National Office for Gambling. Another addition is the fact that the State grants license for the organization of gambling exclusively to National Company "Romanian Lottery" - S.A. for traditional lottery games and away, luck, luck plus and super luck, express and lottery tickets;
- Government Emergency Ordinance no. 159/1999 on establishing National Company "Romanian Lottery" - S.A., approved with amendments by Law no. 288/2001 is amended and supplemented, in the sense that Romanian Lottery activity shall be carried out in accordance with the provisions of state, as well as the game rules approved by the National Office for Gambling and published

on the company website. Participants unclaimed winnings from gambling organized by the Romanian Lottery, according to the approved game rules, shall be made income of Romanian Lottery;

- Government Emergency Ordinance no. 20/2013 on the establishment, organization and operation of the National Office for Gambling, approved with amendments and additions by Law no. 227/2013 is amended and supplemented, in the sense that the Office operates in coordination of the Prime Minister through Prime Minister Chancellery. Also, the Office shall grant the right of organization and operation, supervise and control the activities in the field of gambling and related activities, as they are regulated by Government Emergency Ordinance no. 77/2009 on the organization and operation of gambling.

ICCJ decision no. 12/2015 regarding the examination of the request made by the Court of Appeal Bucharest - VIIIth Administrative and Fiscal Section, through the conclusion of 24th November 2014, pronounced in case no. 30461/3/2013 entered into force on October 16th, 2015. We mention below several regulated issues:

- The problem submitted to be judge refers to the right of administrative territorial unit, through its executive authority, namely the mayor, to attack in the administrative court the decisions taken by the deliberative authority, i.e. local council or, as the case may be, the General Council of Bucharest, in accordance with the provisions of the Law no. 215/2001 and the Law no. 554/2004;
- High Court of Cassation and Justice establishes that in conditions of Local Public Administration Law no. 215/2001 and of Administrative Litigation Law no. 554/2004, the administrative territorial unit, through its executive authority, namely the mayor, has no right to attack in the administrative court the decisions taken by the deliberative authority, i.e. local council or, as the case may be, the General Council of Bucharest.

Romania's Parliament Law no. 235/2015 amending and supplementing Law no. 506/2004 regarding the processing of personal data and the protection of privacy in the electronic communications sector entered into force on October 17th, 2015. We mention below several regulated issues:

- Traffic data relating to subscribers and users, processed and stored by the provider of a public electronic communications networks or the provider of an electronic communications service for the public, must be cleared or converted to anonymous, when they are no longer required to transmit a communication, but not later than 3 years from the date of such communication, except as provided for in paragraph (2), (3) and (5);
- The processing of traffic data performed in order to establish contractual obligations relating to subscribers of communication services with advance payment shall be allowed until expiration of the period of three years from the date of communication.