

Project carried on based on the Contract No. 42/26 from 05/26/2003

Operation contemplated in the contract

The operation contemplated in the contract referred to the development of a Legislative guide for small and medium-sized enterprises.

Scope of work

The contribution of the consultant to the project included:

1. Creating 10 different booklets of around 30 pages each aimed at presenting the basic legal regulations in force as of 05/31/2003, applicable to 10 areas of interest for the small and medium-sized enterprises, including:

1. Forms of conducting business of the small and medium-sized enterprises (trading companies: incorporation, operation, termination; freelance professionals and family associations; other forms of organization; advantages and disadvantages of each form presented);
2. Fiscal liabilities (taxes: corporate tax, turnover tax, tax on dividends, global income tax, VAT; excises; customs duties; local taxes and duties; double taxation and taxes applicable to non-residents – presentation of each tax, including payment terms, payers, modality of calculating the taxable amount, deductions, violations);
3. Financial and accounting discipline (key provisions of the basic accounting law; legal status of accounting documents);
4. Financial control of business activities (control authorities; activities subject to verification; legal status of the verification documents drafted by the controlling authorities; relations of traders with the main state authorities involved in the economic activity)
5. Basic contracts (General: contract discipline and mandatory legal provisions in agreements, provisions that cannot be subject to the agreement of the parties, abusive clauses; telecontracts; contracts concluded outside commercial premises; Special: sale and purchase, leasing, works, concession, renting, agency, shipping and warehousing contracts);
6. Legal relations between employees and employer (legal framework, salary);
7. Legal framework of the litigation related to the main situations that may arise in the activity of a company (debt collection by virtue of the common law or by payment request notification; cancellation / termination of contracts; annulment of the resolutions of the General Meeting of Shareholders, legal proceedings against the directors of the company; challenging the economic and financial verification documents; challenging the enforcement; labor litigation; commercial arbitration);
8. Commercial practices: competition and pricing (applicable legal provisions regarding telesales, sales outside the commercial premises, e-commerce);

9. Public procurement (public – private partnership contracts; conditions for a private company to conclude a public procurement contract; constraints for the contracting authority in connection with such contracts; incentives for SMEs);
10. Consumer protection. Discipline regulations regarding the manufacturing and trading of certain goods to which special rules apply (alcoholic beverages, tobacco, foodstuffs, durable goods, cosmetics, detergents, pharmaceutical products, toys, second-hand goods etc.; provisions of the Government Ordinance No. 21/1992 on consumer protection)

2. Updating the information presented in the Legislative Guide considering the changes in legislation occurred after 05/31/2003.

3. Creating a Glossary of specialized terms used in the materials and of lists of relevant laws and regulations for each section of the material.

The final outcome of the project included:

- A. 10 booklets presenting the basic legal regulations applicable in 10 areas of interest for the small and medium-sized enterprises, in force as of 08/31/2003, including:
 1. Forms of conducting business applicable to small and medium-sized enterprises
 2. Fiscal liabilities
 3. Financial and accounting discipline
 4. Financial verification of business operations
 5. Basic contracts
 6. Legal relations between employees and employers
 7. Legal framework of litigation related to the main situations likely to arise during the activity of a company
 8. Commercial practices; competition and pricing
 9. Public procurement
 10. Consumer protection. Discipline regarding the production and trading of certain products subject to special regulations.

A GLOSSARY of specialized terms used in the Legislation Guide.