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## Contents:

- New late-payment penalty levels starting 1 July, 2013
- Implementation procedure and administration of sole fiscal group
- Ex-officio amendments to fiscal status regarding VAT («vector fiscal»)
- Income tax rate of 85% for wages/benefits/compensatory amounts for certain categories of persons
- Amendment to law on apprenticeships
- Provisions of the fines for recapitulative statements found to be unconstitutional
- Practical Guide on fiscal treatment of certain transactions by taxpayers applying IFRS
- Amendments to Form 100
- Draft order regarding accounting reporting system as at 30 June, 2013
- Draft order on fiscal facilities for SME's
- Recruitment of students during legal holidays
- Carrying out temporary activities as a day labourer
- Luncheon and holiday vouchers
- Closing exchange rates at the end of June 2013
- July 2013 – AGENDA
- Social indicators

## **EMERGENCY ORDINANCE 50 dated 29 May, 2013 to establish certain fiscal measures (Official Gazette 320/2013)**

Starting 1 July, 2013, the late-payment penalty level becomes 0.02% per day of delay. This replaces the previous system of penalties calculated as fixed amounts: 5% of the debt if the delay was between 30 and 90 days and 15% of the debt if the delay was greater than 90 days.

The late-payment interest rate remains at the level of 0.04% per day of delay.

The new late-payment penalty level applies to tax liabilities due after **1 July, 2013**. Tax liabilities due before 1 July, 2013 which are settled after 1 July, 2013 are subject to the system of penalties in force through 1 July, 2013.

Basically, it can be concluded that for tax liabilities due after 1 July, 2013 the combined interest and penalty rate shall be 0.06% for each day of delay (0.04% + 0.02%).

The updated version of the interest and penalty calculator can be found on the APEX Team website, available in Romanian, English and French.

The Ordinance also brings changes to OUG 29/2011 regarding granting instalment payments for economic operators that register certain liquid and owed receivables from authorities which manage European funds, based on financing agreements concluded. In this respect, taxpayers are entitled to request the deferral of payment of taxes, contributions and other amounts due the State Budget, including additional fiscal liabilities managed by ANAF or taken over by ANAF.

The deferral of payment shall be granted within the limit of the amount receivable from the competent authorities and in order of seniority of fiscal liabilities.

The deferral of payment shall not be granted:

- to taxpayers who have entered into insolvency proceedings;
- for taxpayers who began enforcement of garnishment of amounts collected from competent authorities by another lender;
- to taxpayers who have an on-going instalment payment plan.

## **ORDER 607 dated 29 May, 2013 on approval of Procedure for implementation and administration of a sole fiscal group, as well as to approve template and content of certain forms (Official Gazette 345/2013)**

The Order approves the procedure for the implementation and administration of a sole fiscal group and necessary forms.

### **Implementation conditions of a sole fiscal group**

The fiscal group represents a group of taxable entities established in Romania, each legally independent, which are closely related to one another in terms of organizational, financial and economic relations and can opt to be treated as a fiscal group under the following conditions:

- a taxable entity must belong to only one fiscal group;
- option must relate to a period of at least 2 years;
- all taxable entities in the group must apply the same fiscal period.

Attention! The option concerning the 2-year period refers to the group, not every member of the group. The fiscal group may be formed of at least two taxable entities which are administered by the same competent fiscal authority.

Taxable entities whose capital is held by more than 50%, directly or indirectly, by the same shareholders are considered closely related in terms of organizational, financial and economic relations. This condition is proved by the certificate issued by the Trade Registry ("Certificat constatator") and/or, where appropriate, other supporting documentation.

The sole fiscal group, implemented in accordance with the procedure referred to above, presents specific conditions as regards VAT reporting through Form 300, "VAT Return". Members of the fiscal group act independently for other fiscal returns and informative statements and will continue individual reporting obligations provided by law.

### **Implementation of the sole fiscal group**

An application form signed by the legal representatives of all members of the group should be submitted to the competent fiscal authority in order to implement the sole fiscal group. The application form should comprise the following information:

- name, address, object of activity and VAT registration code of each member;
- proof that the members are closely related;
- the name of the member appointed as representative of the group

The application form shall be accompanied by the certificate issued by the Trade Registry and/or other supporting documentation disclosing the shareholder structure of taxable entities to form the fiscal group, as well as the proportion of shareholders' participation in the formation of share capital.

The competent fiscal authority will take a formal decision to approve or reject implementation of the fiscal group and will communicate the decision to the group representative, within 60 days from the date of receipt of complete documentation.

In this respect, the competent fiscal authority will issue "The decision on the approval of implementation of the sole fiscal group", or "The decision on rejection of implementation of the sole fiscal group", as the case may be, which will be communicated to the appointed representative according to article 44 of the Fiscal Procedural Code.

Implementation of the fiscal group will enter into force on the first day of the second month following the communication date of approval of the decision issued by the fiscal authority.

**Important!** Based on the decision approving fiscal group establishment, the competent fiscal authority will update the VAT fiscal status ("fiscal vector"), for both the group's representative and for the other members of the group, but with not cancel their registration code under the scope of VAT. The update of fiscal status ("fiscal vector") will be made in the ANAF information system and will contain the date on which the fiscal group is established, so that, in a situation in which the VAT return is not submitted, only the representative of the group will be notified, according to the procedure in force.

### Sole fiscal group obligations

The group representative is required to notify the competent tax authority about any of the following events:

- cancellation of the option to form a fiscal group, by at least 30 days before the event;
- failure of conditions for setting up the fiscal group which leads to the cancellation of fiscal group or removal of a taxable entity as member of the fiscal group, within 15 days of the occurrence of the event that generated this situation;
- the appointment of a new representative of the fiscal group within 30 days prior to the event, at the latest;
- departure of one of the members from the fiscal group within 30 days prior to the event, at the latest;
- entry of a new member into the fiscal group, within 30 days prior to the event, at the latest.

Each member of the fiscal group (other than the representative of the group) has the following obligations once the group is legally established:

- to report any delivery of goods, provision of services, import or intra-Community acquisition of goods and any other operation carried out by or to itself during the fiscal period on the VAT return (form 300);
- to send the VAT return to the representative of the fiscal group;
- to not pay any VAT due and to not request any VAT refund according to the individual member's VAT return.

Additionally, each member of the fiscal group must:

- submit "Recapitulative statement of EU supply/acquisitions/services" (VIES form 390), to the competent fiscal authority;
- agree to a fiscal inspection by the competent fiscal authority, if requested;
- be individually and jointly liable for any tax due by the group or by any member of the fiscal group for the period the member is part of the fiscal group.

The representative of fiscal group shall have the following obligations:

- to assume responsibility for VAT due and not paid, or any VAT credit yet not requested for reimbursement, from prior periods of each of group member in the first consolidated VAT return.
- to report in its own VAT return (form 300) any delivery of goods, provision of services, import or intra-Community acquisition of goods and any other operation carried out by or to itself during the fiscal period;
- to report in a consolidated VAT return the operations from individual VAT returns of group members and its own VAT report for the related tax period
- to submit to the competent tax authority all VAT returns of group members as well as the consolidated VAT return;
- to pay, or to request the reimbursement of VAT position, as appropriate.

Individual VAT returns prepared by each member of the group shall be submitted to the competent fiscal authority for information purposes by the group representative, together with the consolidated VAT return. They will only be used only for verification purposes.

Individual VAT returns prepared by each member of the group are not processed in the ANAF information system, but are archived in the file of each member of the fiscal group.

### Amendment/cancellation of the sole fiscal group

In cases when events after implementation of the fiscal group occur and lead to the modification of the data initially declared or to the cancellation of the fiscal group as a whole or to any representative/member of the group, the representative of the group should notify the fiscal authority by submitting an amendment to the initial application form, the result of which the competent authority will issue a "Decision regarding subsequent changes to the sole fiscal group".

The decision is also issued whenever the competent authority finds that taxable entities no longer satisfy the eligibility criteria to be considered members of the fiscal group, as per point 4, paragraph (12) of Methodological Norms in accordance with the Fiscal Code and communicated to the designated representative of the group, according to the article 44 of the Code of Fiscal Procedure.

In the event that, upon closure of the fiscal group, the VAT position from the final VAT consolidated return is not paid or is not requested for reimbursement, as appropriate. The taxable entities which were



## Sole fiscal group, optimizing the VAT position of affiliated companies



part of the fiscal group will prepare the first individual VAT return by assuming responsibility for the balance of VAT not paid or VAT credit as they were reported in the most recent VAT return submitted to the group representative for information purposes.

**Important!**

Taxable entities established in Romania that are part of a sole fiscal group do not apply the VAT cash accounting scheme that entered into force on 1 January, 2013, regardless of whether annual turnover is less than the threshold of RON 2,250,000.

Any supply of goods or provision of service realized by each member of the group shall be subject to the normal tax regime, regardless of whether they are made to third parties or to other members of the fiscal group.

Source: DGFP Vâlcea

**ORDER 606 dated 29 May, 2013 on amendment to ANAF Presidential Order 700/2012 regarding the approval of Procedures for ex-officio amendment of fiscal status ("vector fiscal") regarding VAT as well as model and content of forms (Official Gazette 351/2013)**

The Order brings amendments on the ex-officio cancellation procedure of VAT registration, in the following circumstances:

- Failure to submit VAT returns for six calendar months (for entities having the month as fiscal period) or for two quarters (for entities having the quarter as fiscal period) determines the cancellation of VAT registration. The new order changes the reference date when the cancellation of VAT registration may be performed, respectively 1 August and 1 February. In practice, the analysis will be carried out on a monthly basis without taking into consideration the calendar half year. The cancellation can be made starting the first day of the month following the deadline of submission of the sixth or second VAT return occurred (based on the fiscal period).
- The same rule mentioned above will apply in the cases when there are no purchases/sales reported during the period in VAT returns submitted for six consecutive months, or two quarters, as the case may be.

Identification of taxable entities which fulfil the condition of removal from the VAT register is performed every month through the end of the month, after expiration of the submission deadline of the sixth VAT return (for entities having the month as fiscal period) or of the second tax return (for entities having the quarter as fiscal period), as appropriate. So far, the identification was performed at the beginning of each calendar half year, by 15 July, and 15 January, for the previous calendar half year.

The order updates the forms used for the ex-officio cancellation procedure of registration under the scope of VAT.

**EMERGENCY ORDINANCE 55 dated 4 June, 2013 on certain fiscal and budgetary measures and for amending certain laws (OG 331/2013)**

The Ordinance introduces derogation of provisions of article 43 of the Fiscal Code, for income representing wages/benefits/compensatory amounts granted under the law, upon cancelling the labour contract or work relationship, as well as for Board of Director members or Management Board members. In these circumstances, the income tax rate is 85%.

Note that the Ordinance has created several discussions. According to press declarations, the Ordinance was only intended for members of the Financial Supervisory Authority (ASF). However, the published version has a general application, for both State and private companies. We will keep our newsletter readers informed of any updates in future editions.

**LAW 179 dated 11 June, 2013 amending and complementing the Law 279/2005 on apprenticeships (Official Gazette 348/2013)**

The following amendments have been brought by the current law:

Clauses of the apprentice contract are amended, especially the employer's obligations to assure the apprentice of all rights resulting from an individual labour contract and to provide theoretical and practical training for qualification of the apprentice, completed by a certificate of professional qualification. The professional qualification may be outsourced to an authorised provider according to OG 129/2000, the employer being responsible for covering the cost of the training programme of the apprentice.

Obligations of the apprentice of being required to perform the work in accordance with the training programme and to participate in the graduation exam upon completion of theoretical and practical stages are supplemented.

**Apprenticeship contracts** must contain the qualification name that the apprentice should obtain and the name of the authorised training provider.

**The duration of the apprenticeship** contract shall be determined according to the qualification level for which the apprentice is to prepare, but it cannot be shorter than:

- 12 months**, when the apprenticeship is provided for the achievement of competencies appropriate for a level 1 qualification;
- 24 months**, when the apprenticeship is provided for the achievement of competencies appropriate for a level 2 qualification;
- 36 months**, where the apprenticeship is provided for the achievement of competencies appropriate for level 3 qualification.

**The duration of work** is 8 hours per day and 40 hours per week, and for employees under 18 years of age, it cannot exceed 6 hours per day and 30 hours per week.

**Income tax rate  
of 85% for  
wages/benefits/  
compensatory  
amounts for certain  
categories of  
persons**





**Fines for  
contraventions in  
case of  
recapitulative  
statements,  
amended in 2011,  
were declared  
unconstitutional**

Individuals who wish to become apprentices must meet all the following **conditions**:

- to have a minimum age of 16 years;
- to be searching for a job;
- to not hold a qualification in the occupation in which the apprenticeship is organised;
- to comply with the conditions of access to apprenticeships as per Government Ordinance 129/2000. The minimum age for access to an apprenticeship program is 16 years old, not 15 years, in order to be in accordance with the Education Law (Law 1/2011).

There is no upper age limit, the apprenticeship at any age above to 16 years being possible.

**Apprenticeship financing** may be made from the own resources of employers, sponsorships of individuals and/or legal entities, the unemployment insurance fund and European structural funds.

#### **DECISION 101 dated 28 February, 2013 regarding unconstitutional provisions of dispositions of article II paragraph (6) of GO 29/2011 amending and completing GO 92/2003 on Code of Fiscal Procedure (Official Gazette 290/2013)**

The decision of the Constitutional Court finds provisions of dispositions of article II paragraph (6) of GO 29/2011 amending and completing the Code of Fiscal Procedure to be unconstitutional.

The text for which unconstitutional provisions was raised relates to the amendment of article 2191, "Contraventions of recapitulative statements" of the Code of Fiscal Procedure, as amended by GO 29/2011.

Prior to the amendments made by GO 29/2011, failure to submit the recapitulative Statement of EU acquisitions/supplies of goods on time as per title VI of the Fiscal Code or submission of statements with inaccurate or incomplete amounts was penalized with a fine of 2% the total value of the EU acquisition/supply of goods which were not declared or, if applicable, 2% of the difference between the value of the goods and the value which had been inaccurately or incompletely declared. After the amendments of GO 29/2011, the same facts constitute contraventions and are punishable by a fine of RON 1,000 and RON 5,000 in the case of failure to submit the recapitulative statements covered by Title VI of the Fiscal Code in due time and a fine of RON 500 to RON 1,500 in the case of the submission of inaccurate or incomplete recapitulative statements.

The above provisions stating that the new penalty system only applies to the facts discovered after the date of entry into force of Ordinance 29/2011 are unconstitutional because they are contrary to the principle of retroactivity of the more favourable law.

The Court mentions that the provisions of the law criticized create discrimination between persons who have committed offences and are in the same situation, which is contrary to provisions of article 16 (1) of the Constitution. The differentiation of legal treatment under the same category of subjects shall be permitted only if it is justified by objective and reasonable reasons, in this case, however, the persons being in the same legal situation benefit from different legal treatment according to subjective and random conditions, thus contradicting the requirements of the constitutional principle of rights equality.

#### **ORDER 814 of 17 June, 2013 approving the Practical Guide for fiscal treatment of certain transactions by taxpayers applying IFRS accounting regulations applicable to credit institutions, approved by Order of the National Bank of Romania 27/2010 (Official Gazette 385/2013)**

#### **ORDER 618 dated 30 May, 2013 on amending appendix 1 of ANAF Presidential Order 1.294/2007 regarding taxes, contributions and other amounts representing fiscal liabilities which are paid into a sole bank account by taxpayers (Official Gazette 326/2013)**

The Order amends the account for payment of amounts due as dividends transferred by companies, national companies and State-owned companies, before being deposited into the sole account of the State Budget.

#### **ORDER 608 dated 29 May, 2013 on amending and supplementing appendix 6 to ANAF Presidential Order 1.950/2012 regarding approval of template and content of forms used to declare taxes and contributions under self-assessment or withholding regime (OG 323/2013)**

The Order updates instructions for submitting form 100, "State consolidated budget liability return", by modifying item 25, "Dividends transferred by companies and national companies and State owned companies", which shall no longer be paid to the sole account of the "State Budget".

#### **ORDER 622 dated 31 May, 2013 amending ANAF Presidential Order 296/2013 approving the Procedure for determination of the amount of the environmental stamp for motor vehicles and approving the template and content for certain forms (Official Gazette 359/2013)**

#### **DRAFT ORDER - The accounting reporting system as at 30 June, 2013**

According to the draft order, entities which in the previous year registered turnover of more than RON 220,000 will submit accounting reports as at 30 June, 2013.

The submission deadline is 16 August, 2013

Source: [www.mfinante.ro](http://www.mfinante.ro)



## DRAFT ORDINANCE – Providing tax incentives for SMEs

The Ministry of Economy has recently published a draft ordinance amending and supplementing Law 364/2004 on stimulating the creation and development of SMEs.

Among the most important features, we mention the 50% reduction in social security contributions for employees and exemptions from income tax.

SMEs would benefit from a reduction of up to half of the social security contributions for full-time employees under indefinite work contracts in the first fiscal year of incorporation, recorded at the Trade Registry. This measure would only apply to no more than 4 employees aged below 25 years or over 55 years and for more than 4 unskilled employees, aged 25-55 years.

The project proposes an exemption from the payment of profit tax, provided that the SMEs reinvest profits in the subsequent fiscal year in the same industry. It proposes to exempt micro-enterprises from paying social insurance contributions in the first two years of the program, if they hire unemployed persons. Stay tuned for information on approval and publication of the new changes in our newsletters.



## REMINDER – Recruitment of students during legal holidays

As per Decision 726/2007 (Official Gazette 477/2007), employers recruiting students during legal holidays will benefit from monthly financial support for each student hired but not for more than 60 working days in a calendar year. This assistance represents 50% of the amount of the social reference indicator. This concept of social reference indicator was introduced by Government Emergency Ordinance 108 (Official Gazette 830/2010) amending Law 76/2002 regarding unemployment insurance and provision of employment opportunities. The social reference indicator is presently RON 500. To benefit from this assistance, employers must sign a convention with the Unemployment Agency within 30 days of the date of employing a student during holidays.

Employers deduct the financial benefit from its unemployment payment contributions.

## REMINDER – Carrying out temporary activities as a day labourer

Day labourer work represents another modality in which students may work during their holidays.

Activities with an occasional feature may be carried out in the following domains: agriculture, hunting and fishing, forestry except timber activities, fish farming and aquaculture, tree and vineyard cultivation, bee keeping, breeding of stocks, performing arts, cinematographic and audio-visual productions, cultural activities, handling goods, maintenance and cleaning activities.

Law 52/2011 (Official Gazette 276/2011) rules the legal framework in which day labourers may carry out temporary activities which represents a departure from provisions of the Labour Code.

We present the main provisions of this Law below:

- The relation between the day labourer and the beneficiary is established without conclusion of a labour contract.
- The beneficiary must maintain a Day Labourers Registry (purchased from the local Labour Inspectorate – ITM) which is kept at the beneficiary headquarters. This registry must be updated daily, prior inception of activity.
- No one may hire someone as a day labourer who has not reached the age of 16.
- The length of the occasional activity which may be carried out is for at least one day, which corresponds to 8 hours of work.
- The maximum length of carrying out activities by a day labourer cannot exceed 12 hours, or 6 hours for an underage person who can work. Even if the Parties agree to fewer hours, the daily pay for a day labourer will be set at the equivalent of at least 8 hours of activity.
- Day labourers are paid at the end of each day of work.
- The amount of hourly gross pay set by the Parties cannot be less than RON 2 per hour nor more than RON 10 per hour and is paid at the end of each day of work prior to signature of the Day Labourers Registry, by both the day labourer and the beneficiary. Proof of payment of daily pay is the day labourer's signature in the Day Labourers Registry.
- Payment of income tax due for activity carried out by the day labourer is supported by the beneficiary. The income tax of 16% is applied to gross pay. Withheld tax is declared by the beneficiary on form 112.
- Mandatory social contributions are not due by the day labourer or by the beneficiary for income derived from activities carried out by day labourers.
- The activity carried out in conditions of the present Law does not confer the quality of insured person within the public pension regime, public unemployment insurance regime or public health insurance regime to the day labourer. The day labourer may obtain health and/or pension insurance separately if he/she wishes.
- Monthly, by the 5<sup>th</sup> of the month at the latest, the registry must be presented to the Labour Inspectorate where the registered headquarters of the company beneficiary is located.
- No day labourer may carry out activities for the same beneficiary for more than 90 cumulative days during a calendar year.

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**Entities with  
turnover of over  
RON 220,000 in the  
previous year  
should submit  
accounting reports  
as at 30 June, 2013**

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## REMINDER – Luncheon and Holiday vouchers

Luncheon vouchers are not granted when the employee is not at work (during paid or unpaid holidays, absences, technical unemployment, sick leave, legal days off, etc.). In addition, when the employee is on a business trip and receives a daily allowance (to cover his/her food expenses), he/she is not entitled to receive a luncheon voucher.

The maximum amount of holiday vouchers which may be granted within a year represents 6 minimum monthly gross salaries (i.e. 6\*RON 700 currently). Holiday vouchers are tax deductible when computing corporate tax or tax on income.

Persons who receive nominative holiday vouchers are the sole beneficiaries for the timeframe mentioned on the holiday voucher and only pay for the contractual tourist package in Romania.

As per Emergency Ordinance 8 dated 18 February 2009 on granting holiday vouchers (Official Gazette 110/2009), the employer may grant holiday vouchers in 2013 **only if the enterprise posted a fiscal profit in 2012**.

We remind that both luncheon and holiday vouchers are subject to employee income tax as per provisions of Emergency Government Ordinance 58 dated 26 June 2010.

### REMINDER – Valuation of monetary items in foreign currency

Do not forget that starting 2010, at the end of each month, monetary items (cash on hand, receivables, payables) denominated in foreign currency are valued at the NBR exchange rate in force on the last banking day of the month.

This procedure also applies to receivables and payables denominated in RON but pegged to a foreign currency for collection/disbursement.

Exchange rates to use for valuation at the end of June 2013:

1 EUR = 4.4588 RON; 1 CHF = 3.6123 RON; 1 GBP = 5.2077 RON; 1 USD = 3.4151 RON.

### JULY 2013 – AGENDA

#### Every day - do not forget

- To complete the petty cash register (or print electronic version)
- To complete the purchase ledger and sales ledger
- To update electronic employee registers with information regarding labour contract inception/ amendment or termination, if any

#### At month end - do not forget

- To complete the journal ledger
- To register contracts concluded during the month for services rendered by non-residents, with tax authorities as per article 8 point 7<sup>1</sup> of the Fiscal Code
- To revalue monetary assets and liabilities in foreign currency (cash on hand, assets, liabilities) at the NBR exchange rate in force on the last banking day of the month
- To organize a stock count of inventories if the enterprise does not use a perpetual inventory system
- To issue final invoices for the month of June 2013

#### To comply with requirements regarding VAT

- Mention the registration code under the scope of VAT on documents for EU business partners
- Check the validity of the registration code under the scope of VAT mentioned on invoices received
- Check the amount of VAT disclosed on invoices received
- Check references related to VAT (e.g.: "reverse charge", "operation not subject to VAT", etc...)
- On invoices, write VAT amount received in case of reverse charge
- Maintain the ledger of goods received
- Maintain the ledger of non-transfer of goods
- Mention which exchange rate will prevail (NBR or commercial bank) in contracts with foreign partners

#### During the month - do not forget

##### That Friday 5 July is the last day to submit

- Form 092 (amendments) to change VAT return periods from Quarterly to Monthly in case an EU acquisition of goods occurred in June 2013. Starting July 2013, VAT returns shall be submitted monthly.

##### That Wednesday 10 July is the last day to submit

- Return on collection of hotel tax
- Return for mentions (amendments) or deregistration under the scope of VAT in case of entities registered under the scope of VAT as per article 153 of the Fiscal Code which, during the previous year, do not exceed the exemption threshold set at article 152 of the Fiscal Code (form 096)

##### That Wednesday 10 July is the last day to pay

- Hotel tax
- Advertising service tax

##### That Monday 15 July is the last day to submit

- INTRASTAT statement for June 2013 (standard or extended, submitted on-line)
- Statements of acquisitions and supplies in the field of energy in June 2013

##### That Monday 22 July is the last day to submit

- Special VAT return (VOES System) for Quarter II 2013 for non-established taxable entities that rendered electronic services to non-taxable entities

##### That Thursday 25 July is the last day to submit

- State budget liability return (form 100)\*



**Do not forget the deadlines to submit tax returns or to pay taxes due**



- Return regarding social contributions, income tax and nominative list of insured persons (form 112)\*
- VAT return (form 300)\*
- Special VAT return for VAT non payers (form 301)\*
- Statement regarding amounts deriving from VAT adjustments (form 307)
- VAT return regarding VAT due by taxable entities in which registration code under the scope of VAT was cancelled as per article 153 point (9) letters a)-e) of the Fiscal Code (form 311)
- Recapitulative statement of EU supply/acquisitions/services (form 390)\* for June 2013
- Informative Statement on domestic supply/services rendered and acquisitions regarding June 2013 (form 394)\*
- Statement of salary income obtained from abroad by individuals who carry out activity in Romania and by Romanian citizens who are employees of diplomatic missions and consular posts accredited in Romania (form 224)
- Statement of allocation between associates of income and expenses pertaining to Quarter II 2013 (**form 104** to be submitted by associations which are not legal entities and formed between taxpayers as set at article 13 letters c) and e) of the Fiscal Code)
- Reimbursement request for excise taxes by importers for the previous quarter
- Reimbursement request of excise taxes for distance sales for the previous quarter
- Environment Fund Statement (including "ecotax")

#### That Thursday 25 July is the last day to pay

- Excise taxes
- VAT
- Liabilities to the sole bank account – **State Budget**
  - o **Tax on profit for Quarter II 2013** (advance payment system or actual system)
  - o Tax on micro enterprise revenue for Quarter II 2013
  - o Tax on crude oil and natural gas from domestic production
  - o Withholding tax on non-resident income
  - o Income tax on salary (separate bank transfer for headquarters and each secondary establishment)
  - o Tax on income from independent activities, withheld at source
  - o Tax on dividends paid in June 2013
  - o Tax on interest income
  - o Tax on investment income
  - o Tax on pension income
  - o Tax on income from prizes and gambling
  - o Tax on income from other sources
  - o Contribution for non-employment of disabled persons for employers with headcount over 50
- Liabilities to the sole account – **Public Insurance Budget and special funds**
  - o Social security contribution (pension)
  - o Health insurance contribution
  - o Medical leave contribution and health insurance allowance
  - o Unemployment contribution
  - o Contribution to fund to guarantee payment of salary liabilities
  - o Contribution to work accident and occupational disease fund
- 50% of the tax upon rental of rooms to tourists made by owners of rooms located in their private lodgings with an accommodation capacity of between 1 and 5 rooms (first instalment)
- Contribution to Environment Fund ("ecotax" included)

#### And in perspective.....

- "Accounting report" submission as at 30 June, 2013 (balance sheet, income statement, and informative data) due on or before Friday, 16 August, 2013, only by companies/branches required to do so!

#### IMPORTANT

All forms mentioned above as well as guidance on their preparation may be downloaded from the Ministry of Public Finance website: [www.mfinante.ro](http://www.mfinante.ro).

Tax returns noted with an asterisk (\*) may be submitted by remote means of electronic transmission by large and medium size taxpayers as well as by taxpayers which have opted to file their returns on-line and which hold a digital certificate.




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**25 July  
the deadline  
for submission  
and payment of  
profit tax and  
income tax on  
micro-enterprises  
for the second  
quarter**

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## KEY HR FIGURES

2013 Contributions	Employer and Beneficiary of activities considered dependent activities (% rate)	Employee and provider of dependent activities (% rate)
Social security contribution ( <i>pension</i> )	20.8% for normal working conditions 25.8% for particular working conditions 30.8% for special working conditions (contribution base capped at an amount representing the average amount of insured persons during the month for which the contribution is determined as 5 times the average monthly gross salary) <sup>1</sup>	10.5% (contribution base per employee capped at 5 average monthly gross salaries according to Budget for public social insurance, i.e. $5 \times 2,223 = \text{RON } 11,115$ ) <sup>1</sup> (contribution base for a person under civil contract: gross income)
Health insurance fund (based on gross salary)	5.2%	5.5%
Medical leave contribution and health insurance allowance (based on gross salary)	0.85%	
Unemployment fund (based on gross salary)	0.5%	0.5%
Work accident and occupational disease fund (based on gross salary) <sup>2</sup>	0.15% - 0.85% depending on CAEN code for main activity	
Contribution to fund to guarantee payment of salary liabilities (based on gross salary) <sup>3</sup>	0.25% (only for employees under labour contract included for retired persons)	
Salary tax		16%
Contribution for non-employment of disabled persons (for employers with more than 50 employees)	4 x 50% minimum gross salary (RON 800) for every 100 employees	
Minimum monthly gross salary as per Government Decision 23/2013	RON 800 (starting 1 July, 2013)	
Luncheon voucher - employee subject to salary tax starting May 2013	RON 9.35	
Per diem (in Romania) Employees in the public sector Employees in the private sector (x 2.5)	RON 13.00 RON 32.50	

Note 1: Contribution to pension is also due during periods when the insured person benefits from medical leave and health insurance allowances. For these periods, the contribution base is 35% of average monthly gross salary corresponding to the number of business days of medical leave.

Note 2: Contribution for work accident and occupational disease is also due during periods when the insured person benefits from medical leave and health insurance allowances. For these periods, the contribution base is the minimum gross salary where payment is guaranteed on a national basis corresponding to the number of business days of medical leave.

Note 3: The contribution to the fund to guarantee payment of salary liabilities is also to be calculated for health insurance allowances but only in respect of the first 5 days of temporary incapacity to work supported by the employer as well as for allowances for temporary incapacity to work further to a work accident or occupational disease but only in respect of the first 3 days of temporary incapacity to work supported by the employer.

Be Aware! Income paid to a person who carried out an activity considered dependent activity (example: in-house "captive" PFA or who meets at least 1 of the 4 re-qualification criteria mentioned in OUG 82/2010) is disclosed on a separate "Payment statement" and is included on form 112.

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***Our Mission:***  
***Adding Value to Client's Business***

*APEX Team includes qualified professionals able to provide a full range of accounting and payroll services. Our consultants are ready to share their knowledge and experience gained whilst working in Romania as consultants for one of the Big 4 international companies, having many international companies acting in a wide range of industries as clients.*

*The team includes chartered accountants (Romanian Chartered Accountants Body and also ACCA) specialised in accounting for business entities, as well as a group specialised in payroll administration on behalf of the client.*

*APEX Team provides a full range of accounting services, payroll services, local tax compliance and tax advice, as well as services tailored to your company needs:*

- Bookkeeping*
- Recurring accounting assistance*
- Payroll computation and additional HR services*
- Accounting and tax advice « on line »*
- Consulting and assistance in drafting transfer price files*
- Start up services*
- Organization of the accounting function*
- Assistance in implementation of ERP*
- Training*