NEWSLETTER

Nowium - Seemless Tax, Finance & Legal

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Top News:

- 19 August - deadline for submitting accounting reports as of 30 June 2024
- The procedure and forms for redirecting profit tax for sponsorships has been updated
- Self-invoices must be submitted through RO e-Invoice. Failure to prepare or comply with the obligation to submit via RO e-Invoice can be sanctioned with a fine of up to 15% of the self-invoice value. This topic has been discussed during Tax Group event on 2nd of August
- Tax Group meetings - don't miss them! Join Tax Group to get the latest tax information and for continuous professional development - details on www.taxgroup.ro and taxgroup@taxgroup.ro

Summary

→ Accounting Reporting System as of the 30th of June 2024 (Order 3100/2024)
→ Update on Procedure to redirect corporate tax to carrying out sponsorships and/or acts of patronage (Order 3562/2024)
→ Pre-filled VAT Tax Return Form (Order 3775/2024)
→ Optional RO e-Factura Register (Order 3788/2024)
→ Mandatory RO e-Factura Register (Order 3789/2024)
→ Foreclosure RO e-Factura Register (Order 3769/2024)
→ Procedure for VAT reimbursement related to purchases of goods or services made by NGOs and by companies entirely owned by NGOs (Order 3044/2024)
→ Declaring special tax on high-value immovable and movable assets (Order 3738/2024)
→ Change in Norms regulating household provider activity (GD 860/2024)
→ Exclusion of income obtained from pensions from abroad are not subject to CASS (social health insurance contribution) (Order 3779/2024)
→ July 2024 closing exchange rates
→ Social indicators

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Order 3100/2024 to approve Accounting Reporting System as of the 30th of June 2024 for economic operators (Official Gazette 696/2024)

Summary

The Order approves the Accounting Reporting System on the 30th of June 2024 for economic operators which, during the previous year, have recorded net turnover of greater than the equivalent in RON of EUR 1,000,000, including economic operators whose financial year is different from the calendar year.

Details

Accounting reports are submitted to territorial units of the Ministry of Finance in electronic format, by the **19th of August 2024**, on the www.e-guvernare.ro portal, and are signed with a qualified digital certificate.

In the accounting reporting as of the 30th of June 2024, expenses related to corporate tax will be presented distinctly at the level of minimum tax on turnover.

More detailed information on the preparation of half-yearly accounting reports may be read in our article (in Romanian): https://nowium.com/intocmirea-raportarilor-contabile-semestriale-la-30-iunie-2024/

Order 3562/2024 to approve Procedure to redirect corporate tax, according to law, in order to carry out sponsorships and/or acts of patronage, as well as template and content of certain forms (Official Gazette 643/2024)

Summary

The Order approves Procedure to redirect corporate tax in order to carry out sponsorships and/or acts of patronage, for corporate tax due for the fiscal year 2024/the modified fiscal year beginning in 2024. For fiscal years up to and including 2023, the redirection is carried out according to ANAF Order 1679/2022.

Details

Along with the new procedure, the related forms are also updated:

- form 177 - *Application to redirect corporate tax*;
- *Notification on errors identified in the application to redirect*;
- *Notification on how to solve the application to redirect corporate tax*;
- *Notification on communication of taxpayer identification data and amounts from corporate tax redirected by them*;
- *Notification on beneficiary entity's bank account*.

Who may request to redirect amounts from due corporate tax?

Corporate taxpayers may apply to redirect certain amounts of the tax owed, according to law**, not later than the legal deadlines to submit annual corporate tax** by submitting **form 177.**

In the case of taxpayers which are members of a fiscal group, **redirection may only be requested by the responsible legal entity.**

Value that may be redirected

The value of corporate tax or corporate tax difference that may be **redirected** is calculated by **subtracting from the established minimum value (minimum between 0.75% turnover and 20% corporate tax due)** the **amounts representing sponsorship and/or patronage**, **granted** to beneficiary entities **during the year for which the annual corporate tax return was submitted and as well as the amounts carried forward**, as they were recorded in form 101 - *Corporate Tax Return* of the respective year. The **subtraction from corporate tax of amounts related to the fiscal credit and exempted/reduced corporate tax**, in accordance with provisions of Order 3386/2016, will also be taken into account to establish the **20% limit of corporate tax due**.

In the situation where corporate tax is due at the level of minimum tax on turnover **(IMCA),** taxpayers may **NOT order the redirection of corporate tax** established at the level of the minimum tax on turnover.

Sponsorship beneficiaries

Beneficiary entities of sponsorship may be:

- NGOs;
- cult units;
- United Nations Children's Fund – UNICEF;
- any international organization that carries out its activity according to provisions of special agreements to which Romania is a party;
- beneficiaries provided by Law 32/1994 on sponsorship as well as the Libraries Law 334/2002.

To redirect corporate tax for sponsorship of **non-profit legal entities,** including **cult units**, the beneficiary of

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sponsorship should be **registered** in the **Register of entities/cult units for which tax deductions are granted**. There is **no obligation** to be **registered** in the above-mentioned Register when redirecting to **UNICEF** and other **international organisations** that carry out their activity according to provisions of special agreements to which Romania is a party.

Settlement of requests to redirect corporate tax

Deadline to solve requests on the redirection of corporate tax is **45 days from submission date**, but no later than 45 days from expiration date of the legal term to exercise the redirection option.

The option to redirect corporate tax is exercised through form 177 - *Application to redirect corporate tax*, **for one or more entities**.

Obligation to pay the amount redirected from corporate tax rests with the competent fiscal authority.

If, following verification of information, **errors** are found in the application submitted, the specialized department sends the taxpayer a *Notification on errors identified in the application to redirect*, detailing the errors identified and requesting that the taxpayers to adjust/correct them.

The **correction** is carried out by submitting a **rectified form 177,** which will include the requested corrected information, as well as all the correct information entered in the initial application. If the taxpayer does not correct the information identified in the notification **within the deadline provided by the notification** the application is **rejected**. The taxpayer may submit, within the legal submission deadline, a freshly prepared form 177 - *Application to redirect corporate tax*.

Order 3775/2024 to approve template and content of Pre-filled VAT Tax Return Form (Official Gazette 726/2024)

The Order approves template and content of the Pre-filled VAT Tax Return Form.

The form contains information on data sources used to pre-fill the form, and taxable entities may electronically request reports on the data and information from data sources used.

The Pre-filled VAT Tax Return Form is sent to the taxable entity. Depending on data sources identified, certain warnings on how to extract specific information from certain data sources for the form may also be recorded.

More details about the Pre-filled VAT Tax Return Form may be found in a previous edition of the Nowium Newsletter: https://nowium.com/en/bulletin/newsletter-6-june-2024/#2.

Order 3788/2024 to approve Procedure to organize and register with Optional RO e-Factura Register, as well as template, content and instructions to complete form 081 - Application to register with Optional RO e-Factura Register/Application to renounce the registration with Optional RO e-Factura Register (Official Gazette 736/2024)

Summary

The Order approves Procedure to organize and register **with the Optional RO e-Factura Register.** In this regard form 081 - *Application to register with Optional RO e-Factura Register/Application to renounce the registration in Optional RO e-Factura Register* has been approved.

Details

Non-resident economic operators registered in the RO e-Factura Register are automatically registered in the optional RO e-Factura Register.

Who can opt to register with RO e-Factura?

- persons/entities provided by art. 294 para. (1) letter j)-n) of the Fiscal Code, for supplies of goods/services performed by them;
- cultural institutes/centres of other states that operate on the territory of Romania based on intergovernmental agreements, for supply of goods/services performed by them, by the 1st of July 2025;
- associations and foundations established according to GO 26/2000, NGOs, political parties, and cults which are not registered under the scope of VAT according to art. 316 of the Fiscal Code, for invoices issued between the 1st of July 2024 and the 30th of June 2025;
- individuals who are farmers applying the special regime for farmers provided by art. 315[1] of the Fiscal Code, for invoices issued between the 1st of July 2024 and the 30th of June 2025;
- economic operators not established in Romania, in B2B or B2G relationships, opting to transmit invoices to recipients using the national RO e-Factura electronic invoice system.

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Option formulated by economic operators not established in Romania

If form 081 is submitted by an economic operator not established in Romania, the fiscal authority assigns a registration number that will be communicated to the e-mail address entered in the form.

The registration number is not a fiscal identification code in Romania according to the Fiscal Procedure Code. The registration number assigned by the fiscal authority may only be used for the national RO e-Factura electronic invoice system.

The economic operator not established in Romania should request fiscal registration, by submitting a fiscal registration statement, according to conditions provided by Title IV - "Fiscal Registration" of the Fiscal Procedure Code, when it acquires the status of subject of a fiscal legal relationship, meaning the aforementioned economic operator acquires rights and obligations in relation to fiscal receivables, as seen from commercial relations carried out with other economic operators or other contracting authorities/entities.

Renouncing the registration in Optional RO e-Factura Register

Renouncing the registration in the Optional RO e-Factura Register is performed by ticking the corresponding section of form 081. This may only be carried out by those who have opted to register with the Optional RO e-Factura Register and who, by the date of registration in this register, meaning by the 1st of the following month, cancel their request for registration in the register.

Later cancellation is not allowed.

Order 3789/2024 to approve Procedure to organize and register with Mandatory RO e-Factura Register, as well as template, content and instructions to complete form 082 - Application to register with Mandatory RO e-Factura Register (Official Gazette 734/2024)

Summary

The Order approves Procedure to organize and register with the Mandatory RO e-Factura Register, as well as form 082 - *Application to register with Mandatory RO e-Factura Register*.

Mandatory RO e-Factura Register becomes operational starting on the 1st of July 2025.

Details

Who has the obligation to register with Mandatory RO e-Factura Register?

According to provisions of art. 106 and 107 of GEO 120/2021, the following entities have the obligation to request registration in the Mandatory RO e-Factura Register by the 1st of July 2025, if they have not already opted for the application of RO e-Factura system in accordance with the law:

- associations and foundations established according to GO 26/2000, NGOs, political parties and cults which are not registered under the scope of VAT according to art. 316 of the Fiscal Code and carrying out economic activities, for invoices issued starting the 1st of July 2025;
- individuals who are farmers applying the special regime for farmers provided by art. 315[1] of the Fiscal Code, for invoices starting the 1st of July 2025.

The entities and persons mentioned above, which start to carry out economic activities subsequent to the 30th of June 2025, have the obligation to apply for registration in the Mandatory RO e-Factura Register before starting to carry out economic activities.

Registration in/deregistration from Mandatory RO e-Factura Register

In order to request registration with the Mandatory RO e-Invoice Register, the entities/persons mentioned above prepare and submit form 082 by the 1st of July 2025.

Form 082 is sent by electronic means of remote transmission.

The above-mentioned entities/persons that start carrying out economic activities subsequent to the 30th of June 2025 are obliged to complete and submit form 082 before starting to carry out economic activities. These entities and persons are registered in this mandatory register within 3 working days from the submission date of form 082.

Deregistration from the Mandatory RO e-Factura Register is realized on the date of deregistration from Register of taxpayers/payers.

Order 3769/2024 to approve Procedure to organize and register with Foreclosure RO e-Factura Register, as well as template, content and instructions to complete form 079 - Application to register with Foreclosure RO e-Factura Register (Official Gazette 719/2024)

Summary

The Order approves Procedure to organize and register with Foreclosure RO e-Factura Register, as well as template and content of form 079 - *Application to register with Foreclosure RO e-Factura Register*.

Details

Enforcement bodies have the obligation to comply with GEO 120/2021 on electronic invoicing, including bailiffs and

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the National Agency for the Management of Seized Assets, which issue invoices in the name and on behalf of suppliers, taxable entities established in Romania, regardless of whether or not the suppliers are registered under the scope of VAT, for supply of goods made within forced execution operations or capitalization of movable and immovable assets seized in the criminal process. Thus, when issuing invoices in the name and on behalf of debtors, it is mandatory for enforcement bodies to complete their identification data using the "Beneficiary (BG-10)" group of elements, as defined in European Standard EN 16931-1+A1: "Electronic invoicing - Semantic data template for the essential elements of an electronic invoice," published on the www.asro.ro website, to include the following:

- beneficiary name (BT-59) - the name of enforcement body;
- beneficiary's identifier (BT-60) - fiscal identification code of enforcement body.

Debtors for which the invoices are issued by enforcement bodies do not have the obligation to comply with provisions of GEO 120/2021 on electronic invoicing.

The invoices that are sent via the RO e-Factura system are also sent to debtors using the same system.

If the recipient (buyer) is a taxable entity established in Romania, regardless of whether or not it is registered under the scope of VAT, the invoices sent via the RO e-Factura system are also sent to the aforementioned recipient (buyer).

The communication date of the electronic invoice to the buyer is considered the date when the electronic invoice is available for download from the RO e-Factura system. The communication date is accessible in the system to both the enforcement body that issued the electronic invoice and to the debtor on whose behalf the invoice was issued.

In the national RO e-Factura electronic invoice system, an electronic invoice communicated to the buyer cannot be returned.

In the case of an electronic invoice to which the buyer has objections, the buyer notifies the enforcement body that issued the electronic invoice, including in the national RO e-Factura electronic invoice system, by writing a message in this regard.

Correction of the electronic invoice communicated to the buyer in the RO e-Factura system is carried out according to art. 330 of the Fiscal Code. The corrected electronic invoice is sent via RO e-Factura both to the debtor and buyer.

Foreclosure RO e-Factura Register

ANAF organizes the Foreclosure RO e-Factura Register.

The register includes the following information:

- fiscal identification code of enforcement body;
- name of enforcement body;
- fiscal domicile address of enforcement body;
- date when enforcement body requested registration in Foreclosure RO e-Factura Register;
- date of registration in Foreclosure RO e-Factura Register.

Registration in and deregistration from Foreclosure RO e-Factura Register

Registration in Foreclosure RO e-Factura Register is performed by submitting form 079 - *Application to register with Foreclosure RO e-Factura Register*. As an exception, enforcement bodies subordinated to central fiscal authorities are registered *ex officio*, starting the date when this order comes into force.

Form 079 - *Application to register with Foreclosure RO e-Factura Register* is sent by electronic means of remote transmission.

The enforcement body requesting use of the RO e-Factura system is considered registered in the Foreclosure RO e-Factura Register from the day following submission of form 079.

The enforcement body is deregistered from the Foreclosure RO e-Factura Register from the date of deregistration from the Register of taxpayers/payers.

Order 3044/2024 to approve Procedure for VAT reimbursement related to purchases of goods or services made by NGOs and by companies entirely owned by NGOs to which tax exemption applies according to art. 294 para. (5) letter a)-b^1) of Law 227/2015 on the Fiscal Code (Official Gazette 672/2024)

Summary

The Order approves Procedure for VAT reimbursement related to purchases of goods or services made by NGOs and by companies entirely owned by NGOs for which tax exemption applies according to art. 294 para. (5) letter a)-b^1) of the Fiscal Code.

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Details

Amendments were brought regarding the conditions to apply VAT exemptions with right of deduction provided by art. 294 (5) letter a), a1), b) and b1) of the Fiscal Code through Law 204/2024 to approve GEO 31/2024. More details may be found in the previous edition of Nowium Newsletter: https://nowium.com/en/bulletin/newsletter-6-june-2024/#9

How to reimburse VAT related to operations described above

The NGO; that is, the company entirely owned by NGO/NGOs, should **submit a VAT reimbursement claim, accompanied by the following documents** to the competent fiscal authority:

- a list containing, in chronological order, the following information for each purchase: name, document number and date, value without VAT, VAT value, value including VAT;
- copies of invoices where goods and services purchased, for which the reimbursement is requested, are recorded;
- copies of import custom declarations, in case of imported goods;
- copies of tax receipts, whose individual value, including VAT, does not exceed EUR 100. If this value is exceeded, the applicants should present invoice copies;
- documents showing that the purchased goods/services for which the VAT reimbursement is requested are intended for hospital units owned and operated by an NGO, meaning by a company entirely owned by an NGO/NGOs, if the purchased goods/services have this destination;
- documents showing that the purchased goods/services for which VAT reimbursement is requested are donated/free of charge to/for hospital units from the public state network, specifically, the contract of donation and the receipt report, if the purchased goods/services have this destination;
- an affidavit of the legal representative of the NGO/company entirely owned by the NGO/NGOs, stating that the goods are normally intended to be used in the field of health care or by disabled persons and essential to compensate and overcome disabilities;
- an affidavit of the legal representative of the company entirely owned by the NGO/NGOs, stating the cumulative fulfilment of the following conditions: it will not change the destination of hospital units owned and operated by this company, it will not transfer the ownership to other entity, and for the entire period of operation, it will provide free medical services or settle such services through the social health insurance system, without charging for hotel and other taxes.

The application and documents should be submitted **within 90 days from the end of the calendar month for which the reimbursement is requested**, as follows:

- for **goods that were delivered or services that were provided for their benefit during the month** for which the reimbursement is requested, if the purchased goods/services are intended for hospital units owned and operated by the NGO (meaning by the company entirely owned by the NGO/NGOs);
- for **goods that were delivered or services that were provided for their benefit, which are donated/free of charge to/for hospital units from the public state network during the month** for which reimbursement is requested, if the goods/services purchased are intended for hospital units from the public state network.

In the event that the NGO; that is, the companies entirely owned by NGOs, have **not submitted the VAT reimbursement claim** and/or related documentation within the deadline, upon their request, the general director of the regional general directorate of public finances **may approve the VAT reimbursement**, if the **request is submitted within 5 years from the 1st of January of the year following the one when the right to VAT reimbursement occurred.**

Order 3738/2024 to approve template and content of form 216 - *Tax return on special tax on high-value immovable and movable assets*, as well as to approve Procedure on collaboration between local fiscal authority and central fiscal authority regarding the receipt/transmission of certain information on taxpayers that owe special tax on high-value immovable and movable assets (Official Gazette 689/2024)

Summary

The Order approves template, content and instructions to file form 216 - *Tax return on special tax on high-value immovable and movable assets*, as well as Procedure on collaboration between local and central fiscal authorities regarding the receipt/transmission of certain information on taxpayers that owe special tax on high-value immovable and movable assets.

Details

Law 296/2023 introduced a special tax on high-value immovable and movable assets (Title X), applicable starting the 1st of January 2024. Form 216 is submitted by:

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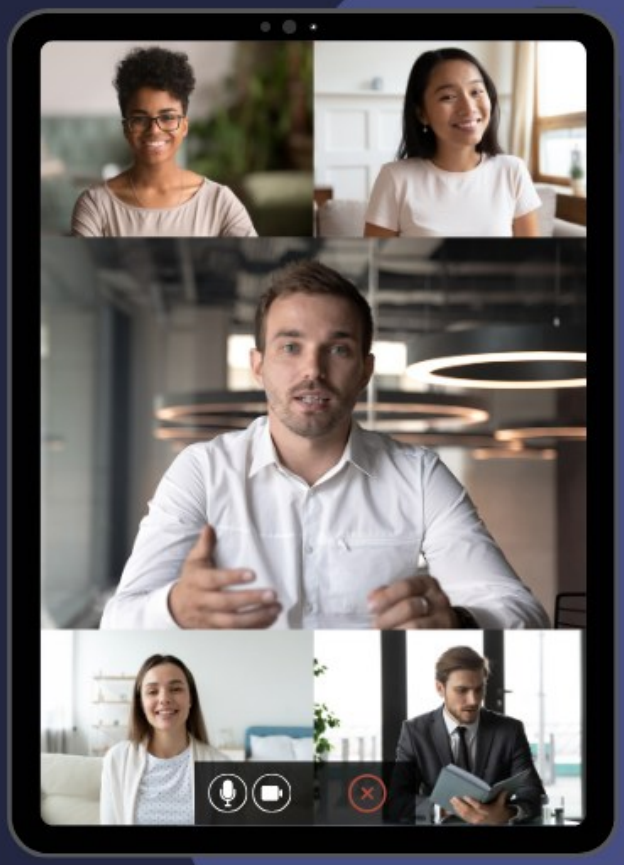
- Tax updates



Monthly online meetings

www.taxgroup.ro

Sign-up

→ **individuals** who, on the 31st of December of the previous fiscal year, individually/jointly own **residential buildings** located in Romania, if the taxable value of the building exceeds RON 2,500,000.

Submission deadline: the 30th of September of the current fiscal year.

→ individuals and legal entities owning cars registered in Romania whose individual purchase value exceeds RON 375,000.

Submission deadline: the 31st of December of the current fiscal year.

The submission is made to the central fiscal authority where the individual/legal entity is registered as a taxpayer, by electronic means of remote transmission.

Decision 860/2024 to amend and complement Methodological Norms to apply Law 111/2022 regulating household provider activity, approved by GD 822/2022 (Official Gazette 720/2024)

Summary

The Decision amends and complements Methodological Norms to apply provisions of Law 111/2022 to regulate household provider activity, previously approved by GD 822/2022.

Details

Among the amendments brought, we mention:

Household activity vouchers may be used or valued within 12 months from purchase, in the case of beneficiaries, meaning within 12 months from receipt, in the case of household providers.

Household activity vouchers not used within this period will be cancelled by the National Agency for Employment, in the electronic platform, within 30 days from expiration date.

If the household beneficiary does not correctly and truthfully declare the data and information on the paper household activity vouchers, he/she should give the household activity provider other vouchers, and the incorrectly prepared vouchers should be returned to the employment agency for cancellation.

In order to grant household activity vouchers to employees as a bonus, employers should conclude a contract with the employment agency within the radius of which they have their registered office/head office or place of work.

Any individual who has reached the age of 16 and wants to obtain or supplement their income by providing, occasionally, unqualified household activities, may be a domestic worker, whether they are unemployed, retired, student or employee.

In total, 34 activities have been established that may be remunerated exclusively with vouchers. Those activities are related to house and garden maintenance, animal caretaking and dependent caregiving.

People interested in becoming a household provider or household beneficiary should register on www.tichete.anofm.ro platform.

The advantage of registering on the platform and performing activities based on vouchers is that household activity providers benefit from pension and health insurance, provided they exchange at least 85 household activity vouchers, or RON 1,275 per month.

Order 3779/2024 to amend ANAF Presidential Order 2420/2022 to approve Procedure to set by default/ex officio fiscal obligations owed by individuals whose allowances represent measures in the field of social protection and for certain income obtained from abroad, as well as to approve template and content for certain forms (Official Gazette 735/2024)

Summary

People who receive income from a pension abroad do not have to declare and pay social health insurance contribution (CASS) for this income. This amendment to Order 2420/2022 is made as a result of Decision 650/2022 of the Constitutional Court of Romania (CCR) by which the exception of unconstitutionality of the provisions by which CASS was due for income obtained from pensions abroad that exceeded the monthly amount of RON 4,000, was admitted.

Details

By GEO 130/2021, the Fiscal Code was amended and complemented, being introduced in art. 155 para. (1) letter a^1), in the categories of income subject to social health insurance contribution, for income obtained from pensions that exceeded monthly amount of RON 4,000. The provision applied starting the 1st of January 2022.

Also, the same ordinance introduced art.169^2 in the Fiscal Code, according to which, starting from 2022, individuals who obtained income from pensions abroad, had the obligation to declare this contribution on the Sole Tax Return.

By Decision 650/2022 of the Constitutional Court, applicable starting the 28th of December 2022, the exception of unconstitutionality was admitted, and it was found that provisions of art. XXIV point 13 [with reference to art. 155 para. (1) point a^1], from GEO 130/2021 are unconstitutional.

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By Law 391/2023, which approves GEO 4/2023 to set measures for restitution of certain social health insurance contributions, a clarification was introduced regarding the manner to apply provisions of art. 155 para. (1) letter a^1) and of art. 169^2 of the Fiscal Code until the entry into force of the Decision of the Constitutional Court of Romania 650/2022, in the case of individuals obtaining income from pensions abroad, between the 1st of January 2022 and the 27th of December 2022. Thus, for income from pensions abroad obtained during the above-mentioned period, these persons do not owe, do not declare and do not pay social health insurance contributions.

ANAF Presidential Order 2420/2022 approved the Procedure to set ex officio social health insurance contribution for individuals who obtained income from pensions abroad and did not meet declarative obligations by submitting the Sole Tax Return.

Since the aforementioned individuals are no longer required to declare and pay social health insurance contribution for income obtained from pensions abroad, it was necessary to update Order 2420/2022, by removing from its content the provisions aimed at ex officio determination of the social health insurance contribution for these income categories.

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INFO – Valuation of monetary items in foreign currency for July 2024

The July 2024 closing NBR exchange rates to use for valuation of monetary items (cash on hand, receivables, payables) denominated in foreign currency, as well as receivables and payables denominated in RON but pegged to a foreign currency for collection/disbursement are:

1 EUR = 4,9752 RON; 1 USD = 4,5956 RON; 1 CHF = 5,2148 RON; 1 GBP = 5,8972 RON

SOCIAL INDICATORS 2024

2024 Contributions for dependent activities	**Employer and beneficiary (for activities considered dependent)** (% share)	**Employee and dependent worker** (% share)
Social security contribution (pension)	→ Nothing due for normal working conditions → 4% for special work conditions → 8% for special work conditions	25% (*)
Contribution to health insurance fund (calculated on gross income)	Not due	10% (*)
Income tax		10% (*)
Work insurance contribution	2.25% (*)	
Disability Fund (for employers with more than 50 employees)	4 x minimum wage for every 100 employees	
The amount of a taxable meal ticket in the sense of income tax	max. RON 40 (starting **1st of January 2024**)	
Minimum wage (gross)	→ **RON 3,700** (starting the 1st of July 2024) → **RON 4,582** (starting the 1st of November 2023) for employees in the construction field → **RON 3,436** (starting the 1st of November 2023) for employees in agriculture and food	
Per Diem (in the country) For employees of public institutions For private sector employees (* 2.5)	 → RON 23.00 → RON 57.50	

(*) If employers in the field of construction, agriculture or food industries have turnover of at least 80% of activities defined by law, the following facilities apply for gross monthly salaries of between RON 4,000 and RON 10,000:

→ for monthly income up to RON 10,000, the default CAS rate is reduced to 21.25% (20.25% starting 1st of January 2024), and for income that exceeds the ceiling of RON 10,000, the 25% rate is applied

→ by option, the employee may also choose to contribute to pillar II of pensions, i.e., 25% standard rate will be withheld from total income

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Growing Business Together

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