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## **ORDINANCE 16 dated 30 July 2013 to amend and complement Law 571/2003 regarding the Fiscal Code and to rule financial and budgetary measures (Official Gazette 490/2013)**

Principal amendments are presented below. These amendments are effective 5 August 2013, except for situations where another application option was expressly mentioned in 2013.

### **Profit tax**

Provisions of the Fiscal Code have been updated for modifications to legislation in the European Directives following accession of Croatia to the European Union, starting 1 July 2013.

### **Income tax**

The provision regarding deduction of expenses incurred from taxable salary income for the purpose of realizing collective savings and real estate loans (up to a maximum amount equal to RON 300 per annum) has been abrogated.

### **Mandatory social contributions**

The retention procedure for the withholding regime for individual social contributions due by individuals who obtain some income from independent activities (as provided by article 52, point (1)), as well as individuals who obtain income from associations with entities which are not legal entities, is clarified. The taxpayer will declare individual social contributions by submitting the return regarding social contributions, income tax and nominative list of insured persons (form 112).

### **Value Added Tax**

#### **9% VAT rate**

The VAT rate of 9% is applicable to the following goods:

- all types of bread, as well as the following bakery specialties: croissants, rolls, bars, bagels, mini bread baguettes, loaves and bread braids, falling within NACE/CPSA code 1071;
- white flour, semi white wheat flour, dark wheat flour and rye flour, falling within NACE/CPSA code 1061;
- "triticum" spelt, common wheat and "meslin" falling within the NC 1001 99 00 code and rye falling within the 1002 90 00 code.

It applies starting with 1 September 2013.

#### **Simplification measures**

Applicability of simplification measures (reverse charge) provided as per article 160 from the Fiscal Code are extended to the following operations:

- delivery of electric energy to a taxable trading entity. A trading entity means any taxable person with its main activity of purchasing gas, electric and thermal energy or refrigerant. Such products are then resold, while the trader's own consumption is negligible.  
The energy supplier must obtain proof from the purchaser that the purchaser is a taxable trading entity in order to apply the reverse charge regime:
  - o electric energy supply license, issued by the National Energy Regulatory Authority In the Field of Electric Energy, certifying the purchaser's quality of trader of electric energy;
  - o statement under own responsibility from which it results that the main activity, in regards to the purchase of electric energy, is represented by resale of such products and that the trader's own consumption of electric energy is negligible;
- transfer of green certificates.

Provisions on the application of the reverse charge system for delivery of cereal and technical plants, electric energy and transfer of green certificates are extended through 31 December 2018, inclusive.

It applies starting 1 September 2013.

#### **Inactive taxpayers**

Beneficiaries purchasing goods/services from inactive taxpayers or from other persons with cancelled VAT registration may deduct VAT related to these services in the following situations:

- for goods purchased under the procedure of forced execution;
- for goods/services purchased from suppliers under the bankruptcy procedure as per Law 85/2006.

#### **Registration under the scope of VAT**

Persons who do not possess a valid VAT code will be allowed to deduct VAT corresponding to goods and/or services destined for operations carried out after the registration date. The VAT deduction will begin with the first VAT return submitted after registration under the scope of VAT.

## Cancellation of registration/re-registration under the scope of VAT

Tax authorities will cancel, ex-officio, the registration of taxable entities under the scope of VAT only in situations in which the majority shareholder(s) or the sole shareholder has infractions and/or misdeeds reported in their fiscal record for which a joint liability was established with the debtor declared insolvent, established by decision of the competent tax authority which is final and binding as per prosecution administrative procedures or by judicial decision. In this context, in case the shareholders who are culpable for the cancellation of VAT registration do not hold the majority at the moment of the re-registration request, the taxable entity may request re-registration even if the situation that led to the cancellation of registration under the scope of VAT continues.

Taxable entities with registration under the scope of VAT cancelled for not submitting VAT returns for six consecutive months or two consecutive quarters may register under the scope of VAT at any time, if the un-submitted VAT returns are presented, a motivated reason is provided, and if the entity agrees to submit VAT returns in compliance with deadlines provided by law. As a result, the following provisions have been repealed:

- A taxable entity registered under the scope of VAT to whom the VAT registration was cancelled, ex officio, following the non submission of any VAT return during a calendar half year could be re-registered under the scope of VAT only three months after cancellation.
- In the case of repeated non-compliance, the tax authority did not approve potential subsequent requests for re-registration under the scope of VAT.

Furthermore, the provision in which the taxable entities to whom the registration under the scope of VAT was cancelled, ex officio, for failing to file VAT returns submitted during a calendar half year and could submit a request for re-registration under the scope of VAT within a maximum of 180 days from the date of cancellation, has been repealed.

In case of cancellation of the supplier's VAT code, the beneficiary will no longer be entitled to exert the right of VAT deduction, starting the day after this cancellation is recorded within the Registry of taxable persons with registration under the scope of VAT cancelled.

Taxable entities whose VAT registration was cancelled, ex officio, by mistake, keep their quality as taxable entity being entitled to exert the right of VAT deduction.

The entities registered under the scope of VAT by mistake are not required to issue invoices containing VAT. Nevertheless, in situations when this occurs, it is mandatory to pay the tax, their beneficiaries being entitled to the right of deduction.

### Excise duties

The excise duty rate for ethyl alcohol was increased from EUR 750/hl pure alcohol to EUR 1,000/hl pure alcohol.

The scope of application of the non-harmonised excise duties is extended to a series of luxury products, as follows:

- gold and/or platinum jewelry, except wedding rings;
- natural fur garments;
- cars and SUVs, including imported or purchase from EU, new or used, with engine capacity is greater than or equal to 3,000 cc;
- hunting rifles and guns for personal use, other than those for military or sports purposes, as well as related ammunition;
- yachts and other vessels, with or without motors, for pleasure, except those used in professional sports.

The changes to excise duties enter into force on 1 September 2013

### Environmental stamp for vehicles

The Ordinance also brought amendments to GEO 9/2013 regarding the environmental stamp for vehicles.

The provision in which an environmental stamp was not needed for vehicles obtained following a marriage separation has been repealed starting 5 August 2013.

Legal entities also have the possibility to benefit from a voucher for each new purchased vehicle having a face value of RON 12,000, called an eco-voucher, in order to stimulate the purchase of new, non-polluting and energy efficient vehicles. The eligibility criteria, the eco-voucher's template and usage modality, as well as the funding methodology will be established in the Guide for programme funding approved through an order of the Environment and Climate Change Minister.

## GOVERNMENT DECISION 613 dated 14 August 2013 amending the Methodological Norms for applying Law no. 571/2003 regarding the Fiscal Code, approved by GD 44/2004 (Official Gazette 528/2013)

We mention below the main changes:

### CORPORATE TAX

- Provisions of Fiscal Code Norms have been correlated with existing provisions of the Fiscal Code on the conversion of EU Directives in the field of direct taxes into national law as a result of Croatia's accession to the European Union on 1 July 2013.
- Clarifications have been set regarding the tax deductibility calculation for profit tax purposes, to the limit of the RON equivalent of EUR 400 per year per participant, for contributions made by employers in Romania to voluntary pension funds for the benefit of employees, administered by authorized entities established in EU member states or the European Economic Area.



**Changes regarding re-registration for VAT purposes as a result of cancellation of registration**



## INCOME TAX

- ☑ Contributions paid by employers on behalf of their employees or by the employees directly to voluntary pension funds administered by authorized entities established in EU member states or the European Economic Area are deductible for the purpose of determining the taxable base for salary income within the limit of EUR 400 per year. The contribution deduction will only be granted based on the document concerning the qualification of the voluntary pension funds in question issued by the Financial Supervision Authority upon the request of either the employer or the employee, as appropriate.

The amendments entered into force on 22 August 2013.

### ORDER 852 and 1436 dated 26 August 2013 regarding the application of the reduced 9% VAT rate for bread and baked products (Official Gazette 543/ 2013)

The joint Orders of the Ministry of Agriculture and the Ministry of Public Finance provide clarifications regarding application of the 9% reduced VAT rate for bread and baked products starting 1 September 2013.

The definitions, according to art. 140 point (2) of the Fiscal Code, are:

- ☑ all types of bread, as well as the following bakery specialties: croissants, rolls, bars, bagels, mini bread baguette, loaves, and bread braids, that fit in the bakery products group of CAEN code/CPSA 1071;
- a) bread is defined as the product prepared from different assortments of flour, mixed or used as such, with or without other ingredients, kneaded with water, leavened by yeast fermentation and pre-baked or baked, including frozen, excluding products to which honey, eggs, cheese or fruits have been added and which have a maximum 5% sugar content or fat content in weight.
- b) croissants, rolls, bars, bagels, mini bread baguettes, loaves and bread braids are bakery specialties falling within the NACE/CPSA code 1071 which have the same composition as bread.

For bakery specialties listed per point b) above, but with fillings, the standard 24% VAT rate applies.

The 9% VAT rate is applicable to bagels irrespective of whether or not they are leavened by yeast fermentation.



### ORDER 938 dated 19 July 2013 for approval of form 630, "Tax decision on establishing the annual contribution to social health insurance" (Official Gazette 485/2013)

The Order approves form 630, "Decision on establishing the annual contribution to social health insurance", code 14.13.02.19, as well as the annex, "Conditions regarding establishing the monthly health social insurance contribution".

The form and annex are issued by the competent tax authorities and are used to adjustment amounts representing the contribution for social health insurance, due as advance payments, as well as to establish the social health insurance contribution in situations when advance payments were not established, according to the law, starting with the 2012 fiscal year.

The income categories for which the above forms are issued are:

- ☑ income from independent activities;
- ☑ intellectual property rights;
- ☑ agricultural activities;
- ☑ income under withholding regime of the income tax, from independent activities stipulated as per provisions of article 52 point (1) letter b) - d) of the Fiscal Code (income from activities performed under agreements/civil contracts concluded for conformity to the Civil Code, as well as agency agreements; income from the activity of accounting and technical expertise, judiciary and extra judiciary services; income obtained by an individual from an association with a taxpayer legal entity, as per provisions of Title IV<sup>^1</sup>, which does not generate a legal entity);
- ☑ associations which are not legal entities as per provisions of article 13 letter e);
- ☑ rental income;
- ☑ investments;
- ☑ prizes and gambling income;
- ☑ other sources.

### INSTRUCTION 22 dated 5 August 2013 regarding the NBR reference interest rate (Official Gazette 495/2013)

Starting 6 August 2013, the NBR reference interest rate is 4.50% per annum.

### LAW 250 dated 19 July 2013 amending and supplementing Law 76/2002 regarding unemployment insurance and promoting employment and amending Law 116/2002 on preventing and combating social exclusion (Official Gazette 457/2013)

The law brings a number of changes and additions to Law 76/2002, such as:

- ☑ the term, "long-term unemployed", has been introduced and refers to a person aged above 25 who is unemployed for more than 1 year or a person aged between 16 and 25 years who is unemployed for 6 months.
- ☑ The term, "youth at risk of social exclusion", has been introduced and it refers to: an unemployed person aged between 16 and 26 years, registered with the Unemployment Agency in his/her jurisdiction, being in the child protection system or coming from this system, having disabilities, not be-

**The reduced VAT rate of 9% is applicable from 1 September 2013 to all bread and bakery products**





### Important changes in the unemployment legislation

- longing to a family or the family is unable to support him/her, having dependent children, was convicted of a crime or is the victim of human trafficking;
- employers are required to notify Labour Agencies on vacancies filled within one day after their employment in accordance with the law;
  - unemployment benefits may be received not only by foreigners and stateless persons who have been employed or have received income in the country, but also by those who are allowed to work in Romania, according to the law;
  - unemployment benefits can be obtained by people who have ceased activity solely on the basis of a legal relation, other than those referred to letters a - e, f and g, if a contribution was due to the unemployment fund (Article I, Section 6). The law before the change only applied to those who had signed civil contracts;
  - Licensed individuals, freelancers, individual entrepreneurs as well as members of a family enterprise may be insured in the unemployment system (previously, the law only provided for persons who carried out independent activities);
  - Persons who are subject to social insurance legislation in Romania that are employed by an entity that has no registered office or Representative Office within Romania can be registered in the Romanian unemployment system by concluding an insurance contract with the Unemployment Agency if they are insured in both the Public Pension System and Health Insurance System and do not have the status of a retired person. An individual's monthly income is the tax base for unemployment fund, which cannot be lower than the national minimum gross wage, according to the law, and not higher than the equivalent of 5 gross average salaries;
  - unemployment benefits can be maintained during the period when the person moves within EU or EEA states and Switzerland in search of a job in the conditions of EU regulations;
  - employers who organize training programmes for their employees, conducted by authorized providers will receive a sum amounting to 50% of the costs of training services for a maximum of 20% of staff, once a year. Previously, the law provided for the same percentages, but for a single programme in a year;
  - employers who employ recent graduates for indefinite periods receive a monthly subsidy for each graduate for 12 months:
    - a) an amount equal to the reference social indicator for graduates of schools not considered high schools or arts and crafts schools
    - b) an amount equal to 1.2 times the reference social indicator for graduates of high schools or post-secondary schools
    - c) an amount of 1.5 times the reference social indicator for graduates of superior high schools (university)
  - Previously, the law stated that employers were exempted from paying unemployment contributions for a period of 12 months, also being entitled to receive the above subsidies. The exemption is no longer applicable;
  - the obligation of employers to maintain employment contracts with recent graduates employed as specified above has been reduced from 3 years to 18 months;
  - Employers who employ unemployed persons aged over 45 years that are single parents receive an amount equal to the reference social indicator for 12 months if the employment contract is maintained for 18 months;
  - Unemployed persons who establish SMEs, corporate units, individual enterprises, family enterprises or carry out activity as licensed individuals can obtain loans with favorable terms from the unemployment budget;
  - Employers who hire unemployed persons and keep them on staff for at least 6 months of employment will benefit from reducing the amount of employer contributions to the unemployment fund.

### DECISION 530 dated 24 July 2013 for granting short-term facilities regarding obtaining short-term visas, on Romania's territory, for certain foreigner categories (Official Gazette 506/2013)

The Decision regards foreigners who perform activities for Romanian or foreign legal entities on an off-shore installation placed in a marine area of exclusive economic development of the Romanian State who perform activities to develop natural resources from the territorial sea, contiguous area, or exclusive economic area of the Romanian State, will be granted with the right of entry and stay in Romania, based on Romanian short term visas with multiple entries permitted for business purposes, identified through C/A symbols.

The visa is granted for a period of between 1 to 5 years, with the duration of stay for a maximum of 90 days within any 180-day period.

The Decision is applied for a period of 3 years.

### GOVERNMENT DECISION 623 dated 21 August 2013 amending GD 274/2013 on granting de minimis State aid for investments made by small and medium size entities (SME) (Official Gazette 531/2013)

The Decision amends GD 274/2013 on the following issues:

- The period up to which the payment of de minimis State aid is made is reduced by one year to 31 December 2015 (previously 31 December 2016), within the annual budget allocated to the scheme;
- The maximum budget for the de minimis State aid scheme has been increased by RON 100 million, or from RON 400 million to RON 500 million;



- The estimated number of beneficiary SMEs of de minimis State aid was increased from 1,000 to 2,000.

**ORDER 2223 dated 22 August 2013 to approve model and content of form (307), "Statement regarding VAT adjustments/correction of adjustments/regularization" (Official Gazette 548/2013)**

The order updates the model and instructions to complete the form 307, "Statement regarding VAT adjustments/correction of adjustments/regularization".

**ORDER 2224 dated 22 August 2013 to approve model and content of form (311), "VAT return for taxable entities with registration code under the scope of VAT cancelled as per article 153 point (9) letter a) - e) or g) of the Fiscal Code" (Official Gazette 549/2013)**

**ORDER 1021 dated 29 July 2013 to approve model and content of form, "Decision on additional tax payment obligations established by fiscal inspection for legal entities" (Official Gazette 501/2013)**

The Order governs the model, content and instructions for filing the form, "Decision on additional tax payment obligations set by the fiscal inspection of legal entities", code 14.13.02.18. It is issued after anticipatory fiscal inspections performed for processing VAT refund applications and serves as a reimbursement decision.

The Order contains filing instructions.

**ORDER 1022 dated 29 July 2013 to approve model and content of some documents concluded within the fiscal inspection activity for individuals who carry out independent activities individually and/or under an association form (Official Gazette 505/2013)**

The Order establishes the model, content and filing instructions for the forms:

- "Decision on additional payment income tax and social contributions established upon a fiscal inspection for individuals who carry out independent activities individually and/or under a form of an association", code MFP 14.13.02.18/i.v;
- "Decision on additional payment tax obligations established by the fiscal inspection of individuals who carry out independent activities individually and/or under a form of an association", code MFP 14.13.02.18/o.f.

**ORDER 1023 dated 29 July 2013 to modify the Order of the President of the National Agency for Fiscal Administration 1.415/2009 regarding the approval of model and content of some documents and forms used in the activity of fiscal inspection of individuals (Official Gazette 504/2013)**

The Order establishes the model, content and filing instructions for the forms:

- "Tax decision on income tax established by the fiscal inspection of individuals who receive taxable income from economic activities which were not declared to tax authorities", code MFP 14.13.02.18/1.i.v;
- "Tax decision to process VAT application refund to individuals", code MFP 14.13.02.18/2.i.v;
- "Tax decision regarding VAT and other fiscal liabilities established upon fiscal inspection of individuals who receive taxable income from economic activities which were not declared to tax authorities", code MFP 14.13.02.18/3.i.v.

**ORDER 1024 dated 29 July 2013 to approve the model and content for "Decision for not proceeding to changes in the tax basis after fiscal inspection" (Official Gazette 501/2013)**

The Order establishes the model, content and instructions for filing the "Decision for not proceeding to changes in the tax basis after fiscal inspection" form, code 14.13.02.99/3. It is issued after anticipated fiscal inspections performed for processing VAT refund applications and serves as a reimbursement decision.

**LAW 279 dated 5 October 2005 regarding on employment apprenticeships - Republished (Official Gazette 498/2013)**

**INFORMATION - The Regime of social contributions during maternity leave**

Taxpayers for whom income tax is determined from the data of simple entry bookkeeping, who benefit from maternity leave, according to the stipulations of OUG 111/2010 regarding leave and monthly compensation to raise a child, must fulfill their tax obligations.

Taxpayers In the category to whom these requirements are applicable include:

- individuals provided as per article 296\*21 point 1) letter a) - e) of the Fiscal Code;
- entrepreneurs running an individual enterprise;
- members of family enterprises;
- persons with the status of licensed individual (PFA) who carry out economic activities;

Form 307 is a tax declaration form titled "Declaratie privind rezolvarea din aplicatia taxa pe valoarea adaugata". It includes fields for taxpayer identification, VAT registration details, and a section for VAT adjustments and corrections. The form is numbered 307 in the top right corner.

**The forms 307 and 311 have been updated**





- persons who derive income from a profession;
- persons who derive income from intellectual property rights.

In the period when the above-mentioned taxpayers benefit from leave and compensation to raise a child cannot carry out other activities subject to income tax, and in the situation when they carry out other activities, the maternity compensation is suspended. Income tax is not due for this compensation or for other mandatory social contributions.

In this context, taxpayers who obtain such compensation have the obligation to submit form 601, "Request to discontinue payment obligation for social insurance" with the competent tax authority, accompanied by documents issued by the paying institutions because the quality of taxpayer as being in the public pension system ceases.

In the situation when taxpayers do not benefit from this compensation, submission of form 600, "Declaration regarding income insured within the public pension system", within 15 days is mandatory, in order to be insured by the public pension system.

Source: DGFP Vâlcea

## INFORMATION – Individuals are subject to Social Health Insurance for other income categories

### Obligation

Persons who obtain income from rent, investments, prizes and gambling, fiduciary operations and from other sources have the quality of taxpayer in the system of social health insurance.

Persons who realize income as mentioned above during the fiscal year pay the related contribution on all income.

The monthly calculation base for the social health insurance contribution cannot be less than a minimum gross salary at the national level (RON 800).

### Attention!

Social Health Insurance (CASS) is not due for income listed above by the individuals who earn:

- income from salaries and assimilated to salaries;
- income in the form of unemployment benefits
- pension income
- income from independent activities carried out in the form of an individual enterprise (II), family enterprise (IF) or licensed individuals (PFA);
- freelancers;
- income from agricultural activities;
- income from independent activities subject to withholding tax (income from activities performed under agreements/civil conventions concluded pursuant to the Civil Code, as well as under agency agreements; income from the activity of accounting and technical expertise, judiciary and extra-judiciary services);
- income obtained by an individual from an association with a taxpaying legal entity - microenterprise, which does not generate a new legal entity); realized from the unincorporated associations set up between resident individuals and Romanian legal entities, both in Romania and abroad.

### Taxation base

- income from rental activities - net income, if lump sum amounts apply; annual standard income - for rental of rooms for tourism; net annual income - for those who determine income in a real system;
- income from investments - net gain;
- income from prizes and gambling - net income determined as the difference between the income from prizes or gambling and the amount representing non-taxable income;
- income from fiduciary operations;
- income from other sources - gross income generated.

The contribution to social health insurance is determined by the fiscal body according to an annual taxation decision, based on information from:

- statement of income obtained, in case of income from rental activities, transfer of notes, other than shares and securities, in case of closed companies and sale-purchase of forward currency operations, under a contract, and any other similar operations;
- statement regarding calculation and retention of tax for each income beneficiary;
- tax records for income from rental activities, when net income is determined by deducting expenses determined after applying the 25% rate on gross income.

The social health insurance contribution is calculated in the subsequent year, by applying the individual contribution rate to the taxation base.

### Payment of the contribution

Amounts representing the annual payable obligation in respect of the social health insurance contribution, as determined under the taxation decision.

Source: DGFP Vâlcea

**ORDER 3 dated 9 August 2013 to amend and complement the annex to NBR Order 10/2012 to approve the half-year accounting reporting system applicable to entities being under NBR regulatory domain (Official Gazette 513/2013)**

**Pay attention at situations when the health insurance is due for other income than salaries**



## DECISION 590 dated 14 August 2013 to establish 16 August 2013 as day off (Official Gazette 513/2013)

By this decision, for employees in the public sector, 16 August 2013 was declared as day off, to be recovered within the 24 August - 30 September period.

The Decision defines exceptions to granting days off for certain branches of activity.

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

The August closing NBR exchange rates to use for valuation of monetary items (cash on hand, receivables, and 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 = 4.4367 RON; 1 CHF = 3.6017 RON; 1 GBP = 5.1909 RON; 1 USD = 3.3510 RON.

### SEPTEMBER 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 71 of the Fiscal Code. In case a written contract is not concluded, documents which support the actual provision of services in Romania (statements of work, commissioning minutes, activity reports, feasibility studies, market studies, any other supporting document are registered with tax authorities
- 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 organise a stock count of inventories if the enterprise does not use a perpetual inventory system
- To issue final invoices for the month of September 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 6 September is the last day to submit

- Form 092 (amendments) to change VAT return periods from Quarterly to Monthly for EU acquisitions of goods in August 2013. Starting September, the VAT return will be submitted monthly. The July-August period will represent a distinct fiscal period for which a VAT return will be submitted, and is due by 25 September 2013.

##### That Tuesday 10 September 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 Tuesday 10 September is the last day to pay

- Hotel tax
- Advertising service tax

##### That Monday 16 September is the last day to submit

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

##### That Wednesday 25 September is the last day to submit

- State budget liability return (form 100)\*
- 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 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)



**Do not forget  
the deadlines for  
submission of tax  
returns and  
payment of taxes  
and contributions**





- Recapitulative statement of EU Supply/acquisitions/services (form 390)\* for August 2013
- Informative Statement on domestic supply/services rendered and acquisitions regarding August 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)
- Environment Fund Statement ("ecotax" excluded).

**That Wednesday 25 September is the last day to pay**

- Excise taxes
- VAT
- Liabilities to the sole bank account – **State Budget**
  - 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 August 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.
  - o advance payment of 50% of the income tax on the income from agricultural activities (first installment) by taxpayers who obtain income from agricultural activities
  - o Income tax (advance payment) for Quarter III 2013 for taxpayers who obtain income from independent activities, rental revenue and agricultural revenue (as per article 71 of the Fiscal Code)
- the health insurance contribution**
  - o related to 3rd quarter of 2013 due by taxable persons referred to in Fiscal Code, article 296 ^ 21 para. (1) let. a) - e), as below:
    - a) individual entrepreneurs;
    - b) members of a family enterprise;
    - c) licensed individuals (PFA)
    - d) freelancers;
    - e) individuals obtaining income from intellectual property rights, on which income tax is calculated on the basis of the information from single entry bookkeeping.
  - o related to 1st semester of 2013 due by taxpayers referred to in art. 296 ^ 21 para. (1) let. g) obtaining income from agricultural activities
- Annual license fee for gambling operators pertaining to Quarter IV 2013
- Contribution to Environment Fund ("ecotax" excluded).

**30 September is the last day to submit the refund requests for VAT from other EU member states (forms 313 and 318)**

**That Monday 30 September is the last day to submit**

- Application for VAT refund for taxable persons established in Romania as per article 1472 point 2) of the Fiscal Code (form 318)
- Application for VAT refund for taxable persons who are not registered in the scope of VAT in Romania and are established outside the European Economic Community (EEC) (form 313).

**That Monday 30 September is the last day to pay:**

- Local taxes on land, construction, means of transport and the tax on advertising billboards (Installment II and final for 2013).

**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.

## 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 x 2,223 = 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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*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.*

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- Start up services
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- Assistance in implementation of ERP
- Training