

TAX HOT TOPICS

Entry into force of several international treaties

Order of the Minister of Foreign Affairs no. 429/2017 published in the Official Gazette no. 212 of 28.03.2017

- ❖ The present order specifies the entry into force of several international treaties, among which:
 - ❖ On 1 November 2013, of the Protocol between Romania and the Republic of Austria and of the Additional Protocol, signed in Vienna on 1 October 2012, amending the Convention on the avoidance of double taxation and the prevention of tax evasion with respect to taxes on income and on capital, signed at Bucharest on 30 March 2005, ratified by Law no. 245/2013;
 - ❖ On 11 December 2016, of the Agreement between the Government of Romania and the Government of the United Arab Emirates for the avoidance of double taxation and the prevention of tax evasion with respect to taxes on income, signed in Dubai on 4 May 2015, ratified by Law no. 26/2016.

Approval of the models of several forms used in collecting tax receivables

Order of the NAFA president no. 967/2017 published in the Official Gazette no. 208 of 27.03.2017

- ❖ By this order are approved the types, the printing characteristics, the method of submission, use and archiving of the following forms:
 - ❖ Writ of execution;
 - ❖ Summons;
 - ❖ Decision regarding the additional tax liabilities, representing late payment interest and penalties;
 - ❖ Decision regarding additional tax liabilities, representing non-declaration penalties;
 - ❖ Notification regarding the settlement of tax liabilities;
 - ❖ Letter of establishment of garnishment on cash deposits;
 - ❖ Notification on the establishment of the garnishment on cash deposits;
 - ❖ Decision on cancellation of the enforcement measures on cash funds;
 - ❖ Notification regarding the outstanding tax obligations.

- ❖ On entry into force, Order 1.438/2009 of the NAFA president approving the models
- of the forms used in the collection of tax receivables is repealed.

Other tax receivables to be reported in the unique account

Order of the NAFA president no. 877/2017 published in the Official Gazette no. 181 of 14.03.2017

- ❖ The present order introduces a new position in Annex no. 1 „The nomenclature of tax liabilities owed to the state budget, which are paid into the unique account 20.A.47.01.00 <<Amounts collected for the state budget in the unique account, in process of distribution>>” of the NAFA order no. 531/2016 regarding taxes,
 - contributions and other amounts representing tax receivables that are paid by taxpayers into the unique account.
- ❖ Thus, after position no. 30 in Annex no. 1 a new position is inserted, position no. 31, with the following content:

No.	Name of tax receivable	Legal basis
31	Tax specific to certain activities	Art. 1 and 8 of Law no. 170/2016 regarding the tax on specific activities

Proposal for a Council Directive amending Directive 2006/112 /EC on the common system of value added tax

Decision no. 17/2017 published in the Official Gazette no. 176 of 10.03.2017

- ❖ The purpose of the proposal for a directive is to allow certain Member States to temporarily implement a generalized reverse charge mechanism (GRCM), for all goods and services with a billing threshold of over EUR 10,000, but which would be a derogation from one of the general principles laid down in the VAT Directive, namely the principle of fractional payments. This option provides a short-term solution for the Member States most seriously affected by carousel fraud, minimizing the negative effects on the
 - internal market by limiting the movement of fraud between Member States.
- ❖ The authorization for implementing GRCM depends on the fulfilment of certain predefined criteria aimed at limiting the scope of the measure to the Member States with a VAT deficit exceeding by 5 percentage points the EU average and a share of over 25% of carousel fraud within the overall VAT deficit. Moreover, because of the uncertainty of the measure’s effects on the movement of fraud, a Member State

with a common border with a Member State applying the GRCM should also be

authorized to apply this mechanism under certain conditions.

Operation of temporary storage facilities

Order of the NAFA president no. 792/2017 published in the Official Gazette no. 178 of 13.03.2017

- ❖ The present order approves:
 - ❖ The technical authorization norms for the use of temporary storage facilities;
 - ❖ The technical norms regarding the use and filling in of the temporary storage form.
- ❖ On entry into force, Order no. 839/2016 of the NAFA president approving the Technical norms for the authorization of the warehouses and the perimeters for temporary storage and the Technical norms for the registration of warehouses used in free zones is repealed.

The authorization for the use of the paper-based union/common transit procedure for the transport of goods

Order of the NAFA president no. 735/2017 published in the Official Gazette no. 156 of 02.03.2017

- ❖ The technical norms establish the General Customs Directorate's authorization procedure for the use of the paper-based union/common transit regime for goods carried by rail and by air and for the use of the union/common transit procedure based on an electronic manifest for goods carried by air.
- ❖ The authorization for the use of the paper-based union/common transit procedure for the carried goods is granted to the economic operators, on request:
 - ❖ for goods transported by rail - under the conditions stipulated at art. 24, 25, 29 and 30 of the Delegated Regulation (EU) 2016/341, respectively art. 57 paragraph (4) of Appendix I of the Convention regarding the Common Transit Procedure;
 - ❖ for goods transported by air - under the conditions stipulated at art. 24, 26, 27, 29 and 46 of the Delegated Regulation (EU) 2016/341, respectively art. 55 letter (e), art. 57-72 and 108-111 of Appendix I of the Convention regarding the Common Transit Procedure.

Granting the statute of authorized consignor and/or consignee under the union/common transit procedure

Order of the NAFA president no. 766/2017 published in the Official Gazette no. 180 of 13.03.2017

- ❖ The present order approves the Technical norms for the granting of consignor and/or consignee statute under the union/common transit procedure.
- ❖ On entry into force, Order no. 3002/2009 approving the Technical norms for the grant of the consignor and/or consignee statute under the union/common transit procedure is repealed.

Amendments and completions regarding the declaration of certain withholding taxes and self-assessed duties

Order of the NAFA president no. 869/2017 published in the Official Gazette no. 175 of 10.03.2017

- ❖ The present order amends and completes Order no. 587/2016 of the NAFA president approving the model and content of the forms used for reporting withholding taxes and self-assessed tax duties as follows:
 - ❖ Position 64 "Construction tax" within the Nomenclature of tax obligations owed to the state budget is repealed;
 - ❖ Two new positions are introduced, respectively position 72, "Tax on specific activities" and position 73, "Pension tax" in the Nomenclature of tax obligations owed to the state budget;
 - ❖ The "Instructions for filling in Form 100 <<Return on taxes due to the state budget>>" are amended.

For details you can contact any member of TaxHouse team or you can send us a message at the email address office@taxhouse.ro.