NEWSLETTER

Nowium - Seemless Tax, Finance & Legal

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Top News:

- The size criteria for the accounting classification of entities have been updated, therefore the size criteria should be analysed for the financial year 2024 to check if the type of financial statements that must be drawn up changes.
- Taxpayers whose fiscal administration competence changed (large/medium/small taxpayers) during the year, benefit for 3 months from the automatic redirection of payments to the State Treasury erroneously made to the Treasury's accounts prior to the change of competence.
- 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 regulations – updated size criteria for reporting entities (Order 4164/2024)
→ Automatic redirection of payments erroneously made to previous unit of State Treasury if the competent administrative authority was changed (Order 3801/2024)
→ Submission deadline for form 390 - VIES – Recapitulative statement on intra-community supply/purchases/provisions (Order 6073/2024)
→ Form 112 updated (Order 1216/3796/910/2520/2024)
→ Procedure to ex officio amend data in the Register of taxpayers/payers (Order 3792/2024)
→ Regulation of Delivery note related to cash and carry activity (Order 4058/2024)
→ Changes brought to Procedure to implement measures to restructure outstanding budget obligations/liabilities (Order 3103/2024)
→ List of payment obligations towards State Budget complemented (Order 4875/2024)
→ Other legislative news
→ August 2024 closing exchange rates
→ Social indicators

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Order 4164/2024 to update size criteria for reporting entities (Official Gazette 843/2024)

Summary

The Order amends national accounting regulations (OMFP 1802/2014), as well as IFRS accounting regulations (OMFP 2844/2016), to update **size criteria of the reporting entities**.

Details

According to size criteria, reporting entities are classified within three categories, as follows: micro entities, small entities, medium entities and large entities.

Micro entities are entities which at year-end do not exceed at least 2 of the following thresholds:

- total assets: RON 2,250,000 (previously RON 1,500,000 lei);
- net turnover: RON 4,500,000 (previously RON 3,000,000 lei);
- average headcount throughout the financial year: 10.

Small entities are entities which at year-end are not classified as micro entities and do not exceed at least 2 of the following thresholds:

- total assets: **RON 25,000,000** (previously RON 17,500,000);
- net turnover: **RON 50,000,000** (previously RON 35,000,000);
- average headcount throughout the financial year: 50.

Medium and large entities are entities which at year-end exceed at least 2 of the following thresholds:

- total assets: **RON 25,000,000** (previously RON 17,500,000);
- net turnover: **RON 50,000,000** (previously RON 35,000,000);
- average headcount throughout the financial year: 50.

The same normative act also updates the size criteria for groups, the groups being classified in two **categories**, as follows: **small and medium groups**, as well as **large groups**:

- **Small and medium groups** are groups composed of parent companies and their branches/subsidiaries to be included in consolidation and which, on a consolidated basis, **do not exceed at least 2 of the following thresholds**, on the date of the parent company's balance sheet:
  - total assets: RON 125,000,000;
  - net turnover: RON 250,000,000;
  - average headcount throughout the financial year: 250.
- **Large groups** are groups composed of parent companies and their branches/ subsidiaries to be included in consolidation and which, on a consolidated basis, **exceed at least 2 of the following thresholds**, on the date of the parent company's balance sheet.

New thresholds apply starting with **annual financial statements related to the financial year of 2024**. Entities that have chosen a financial year different from the calendar year apply the provisions of this order starting with annual financial statements related to the financial year thus chosen, which starts subsequent to the 1st of January 2024.

The reason for update is the incorporation of (EU) Directive 2023/2775 regarding adjustments of the size criteria for micro, small, medium-sized and large undertakings or groups into domestic law. This Order was published in the Official Journal of the European Union on the 21st of December 2023.

Order 3801/2024 to complement certain ANAF Presidential Orders on the Procedure to manage/administer and monitor large and medium taxpayers (Official Gazette 771/2024)

Order 665/2024 has modified the lists of large and medium taxpayers with effective application starting the 1st of July 2024, thus being a modification of the administrative authority during the year.

Considering the fact that there are situations where the **administrative competence of taxpayers may change during the fiscal year**, through the current order, legislative provisions were introduced on **automatic redirection of payments erroneously made to the previous State Treasury unit**, for **3 months** from the date when the competence was changed.

Subsequent to the period of 3 months, any payments erroneously made by taxpayers to the State Treasury units to which they were previously assigned **will be returned to the payers**.

Order 6073/2024 to set submission deadline for form 390 - VIES - Recapitulative statement on intra-community supply/purchases/provisions (Official Gazette 771/2024)

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The Order sets that the *Recapitulative statement on intra-community supply/purchases/ provisions* (form D390) should be submitted by the 25th of the month following the month when the chargeability of the tax arises for the operations for which the declaration obligation exists, meaning by the 25th of the month following the month when goods are shipped or transported under the regime of stock at the disposal of the customer or when there are changes to the information provided.

If the 25th of the month is a non-working day, form 390 - VIES is submitted by the first working day, subsequent to the 25th of the month.

The provisions apply starting with form 390 - VIES related to July 2024.

Context

GEO 70/2024 made amendments regarding the submission of form 390 - VIES, by eliminating the submission deadline specified in art. 325 of the Fiscal Code. This occurred upon implementation of the pre-filled VAT tax return and the authorities' attempt to set an earlier submission deadline for tax returns in order to ensure the necessary information for the pre-filled VAT tax returns. Thus, the deadline to submit the recapitulative statement had to be established by ANAF Presidential Order.

Given pressure from the business environment, the deadline to submit the pre-filled VAT tax return was relaxed. GEO 87/2024 provided that the pre-filled VAT tax return be sent, for each fiscal reporting period, to taxable entities registered under the scope of VAT, by electronic means, up to the 5th of the month following the legal deadline to submit the VAT return.

In this context, since the deadline to send the pre-filled VAT tax return to taxable entities is subsequent to submission deadline provided for the VAT return (form 300), there is no need to change the legal submission deadline for the recapitulative statements (D390), the previous submission deadline being kept.

Order 1216/3796/910/2520/2024 to approve template, content, ways to submit and manage form 112 - *Return on social contributions, income tax and normative list of insured persons* (Official Gazette 763/2024)

The Order updates template, content and instructions to prepare form 112 - *Return on social contributions, income tax and normative list of insured persons*.

The new form is used starting with the declaration of payroll related to July 2024.

Order 3792/2024 to approve Procedure to *ex officio* amend data in the Register of taxpayers/payers, as well as template and content of certain forms (Official Gazette 774/2024)

Summary

The Order approves Procedure to *ex officio* amend data in the Register of taxpayers/payers, as well as the required forms.

Details

The *ex officio* amendment of data in the Register of taxpayers/payers is done in situations where it is found that the payer/taxpayer has not fulfilled its obligation to submit the declaration of mentions, within 15 days from the date when the changes occurred or at other deadlines specifically stipulated by the law.

Thus, if it is found that it is necessary to *ex officio* amend data recorded in the Register of taxpayers/payers, the fiscal authority notifies the concerned taxpayer/payer about this situation (except for the situation where the finding was made by the fiscal inspection authorities through final administrative-fiscal acts).

Thus:

- for taxpayers/payers which, as a result of the notification/invitation, have not submitted the declaration of mentions or supporting documents attesting the fact that there have been no changes in the data from the tax registration declaration,
- in the case of taxpayers/payers for which the fiscal inspection authorities have found the non-fulfilment of the obligation to submit the declaration of mentions, through final administrative-fiscal acts,

the fiscal authority issues and communicates to the taxpayer/payer the *Decision on ex officio amendment of data from the Register of taxpayers/payers* (form 701), and will also amend data in the Register of taxpayers/payers.

Failure to submit the declaration of mentions by the deadline provided by law constitutes a contravention and is punishable by a fine:

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- from RON 1,000 to RON 5,000 for legal entities classified as medium and large taxpayers
- from RON 500 to RON 1,000 for other legal entities, as well as individuals.

Order 4058/2024 to complement Order of the Minister of Public Finance 2634/2015 on financial-accounting documents (Official Gazette 754/2024)

Summary

The Order sets template and content of ***Delivery note*** (Code CASH AND CARRY 14-3-6aA).

Details

The newly introduced document should be prepared by entities carrying out **cash and carry** activity, when delivering products, goods or other material values from cash and carry stores, as well as in other situations set by the entity's internal procedures, and serves as:

- delivery note document, as the case may be;
- document that is the basis to prepare/issue the invoice, as the case may be;
- receipt/discharge document, as the case may be;
- document to be registered in the cash register and in accounting of receipts and payments made in cash, in which case it is considered a receipt.

The delivery note is prepared no later than the transmission date of the invoice in the national electronic invoice system RO e-Factura.

Order 3103/2024 to amend and complement Procedure to implement measures to restructure outstanding budget obligations/liabilities, approved by Order of the Minister of Public Finance 2810/2019 (Official Gazette 752/2024)

The Order amends and complements Procedure to implement measures to restructure outstanding budget obligations/liabilities, approved by OMFP 2810/2019. The Order provides that in the event of the annulment of the fiscal administrative act in the appeal settlement procedure, even if the issuance of a new fiscal administrative act was ordered, the payment facility maintains its validity in the situation where the debtor has included in the restructuring plan the measure of cancellation of a maximum amount of 50% of the total main budget obligations.

Order 4875/2024 to amend and complement ANAF Presidential Order 587/2016 to approve template and content of forms used to declare taxes and fees for self-taxation and withholding tax regimes (Official Gazette 791/2024)

Summary

The Order introduces six new positions in the List of payment obligations towards State Budget and updates instructions to prepare form 100.

Details

List of payment obligations towards State Budget is complemented with the following positions:

- 103 - Royalty set for leased offshore wind farm;
- 104 - Tax for leased area of the built offshore wind farm and for the area occupied by underwater electric cables connecting to network connection points outside the leased area - for areas located outside the inland maritime waters and territorial sea;
- 105 - Tax for leased area of the built offshore wind farm - for areas located on the surface of assets administered by the "Romanian Waters" National Administration;
- 106 - Compensation for the limitations brought to the right of property that belong to the state budget;
- 107 - Compensation granted for damages caused by exercising the rights provided by art. 32 para. (3) from Law 121/2024 on offshore wind energy, which belong to the state budget art. 35 of Law 121/2024 on offshore wind energy;
- 108 - Tax on development activity of the offshore wind farm.

Regarding instructions to prepare form 100 - *Statement on payment obligations to the state budget*, it is submitted:

- annually, by the 30th of March of each year, for payment obligations representing positions 103, 104, 105 and 108 above;
- annually, by the 31st of March of each year, for payment obligations representing positions 106 and 107 above. For the first year, the compensation is paid proportionally to the period of the year for which the right of passage is exercised and is declared by the 25th of the month following the month when the holder received the evaluation report.

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Other legislative news

Order 4059/2024 on format and method to transmit information between local and central fiscal authorities, including available fiscally relevant information (Official Gazette 748/2024)

The Order approves format and method to transmit information between local and central fiscal authorities through the PatrimVen IT system.

Order 2786/2024 to approve Specific procedure to distribute social vouchers electronically for categories of disadvantaged mother-newborn couples, as well as the related implementation mechanism (Official Gazette 763/2024)

The Order approves Specific procedure to distribute social vouchers electronically for categories of disadvantaged mother-newborn couples, as well as the related implementation mechanism.

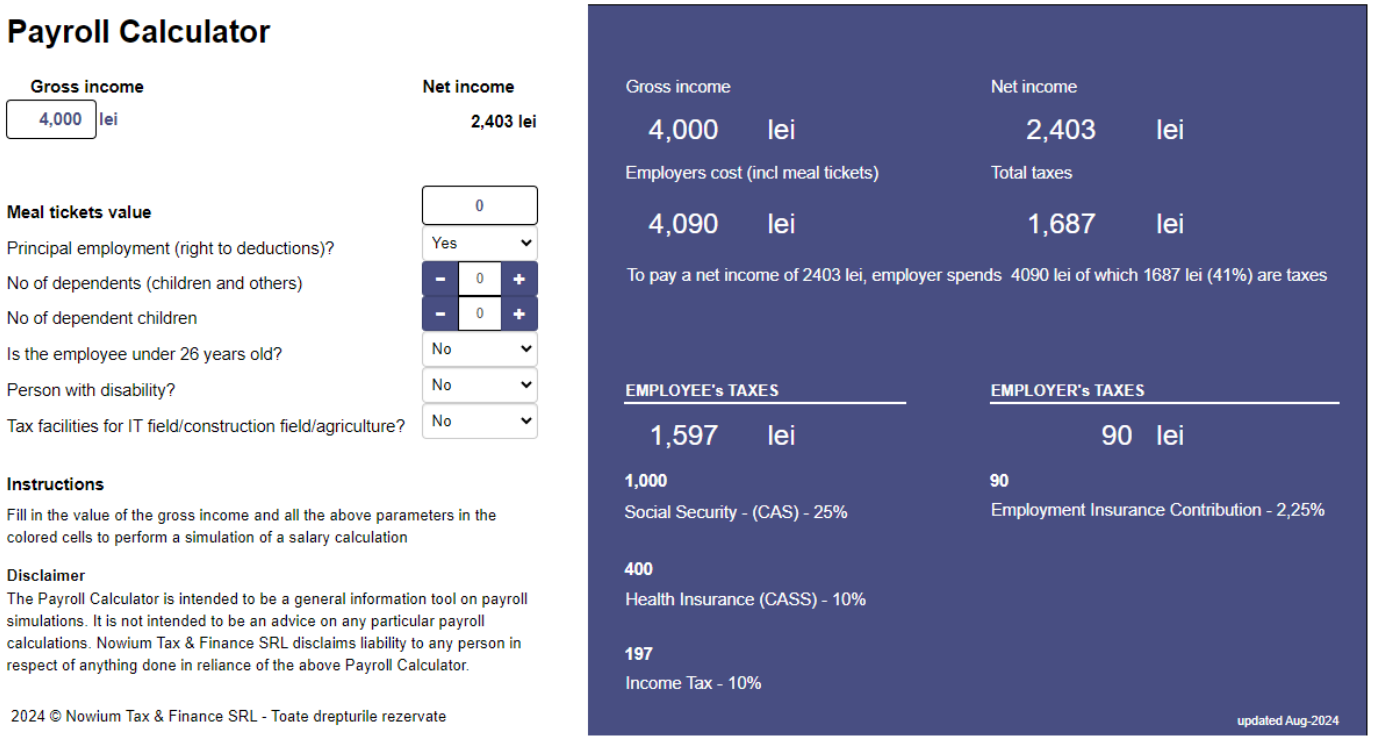
Order 4/2024 to amend and complement Order of the National Bank of Romania 10/2012 to approve half-yearly accounting reporting system applicable to entities that fall under the scope of accounting regulation of the National Bank of Romania (Official Gazette 808/2024)

Instruction 35/2024 on NBR reference interest rate (Official Gazette 776/2024)

Starting the 8th of August 2024, the NBR reference interest rate is 6.50% per year.

Check out our Payroll Calculator Tool on Nowium's website

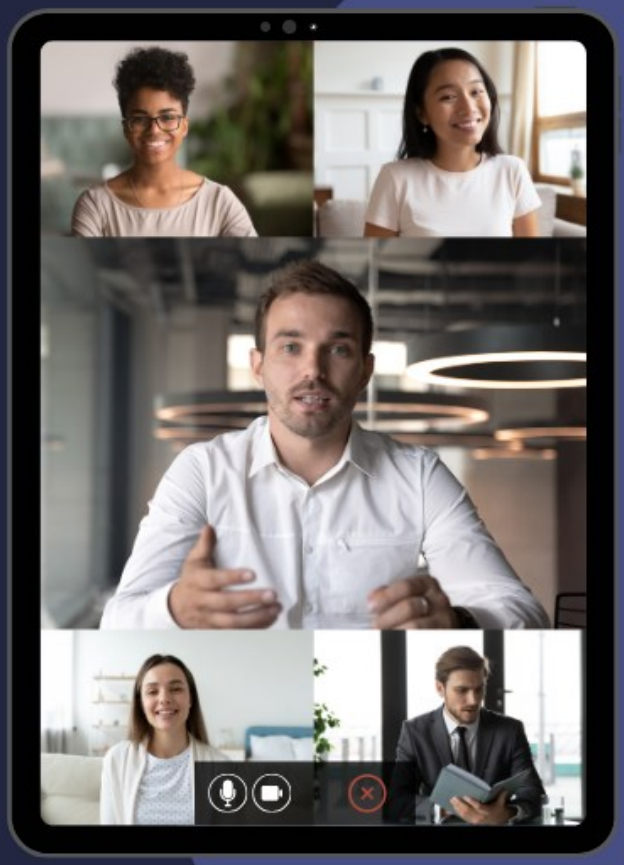
An useful free tool allowing various salary calculation scenarios, updated with the latest legislative changes.
https://nowium.com/en/payroll-calculator/



TAX GROUP

BY NOWIUM

- Important changes of tax legislation



Monthly 2 hours online meetings

www.taxgroup.ro

Sign-up

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

The August 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 = 4,9769 RON; 1 USD = 4,4906 RON; 1 CHF = 5,2932 RON; 1 GBP = 5,9203 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 industry sectors	
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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Why Nowium?
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