

## private pensions - legislative restrospective

On October 7, **the Private Pension System Supervisory Committee („CSSPP”)** decided **to adopt Norms 16/2009 and 17/2009, respectively** and, by means of such norms, to adopt the one-year extension, beginning from November 3, 2009, of the waiver term for the maximum limit applicable to the investments of private pension funds in government securities, such measure being taken in view of protecting the participants' assets in the current economic context.

We must reiterate the fact that, according to Norm no. 22/2008 for the temporary amendment of the maximum limit applicable to the investments of privately-administered pension funds in government securities, currently amended by Norm no. 16/2009, the administrator of a pension fund may decide that, over a period of 365 days, it may invest in government securities in Romania or in the European Union member states, exceeding 70% of the total value of the pension fund's assets. The regulation also exists in the facultative pension system, Norm no. 23/2008 for the temporary amendment of the maximum limit applicable to the investments of facultative pension funds in government securities, amended by Norm no. 17/2009.

During the same month, CSSPP approved, in its meeting of October 28, **the Norm on the collection and payment operations conducted through the bank accounts of facultative pension funds**, in view of better protecting the interests of the participants and beneficiaries in the Pillar III system. The Norm applies to pension funds, to the administrators and depositaries existing on the facultative pension market and clarifies the collection and payment operations conducted through the bank accounts of the facultative pension funds, for example: the operations regarding the wire transfers of the participants' individual contributions, the operations regarding the redeeming of the facultative pension fund's obligations, the operations regarding the payment of the equivalent value of the facultative pension fund's participant's net personal assets in cases of invalidity, in the event of death and in the event that said participant obtains a retirement right, the operations regarding the discounting of transactions with financial instruments, the operations regarding the transfer of the participants' assets among the facultative pension funds.

Also, the CSSPP's website one published, for purposes of public debate until November 5, 2009, **the draft Norm regarding the obligations of reporting and transparency in the system of privately administered pensions**, which shall regulate the reporting and transparency obligations and shall apply to the administrators, depositaries and legal entity marketing agents. The draft Norm contains provisions regarding the administrators' obligations to inform the participants, as well as the obligations regarding the security of the informatics systems thereof.

For more information about the above, please contact:

Daniel Voicu: voicud@vf.ro  
Mugur Filipescu: filipescum@vf.ro

26-28 Stirbei Voda Street  
Union International Center II  
5<sup>th</sup> floor, 010113 Bucharest  
ROMANIA  
Tel: +40 21 314 0200  
Fax: +40 21 314 0290  
www.vf.ro

