

Tax & Legal Weekly Alert

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New obligation for public constructions operating without a fire safety authorization

The beneficiaries of investments consisting in **constructions with public destination operating without obtaining the fire safety authorization** are obliged to place notice boards in front of the entrances to the respective areas, with the following content: "**This area operates without the fire safety authorization.**"

Cancelation of certain tax liabilities for individuals that are real estate developers

Tax liabilities that result from reclassification of the income from transfer of real estate from personal patrimony into income from independent activities, incurred up to 1st of June 2017, are canceled according to the Law no. 29/2018, published on 18th of January 2018.

A new category of programmers, exempted from income tax

The conditions of granting the income tax exemption for employees that perform activities representing creation of computer programs were amended by the joint order of MEN, MCSI, MMJS, under the no. 1.168/2017/3.024/2018/492/2018/3.337/2017, published in the Official Gazette no. 52 from 18th January 2018.



New obligation for public constructions operating without a fire safety authorization

Law no. 28/2018 for the amendment of Law no. 307/2006 on fire safety (the "**Amending Law**") was published on 18 January 2018 in the Official Gazette of Romania no. 49, Part I.

According to the Amending Law, the beneficiaries of investments consisting in **constructions with public destination** operating **without obtaining the fire safety authorization** are obliged to place notice boards in front of the entrances to the respective areas, with the following content, printed in lettering with sizes of minimum 2,5 cm, red, white background: "**This area operates without the fire safety authorization.**"

What are the "public constructions" subject to this new obligation?

Firstly, the constructions must fall under the categories of buildings and establishments subject to fire safety authorization, as referred to in Government Decision no. 571/2016 for the approval of categories of buildings and establishments subject to fire safety approval and/ or authorization.

Secondly, the Amending Law mentions the destinations and functions of the constructions subject to this obligation as follows:

- i) buildings or premises arranged in **commercial buildings** such as bars, restaurants, shopping centers, shops, supermarkets and hypermarkets;
- ii) buildings or spaces arranged in **buildings with cultural destination**, such as theaters, cinemas, polyvalent rooms or other likewise opened to public participation;
- iii) buildings or premises arranged in **buildings with tourism destination**, such as hotels, motels or rooms to let in a hotel regime.

Failure to comply with this obligation constitutes a contravention and is sanctioned with a varying fine between RON 2501 to 5,000 RON.

For further questions regarding the aspects mentioned in this alert, please contact us.



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Cancelation of certain tax liabilities for individuals that are real estate developers

Law no. 29/2018 provides cancelation for the tax liabilities that result from the reclassification of the income from the transfer of real estate from the personal patrimony into income from independent activities, for the period up to 1st of June 2017, regardless of whether the tax decision was issued and communicated to the taxpayer.

In case the tax decision was issued and submitted by the tax authorities and the taxpayer paid the tax liabilities, the related amounts will be refunded.

A new category of programmers, exempted from income tax

The main changes brought by the Order published on 18 January are as follows:

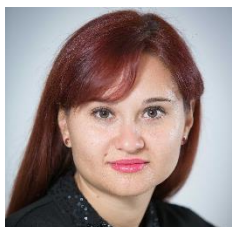
- The income tax exemption for the salary and salary assimilated income may be applied also in case of employees with a high school diploma, if they attend the courses of an accredited university and carry out one of the activities listed in the annex of the Order;
- Introduction of two new specific positions for activities of computer programs creation, for which an employee can benefit from the tax exemption on salary income and salary assimilated income, respectively support programmer and support analyst;

The above-mentioned provisions will enter into force starting with 1st of February 2018.

For further questions regarding the aspects mentioned in this alert, please contact us.



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