

## LEGAL UPDATE - OCTOBER 26<sup>TH</sup> – NOVEMBER 1<sup>ST</sup>, 2015

**ÎCCJ Decision no. 18/2015 on the examination of the appeal in the interests of the law made by the General Attorney concerning the interpretation and application of legal provisions on the inclusion of the period of apprenticeship in the calculation of length of service** entered into force on October 28<sup>th</sup>, 2015. We mention below several regulated issues:

- Through the appeal in the interests of the law made by the General Attorney it was showed that in courts have been numerous causes in which has applied for recognition as length in service of the period of apprenticeship, the period during which the applicant has been an apprentice with payment and attended the courses of vocational schools.
- High Court of Cassation and Justice states that, in the interpretation and application of the provisions of art. 3 (1) p) and art. 19 (1) of Law no. 263/2010 on the unitary system public pensions, with subsequent amendments and additions, the period in which a person has been apprentices with payment and attended courses of vocational schools:
  - prior to January 1<sup>st</sup>, 1949 will be considered contribution period if the apprentices have received salary or contributed to former houses of social insurance;
  - between January 1<sup>st</sup>, 1949 and January 1<sup>st</sup>, 1954 will be considered as length in service, whether in respect of apprentices there was an obligation to pay contributions to former homes of social insurance, but will represent contribution period only to the extent that has contributed to former houses of social insurance;
  - after January 1<sup>st</sup>, 1954 until April 1<sup>st</sup>, 2001 shall be considered as contribution period and length in service, the period of practice in the production.

**MAI Order no. 138/2015 approving the Technical Rules on the use, verification, refilling, repair and disposal of fire extinguishers** will enter into force on December 28<sup>th</sup>, 2015. We mention below several regulated issues:

- The approved Technical Rules establish the rules and conditions concerning the use, verification, refilling, repair and disposal of fire extinguishers, portable and mobile, except those containing certain fluorinated greenhouse gases.

**CC Order no. 605/2015 on the implementation of the Instructions for completing the Instructions on individualization of sanctions for the offenses referred to in art. 50 and 50<sup>1</sup> of the Competition Law no. 21/1996, implemented by Order no. 419/2010 of the President of Competition Council** entered into force on October 30<sup>th</sup>, 2015. We mention below several regulated issues:

- At Chapter II shall be inserted a new paragraph, which provides that, in the situation in which, in the previous financial year of sanction, the company has not registered turnover or this cannot be

determined, it will be taken into consideration the financial year in which the company or association of companies recorded turnover, year immediately preceding the year of reference for its calculation in order to apply the sanction. On the supposition that nor in the previous year of reference for the calculation of turnover in order to apply the sanction, the company has not achieved turnover, will be taken into account last turnover recorded by the company.

- At Chapter IV shall be inserted a new paragraph, which provides that, in the situation in which nor in the previous year of reference for calculating turnover to apply sanction the company has achieved turnover, will be considered the last turnover of the company.