

TAX HOT TOPICS

May 2016

Approval of the Technical Norms for granting the status of Authorised Economic Operator (AEO)

Order no. 1486/2016 published in the Official Gazette no. 337 of 3 May 2016

- ❖ The Order makes, inter alia, the following amendments to the Technical Norms for granting the status of Authorised Economic Operator:
 - ❖ A new document is added to the list of documents required to be attached to the request for obtaining the AEO status, i.e. an affidavit stating the fact that the owners/the main shareholders are/are not known by the customs authorities for previous misconducts;
 - ❖ The deadline for the Romanian authorities to inform the customs authorities of other Member States regarding the issuance of the AEO authorisation is extended from 5 to 7 days;
- ❖ The Order introduces the possibility for the General Directorate of Customs within NAFA to reassess and amend the AEO authorisations issued in Romania;
- ❖ Specific provisions are included for the situation in which the General Directorate of Customs intends to take an unfavorable decision regarding an application for the AEO authorisation.
- ❖ The Order makes references to the new European customs regulations in force.
- ❖ The Order no. 1486/2016 repeals Order no. 2252/2015.

Establishment of special cases of enforcement

Order no. 1437/2016 published in the Official Gazette no. 336 of 3 May 2016

- ❖ Amendments are being brought regarding certain situations, deemed as special cases of enforcement, when the legal provisions on enforcement become applicable, thus excluding from this category the cases of enforcement generated by certain court decisions.



Approval of the procedure for requesting the tax clearance certificates by the Secretary of the Commission for the authorisation of operators with products subject to harmonised excise duties

Order no. 570/2016 published in the Official Gazette no. 350 of 6 May 2016

- ❖ The Order approves the procedure by which the Secretary of the Commission for the authorisation of operators with products subject to harmonised excise duties within the Ministry of Public Finances may require the tax clearance certificates issued by the competent fiscal bodies within NAFA, in order to solve the requests for authorisation of the tax warehouses, the registered consignees, the registered consignors and the registered importers.

Approval of the forms established under the Fiscal code

Order no. 583/2016 published in the Official Gazette no. 355 of 10 May 2016

- ❖ The Order approves the new forms related to the issuance of the tax residency certificates for the application of the Conventions/Agreements for the avoidance of double taxation, the issuance of the certificates attesting the tax paid in Romania, the issuance of the certificate attesting the activity carried on in Romania by the permanent establishment of a foreign legal entity and the statement for the tax exemption in Romania of interest and royalty payments and of dividend payments, respectively, set forth under art. 7, art. 59, art. 230 and art. 232 of Law no. 227/2015 regarding the Fiscal code, subsequently amended and supplemented.
- ❖ The Order brings a series of amendments to the content and specifications of the forms, including, inter alia, the following:
 - ❖ in case of non-resident individuals who meet the tax residency criteria stipulated in art. 7 point 28 let. b) and c) of the Fiscal code, the tax residency certificate is issued provided the non-resident individual has submitted to the relevant tax authorities the "Questionnaire for establishing the tax residency of individuals upon the arrival in Romania" and the tax authority has issued the notification according to which the individual became a resident in Romania.
- ❖ The Order also introduces references to the new regulations in force (i.e. Fiscal code and European Directives) and brings amendments regarding the filling in of the tax identification codes in the related forms.
- ❖ Order no. 583/2016 repeals Order no. 724/2011.

Changing the value of nursery tickets and meal tickets

Order no. 933/2016 and Order no. 934/2016 published in the Official Gazette no. 373 of 16 May 2016

- ❖ The Order approves the change in value of nursery tickets and meal tickets, as follows:

 - ❖ For the first semester of 2016, starting with May, the monthly
- amount granted as nursery tickets is RON 440;

 - ❖ For the first semester of 2016, starting with May, the nominal value of a meal ticket is RON 9.57.

Extension of the reporting deadline for financial institutions

Emergency Ordinance no. 13/2016 published in the Official Gazette no. 368 of 12 May 2016

- ❖ In 2016, the deadline for financial institutions to report financial information related to bank accounts opened and/or closed by taxpayers resident in states which Romania signed an international legal instrument with, in order to
- implement the agreement concluded between Romania and USA for improving the international tax compliance and for implementation of FATCA, is extended from 15 May to 31 August, 2016.

Entry into force of certain international treaties

Order no. 673/2016 published in the Official Gazette no. 381 of 19 May 2016

- ❖ According to this Order, the conditions for entry into force have been fulfilled for a series of international treaties, including, inter alia:

 - ❖ The Agreement between the Government of Romania and the Government of the Kingdom of Saudi Arabia regarding the condition of reciprocity for the VAT exemption applicable to the diplomatic missions of Romania and the Kingdom of Saudi Arabia, which
- entered into force on 11 January 2016;

 - ❖ The Agreement between the Government of Romania and the Government of Jersey regarding the exchange of information for tax purposes, which entered into force on 5 February 2016;
 - ❖ The Agreement on social security between the Government of Romania and the Government of Quebec, as well as the

Administrative Arrangement for its implementation and the related Protocol, which entered into force on 1 March 2016;

- ❖ The Convention between Romania and The Republic of Bulgaria for the avoidance of double taxation and

prevention of fiscal evasion with respect to taxes on income, entered into force on March 29, 2016.

- ❖ The Order approves a number of other international treaties.

Approval of the procedure for authorising economic operators that intend to market raw tobacco and/ or partially processed tobacco, as well as the model and content of certain forms

Order no. 1510/2016 published in the Official Gazette no. 387 of 20 May 2016

- ❖ The Order approves the new procedure for authorising economic operators which intend to market raw tobacco and/ or partially processed tobacco, as well as the related forms.
- ❖ The economic operators which hold a valid authorisation, previously issued, have to submit, within 180 days from the entry into force of Order no. 1510/2016, a new

registration request to the relevant authorities, accompanied by the required documents.

- ❖ After the expiry of the 180 days deadline, the authorisations issued prior to this Order become invalid.
- ❖ The Order no 1510/2016 repeals Order no. 3139/2011.

Approval of the procedure for settlement of the VAT refund requests

Order no. 1559/2016 published in the Official Gazette no. 394 of 24 May 2016

- ❖ Based on the new procedure, the deadline for challenging the VAT refund decision is extended from 30 to 45 days, according to the provisions of the new Fiscal Procedure Code.

- ❖ Legislative references to the new regulations in force (i.e. new Fiscal code, new Fiscal Procedure Code) are introduced.
- ❖ Order no. 1559/2016 repeals Order of the NAFA president no. 2250/2007.

Approval of the procedure of registration, upon request, in the Registry of taxable persons applying the VAT cash accounting system and approval of the procedure of deregistration, upon request or ex officio, from the Registry of taxable persons applying the VAT cash accounting system, as well as the model and content of certain forms

Order no. 1503/2016 published in the Official Gazette no. 403 of 27 May 2016

- ❖ The Order approves:
 - ❖ The procedure of registration, upon request, in the Registry of taxable persons applying the VAT cash accounting system;
 - ❖ The procedure of deregistration, upon request or ex officio, from the Registry of taxable persons applying the VAT cash accounting system.
- ❖ Approval of the model, content and filling in instructions of the (097) form "Notification regarding the application/ cessation of the VAT cash accounting system" as well as the model and content of the forms regarding the Decision/ Notification regarding the deregistration from the Registry of taxable persons applying the VAT cash accounting system and the Decision for correcting the material errors related to the registration/deregistration from the respective Registry.
- ❖ Order no. 1503/2016 repeals Order of the NAFA president no. 339/2013 and Order of the NAFA president no. 3884/2013

Law and Decree for amending and supplementing certain normative acts, as well as for regulating certain budgetary measures

Law no. 112/2016 published in the Official Gazette no. 408 of 30 May 2016

- ❖ The Law amends the Fiscal code provisions regarding the social health insurance contribution owed by individuals that:
 - ❖ have no income, or
 - ❖ derive their monthly income exclusively from investments and/ or other sources, up to a level which is lower than the minimum gross salary per country, and
 - ❖ are not part of that category of individuals exempted from the payment of the social health insurance contribution or that category of individuals for which the payment of the contribution is made from other sources.
- ❖ Therefore, the aforesaid individuals can fulfill their obligations regarding the health insurance contribution due, through one of the following methods:
 - ❖ on a monthly basis, applying the individual contribution quota to the taxable base represented by the value of the minimum gross salary per country, having the obligation of paying the social health insurance contribution for a period of at least 12 consecutive months, starting with the month when the statement

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is submitted to the relevant tax authorities for assessment of the contribution;

- ❖ at the date of accessing the services provided by the public system of social health insurance according to the law, by applying the individual contribution quota to the taxable base representing 7 times the value of the minimum gross salary per country. The individuals have to submit a statement to the fiscal competent body for the assessment of the contribution and they have to pay the contribution upon submission of said statement.
- ❖ Specific provisions are made with respect to the following situations:
 - ❖ when tax assessment decisions have already been issued for the individuals covered by

Law no. 112/2016, before its entry into force;

- ❖ when individuals start to obtain income or become part of the category of individuals exempted from the payment of the social health insurance contribution or that category for which the payment of the contribution is made from other sources.
- ❖ Law no. 112/2016 brings amendments also to Title IX - Local taxes of the Fiscal Code in respect of certain categories of owners/beneficiaries/ individuals.
- ❖ Amendments are also brought to the provisions regarding the tax on advertising and publicity services and, in this respect, clarifications are being made on the reporting and payment of this tax. Thus, the provider of the advertising and publicity services is the person liable to report and pay the tax to the local budget.

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

