

# NEWSLETTER

## Nowium - Seamless Tax, Finance & Legal

Uruguay Str. 11, District 1 - 011443 - Bucharest - Romania  
Telefon: +40 (0) 374 926 000  
E-mail: [office@nowium.com](mailto:office@nowium.com) / [taxgroup@taxgroup.ro](mailto:taxgroup@taxgroup.ro)  
Web: [www.nowium.com](http://www.nowium.com) / [www.taxgroup.ro](http://www.taxgroup.ro)

Issue 2 - February 2025



### Top News:

- ◆ The updated corporate income tax return form (101) has been published
- ◆ The reporting forms for information on funding received by NGOs have been updated.
- ◆ Clarifications have been provided regarding the supplementary tax for legal entities in the oil and natural gas sectors ("ICAS").
- ◆ The consumer price index used for updating advance payments for annual corporate income tax is 104.4%.
- ◆ 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](http://www.taxgroup.ro) and [taxgroup@taxgroup.ro](mailto:taxgroup@taxgroup.ro)

### Summary

- Corporate income tax return updated – D101 (Order 206/2025)
- Statement on treasury situation submitted by NGOs is updated (Order 255/2025)
- List of payment obligations towards State Budget and form 100 are updated (Order 193/2025)
- Consumer Price index used to update advance payments to annual corporate tax account (Order 151/2025)
- Amendments on registration of lease contracts for common property (Order 161/2025)
- Clarification on additional tax for legal entities carrying out activities in oil and natural gas sectors (ICAS) (GO 3/2025)
- Procedure to calculate and annually update minimum gross national salary guaranteed in payment (GD 35/2025)
- Subpoena – a new type of document used for anti-fraud inspections (Order 128/2025)
- Other legislative news
- February closing exchange rates
- Social indicators

## How much time does your company's payroll really takes?

Find out if your current payroll system gives you the control and peace of mind you need in 3 minutes.

As an entrepreneur or executive, you know that payroll may quickly become a burden that takes valuable time. But how efficient is your current system really?

Self-assess your system and find out:

- What is your actual level of exposure to an ITM (Territorial Work Inspectorate) audit?
- How many hours may you save monthly by optimizing payroll?
- How does your system compare to market best practices?

<https://start.infrared.global/nowium>

## Order 206/2025 to approve template, content and instructions to complete forms 101 - Corporate Income Tax Return and form 101 for Fiscal Group - Consolidated Corporate Income Tax Return determined by the Fiscal Group (Official Gazette 140/2025)

The Order updates template, content and instructions to prepare forms 101 - *Corporate Income Tax Return* and form 101 for Fiscal Group - *Consolidated Corporate Income Tax Return determined by the Fiscal Group*.

The forms are used to declare annual obligations for the 2024 fiscal year or a modified year beginning in 2024.

It was necessary to update the forms in order to adapt them to legislative amendments brought to corporate income tax in 2024; specifically, provisions related to minimum tax and fiscal loss recovery.

## Order 255/2025 to regulate certain aspects of reporting accounting results by NGOs (Official Gazette 135/2025)

### Summary

The Order updates forms used to report information on funding received by NGOs. Also, the Order makes minor additions to accounting regulations.

### Details

As a reminder, Order 1802/2014 provides that NGOs which during the reporting financial year, **received amounts representing subsidies, sponsorships, amounts redirected** from corporate income tax, income tax for micro-enterprises or from income tax owed by individuals, as well as **other similar forms of funding**, regardless of their cumulative value, **must prepare a statement** that accompanies annual financial statements and highlights the amounts thus received and used.

The current Order sets two templates for **the statement on treasury situation** that accompanies annual financial statements:

- A simplified template - for NGOs that received funding of less than **RON 100,000** per year;
- A more complex template for funding exceeding the **RON 100,000 ceiling**.

### Signature

**Statement on treasury situation** is prepared and signed by individuals who are authorized, according to law, to prepare and sign annual financial statements. The statement is **also signed by the legal representative, director or the person who has the obligation to manage** the NGO.

### Submission

The statement **is submitted along with annual financial statements**, using an assistance programme made available by ANAF, free of charge.

### Penalties

Fines for failing to submit the statement are between **RON 20,000 and RON 30,000**.

### Other information

The new statement applies starting with annual financial statements for the 2024 financial year. Also, entities that have chosen a financial year different from the calendar year apply the above provisions starting with the first annual financial statements concluded on a date subsequent to the 1<sup>st</sup> of January 2024.



## Amendments brought to accounting regulations

Provisions of Order 1802/2014 (National Accounting Regulations) and Order 2844/2016 (Accounting Regulations according to IFRS) are complemented by updating the functionality of account 697 - *Expenses related to corporate tax at the level of minimum tax on turnover*. Thus, in the case of a fiscal group in the field of corporate income tax, defined according to the Fiscal Code, the responsible legal entity records total corporate tax expense at the level of minimum tax on turnover owed by the fiscal group as a debit of account **697** - *Expenses related to corporate tax at the level of minimum tax on turnover*.

Additionally, according to IFRS Accounting Regulations – the function of account **697** also includes the specification that a debit to this account records the amount of corporate tax at the level of minimum tax on turnover (account 441).

## Order 193/2025 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 114/2025)

### Summary

The Order brings amendments and complements to rules to complete form 100 related to taxes, by amending the list of payment obligations towards the State Budget, in order to declare fiscal obligations.

### Details

Among the amendments brought by this order, we mention:

- Introduction of four new positions in the list of payment obligations towards State Budget:
  - o position 109 - "Top-Up Tax" (Pillar 2);
  - o position 110 - "National Top-Up Tax" (Pillar 2);
  - o position 111 - "Tax on income from the transfer of dismemberments of ownership rights under a suspensive condition, withheld at source by legal entities or other entities required to keep accounting records"
  - o position 112 - "Tax on infrastructure and special construction."
- Update to instructions to prepare form 100.

We note that the Top-Up Tax and National Top-Up Tax refer to the minimum tax (Pillar II), taxes owed only by companies that are part of a large national/multinational group (with turnover of over EUR 750 million), and only under certain conditions set by Law 431/2023 to ensure a global minimum level of taxation of multinational enterprise groups and large national groups.

The Top-Up Tax and National Top-Up Tax will be declared within 15 months from the last day of the financial year for Top-Up Tax, and within 15 months from the last day of the financial year for National Top-Up Tax. For the first year of application, this tax will be declared within 18 months from the last day of the reporting financial year.

Therefore, if a company owes additional tax set as a result of provisions of Law 431/2023, the deadlines to declare and pay are:

- **the 30<sup>th</sup> of June 2026** - for Top-Up Tax, meaning the National Top-Up Tax for 2024 for taxpayers whose fiscal year is the same as the calendar year;
- **18 months** from the end of the fiscal year beginning after the 31<sup>st</sup> of December 2023, if the fiscal year is different from the calendar year.

## Order 151/2025 on Consumer Price Index used to update advance payments to annual corporate tax account in 2025 (Official Gazette 113/2025)

The Consumer Price Index used to update advance payments to the annual corporate tax account in 2025 is 104.4%.

## Order 161/2025 to amend ANAF Presidential Order 114/2019 to approve Procedure to register lease contracts, as well as template and content of *Application to register lease contracts form* (Official Gazette 109/2025)

### Summary

The Order introduces changes regarding registration of lease contracts for **common property**. Specifically, **the procedure to register lease contracts when the property is jointly owned by several co-owners has been simplified**.

### Details

**As a reminder**, individuals who obtain income from lease activities (except for rental of agricultural land and rental of rooms for tourist purposes) should register their contracts and any changes to them with fiscal authorities **within 30 days since conclusion**.

The new order provides that **in the case of lease contracts for jointly owned assets**, their fiscal registration will be made **only by one owner, usufructuary or legal holder**, as long as they are **designated by the lease**

**contract or addendum** as authorized to fulfil these obligations.

The new provision is only applicable to new contracts and addendums to ongoing contracts, concluded starting the 1<sup>st</sup> of January 2025.

**For ongoing lease contracts as of the 1<sup>st</sup> of January 2025**, as well as **in the case of addendums**, registered with the fiscal authority prior to this date, provisions regarding the designation of the owner, usufructuary or legal holder **do not apply**.

## **Ordinance 3/2025 to amend and complement art. 46<sup>^2</sup> of Law 227/2015 on the Fiscal Code (Official Gazette 92/2025)**

### **Summary**

The Ordinance brings clarification to **additional tax for legal entities carrying out activities in oil and natural gas sectors (ICAS)**, clarification applicable starting with the 2025 fiscal year or the modified fiscal year starting in 2025.

### **Details**

The Ordinance clarifies the application of ICAS for Romanian or foreign legal entities that individually or in a form of association deliver goods and/or provide services on the territory of Romania or deliver goods from the territory of Romania, related to NACE codes corresponding to the activities, main or secondary, carried out in oil and natural gas sectors:

- 0610 - Extraction of crude petroleum;
- 0620 - Extraction of natural gas;
- 0910 - Support activities for petroleum and natural gas extraction;
- 1920 - Manufacture and processing of refined petroleum products;
- 3522 - Distribution of gaseous fuels provided supplied through mains pipeline;
- 3523 - Trade of gaseous fuels distributed through mains pipeline;
- 4671 - Wholesale of fuels and related products;
- 4681 - Wholesale of solid, liquid and gas fuels and derived products, as the case may be;
- 4730 - Retail sale of fuel for motor vehicles in fuel stations, specifically Retail sale of fuel for vehicles;
- 4950 - Transport of fuel gases via pipeline.



If the activities corresponding to the NACE codes above are initiated during the fiscal year (including legal entities established during the fiscal year), ICAS is due starting with the quarter when the activities are effectively carried out. In the event that the activities corresponding to the above NACE codes cease to be carried out, ICAS is no longer due starting with the quarter following the quarterly period when the activities are no longer carried out.

The specific tax on turnover is declared and paid for quarters I-IV, by the 25<sup>th</sup> of the month following the quarter.

### **Exceptions from ICAS**

Taxpayers obtaining income from the sale of solid fuels, naphthalene, heating oil, lamp oil, hydrogen, lubricants and cooling products, within the activities carried out according to the NACE codes, **are excluded** from the scope of ICAS:

- 4671 - Wholesale of fuels and related products;
- 4681 - Wholesale of solid, liquid and gas fuels and derived products, as the case may be;
- 4730 - Retail sale of fuel for motor vehicles in fuel stations, specifically Retail sale of fuel for vehicles .

However, the taxpayers mentioned above owe ICAS in the event that they carry out **other activities as secondary activities corresponding to** NACE codes subject to this tax.

### **Foreign legal entities**

ICAS is also owed by foreign legal entities that individually or in a form of association deliver goods, provide services on the territory of Romania or deliver goods from the territory of Romania, carrying out activities in the oil and natural gas sectors, and which have not registered a permanent establishment in Romania.

The VT indicator represents income obtained from supply of service/provision of product on the territory of Romania, meaning from supplies on the territory of Romania corresponding to NACE codes provided above, established based on the value entered on the customs declaration or in documents certifying intra-community supplies. Supply on the territory of Romania means any operation that involves the removal of goods from the territory of Romania.

In order to avoid the risk of not paying the specific tax on turnover by foreign legal entities carrying out activities in the oil and natural gas sectors, that do not have a registered permanent establishment in Romania, an **additional guarantee is required** as a letter of guarantee issued by a credit institution. If the additional guarantee is not provided, they have to make a deposit at a unit of the State Treasury for the benefit of the central fiscal authority, in compliance with legal norms regarding performance guarantees. The amount of the guarantee is EUR 1 million, equivalent in RON, set at the exchange rate communicated by NBR on the date when the guarantee was set.

The deadline to set the guarantee, for those carrying out activities in the oil and gas sectors, is the 18<sup>th</sup> of February 2025 (15 days from the date of entry into force of the ordinance). A similar deadline of 15 days from publication of ANAF Presidential Order on the procedure and conditions to register the representative also applies to those appointing a representative for the calculation, declaration and payment of ICAS.

Failure to comply with the deadline to set the guarantee will entail the sanction of prohibiting performance of any customs formalities or in the field of movement of excisable products with regard to goods under the responsibility of legal entities that have not complied with their obligations, by the time these obligations are fulfilled.

The procedure and conditions to register the representative are approved by ANAF Presidential Order within 45 days from the date GO 3/2025 enters into force (the 3<sup>rd</sup> of February 2025).

## Decision 35/2025 to approve procedure to implement mechanism to set and update minimum gross national salary guaranteed in payment (Official Gazette 111/2025)

### Summary

The Decision sets the procedure to calculate and annually update the minimum gross national salary guaranteed in payment. The Ministry of Labour is responsible for applying the mechanism, using the expertise of a research institution as well as relevant socio-economic indicators. The updated formula is based on inflation rate and labour productivity. Adjustments are negotiated within the National Tri-party Council for Social Dialogue.

### Details

- **Responsibilities:** The Ministry of Labour implements, monitors and evaluates the mechanism, collaborating with a research institution to analyse the economic and social impact.
- **Annual report:** Includes updating socio-economic indicators, monitoring effects of minimum wage, and assessing the impact on labour market and the economy.
- **Benchmark indicators:** Data on inflation, GDP, employed population, average gross salary and indicators on social inequality are used.
- **Calculation formula:** Minimum wage for the following year is adjusted according to inflation and labour productivity, remaining within a range of 47%-52% of the average gross wage.
- **Special rules:** If inflation and productivity change by less than 1%, minimum wage remains unchanged or adjusts only with productivity.
- **Final decision:** If the calculated minimum wage is below 52% of the average wage, a possible adjustment is discussed within the Tri-party Council.

This Decision creates a stable and predictable framework for updating the minimum wage, ensuring its correlation with economic and social developments.

## Order 128/2025 to approve template and content of forms and documents used during inspections by the General Directorate for Anti-Tax Fraud (Official Gazette 120/2025)

### Summary

The Order approves template and content of forms and documents used during inspections by the General Directorate for Anti-Tax Fraud (DGAF).

**The Subpoena** is introduced as a new type of document that DGAF inspectors may send to taxpayers verified as part of anti-fraud inspections.

### Details

Prior to this order, inspectors only had the option to dispatch a simple invitation requesting that companies send a representative with the necessary documents for inspection to the territorial headquarters of DGAF.

The reason why this document was introduced is due to the fact that many taxpayers ignored these invitations, even though failure to present the documents constitutes a misdemeanour and is sanctioned with a fine of between RON 25,000 to RON 27,000 for legal entities classified as medium and large taxpayers, 6,000 to 8,000 RON for other legal entities, as well as for individuals.

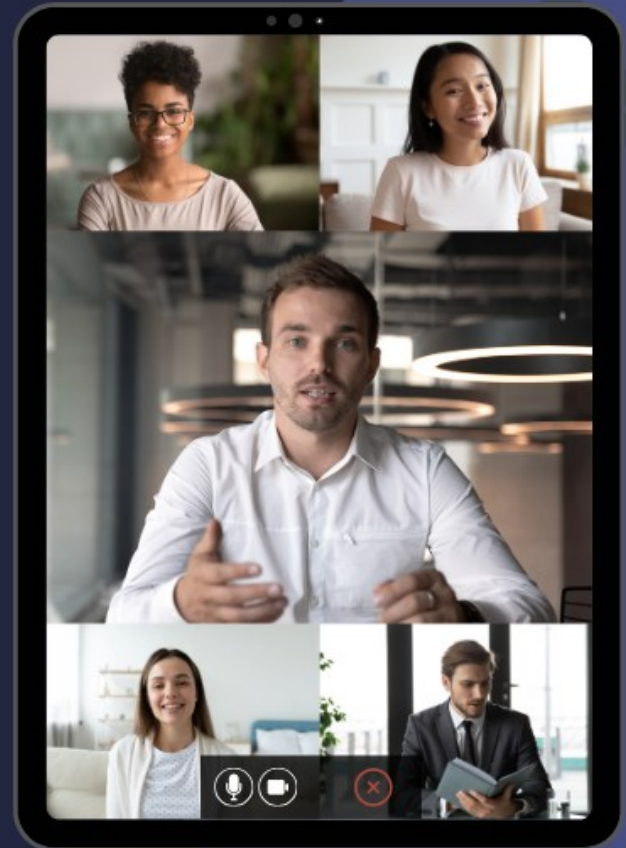
# TAX GROUP

BY  NOWIUM

- Important changes of tax legislation



Monthly 2 hours  
online meetings



[www.taxgroup.ro](http://www.taxgroup.ro)

Sign-up

Thus, taxpayers will continue to receive this invitation, but if they do not submit the requested documents, they will subsequently be sent a subpoena for which they will be required to respond to the request within 15 days from the date of its communication.

The unjustified refusal of a person to present legal documents and assets to the competent authorities, for the purpose of preventing financial, fiscal or customs inspections, within a maximum period of 15 days from the date of the subpoena, constitutes a crime and is punishable by imprisonment from one to 6 years.

## **Order 146/2025 to amend and complement Methodology to distribute amounts paid by taxpayers into Sole Account and to settle fiscal obligations, approved by ANAF Presidential Order 1613/2018 (Official Gazette 114/2025)**

### **Summary**

Amendments have been brought regarding the order in which fiscal obligations are settled, prioritizing the payment of state aid and related interest. The new rules clarify distribution of amounts for taxpayers with payment facilities and those in insolvency, establishing specific criteria for debt compensation.

### **Details**

The changes to methodology to distribute amounts paid by taxpayers to the Sole Account of State Treasury mainly concern the order in which fiscal obligations are settled. Thus, the amounts paid to the Sole Account and to other accounts are used with priority for payment of state aid and/or *de minimis* aid as well as related interest. After this settlement, the remaining amounts are distributed by the central fiscal authority, in proportion to obligations owed, with the exception of taxpayers with payment facilities or in insolvency.

For taxpayers in insolvency, the order of settlement of tax obligations has been clarified, prioritizing current obligations, those included in the reorganization plan, and subsequently those admitted to the creditors' list.

In the case of a VAT return with a negative amount, it is first offset against current tax obligations. If it relates to a period prior to the opening of insolvency proceedings, it is offset against the debts included on the creditors' list.

For debtors with ongoing payment facilities as of the 7<sup>th</sup> of February 2025, amounts related to state aid and related interest are settled with priority, thus conditioning the maintenance of fiscal facilities. Subsequently, the general rules to distribute amounts for the remaining fiscal obligations apply.

## **Order 121/2025 to amend and complement Methodology to distribute amounts paid by individual taxpayers to Sole Account and to settle fiscal obligations, approved by ANAF Presidential Order 2937/2018 (Official Gazette 104/2025)**

### **Summary**

The Order brings procedural amendments and complements regarding the **methodology to distribute amounts paid by individual taxpayers to the Sole Account and to settle fiscal obligations.**

### **Details**

The amounts paid by taxpayers to the Sole Account and to other accounts are used with priority to settle state aid and/or *de minimis* aid, as well as the related interest, due from the date of payment of the aid until full recovery.

After this settlement, any remaining amounts are distributed proportionally to fiscal obligations recorded on the Sole Tax Return, except for taxpayers with payment facilities. For them, the settlement of state aid and related interest is essential for maintaining fiscal facilities. Also, for debtors with payment facilities as of the 4<sup>th</sup> of February 2025, the same rules apply, prioritizing settlement of these amounts prior to other fiscal obligations.

The [Resources](#) section of our website you will find an [Excel](#) file through which the exchange rates are automatically taken from the NBR website and are allocated on each date of validity, according to accounting rules. Thus, the exchange rate communicated by NBR on day N will be displayed on the validity dates N+1...N+2....until the next foreign exchange session.

The closing exchange rate for the month is the exchange rate communicated in the final foreign exchange session of the respective month.



### Closing exchange rates for February 2025

The February 2025 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 = 4.9765 RON; 1 USD = 4.7844 RON; 1 CHF = 5.3023 RON; 1 GBP = 6.0281 RON

### SOCIAL INDICATORS 2025

2025 Contributions for dependent activities	Employer and beneficiary (for activities considered dependent) (% share)	Employee and dependent worker (% share)
Social security contribution (pension)	<ul style="list-style-type: none"> <li>→ Nothing due for normal working conditions</li> <li>→ 4% for special work conditions</li> <li>→ 8% for special work conditions</li> </ul>	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 40.04	
Minimum wage (gross)	<ul style="list-style-type: none"> <li>→ <b>RON 4,050</b> (starting the 1st of January 2025)</li> <li>→ <b>RON 4,582</b> for employees in the construction field</li> <li>→ <b>RON 4,050</b> for employees in agriculture and food industry sectors (starting with income related to January 2025)</li> </ul>	
<b>Per Diem (in the country)</b>		
For employees of public institutions	→ RON 23.00	
For private sector employees (* 2.5)	→ RON 57.50	
Starting with income related to January 2025, fiscal facilities granted to employees carrying out activities in IT, construction, agriculture and food industry fields are eliminated.		





## Growing Business Together



### Nowium

Uruguay Street 11, District 1  
011443 - Bucharest  
Romania

Phone: + 40 (0) 374 926 000

E-mail: [office@nowium.com](mailto:office@nowium.com)  
[taxgroup@taxgroup.ro](mailto:taxgroup@taxgroup.ro)

Web: [www.nowium.com](http://www.nowium.com)  
[www.taxgroup.ro](http://www.taxgroup.ro)

Nowium is the One-Stop-Shop solution for integrated accounting, taxation, consulting, legal, payroll and transfer pricing services, founded by a team of experts with over 20 years of experience.

Nowium is a new business concept that defines its values in ambition, creativity, quality, excellence, trust and responsibility. We are a brand new, but of an experienced, strong team, formed over 20 years of activity together. Many of you already know us!

#### **Why Nowium?**

*Because we have a strong team of professionals, we have the necessary expertise and a mix of skills that allow us to address the most challenging requests from our clients. In addition, we know very well what each customer expects from us. We know how to adapt to each type of client and deliver them more than expected from a professional in the field.*