

LIST

of the legislative acts in Romania, adopted in order to protect the general interest and to regulate the specific conditions for carrying out certain activities in Romania by credit institutions authorised and supervised by competent authorities of the EU Member States, through a branch or directly

The list is not exhaustive and does not exonerate the credit institutions concerned from observing the adopted legal provisions in order to protect the general interest, and which are not defined (provisions of civil, commercial, fiscal nature, etc.)

The legal grounds for publication: Article 10 paragraph (2) of the National Bank of Romania *Regulation No 10/2006 regarding the notification of branches of credit institutions and the direct supply of services*

I) Banking services

1. Government Emergency Ordinance No 99/2006 on credit institutions and capital adequacy (*Monitorul Oficial al României, Part I, No 1027 of 27 November 2006*), approved with amendments and supplements by Law No 227/2007, as subsequently amended and supplemented;
2. Law No 312/2015 on the recovery and resolution of credit institutions and investment firms, amending and supplementing certain pieces of financial legislation (*Monitorul Oficial al României, Part I, No 920 of 11 December 2015*);
3. NBR Regulation No 17/2012 on some lending conditions (*Monitorul Oficial al României, Part I, No 855 of 18 December 2012*), as subsequently supplemented;
4. NBR Order No 27/2010 for the approval of accounting regulations in accordance with International Financial Reporting Standards, applicable to credit institutions (*Monitorul Oficial al României, Part I, No 890 and 890 bis of 30 December 2010*), as subsequently amended and supplemented;
5. NBR Order No 10/2012 for the approval of the Semi-annually accounting reporting system applicable to the entities under the National Bank of Romania accounting regulation scope (*Monitorul Oficial al României, Part I, No 570 of 10 August 2012*), as subsequently amended and supplemented;
6. Order No 5/2014 for the approval of the Methodological rules regarding the preparation of the periodic reports containing financial and accounting statistical information applicable to Romanian branches of credit institutions having their headquarters in other Member States (*Monitorul Oficial al României, Part I, No 693 of 23 September 2014*), as subsequently amended and supplemented;
7. Order No 1/2013 for the approval of the Methodological rules regarding the preparation of annual accounting reports for the information requirements of the Ministry of Public Finance, applicable to credit institutions (*Monitorul Oficial al României, Part I, No 93 of 14 February 2013*), as subsequently amended and supplemented;
8. NBR Regulation No 1/2000 on open market operations performed by the NBR and standing facilities granted to eligible participants, republished (*Monitorul Oficial al României, Part I, No 84 of 1 February 2008*), as subsequently amended;
9. NBR Order No 8/2006 on the working procedures for open market operations performed by the NBR and standing facilities granted to eligible participants (*Monitorul Oficial al României, Part I, No 862 of 20 October 2006*), as subsequently amended and supplemented;

10. NBR Order No 7/2006 on the working procedures for performing operations in certificates of deposit issued by the National Bank of Romania (*Monitorul Oficial al României, Part I, No 861 of 20 October 2006*), as subsequently amended and supplemented;
11. NBR Norms No 4/1995 on the operation of the inter-bank money market (*Monitorul Oficial al României, Part I, No 126 of 22 June 1995*), as subsequently amended and supplemented;
12. NBR Regulation No 11/2012 on the primary market for government securities managed by the National Bank of Romania (*Monitorul Oficial al României, Part I, No 502 of 23 July 2012*);
13. NBR Norms No 2/2012 for enforcing NBR Regulation No 11/2012 on the primary market for government securities managed by the National Bank of Romania (*Monitorul Oficial al României, Part I, No 783 of 21 November 2012*), as subsequently amended and supplemented;
14. NBR Norms No 2/2015 on the electronic transmission of documents related to money market operations performed by the National Bank of Romania through tender and permanent facilities granted to eligible participants (*Monitorul Oficial al României, Part I, No 277 of 24 April 2015*);
15. NBR Regulation No 4/2005 on the foreign exchange regime (*Monitorul Oficial al României, Part I, No 616 of 6 September 2007*), as subsequently amended and supplemented;
16. NBR Norms No 3/2005 on the operation of the inter-bank foreign exchange market (*Monitorul Oficial al României, Part I, No 297 of 8 April 2005*), as subsequently amended;
17. Regulation on operations with government securities in dematerialized form, approved by Order of the Minister of Economy and Finance No 2509/25.08.2008 (*Monitorul Oficial al României, Part I, No 626 of 28 August 2008*), as subsequently amended and supplemented;
18. NBR Norms No 2/2010 on the electronic transmission of certain documents related to tenders and government securities subscriptions (*Monitorul Oficial al României, Part I, No 480 of 13 August 2010*);
19. NBR Regulation No 12/2005 on the secondary market for government securities managed by the National Bank of Romania, as subsequently amended (*Monitorul Oficial al României, Part I, No 882 of 30 September 2005*).
20. NBR Norms No 1/2006 for the enforcement of Regulation No 12/2005 on the secondary market for government securities managed by the National Bank of Romania (*Monitorul Oficial al României, Part I, No 136 of 14 February 2006*);
21. NBR Circular No 17/27.07.2004 on the fees charged by the National Bank of Romania for performing foreign-currency operations (*Monitorul Oficial al României, Part I, No 690 of 30 July 2004*);
22. Regulation No 6/2002 on reserve requirements (*Monitorul Oficial al României, Part I, No 566 of 1 August 2002*), as subsequently amended and supplemented;
23. NBR Norms No 1/2015 on the submission of primary indicators via the IT reporting system of the National Bank of Romania (*Monitorul Oficial al României, Part I, No 101 of 9 February 2015*);
24. NBR Regulation No 4/2014 on reporting statistical data and information to the National Bank of Romania (*Monitorul Oficial al României, Part I, No 602 of 13.08.2014*), as subsequently amended and supplemented (*Monitorul Oficial al României, Part I, No 615 of 13 August 2015*);

25. NBR Order No 1/2012 for the approval of the methodological norms on the regular reporting templates for financial stability review purposes, applicable to credit institutions (*Monitorul Oficial al României, Part I, No 55 of 24 January 2012*);

26. NBR Regulation No 2/2012 on the organisation and functioning of the Central Credit Register operated by the National Bank of Romania (*Monitorul Oficial al României, Part I, No 49 of 20 January 2012*), as subsequently amended;

27. NBR Regulation No 1/2012 on the organisation and functioning of the Payment Incidents Register operated by the National Bank of Romania (*Monitorul Oficial al României, Part I, No 49 of 20 January 2012*).

II) Mortgage credit

1. Law No 190/1999 on mortgage credit for real estate investment (*Monitorul Oficial al României, Part I, No 611 of 14 December 1999*), as subsequently amended and supplemented;

2. Law No 77/2016 on the discharge of mortgage-backed debts through transfer of title over immovable property (*Monitorul Oficial al României, Part I, No 330 of 28 April 2016*).

III) Deposit guarantee

1 Law No 311/2015 on deposit guarantee schemes and bank deposits guarantee fund (*Monitorul Oficial al României, Part I, No 918 of 11 December 2015*);

IV) Consumer protection

1. Government Ordinance No 21/1992 on consumer protection, republished (*Monitorul Oficial al României, Part I, No 208 of 28 March 2007*), as subsequently amended and supplemented;

2. Law No 190/1999 on housing loans for real estate investment (*Monitorul Oficial al României, Part I, No 611 of 14 December 1999*), as subsequently amended and supplemented;

3. Law No 193/2000 on the abusive clauses of contracts concluded between traders and consumers (*Monitorul Oficial al României, Part I, No 543 of 03 August 2012*), as subsequently amended and supplemented;

4. Government Ordinance No 85/2004 on consumer protection in order to conclude and perform distance contracts for financial services, republished (*Monitorul Oficial al României, Part I, No 365 of 13 May 2008*), as subsequently amended and supplemented;

5. Government Decision No 1553/2004 on certain interruption manners of the illegal practices in the collective interests protection of the consumers (*Monitorul Oficial al României, Part I, No 695 of 30 September 2011*);

6. Law No 363/2007 on combating unfair commercial practices between businesses and consumers and harmonising provision with EU consumer law (*Monitorul Oficial al României, Part I, No 899 of 28 December 2007*), as subsequently amended and supplemented;

7. Government Emergency Ordinance No 113/2009 on payment services, approved as amended by Law No 197/2010 (*Monitorul Oficial al României, Part I, No 685 of 12 October 2009*), as subsequently amended and supplemented;

8. Government Decision No 1259/2010 on establishing measures for applying Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (*Monitorul Oficial al României, Part I, No 847 of 17 December 2010*), as subsequently amended and supplemented;

9. Government Emergency Ordinance No 50/2010 on consumer credit contracts (*Monitorul Oficial al României, Part I, No 389 of 11 June 2010*), approved as amended and supplemented by Law No 288/2010;

10. National Authority for Consumer Protection Order No 632/2009 on certain consumer information measures by economic operators conducting foreign exchange activities (*Monitorul Oficial al României, Part I, No 886 of 17 December 2009*);

11. National Authority for Consumer Protection Order No 72/2010 on certain consumer information measures (*Monitorul Oficial al României, Part I, No 164 of 15 March 2010*), as subsequently amended;

12. National Authority for Consumer Protection Order No 164/2011 on certain consumer information measures by bank and non-bank financial institutions (*Monitorul Oficial al României, Part I, No 620 of 1 September 2011*), as subsequently amended and supplemented;

13. Law No 127/2011 on the issue of electronic money (*Monitorul Oficial al României, Part I, No 437 of 22 June 2011*), as subsequently amended.

V) Insurance

1. Law No 237/2015 on the authorisation and supervision of insurance and reinsurance (*Monitorul Oficial al României, Part I, No 800 of 28 October 2015*);

2. Law No 32/2000 on the activity and supervision of insurance and reinsurance intermediaries (*Monitorul Oficial al României, Part I, No 148 of 10 April 2000*), as subsequently amended and supplemented;

3. Norms 20/2016 on the authorisation and surveillance of insurance and reinsurance companies (*Monitorul Oficial al României, Part I, No 271 of 11 April 2016*);

4. Order No 15/2009 for the application of norms on the right of establishment and the freedom to provide services in Romania by insurance/reinsurance intermediaries authorised and/or registered with a competent authority in an EU Member State (*Monitorul Oficial al României, Part I, No 569 of 14 August 2009*);

5. Norms 24/2014 on the procedure of handling petitions related to the activity of insurers and insurance brokers (*Monitorul Oficial al României, Part I, No 824 of 12 November 2014*);

6. Order No 23/2009 for the application of norms on the mandatory information supplied by insurers and insurance intermediaries to clients, as well as other mandatory elements in the insurance contract (*Monitorul Oficial al României, Part I, No 908 of 23 December 2009*), as subsequently supplemented;

7. Order No 24/2008 for the application of norms on the prevention and combat of money laundering and financing of terrorism through the insurance market (*Monitorul Oficial al României, Part I, No 12 of 7 January 2009*), as subsequently amended and supplemented;

8. Norms No 23/2014 on compulsory car insurance (*Monitorul Oficial al României, Part I, No 826 of 12 November 2014*), as subsequently amended and supplemented;

9. Law No 136/1995 on insurance and reinsurance in Romania (*Monitorul Oficial al României, Part I, No 303 of 30 December 1995*), as subsequently amended and supplemented.

VI) Private pensions

I.

1. Law No 411/2004 on private pension funds, republished (*Monitorul Oficial al României, Part I, No 482 of 18 July 2007*), as subsequently amended and supplemented;

2. Private Pension Scheme Supervisory Commission Norms No 15/2009 on collection and payment operations through private pension fund accounts, approved by Decision of the Chairman of the Private Pension Scheme Supervisory Commission No 23/2009 (*Monitorul Oficial al României, Part I, No 659 of 3 October 2009*);

3. Private Pension Scheme Supervisory Commission Norms No 11/2011 on the investment and assessment of private pension fund assets, approved by Decision of the Chairman of the Private Pension Scheme Supervisory Commission No 22/2011 (*Monitorul Oficial al României, Part I, No 8 of 5 January 2012*), as subsequently amended and supplemented;

4. Financial Supervisory Authority Norms No 11/2014 on the deposit and safekeeping of private pension fund assets, approved by Decision of the Financial Supervisory Authority Council of 23 April 2014 (*Monitorul Oficial al României, Part I, No 376 of 21 May 2014*);

5. Financial Supervisory Authority Norms No 24/2015 on reporting and transparency obligations in the private pension system, approved by Decision of the Financial Supervisory Authority Council of 16 December 2015 (*Monitorul Oficial al României, Part I, No 3 and 3 bis of 5 January.2016*).

II.

1. Law No 204/2006 on voluntary pensions, as subsequently amended and supplemented (*Monitorul Oficial al României, Part I, No 470 of 31 May 2006*);

2. Private Pension Scheme Supervisory Commission Norms No 18/2009 on collection and payment operations through voluntary pension fund accounts, approved by Decision of the Chairman of the Private Pension Scheme Supervisory Commission No 26/2009 (*Monitorul Oficial al României, Part I, No 760 of 9 November 2009*);

3. Private Pension Scheme Supervisory Commission Norms No 11/2011 on the investment and assessment of private pension fund assets, approved by Decision of the Chairman of the Private Pension Scheme Supervisory Commission No 22/2011 (*Monitorul Oficial al României, Part I, No 8 of 5 January 2012*), as subsequently amended and supplemented;

4. Financial Supervisory Authority Norms No 10/2014 on the deposit and safekeeping of voluntary pension fund assets, approved by Decision of the Financial Supervisory Authority Council of 23 April 2014 (*Monitorul Oficial al României, Part I, No 352 of 13 May 2014*);

5. Financial Supervisory Authority Norms No 25/2015 on reporting and transparency obligations in the private pension system, approved by Decision of the Financial Supervisory Authority Council of 16.12.2015 (*Monitorul Oficial al României, Part I, No 6 of 6 January.2016*).

VII) Financial investment services

1. Law No 297/2004 on the capital market (*Monitorul Oficial al României, Part I, No 571 of 29 June 2004*), as subsequently amended and supplemented;
2. Government Emergency Ordinance No 99/2006 on credit institutions and capital adequacy (*Monitorul Oficial al României, Part I, No 1027 of 27 December 2006*), approved as amended and supplemented by Law No 227/2007, as subsequently amended and supplemented;
3. Regulation No 16/2014 on the income of the Financial Supervisory Authority (*Monitorul Oficial al României, Part I, No 899 of 11 December 2014*), as subsequently amended;
4. Regulation No 15/2006 on making recommendations for investment in financial instruments (*Monitorul Oficial al României, Part I, No 943 of 22 November 2006*);
5. Regulation No 32/2006 on financial investment services (*Monitorul Oficial al României, Part I, No 103 bis of 12.02.2007*), as subsequently amended and supplemented;
6. Regulation No 4/2009 on the Public Register of the National Securities Commission (*Monitorul Oficial al României, Part I, No 343 of 22 May 2009*), as subsequently amended and supplemented;
7. Regulation No 5/2010 on using the global account system, implementing mechanisms with or without pre-validation of financial instruments, performing securities lending operations, setting up related guarantees and short-selling (*Monitorul Oficial al României, Part I, No 169 of 16 March 2010*), as subsequently amended and supplemented;
8. Regulation No 8/2015 on financial investment services agents, tied agents and amending and supplementing Regulation No 32/2006 on financial investment services, approved by Order of the National Securities Commission No 121/2006 (*Monitorul Oficial al României, Part I, No 465 of 29 June 2015*), as subsequently amended.

VIII) Prevention and combat of money laundering

1. Law No 656/2002 on preventing and sanctioning money laundering, as well as on measures to prevent and combat terrorism financing, republished (*Monitorul Oficial al României, Part I, No 702 of 12 October 2012*), as subsequently amended;
2. Government Decision No 594/2008 for the approval of the Regulation for the enforcement of the provisions of Law No 656/2002 on preventing and sanctioning money laundering, as well as on measures to prevent and combat terrorism financing (*Monitorul Oficial al României, Part I, No 444 of 13 June 2008*), as subsequently amended;
3. Government Decision No 1437/2008 for the approval of the List of third countries which impose requirements similar to those provided in Law No 656/2002 on preventing and sanctioning money laundering, as well as on measures to prevent and combat terrorism (*Monitorul Oficial al României, Part I, No 778 of 20 November 2008*), as subsequently amended;
4. NBR Regulation No 9/2008 on “know your customer” rules in order to prevent money laundering and terrorism financing (*Monitorul Oficial al României, Part I, No 527 of 14 July 2008*), as subsequently amended;

5. Decision of the Plenary of the National Office for Prevention and Combat of Money Laundering No 673/2008 for the approval of the working methodology for the submission of cash transactions reports and external transfers reports (*Monitorul Oficial al României, Part I, No 452 of 17 June 2008*), as subsequently amended and supplemented;

6. Decision of the Plenary of the National Office for Prevention and Combat of Money Laundering No 2742/2013 on the form and content of the suspicious transactions report, cash transactions report and external transactions report (*Monitorul Oficial al României, Part I, No 679 of 05 November 2013*), as subsequently amended;

7. Decision of the Plenary of the National Office for Prevention and Combat of Money Laundering No 496/11 July 2006 for the approval of the Norms for the prevention and combat of money laundering and the financing of terrorism, “know your customer” standards and internal control for reporting entities which are not subject to prudential supervision by certain authorities (*Monitorul Oficial al României, Part I, No 623 of 19 July 2006*), as subsequently supplemented.

IX) Prevention and combat of terrorism and enforcement of international sanctions

1. Law No 535/2004 to prevent and combat terrorism (*Monitorul Oficial al României, Part I, No 1161 of 08 December 2004*), as subsequently amended and supplemented;

2. Government Emergency Ordinance No 202/2008 enforcing international sanctions approved as amended by Law No 217/2009 (*Monitorul Oficial al României, Part I, No 825 of 08 December 2008*), as subsequently amended and supplemented;

3. Government Decision No 603/2011 for the approval of the Norms on the supervision by the National Office for Prevention and Combat of Money Laundering of the enforcement of international sanctions (*Monitorul Oficial al României, Part I, No 426 of 17 June 2011*);

4. NBR Regulation No 28/2009 on the supervision of the enforcement of international blocked funds sanctions (*Monitorul Oficial al României, Part I, No 891 of 18 December 2009*), as subsequently amended;

5. Decision of the Plenary of the National Office for Prevention and Combat of Money Laundering No 1426/2011 for the approval of the Norms on the transmission mechanism to the National Office for Prevention and Combat of Money Laundering of the reports provided in Article 18 of Government Emergency Ordinance No 202/2008 enforcing international sanctions, as well as of the Form for reporting designated persons, entities and operations involving goods within the meaning of Government Emergency Ordinance No 202/2008 enforcing international sanctions (*Monitorul Oficial al României, Part I, No 849 of 30 November 2011*).

X) Supervision of the processing of personal data

1. Law No 677/2001 on the protection of persons concerning the processing of personal data and free circulation of such data, (*Monitorul Oficial al României, Part I, No 790 of 12 December 2001*), as subsequently amended;

2. Law No 506/2004 on the processing of personal data and the protection of privacy in the electronic communications sector (*Monitorul Oficial al României, Part I, No 1101 of 25 November 2004*), as subsequently amended and supplemented;

3. Decision of the National Supervisory Authority for Personal Data Processing No 105/2007 on the

processing of personal data performed in an evidence system of credit bureau type systems (*Monitorul Oficial al României, Part I, No 891 of 27 December 2007*);

4. Decision of the National Supervisory Authority for Personal Data Processing No 95/2008 on the establishing of the standard type notification form ruled by Law no. 677/2001 for the protection of persons regarding the processing of personal data and the free movement of such data (*Monitorul Oficial al României, Part I, No 876 of 24 December 2008*), as subsequently amended;
5. Decision of the National Supervisory Authority for Personal Data Processing No 10/2009 on the establishing of an authorization model for the transfer of personal data abroad based on the provisions of Article 29 paragraph (4) of Law no. 677/2001 on the protection of persons regarding the processing of personal data and the free movement of such data (*Monitorul Oficial al României, Part I, No 149 of 10 March 2009*);
6. Decision of the National Supervisory Authority for Personal Data Processing No 132/2011 on the processing conditions for the personal identification number and other personal documents with general identification function (*Monitorul Oficial al României, Part I, No 929 of 28 December 2011*);
7. Decision of the National Supervisory Authority for Personal Data Processing No 52/2012 on the processing of personal data using video surveillance means (*Monitorul Oficial al României, Part I, No 389 of 11 June 2012*), as subsequently amended;
8. Decision of the National Supervisory Authority For Personal Data Processing No 41/2014 on the establishing of an authorisation model for the transfer of personal data abroad pursuant to binding corporate rules (BCR) (*Monitorul Oficial al României, Part I, No 218 of 27 March 2014*);
9. Decision of the National Supervisory Authority for Personal Data Processing No 184/2014 for the approval of the standard type notification form for breaching personal data security for providers of public network services or electronic communication services, in accordance with Commission Regulation (EU) No 611/2013 of 24 June 2013 on the measures applicable to the notification of personal data breaches under Directive 2002/58/EC of the European Parliament and of the Council on privacy and electronic communications (*Monitorul Oficial al României, Part I, No 964 of 30 December 2014*);
10. Decision of the National Supervisory Authority for Personal Data Processing No 200/2015 on the establishing of personal data processing cases which do not require notification, as well as on amending and repealing certain decisions (*Monitorul Oficial al României, Part I, No 969 of 28 December 2015*).