



Stimati colaboratori,

Ordonanta de urgenta a Guvernului nr. 37/2020 privind acordarea unor facilitati pentru creditele acordate de institutii de credit si institutii financiare nebancale anumitor categorii de debitori, a fost publicata in M. Of. nr. 261/30.03.2020 („Ordonanta”)

Ordonanta este in vigoare din 30.03.2020. Beneficiarii acestei ordonante sunt debitorii care au incheiat un contract pentru obtinerea unui credit care nu a ajuns la maturitate si pentru care creditorul nu a declarat scadenta anticipata, anterior intrarii in vigoare a prezentei ordonante de urgenta (30.03.2020).

1. Obligatia de plata a ratelor scadente aferente imprumuturilor, reprezentand rate de capital, dobanzi si comisioane, acordate debitorilor de catre creditorii pana la data intrarii in vigoare a Ordonantei (30.03.2020), se suspenda la cererea debitorului cu pana la 9 luni, dar nu mai mult de 31.12.2020. Masura este valabila pentru creditele care nu inregistreaza restante la data instituirii starii de urgenta pe teritoriul Romaniei sau debitorii au efectuat plata acestor restante pana la data solicitarii suspendarii obligatiei de plata.

Masura se aplica **exclusiv** debitorilor ale caror venituri au fost afectate direct sau indirect de situatia grava generata de

Dear collaborators,

Government Emergency Ordinance no. 37/2020 regarding the granting of facilities for loans granted by credit institutions and non-bank financial institutions to certain categories of debtors, was published in the Official Gazette. no. 261 / 30.03.2020 ("Ordinance")

The Ordinance has been in force since March 30th2020.

The beneficiaries of this order are debtors who have concluded a contract to obtain a credit which has not reached maturity and for which the creditor has not declared the due date before the entry into force of this Emergency order (March 30th2020).

1. The obligation to pay outstanding installments on loans, representing capital ratios, interest and commissions, granted to debtors by creditors by the date of entry into force of the Ordinance (March 30th2020), shall be suspended at the request of the debtor for up to 9 months but not more than 31.12.2020 months. The measure shall be valid for credits which do not record any remainings at the time of the establishment of the emergency in Romania or the debtors have made the payment of these remainings until the date of the request for suspension of the payment obligation.

The measure applies **only** to debtors whose income has been directly or indirectly affected by the serious situation arising



pandemia COVID-19, conform normelor de aplicare a prezentei Ordonante.

Pentru a beneficia de masura de mai sus, debitorii, cu exceptia persoanelor fizice, trebuie sa indeplineasca cumulativ urmatoarele conditii:

a) a1) intrerup activitatea total sau partial ca efect al deciziilor emise de autoritatile publice competente potrivit legii, pe perioada starii de urgenta decretate, si detin certificatul de situatii de urgenta emis de Ministerul Economiei, Energiei si Mediului de Afaceri sau

a2) detin certificatul pentru situatii de urgenta emis de Ministerul Economiei, Energiei si Mediului de Afaceri, si in baza declaratiilor pe propria raspundere a debitorilor se constata diminuarea veniturilor sau a incasarilor cu minimum 25% in luna martie 2020 prin raportare la media lunilor ianuarie si februarie 2020 sau intreruperea partiala sau totala a activitatii ca efect al deciziilor emise de autoritatile publice competente pe perioada starii de urgenta decretate;

b) nu se afla in insolventa la data solicitarii suspendarii rambursarii creditului.

2. Perioada maxima de creditare prevazuta in reglementarile creditorilor poate fi depasita cu o perioada egala cu durata suspendarii obligatiei de plata.

3. Pentru debitori persoane fizice pentru care prelungirea maturitatii creditelor depaseste limita de varsta, creditorii procedeaza la restructurarea creditelor cu incadrarea in limita de varsta.

Pentru a beneficia de suspendarea rambursarii ratelor, dobanzilor si

from the COVID-19 pandemic, in accordance with the rules for the application of this Ordinance.

In order to benefit from the above measure, debtors, other than natural persons, must meet all of the following conditions:

a) a1) discontinue all or part of the activity resulting from decisions issued by the competent public authorities in accordance with the law during the decreed state of emergency and hold the certificate of emergency situations issued by the Ministry of Economy, Energy and Business Environment or

a2) hold the certificate for emergency situations issued by the Ministry of Economy, Energy and Business Environment, and on the basis of the debtors' self-declarations it can be seen that the revenues or receipts have decreased by at least 25% in March 2020 by reference to the average of January and February 2020 or the partial or total interruption of activity as a result of decisions issued by the competent public authorities during the decreed state of emergency;

b) are not insolvent at the date of requesting the suspension of the credit repayment.

2. The maximum credit period laid down in the creditor's regulations may be exceeded by a period equal to the duration of the suspension of the payment obligation.

3. For debtors natural persons for whom the extension of the maturity of the loans exceeds the age limit, creditors shall restructure their limit-age loans.

In order to benefit from the suspension of repayment of installments, interest and commissions, debtors shall submit a

comisioanelor, debitorii trimit creditorilor o solicitare in acest sens, in format letric, prin posta electronica sau telefonic, cel mai tarziu pana la 45 de zile de la intrarea in vigoare a Ordonantei (13.05.2020).

4. Dobanda datorata de debitori corespunzatoare sumelor scadente a caror plata este suspendata se capitalizeaza la soldul creditului existent la finele perioadei de suspendare. Capitalul astfel majorat se plateste esalonat pe durata ramasa pana la noua maturitate a creditelor, ulterior perioadei de suspendare.

Exceptie: pentru creditele ipotecare contractate de persoane fizice dobanda aferenta perioadei de suspendare se calculeaza potrivit prevederilor contractului de credit si reprezinta o creanta distincta si independenta in raport cu celelalte obligatii izvorate din contractul de credit. La aceasta creanta dobanda este 0% si plata de catre debitor a acestei creante se va face esalonat, in 60 de rate lunare egale, incepand cu luna imediat urmatoare incheierii perioadei de amanare.

5. Statul roman, prin Ministerul Finantelor Publice („MFP”), garanteaza 100% plata dobandii aferenta creditelor ipotecare contractate de debitori persoane fizice.
6. MFP este autorizat sa mandateze Fondul National de Garantare a Creditelor pentru IMM (F.N.G.C.I.M.M.) in vederea emiterii de scrisori de garantie in numele si in contul statului in favoarea creditorilor.
7. Modificarea contractelor de credit potrivit Ordonantei se produce prin efectul legii, fara incheierea de acte aditionale. In termen de 30 de zile de la primirea

request to the creditors, in computer-readable form, by electronic mail or by telephone, no later than 45 days after the entry into force of the Ordinance (May 13th 2020).

4. Interest due by debtors corresponding to the outstanding amounts whose payment is suspended it shall be capitalized on the balance of the credit existing at the end of the suspension period. The capital thus increased shall be paid in installments for the remaining time until the new maturity of the loans, following the suspension period.

Exception: for mortgages contracted by natural persons, the interest relating to the period of suspension is calculated according to the provisions of the credit agreement and shall represent a separate and independant debt in relation to the other obligations arising from the credit agreement. On this debt the interest is 0 % and the debtor shall pay the debt in installments, in 60 equal monthly installments, starting from the month immediately following the end of the deferral period.

5. The Romanian State, through the Ministry of Public Finance ("MPF"), guarantees 100% the payment of interest on mortgage loans taken by debtors natural persons.
6. MPF is authorized to give a mandate to the National Fund to Guarantee Credits for Small and Medium-sized Companies (N.F.G.C.S.M.C.) regarding issuing letters of guarantee in the name and on behalf of the state in favor of the creditors.
7. The modification of the credit agreements according to the Ordinance is produced by the effect of the law, without the conclusion of additional acts. Within 30



solicitarii, creditorul notifica debitorului clauzele contractuale modificate.

8. Sursa de plata a garantiilor acordate de catre F.N.G.C.I.M.M. in numele si contul statului este bugetul de stat, prin bugetul Ministerului Finantelor Publice.
9. Creantele rezultate din plata garantiilor de stat, respectiv sumele platite creditorilor in baza scrisorilor de garantie, sunt create bugetare si se recupereaza de la debitori de catre organele fiscale competente ale Agentiei Nationale de Administrare Fiscala, conform Codului de Procedura Fiscala.
10. Pentru neplata la scadenta a obligatiilor rezultate din executarea scrisorilor de garantie, debitorul datoreaza obligatii fiscale accesorii.

MFP elaboreaza normele de aplicare a prezentei ordonante, care se aproba prin hotarare a Guvernului in termen de 15 de zile de la intrarea in vigoare a prezentei ordonante de urgenta.

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days of receipt of the application, the creditor shall notify the debtor of the modified contractual terms.

8. The source of payment of the guarantees granted by N.F.G.C.S.M.C. in the name and account of the state is the state budget through the budget of the Ministry of Public Finance.
9. Claims resulting from the payment of state guarantees, respectively amounts paid to creditors based on the guarantee letters, are budgetary claims and shall be recovered from debtors by the competent tax authorities of the National Agency for Tax Administration, according to the Tax Procedure Code.
10. For non-payment at maturity of the obligations arising from the execution of the letters of guarantee, the debtor shall be liable for ancillary tax liabilities.

MPF elaborates the rules for applying this ordinance, which are approved by Government Decision within 15 days from the entry into force of this emergency ordinance.

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