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EMERGENCY ORDINANCE 109 dated 7 October 2009 to amend and complement Law 571/2003 – Fiscal Code (Official Gazette 689/2009)

General provisions

Among important changes brought by this Ordinance, we mention:

- Changes to the definition of some terms, such as the notion of dividends, Romanian legal entity, foreign legal entity, resident and tax basis.
- Introduction of the notion of legal entity set up as per European legislation and of security value.
- Clarifications regarding definition of permanent establishment and obligation to register contracts for provision of services concluded with non-resident service providers. It is specified that contracts for provision of services rendered outside Romania should not be registered. To qualify a building site or construction project, assembly project or supervision activities related to it or similar activities as a permanent establishment, the date of inception of activities pertaining to the contract concluded with the Romanian legal entity which is the beneficiary will be considered as well as any other information which proves the inception of activities. The time period for performance of related contracts which are directly associated with the first contract which has been performed are added to the time period to perform the base contract.

Corporate tax

- A new category of legal entities subject to corporate tax appears: legal entities set up as per European legislation having its registered headquarters in Romania.
- Refund of interest or penalties for late payments which had been tax deductible are not taxable income.
- Interest expense and payment for late payment charged by non residents as per commercial contracts concluded become tax deductible.
- Deadline for submission of the annual corporate tax return (form 101) and disbursement of the related corporate tax has changed. The deadline will be 25 February (vs. 15 February at present) for taxpayers which have finalized at this date the computation of the annual corporate tax and 25 April (vs. 15 April) for other taxpayers who have not finalized the computation of annual corporate tax as at the previous deadline and who have paid a corporate tax equal to the amount paid for Quarter III in January.

Tax on dividends

- Tax on dividends due upon declaration of dividends which had not been disbursed prior to year-end is paid by 25 January of the subsequent year at the latest (vs. 31 December at present).

Income tax

- Rental income derived by natural persons from more than 5 rental contracts in progress at year-end is deemed income from independent activities.
- Deadline for submission of annual tax returns for taxpayers who are natural persons, associations who are not legal entities as well as taxable entities which obtained income from abroad will be 25 May (vs. 15 May at present).

Tax on income for non residents

- Clarifications are given regarding withholding tax on the income paid to a non resident as well as related exemptions. Provisions of the Fiscal Code are harmonized with treaties to avoid double taxation and that of European legislation as well as with respect to aspects of mandatory procedures (annual return regarding withheld tax, tax certificate, tax payment, etc.).
- Specific provisions are introduced regarding proof of conditions necessary to benefit from a more favourable tax rate from European legislation or treaties to avoid double taxation.
- Starting 1st January 2011, a separate chapter named "Royalties and interest from associated enterprises" will apply.

Tax on Representative Offices

- Deadline for the instalments for paying tax on Representative Offices become 25 June and 25 December (vs. 20 June and 20 December, respectively, at present).
- Annual tax remains Euro 4,000.

VAT

Many changes occur in this field due to the incorporation of European Directives regarding VAT into national legislation.

A short presentation regarding VAT on services is presented below as this is where the main changes from the present legislation occur.

SERVICES

Base rule: the place where service is rendered is the location where the regular address of the person to whom the services are rendered is located. In absence of regular address or location, the location where service is rendered is where the person to whom the services are rendered has its stable domicile or regular residence. The location for rendering service to a non taxable entity is where the service provider has established headquarters for its economic activities.

Present rules are maintained for:

- Services related to immovable items – the location where the immovable item is located – these services are not to be declared on the Recapitulative Statement;
- Services for transport of travellers – the place where the transport is made in function of the distances covered;
- Main and auxiliary services related to cultural, artistic, sports, scientific activities – the location where services are effectively rendered – these services are not to be declared on the Recapitulative Statement;
- Restaurant and catering services provided on board boats, planes or trains during the transport of persons within the European Union (EU) – these services are not to be declared on the Recapitulative Statement.

Rules for the determination of the location where services are rendered change for the following:

- Restaurant and catering services (except for those provided on boats, planes or trains). The location is deemed to be where the service is effectively rendered (vs. the place where the service provider is established at present).
- Short term rental of means of transport – the location where the means of transport is effectively put at the disposition of the client. Short term is defined as possession or continuous use for a period not exceeding 30 days (for the means of transport) and 90 days (for boats). These services are not to be declared on the Recapitulative Statement.
- Intermediary services
 - o The location of rendering the services is deemed to be where the person to whom the services are rendered is established in case of services rendered to taxable entities;
 - o It is the location of main operations if the services are rendered to non taxable entities;
 - o Intermediary services rendered by real estate agents and experts do not fall into this category. For real estate agent services, the location for rendering services is where the associated real estate is located.
- Construction and valuation of tangible movable items
 - o The place for rendering service is where the beneficiary is established in case of services rendered to taxable entities. By exception, services rendered to beneficiaries established outside the EU are taxable in Romania at the location of actual provision of services;
 - o It is the place where services are actually rendered if the services are rendered to non taxable entities.
- Accessory transport services – the base rule in case of provision of services to taxable entities applies. If services are rendered to non taxable entities, it is where services are actually rendered.
- Services of transport of goods other than transport within the EU – where the beneficiary is established (base rule in

case of services rendered to taxable entities) and in case of non taxable entities, where the transport is performed in proportion to distances covered.

- Services of transport of goods within the EU – where the beneficiary is established (base rule in case of services rendered to taxable entities) and in case of non taxable entities, it is the departure point.

OTHER CHANGES REGARDING VAT

- The following principle is established: a taxable entity which performs non taxable operations is considered from a VAT point of view a taxable entity for all the services rendered to it.
- A non taxable legal entity which registers in the scope of VAT becomes a taxable entity for all the services which are rendered to it.
- Implementation procedures for applying VAT in case of change of regime or VAT rate are described.
- Clarifications are given regarding adjustments to input VAT on capital items as per article 149. It is specified that capital items subject to adjustments are those with a useful life equal to or greater than 5 years. Subsequently, capital items with useful life of less than 5 years are not subject to adjustments. In this respect, useful life to be taken into consideration is useful life for computation of tax deductible depreciation expenses. Besides, capital items which represent the object of rental, lease, concession or other means of putting placing at the disposition of a person are considered belonging to the person.
- Simplification measures as per article 160 in case of supply/provision of services by or to a person for which an insolvency procedure was introduced are abrogated.
- The "Recapitulative statement for EU deliveries and acquisitions" suffers significant changes: **form 390 will be submitted monthly, by the 15th of the subsequent month at the latest** (as INTRASTAT returns are) and, **in addition, will disclose EU provision and acquisition of services.** Only services which are taxable in the member State of the beneficiary must be declared, which means that the Romanian service provider will need to know whether or not the operation is taxable in the State of the beneficiary.
- A simplified procedure is introduced for VAT refunds to non taxable entities that purchase goods and services from a member State other than the State where they are established.
- The Ordinance abrogates Law 260/2007 on recording commercial operations by electronic means. Subsequently, enterprises can transmit their invoices by electronic means in accordance with provisions of Law 571/2003 – Fiscal Code and of Government Decision 44/2004 to approve implementation norms of Law 571/2003.

Excises

- By the means of this Ordinance, a new chapter regarding a Harmonized excise tax regime is introduced and triggers special taxes levied directly or indirectly on the consumption of alcohol, alcoholic drinks, tobacco and products in the field of energy and electricity.
- Significant changes occur for other items subject to excise tax. Starting 1st April 2010, products on which excise taxes were levied as a percentage are no longer excisable products: articles made of natural skins, articles of crystal, gold and /or platinum jewellery, perfume, weapons and hunting weapons other than for military use, yachts, other boats and small crafts with or without engines for leisure purposes, as well as engines over 25 HP intended for yachts, other boats and small crafts for leisure purposes.
- Transition provisions are also set for movement of excise products to other EU member States under the suspense

regime which have not yet adopted the required information system.

Changes brought by the Ordinance enter in force on 1st January 2010 except for those related to the harmonized excise regime as well as other provisions regarding products subject to excise tax which will enter in force on 1st April 2010.

Exchange rate for computing excise taxes in 2010

As per European Union Official Gazette C237/02.10.2009, the exchange rate applicable in 2010 for computing excise taxes in RON, for the tax on crude oil from domestic production and tax on automobile pollution is 1 Euro = 4.2688 RON.

DECISION 956 dated 19 August 2009 on the level of tax bases, local taxes as other assimilated taxes as well as applicable fines starting 2010 (Official Gazette 633/2009)

Starting 2010, the level of tax bases, local taxes, assimilated taxes and related fines is increasing. The average rate of increase is 20%.

Some taxes that are going to increase are listed below:

- Tax base upon which tax on construction is levied to natural persons;
- Tax on property which is to be paid by any person who owns a plot of land;
- Tax on the means of transport which is to be paid by any person who owns a means of transport which must be registered in Romania;
- Tax upon issue of certificates, permits and authorisations;
- Tax upon billboards for advertising;
- Tax on artistic or leisure events;
- Fines for not filing or late filing of returns specific to local taxes.

Local public authorities will draft decisions to set the level of local taxes for 2010, within 45 days of 24 September 2009.

LAW 324 dated 20 October 2009 to approve Government Emergency Ordinance 46/2009 to improve fiscal procedures and reduce tax evasion (Official Gazette 713/2009)

This Law approves OUG 46/2009 to improve fiscal procedures and reduce tax evasion, and introduces some amendments and complements. Among them, the deadline to apply for continued benefit from instalment payment of fiscal debts set by the Ordinance is postponed until 30 November 2009.

Deadline when the taxpayer must prove that the fiscal liabilities set by the Ordinance have been settled is postponed until 25 December 2009, this being a covenant to qualify for a new instalment scheme for unsettled fiscal debts. Penalties for late payment will be calculated by the tax authorities upon the remaining debts and will be communicated to the taxpayer by 31st January 2010 at the latest and must be paid by 31st March 2010 at the latest.

ORDER 2861 dated 9 October 2009 to approve Norms on organisation and performance of inventory assets, liabilities and equity (Official Gazette 704/2009)

This Order replaces OMFP 1753/2004 which until now regulated norms regarding organisation and performance of an inventory of the patrimony.

Its provisions enter in force 15 days after publication, i.e. 4 November 2009.

The Order establishes the legal framework, the procedures and the documentation which is prepared at the time of the inventory of the enterprise patrimony.

We mention below some extracts of this Order.

Companies must issue internal procedures regarding inventory which are approved by the company Director.

Provisions of the present Order apply to persons who obtain income from independent activities and who must as

per law organise and maintain simple entry bookkeeping.

In accordance with Accountancy Law 82/1991, republished, companies must perform an inventory of items they hold with the nature of assets, liabilities, equity at inception of activity, at least once during the financial year while carrying out its business, in case of merger or termination of business, as well as in other circumstances.

All the elements having the nature of assets are placed under the responsibility of a keeper or are used by employees or company Director(s).

As per Accounting Law, entities which have a financial year different from the calendar year organise and perform an annual inventory in such a manner that the outcome of the inventory is included in the financial statements prepared for the year end that was chosen. In case of stock count in warehouses during the year, the amount of the inventories existing at the date of performance is disclosed in the Inventory Register and is mentioned in the inventory lists which are updated with the entries and stock releases which occur in the period between the stock count date and year end.

INVENTORY COMMITTEE

The inventory of items having the nature of assets, liabilities and equity is performed by an inventory committee which is appointed by a written resolution of the company Director. In the designation resolution, it is mandatory to indicate the composition of the committee (name of the President and the committee members), mode of performance of the inventory, inventory method used, warehouse subject to inventory, as well as inception and completion date of inventory operations. The warehouse keeper in charge of the warehouse subject to inventory, the accountant who tracks inventories for this warehouse, internal auditors and statutory auditors cannot be appointed members of the inventory committee.

In case the entity has no employee, the Director is in charge of the performance of the inventory.

ITEMS HELD BY THIRD PARTIES

Inventory lists including items which belong to third parties are transmitted to the natural or legal, Romanian or foreign persons to which the items belong within 15 working days after completion of the inventory so that the owner may communicate any discrepancies within 5 working days starting the date the inventory lists are received.

Lease companies must request that users be provided with inventory lists regarding items representing the object of the contract. Based on information included on these lists, the lease company can calculate and register adjustments regarding depreciation of assets or financial assets, if applicable.

In case the user does not provide the inventory lists to the lease company, the lease company can record adjustments regarding depreciation of these items on the basis of the market prices available at the date of inventory, taking into account features of the item which represents the object of the lease (year of manufacture, useful life).

In this respect, entities which hold items must make a stock count and communicate the inventory lists for confirmation, just as the owners of these items must request confirmation of the items held by third parties. **Not receiving a confirmation of the existence of the items held by third parties does not represent tacit confirmation.**

CONFIRMATION OF BALANCES

Receivable and payable balances are subject to verification and request for confirmation of the closing balances of receivables and payables with significant weight in these accounts using the "Statement of account" form (code 14-6-3) or by written reconciliation. Breaching these procedures as well as refusal to confirm represent an infringement to the present Norms and is punished as per law.

Cash at bank or at State Treasury in the entity books are reconciled with the closing balances as per bank statements. For this

purpose, the bank statements as at 31 December or the last banking day which will be provided by the banks and State Treasury will bear their official stamp. In case the entity has opted as per the provisions of Law 82/1991 republished for a financial year other than the calendar year, information regarding the last day of the chosen financial year will then be taken into account.

INVENTORY LISTS

Each page of the inventory list is signed by the President and inventory committee members, by the warehouse keeper as well as by the experts the inventory committee President has requested to participate in the identification of the items subject to inventory.

In case the elements having the nature of assets are subject to inventory using electronic methods of identification (for example: bar code reader, etc.), data being directly transmitted into the financial and accounting management system, the inventory lists are issued directly by the IT system. Comprehensive lists are printed with all captions subject to inventory or in a selective manner only for captions for which differences in quantity or in value (depreciation) were found, if applicable. In case the inventory lists are printed for the sole captions for which differences in quantity or in value were found, comprehensive inventory lists are kept in a magnetic support for the legal conservation period of such documents. In this case, the valuation of items to determine eventual adjustments is performed by analysis upon all the items subject to inventory and not only upon those for which differences in quantities were found.

Partial stock counts as well as stock counts performed during the year when the entity performs several stock counts are performed in accordance with the present Norms, except for maintaining the "Inventory Register" (code 14-1-2) which is completed at the time of the annual inventory.

INVENTORY DIFFERENCES – ADJUSTMENTS / ATTRIBUTABLE / BALANCES

For all differences in plus or in minus, impairments to items found at the time of the inventory and losses subsequent to confirmation of receivable, the inventory committee requests written explanations from the persons in charge of keeping the items, collecting receivables, etc. in order to establish the nature of missing quantities, losses, damages and impairments which were found as well as the provenance of excess quantities and make proposals regarding accounting entries in accordance with legal provisions regarding the modality to adjust the accounting data with factual data which result from the inventory.

In case of missing quantities which the warehouse keeper are liable for, the Director must charge them to the responsible person at replacement cost or at a value set by an expert committee in case these items cannot be purchased on the market.

To determine the applicable amount, in case missing quantities do not represent infractions, the possibility to balance missing quantities with quantities in excess is taken into account if the following conditions are met:

- There is a risk of confusion between the types of tangible items due to their similarity in which regards their external aspect: colour, design, model, dimensions, packaging or other features;
- The differences found in plus or in minus refers to the same period and to the same warehouse.

A balance is not admitted when it is proved that the missing quantities found at the time of the inventory come from subtraction or impairment of items performed by persons who are responsible for keeping these items.

Lists disclosing the type of goods, merchandise, packaging and other tangible items which meet conditions for balancing excess and missing quantities due to the risk of confusion are

approved annually by the Director, the head of the public entity or the person who is responsible for management and are used for internal purposes within the entity.

Balancing is made for equal quantities between quantities in excess and missing quantities. Equalizing quantities is made starting with the items with the lowest unitary cost and in increasing order. For items for which fall in weight/length/volume is admissible, in case of balance between quantities in excess and missing quantities, decreases are only computed in case missing quantities are larger than quantities in excess. In this case, decreases first applies to items for which missing quantities were found.

The Norms afferent to admissible limits for perishable items or internal norms in this respect do not apply by anticipation, but only after, and up to the limit of, missing quantities found. The limits for perishable items do not automatically apply, being considered upper limits.

OUTCOME OF THE INVENTORY

The outcome of the inventory is disclosed in minutes drafted by the inventory committee which includes:

- date prepared;
- names and surnames of members of the inventory committee;
- number and date of the resolution for appointment of the inventory committee;
- warehouse(s) subject to inventory;
- inception and completion date of inventory operations;
- results of inventory;
- conclusions and proposals of inventory committee regarding causes of quantities in excess and missing quantities found at the time of the inventory and persons liable for losses, as well as proposed corrective measures to be taken;
- volume of impaired inventories, inventory without movement or slow moving stock, items which are difficult to sell, without known outlet and proposed measures to reintegrate them in the economic circuit;
- proposals to write off tangible and intangible fixed assets;
- proposals to withdraw from use small inventories and for impairment of or writing off inventory;
- findings regarding conservation, warehousing, safety, assurance of entirety of items in patrimony as well as other matters related to activities of the warehouses which were subject to inventory.

The proposals comprised in the minutes of the inventory committee are presented to the Director within 7 working days after completion of the physical inventory counts. The Director will decide the measures to be taken in coordination with the head of the accounting and finance department and the head of the legal department in accordance with legal provisions.

INVENTORY REGISTER

In case the inventory is performed during the year, data resulting from the physical inventory are updated with entries and releases of the period from the date of inventory and the date for closing the financial year, the updated data being then noted in the inventory register.

Completing the inventory register is made at the time all the balances of all the balance sheet accounts are finalized including those related to corporate tax and adjustments for depreciation or impairment, if any.

The inventory register can be adapted to the specifics and internal requirements under the condition that mandatory minimum information is disclosed.

Results of the inventory must be recorded in the evidence kept for tracking operations within the 7 working days from the date of approval of the minutes of inventory by the Director.



invites you to participate in the **“2010 VAT AND TAX NEWS”** seminar
Changes in VAT legislation starting 1st January 2010

VAT changes and case studies

8 - 9 December 2009

RIN Grand Hotel, Sos. Vitan-Barzesti nr. 7D, Bucharest, District 4

Seminar leader

Delia Catarama, PhD, Lecturer, Academy of Economic Studies, Bucharest, VAT specialist, General Secretary IFA – Romanian Branch, member of commissions to implement European Directives on VAT, CECCAR group representative for “Indirect and Direct Taxes” programme, European Federation of Chartered Accountants.

Program

8 December 2009

- Base rules for application of VAT
- VAT pack 2010:
 - Permanent establishment & established person
 - Place where services are rendered
 - Taxable persons
 - Capital items

9 December 2009

- News 2010 regarding VAT:
 - Registration in the scope of VAT
 - Returns
- News 2010 General provisions
- News 2010 regarding Corporate Tax
- News 2010 regarding Income Tax

The seminar will be held in the Romanian language.

Participation fees are EUR 320 (VAT not included)

Price includes:

- Seminar fee
- Seminar materials
- Coffee breaks
- Lunch

For registration of at least 2 participants from the same company, a 5% discount will be granted.

Registration deadline: **20 November 2009**

Registration may be made by e-mail, using the address:

office@apex-team.ro

Contact:

Phone: 031 809.2739 / 074 520.2739

Fax: 031 805.7739

INSTRUCTION 36 dated 1st October 2009 regarding the National Bank of Romania (NBR) reference interest rate for October 2009 (Official Gazette 648/2009)

For the month of October 2009, the NBR reference interest rate is 8.50% per annum.

REGULATION 20 dated 13 October 2009 regarding non banking financial institutions (Official Gazette 707/2009)

GOVERNMENT EMERGENCY ORDINANCE 113 dated 12 October regarding payment services (Official Gazette 685/2009)

This Ordinance brings provisions of Directive 2007/64/CE of the European Parliament and Council regarding payment processing services on the local market into the national legislation. Its provisions enter in force on 1st November 2009.

We mention its main aspects below.

A “payment institution” is a legal entity which can render payment services strictly under the condition to obtain a license in this scope from the NBR further to procedures described in the Ordinance. Payment services refer to:

- payment operations through a payment card or similar device;
- issue or acceptance of payment instruments as payment;
- perform payment operations by the intermediary means of telecommunication, digital or IT;
- direct debits, etc.

The Ordinance sets the framework in which some institutions are already regulated, such as credit institutions or institutions issuing electronic currency. Payment institutions will be able to render payment services in the sense and in accordance with provisions of this Ordinance.

To be licensed, payment institutions must meet certain conditions regarding the level of start-up capital, administration payment service activities, persons in charge of managing and administering the activities, the quality of shareholders who hold qualified interests, etc.

Payment institutions can also render other activities in addition to payment services such as opening payment accounts for clients, granting loans, rendering operational and accessory services related to payment services or to the administration of payment systems.

H.R. KEY FIGURES

2009 Contribution	Employer (%)	Employee (%)
Social security contribution	20.8% for normal working conditions 25.8% for particular working conditions 30.8% for special working conditions	10.5%
Medical leave contribution and health insurance allowance	0.85%	
Work accident and occupational disease fund	0.15% - 0.85% depending on CAEN code for main activity	
Unemployment fund	0.5%	0.5%
Contribution to fund to guarantee payment of salary liabilities	0.25%	
Health insurance fund	5.2%	5.5%
Labour office commission	0.25% or 0.75%	
Salary tax		16%
Contributions for non employment of disabled persons (for employers with more than 50 employees)	4 x 50% minimum gross salary (RON 600) for every 100 employees	
Minimum monthly gross salary	RON 600 for unqualified positions RON 720 for positions requiring High School RON 1,200 for positions requiring a University degree	
Luncheon voucher	RON 8.72 starting September 2009	
Average monthly gross salary (INSSE August 2009)	1,845 RON	
Per diem (in Romania)		
Employees in the public sector	13.00 RON	
Employees in the private sector (x 2.5)	32.50 RON	

Regarding credit activity, payment institutions can grant loans related to some of the payment services, but in the respect of some conditions as well as the accessory feature of the credit which must be granted exclusively in relation to performance of payment operations or the credit refund at least 12 months after it were granted. The credit activity performed by the payment institutions is performed in accordance with provisions of Law 93/2009 regarding non banking financial institutions.

The Ordinance establishes the "European passport" procedure in which payment institutions licensed in a member State can render payment services in Romania based on a notice transmitted to NBR.

Provisions are introduced regarding minimum content of the framework contract between the service provider and the user of payment services as well as conditions under which this contract can be amended or terminated by the parties.

Entities who render payment services at the date the present Ordinance enters in force must apply for a license with the NBR by 31st December 2010, and, after 30 April 2011, they can no longer render payment services without a license.

At the date the Ordinance enters into force, OG 6/2004 regarding trans-border transfers and article 13 of OG 130/2000 regarding consumer protection regarding conclusion and performance of distance contracts are abrogated.

ORDER 2477 dated 24 September 2009 to approve technical Norms for use of Import Control System (ICS) (Official Gazette 640/2009) and ORDER 2578 dated 1st October 2009 to approve the Norms regarding access to ICS-RO national application by economic operators for Import Control System (Official Gazette 669/2009)

As per provisions of these 2 Orders, starting 1st October 2009, economic operators can use the Import Control System ("ICS-RO"). ICS-RO is an electronic system to submit Entry Summary Declarations ("ENS") in electronic format with the customs authorities, for the goods which will be introduced into EU territory customs point.

The simplified electronic entry statement is submitted prior to arrival of goods on EU territory. Filing deadlines vary according to the means of transport. In case of road transport, the ENS must be submitted at least one hour before arrival of the goods at an EU customs point of entry.

Submitting an ENS implies an electronic exchange of information between the National Customs Authority and the economic operators which can be made by using one of the following technical solutions:

- exchange of secured messages between the ICS-RO application and the economic operation application, known as "Exchange Data Interface" (EDI);
- "WEB interface" – secured connection to ICS-RO to from economic operators using a Direct Trader Input (DTI) mechanism.

The use of CS-RO and submission of an ENS are optional until 1st January 2011 when they become mandatory.

NOVEMBER 2009 – AGENDA**Every day - do not forget:**

- To complete the petty cash register (or print electronic version)
- To complete the purchase ledger and sales ledger

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
- 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 November 2009

To comply with new 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
- Medical leave contribution and health insurance allowance
- Unemployment contribution
- Contribution to fund to guarantee payment of salary liabilities
- Commission to ITM for holding and updating Labour books
- Contribution to work accident and occupational disease fund
- Contribution for non employment of disabled persons for employers with headcount over 50
- Contribution to the Environment Fund
- Gambling tax.

During the month - do not forget

That Friday 6 November is last day to submit

- Form 092 (amendments) to change VAT return periods from Quarterly to Monthly for EU acquisitions in October 2009. Starting November, the VAT return will be submitted monthly.

That Tuesday 10 November is the last day to submit

- Return for collection of hotel tax

That Tuesday 10 November is the last day to pay

- Hotel tax
- Advertising service tax

That Monday 16 November is the last day to submit

- INTRASTAT statement for October 2009 (submitted on-line)

That Monday 16 November is the last day to pay:

- Agricultural revenue tax (50% Instalment II and final for 2009).
- Billboard tax (Instalment IV and final for 2009)

That Wednesday 25 November is the last day to submit

- State consolidated budget liability return (form 100)*
- Social insurance and special funds liability return (form 102)*
- Excise tax return (form 103)*
- VAT return (form 300)*
- Social security statement with list of insured persons
- Social security statement regarding liabilities to the National Fund for health insurance, medical leave and compensation from health insurance
- List of insured employees and health contribution to social health insurance fund
- Unemployment fund statement with list of insured persons
- Tax return for commission due by employers to the Labour Inspectorate (ITM)
- Statement of 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)
- Special VAT return for VAT non payers (form 301)*
- Environment Fund Statement.

That Wednesday 25 November is the last day to pay:

- Excise taxes
- Tax on crude oil and natural gas from domestic production
- Withholding tax on non-resident income
- VAT
- Salary tax
- Tax on income from independent activities, withheld at source
- Tax on interest income
- Tax on investment income
- Tax on pension income
- Tax on income from prizes and gambling
- Tax on income from other sources
- Social security contribution
- Health insurance contribution

All forms mentioned above as well as guidance on their preparation may be downloaded from the Ministry of Economy and Finance website: www.mfinante.ro

The tax returns noted with an asterisk (*) can be submitted by remote means of electronic transmission by taxpayers which have opted to file their returns on-line and which hold a digital certificate.





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ACCOUNTING AND PAYROLL
EXPERT TEAM

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 »**
- Start up services**
- Organization of the accounting function**
- Assistance in implementation of ERP**
- Training**



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