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EMERGENCY ORDINANCE 99 dated 25 June 2020 on some fiscal measures, amending some normative acts and extending some deadlines (Official Gazette 551/2020)

The ordinance brings forth several fiscal measures, we mention the most important ones below.

Extension of compliance periods

The following facilities have been extended until 25 October 2020:

- Postponement of calculation of interest and late-payment penalties for tax obligations that became due after 21 March 2020.
- Measures for enforcement of budget receivables, with the exception of enforcement which applies to recovery of budget receivables established by final judgments in criminal matters;
- VAT refund procedures carried out with subsequent performance of fiscal inspections established by GEO no. 48/2020;
- Postponement of calculation of interest and late-payment penalties on unpaid scheduled instalments under the Fiscal Procedure Code.

Bonuses for early payment of taxes

Bonuses granted in the first quarter for payment of corporate income tax and tax on micro-enterprises are extended, and will be applied for the second and third quarters of 2020.

The bonus of 10% is granted to corporate taxpayers, regardless of the declaration and payment system, and to micro-enterprise taxpayers, which remit quarterly taxes due by 25 July 2020 and 25 October 2020 inclusive, for the second and third quarters, respectively.

The 10% bonus also applies to taxpayers who have opted for a financial year other than the calendar year and who pay the tax due quarterly or as quarterly advance payments by the due date, if applicable, between 26 June and 25 September 2020, inclusive, and between 26 September and 25 December 2020 inclusive, in accordance with the law.

Exemption on specific tax

For 2020, no specific tax is due for a period of 90 days as of the date GEO 99/2020 enters into force. Thus, the calculation is made by dividing the tax by 365 and multiplying the resulting value by 275 days.

Taxpayers which have ceased their activity, in whole or in part, due to the state of emergency, may recalculate their specific annual tax in a similar way.

Value added tax

Until 1 October 2020, the following transactions with protective masks and medical fans are exempt from value added tax (VAT) with the right of deduction:

- deliveries made to public institutions responsible for setting up the rescEU reserve. Suppliers justify the VAT exemption through a declaration under own responsibility regarding the destination of the delivered goods, by the time of delivery;
- intra-Community imports and purchases by public institutions responsible for setting up the rescEU reserve. Exemption from VAT is justified on the basis of the beneficiary's declaration under own responsibility, to be lodged with customs authorities at the time of importation.

ORDER 2668 dated 11 June 2020 regarding approval of Procedure for connecting fiscal electronic cash registers, defined by art. 3 para. (2) of GEO 28/1999 on obligation of economic operators to use fiscal electronic cash registers, to the national computer system for surveillance and monitoring of ANAF fiscal data (Official Gazette 527/2020)

The Order approves the procedure for connecting electronic fiscal cash registers (AMEF) to the national computer system for surveillance and monitoring of ANAF fiscal data. The connection is made by taxpayer category, starting with 1 July 2020, in compliance with the following deadlines:

- economic operators included in the category of large taxpayers, through 30 September 2020;
- the economic operators from the category of medium and small taxpayers, 31 January 2021;
- for economic operators which purchase AMEF after 1 February 2021, at installation date of fiscal electronic cash register.

Economic operators using electronic fiscal cash registers installed in areas not served by electronic communications networks have the obligation to complete and submit the declaration provided in Annex no. 2 to this order, as follows:

- large taxpayers will submit the declaration by 30 September 2020
- small and medium taxpayers by 31 January 2021
- economic operators who purchase the devices after 1 February 2021, within two working days from installation date of the fiscal electronic cash register.

The declaration will be submitted electronically.

These operators located in areas not served by electronic communication networks will continue to submit cash register reports as at present.

ORDER 1107 dated 28 May 2020 on amending and supplementing the Order of the President of ANAF 139/2020 for approving the model, content, manner of submission and management of the Sole Declaration on income tax and social contributions due by individuals (Official Gazette 468/2020)

The order amends the Sole Declaration on income tax and social contributions due by individuals, as a result of extending the deadline for filing the return to 30 June 2020 and granting bonuses for submission and payment of 2019 obligations by the new deadline.

We reiterate that the declaration must be submitted by 30 June 2020, inclusive, by natural persons who have the obligation of:

- declaring income tax realized in Romania and/or abroad in 2019;
- declaring estimated income tax/income quota to be earned in Romania in 2020;
- the declaration of estimated income for classification as a payer of social contributions for the year 2020 and, as the case may be, declaration of the social contributions due in the fiscal year 2019.

The bonuses granted are:

- 5% for full payment (offsetting allowed) by 30 June 2020 including income tax, CAS and CASS for the income realized in 2019;
- 5% for online submission of sole declaration by 30 June 2020 inclusive, only if the condition mentioned in point a) above is met.

ORDER 456 dated 3 June 2020 for approval of Procedure for granting amounts provided by art. III para. (1) and (2) of GEO 92/2020 for establishment of active support measures for employees and employers in the context of the epidemiological situation caused by the spread of SARS-CoV-2 coronavirus, as well as for amendment of some normative acts (Official Gazette 484/2020)

The order adopts the procedure for implementing measures to support employment of the jobless, employers receiving subsidies for employment of these people. Thus, employers who hire unemployed people over the age of 50 or unemployed people between the ages of 16 to 29 benefit from a subsidy amounting to 50% of salary without exceeding a monthly amount of 2,500 lei, from the unemployment fund.



The electronic fiscal cash registers will soon be connected to ANAF system



The measure is addressed to those persons who have lost their job during the state of emergency or the state of alert for reasons not attributable to them. The employment arrangement may start by 31 December 2020, and the amount granted from the unemployment fund budget is paid for a period of 12 months.

The order approves the application procedure, supporting documents and forms for implementing these facilities.

In order to settle amounts from the budget, interested employers sign an agreement with the Employment Agency, the template of which is approved by this order. The deadline for signing these agreements is 31 December 2020. Interested employers shall send the following documents by electronic means to the employment agencies:

- Declarations under own responsibility that they are not in bankruptcy, dissolution and have no restrictions on carrying out an activity for reasons other than the coronavirus pandemic. Public institutions do not benefit from this procedure.
- Copy of the employee's identification document
- Work contract.

Copies of the documents must be certified by the employer as conforming to the original.

EMERGENCY ORDINANCE 92 dated 28 May 2020 for the establishment of active support measures for employees and employers in the context of the epidemiological situation caused by the spread of the SARS-CoV-2 coronavirus, as well as for amendment of some normative acts (Official Gazette 459/2020)

The ordinance establishes a series of measures to support employees and employers in the context of the COVID-19 epidemiological situation for the resumption of economic activity and the preservation of the workforce that employers have at their disposal, but also aims to boost employers to attract available manpower, including from areas for which activity will remain restricted.

Thus, starting with 1 June 2020, employers whose employees:

- received technical unemployment benefits from the unemployment insurance budget (according to GEO 30/2020);
- or
- had their individual employment contracts suspended in accordance with provisions of art. 52 para. (1) let. c) of the Labor Code and did not benefit from technical unemployment according to GEO 30/2020,

for a period of three months, benefit from the settlement of part of the salary, borne by the unemployment insurance budget, representing 41.5% of gross basic salary corresponding to the job occupied, but no more than 41.5% of the average gross salary provided by Law no. 6/2020.

These provisions apply only to persons who have had a period of suspension in their individual employment contract of at least 15 days during the state of emergency or alert. Employers who will benefit from this provision will have the obligation to maintain employment until 31 December 2020, except for seasonal workers. The obligation does not apply if termination of the employment contract occurs for reasons not attributable to the employer.

For settlement of the above amounts, employers fully bear the equivalent of the employee salaries who benefit from the above provisions and thereafter, from the 1st to the 25th of the month following the reporting period to which the income relates. They submit a list of employees benefitting from this amount under the following conditions and methods:

- by electronic means;
- to the county employment agencies, as well as to the municipality of Bucharest;
- within the area where they have their registered office;
- an application signed and dated by the legal representative;
- accompanied by a declaration under their own responsibility and the list of persons benefitting from this amount;
- assumed by the legal representative of the employer.

Settlement of the amounts from the unemployment insurance budget is within a maxi-



New facilities for employees and employers in the context of COVID-19 pandemic



num of 10 days from the fulfillment date of the declarative and payment obligations related to income from salaries and assimilated to salaries for the reporting period for which the request is made, by employers.

The ordinance brings other amendments which, among others, extends the possibility of granting allowances provided in art. XI and art. XV of GEO 30/2020 for all fields of activity in which restrictions are maintained under conditions of Law no. 55/2020 on some measures to prevent and combat the effects of the COVID-19 pandemic, after 31 May 2020, until the release of restrictions.

Employers who have several objects of activity, at least one of which is subject to restrictions established by acts by the competent authorities, may choose to either apply provisions of this ordinance regarding settlement of part of the salary from the unemployment insurance budget or to suspend employment contracts of employees under the conditions provided by GEO 30/2020.

Measures to encourage employers to use workforce of disadvantaged age groups

Employers who hire between 1 June 2020 to 31 December 2020, for an indefinite period, on a full time basis:

- employees over 50 years of age whose employment has ceased for reasons not attributable to them during the state of emergency;
- employees aged between 16 to 29 years of age, registered as unemployed in the records of unemployment agencies.

For each person employed in the categories mentioned above, receive 50% of the employee's salary monthly, but no more than 2,500 lei, for a period of 12 months.

Employers have the obligation to maintain employment for at least another 12 months after the end of the 12-month period over which the subsidies were granted.

The amounts are granted for payment of salary, proportional to the actual time worked by the employee and are not cumulative, for the same employee, with subsidies granted to employers who have concluded contracts or agreements with unemployment agencies under art. 80, 85 and 934 of Law no. 76/2002 on the unemployment insurance system and on stimulating employment.

Funds are also granted in the case of employment of Romanian citizens whose employment relations with foreign employers have ceased, ongoing in the territory of other states, for reasons not attributable to them, by dismissal.

Employers who terminate individual employment contracts of employees before the stipulated deadlines are obliged to reimburse, in full, amounts received for each person for whom the employment relationship was terminated before the mentioned deadline, to the employment agencies, plus the reference NBR interest rate in effect on the date of termination of individual employment contracts, if their termination took place pursuant to art. 55 let. b), art. 56 para. (1) let. d) and e) and art. 65 of the Labor Code.

ORDER 457 dated 3 June 2020 regarding approval of model of documents provided by art. II para. (2) of GEO 92/2020 for establishment of active support measures for employees and employers in the context of epidemiological situation caused by the spread of SARS-CoV-2 coronavirus, as well as for amendment of some normative acts (Official Gazette 481/2020)

The order approves the model of documents to be submitted by employers who wish to benefit from the 41.5% subsidy of gross basic salary of employees whose contracts have been reactivated, after their suspension during the state of emergency or alert, from the state budget.

These documents are submitted to employment agencies of the county/municipality of Bucharest, within the area of which employers have their registered office, by electronic means, starting with the first date until the 25th of the month following the reporting period to which their income relates.

We remind that as of 1 June 2020, employers who had employees with employment contracts suspended during the state of emergency or alert periods, employees who received unemployment benefits paid either from the unemployment insurance budget or paid from the salary fund (we refer here to those who have not benefited from the facility offered by the state regarding the settlement of a maximum of 75% of average gross sal-



Measures to stimulate employment in disadvantaged age groups



ary), and who reactivate the respective suspended contracts, benefit, for a period of three months, from the subsidy of a part of salary, supported by the unemployment insurance budget, representing 41.5% of gross basic salary corresponding to the job, but no more than 41.5% of average gross salary.

Thus, the maximum amount settled is 41.5% of 5,429 lei, i.e. 2,253 lei.

EMERGENCY ORDINANCE 97 dated 11 June 2020 on implementation of administrative simplification measures in the field of social protection, as well as for granting some rights and benefits of social assistance in the fields of activity in which restrictions are maintained (Official Gazette 504/2020)

The ordinance brings administrative simplification procedures in the field of social protection and extends the period for granting rights and benefits of social assistance in the areas of activity in which restrictions are maintained.

Thus, some measures approved by normative acts during the state of alert are extended, given that certain fields the activity cannot be resumed in full, among which are:

- ☑ Regarding the formalities on applying for social assistance rights, unemployment benefits and for granting measures to stimulate employment, the authorities have the obligation to initiate and maintain electronic communication with the beneficiary of the rights, based on the beneficiary's written consent.
- ☑ A death allowance is also granted in the case of the deceased person who is on parental leave for a child up to the age of 2 years, or up to 7 years in the case of a disabled child if, prior to suspension of employment or the service relationship for granting this leave, the person had required insurance. A death allowance is also granted in the event of the death of a family member of the person on parental leave, according to the law.
- ☑ Persons who are unable to generate taxable income after 13 June 2020, their occupation being carried out in areas of activity in which restrictions are maintained according to documents issued by competent authorities, continue to benefit of the following rights:
 - parental leave for children up to 2 years old, or 3 years old in the case of a disabled child, as well as a monthly allowance of 85% of average net income earned in the previous 12 months over the 2 years prior to the child's date of birth. The minimum amount of the monthly allowance may not be less than the amount resulting from application of a multiplication coefficient of 2.5 to the value of the reference social indicator, and its maximum amount may not exceed the value of 8,500 lei.
 - an insertion incentive of a monthly amount of 50% of the minimum amount of the above-mentioned allowance paid to employee. If the persons resume their activity and generate income subject to income tax, in accordance with the law, then the insertion incentive is granted, on the basis of an application, from the date income begins again and until the child reaches the age of 3 years or 4 years, in the case of a child with a disability.
 - parental leave for the care of a child with a disability up to the age of 7 according to the law.

ORDER 2012 dated 4 June 2020 for amending and supplementing the Procedure for communication by electronic means of remote transmission between the Ministry of Public Finance/central fiscal body and individuals, legal entities and other entities without legal personality, approved by Order of the Minister of Public Finance no. 660/2017 (Official Gazette 494/2020)

The Order modifies and completes the online communication procedure between MFP and taxpayers (Virtual Private Space), in the context of MFP's digitization process. Thus, the procedure of identifying people by using a video system is introduced. The titular natural person, the legal representative of the natural persons and the legal representative of legal persons, can be identified by the fiscal authority using a video system.

This procedure will be used when registering in the Virtual Private Space (SPV).



Administrative simplifications in the field of social protection



ORDER 1017 dated 2 June 2020 for amendment of annex to Order of Minister of Labor and Social Protection and of Minister of Culture no. 743/2,802/2020 regarding approval of model of documents provided in art. XV para. (4) of GEO 30/2020 for amending and supplementing some normative acts, as well as for establishing measures in the field of social protection in the context of the epidemiological situation determined by the spread of coronavirus SARS-CoV-2, with amendments and completions brought by GEO 32/2020 for amending and supplementing GEO 30/2020 for amending and supplementing some normative acts, as well as for establishing measures in the field of social protection in the context of the epidemiological situation determined by the spread of SARS-CoV-2 coronavirus and for establishing additional social protection measures (Official Gazette 474/2020)



The order amends the forms to be submitted by persons who obtain income exclusively from copyright and related rights and who wish to benefit, from the state budget, from a monthly allowance of 75% of average gross earnings as a result of the interruption of activity due to the effects of coronavirus.

A copy of a copyright and related rights contract from the last 9 months, prior to the start of the emergency period (in the old form, a copy of the contract from the last 3 months, prior to the start of the emergency) shall be attached to the grant application.

The order extends the period when activity was affected by the effects of the coronavirus epidemic, the period of prolongation of the state of emergency and the period of the state of alert.

The procedure of identifying people through video system is a novelty in communicating with ANAF

EMERGENCY ORDINANCE 90 dated 27 May 2020 for amendment of GEO 6/2019 on establishment of fiscal facilities, as well as for amendment of other normative acts (Official Gazette 459/2020)

The ordinance brings several tax changes, of which we mention:

Amendments to GEO 6/2019 on restructuring fiscal obligations:

The maturity date of tax obligations that may be restructured is extended until 31 March 2020. Thus, debtors may restructure their outstanding fiscal obligations as of 31 March 2020 and unpaid through date of issuance of the fiscal attestation certificate, as well as ancillary budgetary obligations. The old regulation allowed restructuring of outstanding tax obligations as of 31 December 2018.

The categories of outstanding tax liabilities as of 31 March 2020 also includes those established by the tax authority by decision after 1 April 2020, related to tax periods up until 31 March 2020, as well as main tax liabilities due in the period between 21 March 2020 and 31 March 2020, inclusive.

Budgetary obligation restructuring also applies to main and ancillary budgetary obligations established by bodies other than fiscal bodies, as well as to fines of any kind, sent for recovery to central fiscal bodies after 1 April 2020 (the old regulation mentioned 1 January 2019) until date of issuance of the fiscal attestation certificate.

The deadline for submitting the notification regarding intention to restructure budget obligations is extended until 30 September 2020, the old deadline being 31 July 2020. The debtor wishing to restructure its budget obligations has the obligation to notify the competent tax authority about its intention between 8 August and 31 October 2019, as well as between 1 February and 30 September 2020, under penalty of forfeiture, of the right to benefit from restructuring budgetary obligations, and consults with an independent expert to draw up a restructuring plan and run the test of a prudent private creditor.

In order to facilitate payment of budgetary obligations, the debtor must pay, by the submission date of the restructuring application, budgetary obligations due between 1 April 2020 (instead of 1 January 2019) and submission date of the restructuring application.

The ordinance introduces payment relaxation measures for debtors who wish to partially cancel their main tax obligations, as follows:

- In the case of debtors who have included a cancellation measure of a maximum amount of 30% of total main budgetary obligations in the restructuring plan, the

debtor must also pay 5% of main budgetary obligations that are subject to payment facilities. The old regulation provided for the obligation to pay 5% of the amount of budgetary obligations (principal and accessories).

- ☑ In case of debtors who have also included a cancellation measure of an amount between 40% and 50% of total main budgetary obligations in the restructuring plan, the debtor must also pay 15% of main budgetary obligations that are subject to payment facilities. The old regulation provided for the obligation to pay 15% of the amount of budgetary obligations (principal and ancillary).

At the same time, the Ordinance introduces an extension to the deadline for submitting a request to restructure. Thus, the application to restructure may be submitted until 15 December 2020 inclusive, under the sanction of forfeiture. Debtors who have submitted notifications of the intention to restructure budget obligations by the date this Emergency Ordinance (29 May 2020) enters into force may submit the application by 15 December 2020. In this case, the competent tax authority shall issue, ex officio, a new certificate of fiscal attestation within a maximum of 10 days from the date this emergency ordinance enters into force, which it communicates to the debtor.

Amendments to GEO 29/2020 and GEO 48/2020

The ordinance extends from 15 June (i.e. 30 days after the cessation of the state of emergency) to 25 June 2020, inclusive, the period from which the tax authority calculates interest and late payment penalties and can begin enforcement for tax obligations due from 21 March 2020.

The Ordinance extended until 25 June 2020, inclusive:

- ☑ the deadline until which derogation measures regarding settlement of VAT returns with negative VAT amounts with subsequent control are applied; and
- ☑ suspension of calculation of accessories and maintenance of validity of payment installments, in case of late payments from the rescheduling plans.

APEX note: by GEO 99/2020 presented in the current issue of this newsletter, the above deadlines were extended once again, through 25 October 2020.

LAW 85 of 18 June 2020 for the amendment of art. 260 para. (1) let. i) of Law no. 53/2003 - Labor Code (Official Gazette 525/2020)

Failure to comply with provisions of the Labor Code regarding additional work is sanctioned with a fine (from 1,500 lei to 3,000 lei), this being applied for each person identified as performing additional work.

EMERGENCY ORDINANCE 89 dated 27 May 2020 for amendment of GEO 110/2017 on Support Programme for Small and Medium Enterprises - SME INVEST ROMANIA, as well as for amendment and completion of State Aid Scheme to support activity of SMEs in the context of economic crisis generated by the COVID-19 pandemic (Official Gazette 458/2020)

The ordinance amends GEO 110/2017 on the Support Programme for Small and Medium Enterprises - SME INVEST ROMANIA, as follows:

- ☑ In case of investment loans, the state guarantee is assured by the legal real estate and/or movable mortgages secured by assets financed by the loan.
- ☑ In the case of loans/credit lines intended to finance working capital, the state guarantee is assured by a legal mortgage on the credit balances of all accounts opened by beneficiaries of the programme with the credit institution.
- ☑ The beneficiary of the SME INVEST ROMANIA Programme is redefined as “small and medium enterprise carrying out economic activity, authorized according to legal provisions to carry out production, trade or service activities, in order to obtain income, in conditions of fair competition, meaning companies regulated by the Companies Law no. 31/1990, republished, as subsequently amended and supplemented, cooperatives, authorized natural persons, sole proprietors of an individual enterprise and family enterprises, authorized according to legal provisions in force, carrying out economic activities, as well as non-governmental organizations, associations and foundations, agricultural cooperatives and agricultural companies that carry out economic activities and that cumulatively meet conditions provided by Law no. 346/2004 on stimulating establishment and development of small and medium en-



Restructuring of fiscal obligations has been extended



terprises, with subsequent amendments and completions.”

- ☑ One of the eligibility criteria for benefitting from the programme is amended, the condition that the applicant entity has experienced difficulties or subsequently entered into difficulty due to the COVID-19 pandemic is waived.

DECISION 458 dated 4 June 2020 for the amendment of Methodological Norms for application of GEO 110/2017 on Support Program for Small and Medium Enterprises - SME INVEST ROMANIA, approved by Government Decision no. 282/2020 (Official Gazette 487/2020)

Changes are made to the SME INVEST programme as follows:

- ☑ The provision according to which real estate and/or movable mortgages are constituted by beneficiaries and/or third party guarantors in favor of the credit institution and of the Romanian state, through MFP, is repealed;
- ☑ A provision is introduced according to which the financing credit institution may ask the beneficiary to set up other collateral, if it deems it necessary, for the beneficiary to be included in its own lending rules;
- ☑ For loans/lines of credit intended to finance working capital, a legal mortgage is established on the credit balances of all accounts opened as the beneficiary of the programme with the financing credit institution, in proportion to the guarantee percentage.
- ☑ The tax attestation certificate is added to the list of documents that the credit institution must send together with the guarantee request.

LAW 75 dated 10 June 2020 on approval of GEO 42/2020 for amendment and completion of GEO 110/2017 on Support Programme for Small and Medium Enterprises - SME INVEST ROMANIA, as well as for approval of State Aid Scheme to support activity of SMEs in context of economic crisis generated by COVID-19 pandemic (Official Gazette 493/2020)

The law brings amendments/completions regarding the SME INVEST programme, from which we mention:

- ☑ For 2020, the total ceiling of guarantees that can be granted under the programme is 30 billion lei.
- ☑ State aid will consist of either a state credit guarantee or a grant to subsidize costs.
- ☑ Both cannot be granted.

The following are also included in the list of beneficiaries:

- ☑ small enterprises with an average market capitalization - the enterprise which, together with the enterprises it controls and the enterprise(s) which has/have direct or indirect control over it, has/have 250 or more employees but less than 500 employees, and annual turnover not exceeding EUR 100 million or an annual balance sheet not exceeding EUR 86 million;
- ☑ professionals who operate an enterprise, according to the Civil Code;
- ☑ freelancers.

The provision, “in the last 6 months prior to 31 December 2019,” is replaced by, “at the date of requesting the state guarantee” regarding the moment when the beneficiary does not appear with overdue loans, lease financing included.

Sectors/areas that are not eligible for guarantees under the programme are:

- ☑ financial intermediation, except for activities auxiliary to financial intermediation;
- ☑ insurance, except for activities of insurance agents and brokers;
- ☑ real estate transactions, except for real estate transactions carried out by real estate agencies;
- ☑ gambling and betting activities;
- ☑ production or sale of weapons, ammunition, explosives, tobacco, alcohol, substances under national control, narcotic and psychotropic plants, substances and preparations;
- ☑ rental and leasing activities;
- ☑ investigation and protection activities, with the exception of protection and guard activity and security system services.



Multiple changes brought to SME Invest Romania programme



EMERGENCY ORDINANCE 98 dated 11 June 2020 for extension of the effective date of some provisions of Law no. 75/2020 on approval of GEO 42/2020 for amendment and completion of GEO 110/2017 on Support Programme for Small and Medium Enterprises - SME INVEST ROMANIA, as well as for approval of the State Aid Scheme to support the activity of SMEs in the context of the economic crisis generated by COVID-19 pandemic (MO 503/2020)

The ordinance postpones application of some provisions regarding the SME INVEST programme, which were introduced by Law 75/2020 and aimed at making the conditions and access to financing for SMEs more flexible, until the date the authorization decision of the European Commission is received, namely:

- Provisions that offered the possibility to small enterprises with medium market capitalization, defined according to the law, to access the programme
- Provisions that increased the guarantee ceiling from 15 billion to 30 billion;
- Provisions regarding relaxation of eligibility conditions;
- Provisions including new areas that are not eligible for funding.

This measure was necessary because facilities offered by the SME INVEST programme must comply with provisions of the Communication from the European Commission and can only be implemented after obtaining an authorization decision from the European Commission. The grant of such State aid without obtaining a decision authorized by the European Commission is sanctioned by recovery of disbursed funds with interest from beneficiary companies.

ORDER 1074 dated 12 June 2020 for completion of Norms on application of provisions of GEO 158/2005 regarding holidays and social health insurance indemnities, approved by Order of the Minister of Health and of the President of the National House of Health Insurance no. 15/2018/1311/2017 (Official Gazette 503/2020)

The order complements the rules on leave and social health insurance benefits, introducing some specific provisions on medical leave certificates granted to insured persons for whom a quarantine measure has been established for a community, in order to prevent the spread of the COVID-19 infection.

Thus, for insured persons quarantined in a community:

- during the state of emergency, medical leave certificates may be granted at a later date, but not later than 45 calendar days after the termination date of the state of emergency;
- in a period other than the state of emergency, medical leave certificates may be granted at a later date, but not later than 30 calendar days after the date of the end of the quarantine period.

Medical leave certificates are issued by family doctors for the entire period in which the persons concerned have been quarantined.

ORDER 2056 dated 25 June 2020 for amending and supplementing the Norms on procedure for granting the certificate of postponement from customs payment of value added tax and issuing the guarantee for import of goods, approved by Order of the Minister of Public Finance no. 4121/2015 (Official Gazette 567/2020)

ORDER 491 dated 25 June 2020 for the amendment of annex no. 3 to Order of the President of National Agency for Employment no. 457/2020 regarding approval of model of documents provided by art. II para. (2) of GEO 92/2020 for establishment of active support measures for employees and employers in the context of the epidemiological situation caused by the spread of SARS-CoV-2 coronavirus, as well as for the amendment of some normative acts (OJ 566/2020)



Certain facilities introduced for SME Invest must be approved by the European Commission before they can be applied



ORDER 3 dated 11 June 2020 for amendment and completion of NBR Order 8/2019 on application of International Financial Reporting Standards (IFRS) by non-banking financial institutions (Official Gazette 537/2020)

ORDER 2778 dated 24 June 2020 on competence to exercise verification of personal tax situation and its preliminary activities (Official Gazette 565/2020)



The Order establishes that activities preliminary to verification of the personal fiscal situation on the entire territory of the country are exercised by the General Directorate for Personal Income Control.

Verification of a personal fiscal situation is exercised by the General Directorate for Personal Income Control and by fiscal verification services within the regional general directorates of public finance.

INFO – Valuation of monetary items in foreign currency

The June closing NBR exchange rates to use for valuation of monetary items (cash on hand, receivables, payables) denominated in foreign currency, as well as receivables and payables denominated in RON but pegged to a foreign currency for collection/disbursement are:

1 EUR = 4.8423 RON; 1 CHF = 4.5393 RON; 1 GBP = 5.3020 RON; 1 USD = 4.3233 RON



MONTHLY 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 8 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 organise a stock count of inventories if the enterprise does not use a perpetual inventory system
- To issue final invoices for the current month.

To comply with requirements regarding VAT

- Mention the registration code under the scope of VAT on documents for EU business partners
- Check validity of registration code under the scope of VAT mentioned on invoices received
- Check 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 ledger of goods received
- Maintain ledger of non-transfer of goods
- Maintain non-current assets ledger
- Mention which exchange rate will prevail (NBR, commercial bank or Central European Bank) in contracts with foreign partners

To consult the calendar of tax liabilities, visit the following link from ANAF (in Romanian):

https://static.anaf.ro/static/10/Anaf/AsistentaContribuabili_r/Calendar/Calendar_obligatii_fiscale_2020.htm

KEY HR FIGURES

2020 Contributions for dependent activities	Employer and beneficiary (for activities considered dependent) (% share)	Employee and dependent worker (% share)
Social security contribution (pension)	Nothing due for normal working conditions 4% for special work conditions 8% for special work conditions	25% (**)
Contribution to health insurance fund (calculated on gross income)	Not due	10% (***)
Work insurance contribution	2.25% (*)	
Income tax		10% (****)
Disability Fund (for employers with more than 50 employees)	4 x minimum wage for every 100 employees	
The amount of a taxable meal tax in the sense of income tax	maximum 20 lei	
Minimum wage (gross) from 1 January 2020	2,230 lei 2,350 lei (for more than 1 year and functions requiring higher education) 3,000 lei for employees in the construction field	
Diurnal (in the country) For employees of public institutions For private sector employees (* 2.5)	20 lei 50 lei	

The below tax facilities are available for employers on the field of construction, when minimum 80% of turnover if from construction activities defined by law:

(*)not due by employer

(**) the social security owed by the employee is decreased to 21,25%

(***) health insurance is not due by the employee

(****) tax on income is not due for monthly realised gross salaries up to 30.000 lei.

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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*
- Audit*