



## No. 18/13 September 2010

Emergency Ordinance no 82/2010 for amending art. 7 para. (1) point 2. (2.1) of Law. 571/2003 regarding the Fiscal Code and to amend Art. III of the Emergency Ordinance no. 58/2010 for amending Law no. 571/2003 regarding the Fiscal Code and other fiscal measures, was published in Official Gazette no 638/10.09.2010.

The main provisions are as follows:

1. It was amended the definition of dependent activities by modifying point. b) "... *income beneficiary uses exclusively the customer material basis...*" and eliminates lit. f) "*any other items that reflect the dependent nature of the business*" as a reconsideration criterion.
2. Individual contributions are due to social security and unemployment insurance fund for professional income from copyrights and income from professional activities performed under contracts / conventions concluded under the Civil Code. Individual contribution to social health insurance fund is due according to the specific law i.e. Law 95/2006 on health.

Ordinance no longer regulates social insurance for freelancers. These individual contributions will be due according to specific laws (eg Law 19/2000 on pensions, Law 95/2006 on health, Law 76/2002 on unemployment).

3. Provisions of this Ordinance are not applicable to persons insured in other social insurance systems (eg lawyers) and to individuals who have the status of retired persons.
4. Individuals who occasionally obtain, besides salaries, income from copyrights / civil conventions, do not due individual contributions to this revenue. But if individuals occasionally made, only income from copyrights / civil conventions the individual contributions is to be due and annual calculation basis is limited to 5 times the gross average wage in the economy.
5. Persoanele care realizeaza, cu caracter de regularitate, pe langa veniturile de natura salariala, si venituri din drepturi de autor/conventii civile, datoreaza contributiile individuale si pentru aceste venituri. Individuals who obtain on a regular basis, besides salaries and income from copyrights / civil conventions, are due to pay individual contributions and these incomes.
6. Obligation to declare, calculate, withhold and pay social insurance contributions and individual unemployment insurance contribution, stays with the income payer is, monthly until the 25<sup>th</sup> following the next month the income is achieved.
7. Calculation basis for copyrights is gross income reduced by a flat rate, and for Civil Conventions calculation base is gross income, and could not exceed during a month five times of average gross wage in the economy.