



Legal Newsletter July 2024

1. Key aspects of the law on the use of electronic signatures

Law no. 214/2024 on the use of electronic signatures, time-stamps and the provision of trust services was published on 8 July 2024 in the Official Gazette, Part I, no. 647.

The key takeaways are as follows:

- The purpose of the law is to establish the general legal framework for the use of each type of electronic signature (certified, advanced or simple), as well as to establish the general legal framework in terms of the legal effects.
- The law confirms that all types of electronic signature provided for under Regulation (EU) No. 910/2014 or in this law shall have legal effect and may be used as evidence in court.
- The use of a particular type of electronic signature is associated with the classification of legal documents according to the manner of their formation, i.e. whether by law the written form is required as a condition of validity or evidence of the legal document in question, as follows:
 - where, according to the law, the written form is required as a condition of validity for a legal document, then the electronic document is deemed to meet this requirement if it has been signed with a certified electronic signature or an advanced electronic signature which, under the current law, produces the same effects as a handwritten signature.
 - where, according to the law, the written form is required as a condition of proof of a legal document, then the electronic document is deemed to fulfil this requirement if it has been signed with a certified electronic signature, an advanced electronic signature or a simple electronic signature.
- A legal document in electronic form, signed with the type of electronic signature provided for in law or with a certified electronic signature, shall produce the same legal effects as the same legal act in written form.

The law establishing the framework for the use of electronic signatures enters into force on 8 October 2024.

Source: Law no. 214/2024 on the use of electronic signatures

2. Legal framework for the protection of know-how and undisclosed business information constituting trade secrets

Law no. 230/2024 was passed on 17 July 2024, thereby approving Government Emergency Ordinance no. 25 of 18 April 2019 on the protection of know-how and undisclosed business information constituting trade secrets against unlawful acquisition, use and disclosure, as well as on the amendment and supplementation of various normative acts with their amendments and additions, which entered into force on 21 July 2024.

The main new features introduced are as follows:

- In order to exercise their right of action regarding the protection of trade secrets against unlawful acquisition, use or disclosure, the holder of the trade secrets may apply to the competent court.
- All trials are to be held in private, in order to ensure the confidentiality of business secrets in court proceedings.
- With regard to provisional and precautionary measures, upon request by the owner of the trade secret, the court may order, in an emergency procedure, through an enforceable judgment within the proceedings for the application of measures, procedures and remedies in order to prevent or hinder the unlawful acquisition, use or disclosure of trade secrets or in order to obtain redress as a result of such acts, or through a separate application, any of the provisional and precautionary measures, provided by law, against the alleged infringer.

Legal Newsletter July 2024

- Failure to comply with the provisional and precautionary measures will result in the following civil penalties:
 1. for individuals: between 1,000 and 10,000 lei.
 2. for legal entities, between 0.1 and 1% of the turnover generated in the previous year, but not less than 10,000 lei.
 3. for newly established legal entities with no turnover for the previous year: between 10,000 and 50,000 lei.

Source: Law no. 230/2024 on the approval of Government Emergency Ordinance no. 25/2019 on the protection of undisclosed know-how and business information constituting trade secrets against unlawful acquisition, use and disclosure, as well as amending and supplementing various normative acts

This newsletter is a service of TPA Romania.

TPA Romania

Crystal Tower Building,
48 Iancu de Hunedoara Blvd., 2nd floor,
Sector 1, 011745 Bucharest Romania
Tel: +40 21 310 06-69
Fax: +40 21 310 06-68
www.tpa-group.ro
www.tpa-group.com

To receive regular updates from TPA Romania, please sign up for our [newsletter](#).



Dan Iliescu

Legal Services Partner

email: dan.iliescu@tpa-group.ro

IMPRINT Information updated: 31 July 2024. This information has been simplified and is not a substitute for individual advice. TPA Romania is an independent member of the Baker Tilly Europe Alliance. Tel: +40 21 3100669. Homepage: www.tpa-group.ro. Concept and design: TPA Romania

Copyright ©2024 TPA Romania, Crystal Tower Building, 48 Iancu de Hunedoara Blvd., 2nd floor, Sector 1, 011745 Bucharest, Romania