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Legal Fresh – Up to Date

THE POSSIBILITY TO POSTPONE THE PAYMENT OF RENT AND UTILITIES OF THE FORMS PRACTICING LEGAL PROFESSIONS

As we presented in a previous material, available [here](#), the Government regulated the possibility of certain categories of entities, including the forms of practicing several legal professions, to postpone, during the state of emergency, the payment of utilities - electricity, natural gas, water, telephone and internet services, but also of the rent for the premises of their professional office.

1. Relevant legislation

- Government Emergency Ordinance no. 29/2020 regarding some economic and fiscal measures (hereinafter referred to as GEO 29/2020);
- Government Decision no. 281/2020 for approving the criteria for establishing the beneficiaries provided in art. X paragraph (5) of the Emergency Ordinance of the Government no. 29/2020 regarding some economic and fiscal-budgetary measures (hereinafter referred to as GD 281/2020);

2. The categories of beneficiaries

According to art. 2 of the GD 281/2020, the following liberal professions that perform services of public interest benefit from this measure, during the state of emergency:

- the forms of practicing the profession of public notary;
- the forms of practicing the profession of lawyer;
- the forms of organization of the activity of the profession of judicial executor.

3. The conditions that need to be met by these entities in order to benefit from this measure

According to art. 2 of the GD 281/2020, the entities mentioned above at point 2 must fulfill the following conditions, cumulatively:



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- to have had a net income of maximum 200,000 euros (equivalent in RON) in 2019 or, if the income for 2019 was not calculated, in 2018;
- maximum 9 persons carry out activities within the legal form of exercising the profession, as employees (including persons employed within the profession and / or collaborators);
- have interrupted their activity, totally or partially, or have reduced their activity, as a result of the measures ordered by the authorities, having registered losses of at least 25% in the month for which the measure is applied, compared to the average of the revenues for the last 6 months before the establishing of the state of emergency;
- they complied with the obligation to ensure the continuity of the activity during the state of emergency, as provided by GEO 29/2020.

4. Procedural aspects. Inspection and control activities

In order to benefit from this measure, **the coordinator of the form of practicing the profession must draw up an affidavit, attesting the fulfillment of the conditions mentioned above, at point 3.**

The coordinator of the form of exercising the profession will send, monthly:

- to his co-contractor, the abovementioned affidavit, on the due date of the obligation to pay the rent and / or utility services;
- to the management body of the professional organization to which it belongs, the abovementioned affidavit and information on the legal facility from which it benefited.

The truthfulness of the information contained in the affidavit may be subject to control by the management body of the professional organization.

** According to GEO 29/2020, the concrete conditions for the other beneficiary entities (the offices of general practitioners and dental offices, where there are no more than 20 persons operating; national sports federations and sports clubs holding a sport identity certificate), that need to be met in order to benefit from this facility, will be established by Government decision, which has not been adopted until the date of publication of this informative note.*



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*** This material contains the data and information updated until the 9th of April 2020. Given the exceptional situation, new measures and procedures are constantly being adopted, the process being very dynamic.*

This informative note presents the general legal framework in the matter, without claims of exhaustiveness on the subject. The ideas presented are strictly informative and do not eliminate the need to analyze the legal provisions set out, nor the need for legal advice offered by a lawyer, being no substitute for them in a specific case.