

Fiscal news of October



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Amendments in brief:

Cancellation of Certain Budgetary Obligations:

- **Publication of the Guide on Cancelling Certain Budgetary Obligations** – published by the National Agency for Fiscal Administration (NAFA) on October 7, 2024 in the Taxpayer Assistance section (link [here](#)).
- **Approval of the Procedure for Cancelling Certain Budgetary Obligations Administered by ANOFM** – Order no. 1176/2024, issued by the President of the National Agency for Employment (ANOFM), was published in the Official Gazette No. 1040, on October 16, 2024.

VAT & Excise Duties:

- **Reduction of the VAT Quota for Bee Feed from 19% to 9%, Starting with January 1, 2025** – Law no. 254/2024 amending the Article 291 para. (2) of Law no. 227/2015 regarding the Fiscal Code, was published on October 8, 2024, in the Official Gazette No. 1006.
- **Amendment of Excise Duties on Alcoholic Beverages** – Emergency Ordinance no. 123/2024, amending and supplementing Title VIII, "Excises and Other Special Taxes" of Law no. 227/2015 regarding the Fiscal Code, was published on October 24, 2024, in the Official Gazette No. 1070.
- **Amendments to the VAT Reimbursement Procedure for Nonprofit Entities** – Order no. 6251/2024 from the Minister of Finance, which amends Order no. 3044/2024 on approving the VAT reimbursement procedure for goods and services acquired by nonprofit entities and their wholly-owned companies, as per Article 294 para. (5) a)—b1) of the Fiscal Code, was published on October 11, 2024, in the Official Gazette No. 1018.

Mandatory Social Contributions:

- **Amendment to the Procedure for Establishing Social Contributions Ex Officio for Individuals** – Order no. 6515/2024, issued by the President of the National Agency for Fiscal Administration (NAFA), amends and supplements Order no. 2547/2019, which approves the procedure for ex officio assessment of social insurance contributions and health insurance contributions owed by individuals, as well as the model and content of certain forms. This order was published on October 18, 2024, in the Official Gazette No. 1049.

Updates on Certain Forms:

- **Approval of the Model and Content for Form (709) "Registration Request for Non-Resident Payment Service Providers"** – Order no. 6508/2024, issued by the President of the National Agency for Fiscal Administration (NAFA), was published on October 17, 2024, in the Official Gazette No. 1045.

- **Amendments to Tax Registration Forms and Fiscal Vector Forms** – Order no. 6580/2024, issued by the President of the National Agency for Fiscal Administration (NAFA), which amends and supplements Order no. 1699/2021 regarding the approval of taxpayer registration forms and the types of tax obligations that forms the fiscal vector, was published on October 29, 2024, in the Official Gazette No. 1079.

Other news of interest:

Suspension of the Double Taxation Convention Between Romania and the Russian Federation – Order no. 2009/2024 from the Minister of Foreign Affairs, suspending the application of the Convention between the Romanian and Russian Federation governments to avoid double taxation on income and capital (initially signed in Moscow on September 27, 1993), was published on October 14, 2024, in the Official Gazette No. 1027.

Clarification on Tax Incentives Application in the Construction Sector – Decision no. 44/2024 from the Panel for Clarifying Legal Issues stipulates that the employer with NACE code 2511 ("Manufacture of metal structures and parts of structures") may only apply tax incentives for activities directly linked to the construction sector. This decision was published on October 24, 2024, in the Official Gazette No. 1065.

Amendments and Suspensions in the Legislation regarding Fiscal Electronic Cash Registers – Emergency Ordinance no. 125/2024, amending Article 2 and suspending certain provisions of Government Emergency Ordinance no. 28/1999 on the obligation for economic operators to use fiscal electronic cash registers, as well as amending Law no. 207/2015 on the Fiscal Procedure Code, was published on October 25, 2024, in the Official Gazette No. 1073.

Clarifications on the Designated Tax Authority for Tax Obligations – Order no. 6551/2024 from the President of the National Agency for Fiscal Administration (NAFA) introduces amendments to Order no. 3775/2015, regarding special competencies of the central tax authority, and was published on October 28, 2024, in the Official Gazette No. 1076.

EU List of Non-Cooperative Tax Jurisdictions – On October 8, 2024, the European Council issued a statement announcing the removal of Antigua and Barbuda from the list of non-cooperative jurisdictions for tax purposes.

Simplification Measures for Listing Companies on European Stock Exchanges – The European Council published an announcement on October 8, 2024, regarding a new listing act aimed to simplify the listing of companies on European stock exchanges.

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Amendments in detail:

<p>Key words:</p> <ul style="list-style-type: none"> • Access to tax facilities • Request for cancellation of obligations • November 25, 2024 	<p>Publication of the Guide on Cancelling Certain Budgetary Obligations (NAFA Announcement)</p> <ul style="list-style-type: none"> ❖ Guide on Accessing Tax Incentives Under Emergency Ordinance 107/2024 – NAFA has published the guide on accessing tax facilities introduced by OUG 107/2024 on its portal, www.anaf.ro, in the Taxpayer Assistance section – link here. ❖ Individuals, legal entities, entities without legal personality, and administrative-territorial units are eligible to access these tax facilities. ❖ Notification for Budgetary Obligation Cancellation – Debtors intending to apply for the cancellation of budgetary obligations must notify the tax authority of their intent by the time they submit their request for accessory cancellations, no later than November 25, 2024.
<p>Key words:</p> <ul style="list-style-type: none"> • Budgetary obligations • ANOFM • Tax facilities 	<p>Approval of the Procedure for Cancelling Certain Budgetary Obligations Administered by ANOFM (Order 1176/2024)</p> <ul style="list-style-type: none"> ❖ Budgetary obligations administered by ANOFM through its subordinate public entities include: <ul style="list-style-type: none"> ✓ main budgetary debts resulted from non-compliance with Law no. 76/2002, which governs unemployment insurance and promotes employment. ✓ other debts for which County Employment Agencies (AJOFM), Municipal Employment Agencies (AMOFM), and Regional Adult Training Centers (CRFPA) have authority to assess and recover amounts owed. ✓ accessory obligations related to these main debts. <p><i>What Tax Benefits are offered?</i></p> <ul style="list-style-type: none"> ❖ Through its legally recognized subordinate entities (AJOFM/ AMOFM/ CRFPA), ANOFM offers the following tax relief options: <ul style="list-style-type: none"> ✓ deferral of unpaid accessory obligations as of the date of the calculation paper/ decision issuance, until the application for accessory cancellation is processed or until November 25, 2024, for debtors who notify AJOFM/AMOFM/CRFPA. ✓ cancellation of accessory obligations. ✓ deferral of 50% or 25%, as applicable, of outstanding main budgetary obligations as of August 31, 2024, which remain unpaid on the date of the calculation paper/decision, until the accessory cancellation request is resolved or until November 25, 2024, for individual debtors meeting the conditions from Article XVI of the emergency ordinance. ✓ cancellation of 50% or 25% of main budgetary obligations remaining unpaid as of August 31, 2024.

<ul style="list-style-type: none"> Debtors August 31, 2024 September 6, 2024 Insolvency 	<p>Who Can Benefit from These Tax Benefits?</p> <ul style="list-style-type: none"> ❖ The tax benefits apply to the following categories of debtors: <ul style="list-style-type: none"> ✓ individuals and legal entities, whether public or private; ✓ associations and other entities without legal personality; ✓ individuals engaging in economic activities independently or practicing liberal professions; ✓ administrative-territorial units and subdivisions of Bucharest; ✓ public institutions. ❖ Additional eligible debtors include: <ul style="list-style-type: none"> ✓ insolvent debtors; ✓ persons jointly liable as per Law no. 207/2015 regarding the Fiscal Procedure Code or Laws no. 85/2014 and no. 85/2006 on insolvency procedures, for obligations incurred before August 31, 2024, regardless of the date of liability decision or court ruling; ✓ debtors in insolvency or dissolution; ✓ debtors who as of August 31, 2024, have only unpaid accessory obligations related to main obligations settled by that date, with accessories unpaid as of September 6, 2024; ✓ debtors who have received assessment decisions for main obligations due by August 31, 2024, following an audit ongoing as of September 6, 2024, regardless of the issuance date of the assessment decision.
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<p>Key words:</p> <ul style="list-style-type: none"> January 1, 2025 VAT reduced to 9% Excise duties 3 years from authorization Regularization of excise duties paid Accompanying notice 	<p>VAT & Excise Duties</p> <p>Reduction of VAT Quota on Bee Feed from 19% to 9% (Law 254/2024)</p> <ul style="list-style-type: none"> ❖ Starting with January 1, 2025, the VAT quota for bee feed will decrease from 19% to 9%. <p>Changes to Excise Duties on Alcoholic Beverages (OUG 123/2024)</p> <ul style="list-style-type: none"> ❖ The excise rate on beer has been modified. ❖ For the first three years of authorization, authorized warehouse operators must demonstrate that they have paid the excise duty on invoiced quantities of excisable goods before they can be delivered to customers. At the end of each month, a reconciliation is conducted to ensure alignment between the excise duties paid and actual quantities delivered, ensuring tax compliance. ❖ Moving excisable goods between storage locations (without sale to customers) is permitted only if the excise duties for these products have been paid. ❖ All excisable product transfers from a fiscal warehouse to other storage locations must be accompanied by an accompanying notice explicitly indicating that excise duties have been paid.
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<ul style="list-style-type: none"> • VAT refund • Refund request • Non-profit entities • 20 years • New set of documents • June 30, 2024 • Construction services, rehabilitation, modernization of hospital units • Medical, protective, sanitary equipment, etc. 	<p>Amendments to the VAT Refund Procedure for Nonprofit Entities (Order 6251/2024)</p> <ul style="list-style-type: none"> ❖ The purpose of the affidavit that is attached to the VAT refund request in the case of the non-profit entity or the company wholly owned by the non-profit entity/entities is changed. ❖ According to the new requirements, the declaration must confirm that: <ul style="list-style-type: none"> ✓ the purpose of the hospital facilities will not be altered; ✓ neither the hospital units nor the nonprofit-owned shares in companies managing these units will be transferred to private entities for a period of 20 years from the date of the VAT exemption. ✓ any profit generated will be reinvested in either expanding the hospital units or providing free medical services to underprivileged individuals, in accordance with the nonprofit's internal procedures. ❖ The application for VAT refunds must now also include additional documents, specifically: <ul style="list-style-type: none"> ✓ documents confirming that purchases related to construction, rehabilitation, and modernization services for hospital units, made before June 30, 2024, by companies fully owned by nonprofit entities, pertain to ongoing investment projects in hospital units as of June 30, 2024; ✓ documents justifying that purchases of medical equipment, devices, protective gear, and healthcare consumables, also made before June 30, 2024, were intended for use in healthcare settings or by individuals with disabilities and were acquired during the same period as the above-mentioned construction or modernization services.
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<p>Key words:</p> <ul style="list-style-type: none"> • Social contributions • Individuals • 12 gross minimum wages per country annually, respectively 24 gross minimum wages 	<p>Amendment to the Procedure for Establishing Social Contributions Ex Officio for Individuals (Order 6515/2024)</p> <ul style="list-style-type: none"> ❖ The procedure applies to individuals who did not declare their social contributions (social security contributions and social health insurance contributions) for the 2023 fiscal year (the previous provisions referred to 2018). ❖ The tax authority has refined the list of taxpayers that obtained income from independent activities and intellectual property rights subject to social security contributions by removing the following categories: <ul style="list-style-type: none"> ✓ if the income payers withheld social health insurance contributions at the threshold of 6 minimum gross annual salaries and declared in form 112 for those who earned up to 12 minimum gross annual salaries. ✓ if the income payers withheld social health insurance contributions at the threshold of 12 minimum gross annual salaries and also declared in form 112 for those who earned up to 24 minimum gross annual salaries. ❖ For the remaining taxpayers after exclusions, the annual social security contribution base will be estimated as follows:
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<ul style="list-style-type: none"> • Social security contributions base 	<ul style="list-style-type: none"> ✓ at the level of 12 gross minimum wages per country, in force at the time of submission of the single estimate declaration, in the case of incomes between 12 gross minimum wages per country inclusive and 24 gross minimum wages per country; ✓ at the level of 24 gross minimum wages per country, in force at the time of submission of the single estimate declaration, in the case of incomes made at least equal to 24 gross minimum wages per country.
<ul style="list-style-type: none"> • Notice and hearing 	<ul style="list-style-type: none"> ❖ After completing the notification and hearing stages, the social health insurance contribution base is estimated as follows: <ul style="list-style-type: none"> ✓ 6 Minimum Gross Salaries, in force at the time of submission of the estimated single declaration, for income between 6 and 12 minimum gross annual salaries; ✓ 12 Minimum Gross Salaries, in force at the time of submission of the estimated single declaration, for income between 12 and 24 minimum gross annual salaries; ✓ 24 Minimum Gross Salaries, in force at the time of submission of the estimated single declaration, for income of at least 24 minimum gross annual salaries.
<ul style="list-style-type: none"> • Social health insurance contribution base 	
<ul style="list-style-type: none"> • Notification 	<ul style="list-style-type: none"> ❖ Document updates: <ul style="list-style-type: none"> ✓ „Notification for Non-declaration of Social and Health Insurance Contributions due from individuals”;
<ul style="list-style-type: none"> • Report 	<ul style="list-style-type: none"> ✓ „Report on Estimation of Social and Health Insurance Contribution Base for cases where payment obligations are ex officio determined ”;
<ul style="list-style-type: none"> • Decision 	<ul style="list-style-type: none"> ✓ „Decision on Establishing Social and Health Insurance Contributions by Default for individuals”.

<p>Key words:</p> <ul style="list-style-type: none"> • 709 Form 	<p>Updates Regarding Certain Forms</p> <p>Approval of the Model and Content of Form 709 “Application for Registration for Non-resident Payment Service Providers” (Order 6508/2024)</p> <p>Modification of Tax Registration and Fiscal Vector Forms (Order 6580/2024)</p>
<ul style="list-style-type: none"> • 010 Form 	<ul style="list-style-type: none"> ✓ Form 010: „Tax Registration Declaration / Declaration of Amendments / Deregistration Declaration for Legal Entities, Associations, and Other Entities without Legal Personality”;
<ul style="list-style-type: none"> • 015 Form 	<ul style="list-style-type: none"> ✓ Form 015: „Tax Registration Declaration / Declaration of Amendments / Deregistration Declaration for Non-resident Taxpayers without a Permanent Establishment in Romania”;
<ul style="list-style-type: none"> • 700 Form 	<ul style="list-style-type: none"> ✓ Form 700: „Declaration for the Registration/ Modification of Subsequent Amendments to Tax Registration in Electronic Format, as well as for Deregistration of Tax Registration”.

Other news of interest

Key words:

- Convention suspension
- Tax incentives – construction sector
- Electric vehicle charging services
- September 1, 2025
- December 31, 2024
- Life insurance and other financial products
- Fine from RON 20,000 to RON 100,000
- Non-resident individuals and legal entities
- Competent tax authority

Suspension of the Application of the Convention between Romania and the Russian Federation (Order 2009/2024)

- ❖ The application of the Convention between the Government of Romania and the Government of the Russian Federation for the avoidance of double taxation on income and capital is suspended.

Clarification on Tax Incentives Application in the Construction Sector (Decision 44/2024)

- ❖ Employers with the declared activity of "Manufacturing of Metal Constructions and Parts of Structures" (NACE Code 2511) can only apply tax incentives for activities directly related to the construction sector.

Amendments and Suspensions in the Legislation regarding Fiscal Electronic Cash Registers (OUG 125/2024)

- ❖ Services related to the charging of electric vehicles, where payments are made solely through vending machines using credit/debit cards and/or electronic wallet applications, are exempt from the obligation to use fiscal electronic cash registers.
- ❖ The sanction for issuing a fiscal receipt without the beneficiary's identification code, receipt number, and the QR code with the date and time of issue, as well as the tax serial number of the fiscal electronic cash register, is suspended until September 1, 2025.
- ❖ The penalties for non-compliance with the obligation of economic operators who make deliveries or provide services via vending machines that accept card payments or banknotes are suspended until December 31, 2024, for those economic operators who, on the date of the control carried out by the tax authority, have concluded contracts for the purchase of fiscal electronic cash registers from authorized distributors, for all commercial machine used, with delivery and installation by December 31, 2024.
- ❖ Entities under the authorization and control of the Financial Supervisory Authority (ASF) must report to NAFA every six months information on resident individuals who have contracted life insurance and other financial products. Failure to comply with this reporting obligation, or submitting incorrect/incomplete data, is punishable by fines ranging from RON 20,000 to RON 100,000.

Clarifications on the Designation of the Tax Authority for Managing Fiscal Obligations (Order 6551/2024)

- ❖ For non-resident individuals and legal entities earning income subject to withholding tax (final or with the option for regularization), the responsibility for managing their tax obligations lies with the tax authority in the territorial jurisdiction where the income source is located. Specifically, in the case of income paid by individuals engaged in independent economic activities or practicing liberal professions, the tax authority responsible is the one managing the tax obligations of the income payer.

<ul style="list-style-type: none"> • Independent economic activities • Liberal professions • Authorized representatives or tax curators 	<ul style="list-style-type: none"> ❖ For large and medium taxpayers authorized representatives or tax curators, the authority responsible for managing the tax obligations will be the one in the territorial jurisdiction where the authorized representative's or tax curator's headquarters is located. ❖ For individual authorized representatives or tax curators who are independent professionals or engage in liberal professions, the authority responsible for managing the tax obligations will be the one handling the tax affairs of the authorized representative or tax curator.
<ul style="list-style-type: none"> • Updated list 	<p>EU List of Non-Cooperative Tax Jurisdictions (EU Council Communication)</p> <ul style="list-style-type: none"> ❖ Antigua and Barbuda has been removed from the EU list of non-cooperative tax jurisdictions after making changes to its tax legislation. ❖ The current list of non-cooperative jurisdictions includes the following 11 countries: American Samoa, Anguilla, Fiji, Guam, Palau, Panama, Russia, Samoa, Trinidad and Tobago, U.S. Virgin Islands, and Vanuatu. ❖ Antigua and Barbuda will be subject to additional verification in the future by the Organization for Economic Co-operation and Development (OECD) to evaluate its compliance with international tax information exchange standards. ❖ Fiji and Palau have made promising steps towards compliance with the criteria for good tax governance. ❖ Armenia and Malaysia have reformed their tax regimes and have been removed from the monitoring list. ❖ Vietnam has been granted an extension to meet its tax reporting commitments and will be re-evaluated in February 2025. ❖ The next update of the list is scheduled for February 2025.
<ul style="list-style-type: none"> • February 2025 	
<ul style="list-style-type: none"> • The act of listing 	
<ul style="list-style-type: none"> • European stock exchanges 	<p>Simplification Measures for Listing Companies on European Stock Exchanges (EU Council Communication)</p> <ul style="list-style-type: none"> ❖ The EU Council has adopted the Listing Act, a legislative package designed to make public capital markets in the EU more attractive for companies, including small and medium-sized enterprises (SMEs), by simplifying the listing process on European stock exchanges.
<ul style="list-style-type: none"> • Capital markets 	<ul style="list-style-type: none"> ❖ The main goal is to reduce bureaucracy and lower costs for companies, while still providing adequate investor protection and maintaining market integrity.
<ul style="list-style-type: none"> • The term of 20 days 	<ul style="list-style-type: none"> ❖ SMEs will particularly benefit from easier access to public capital markets, helping them diversify their sources of financing.
<ul style="list-style-type: none"> • The term of 18 months 	<ul style="list-style-type: none"> ❖ A directive on multiple voting shares has been adopted. This creates a framework for issuing and using such shares, aiming to attract and retain fast-growing companies in the EU while protecting shareholders' interests.
	<ul style="list-style-type: none"> ❖ Next Steps: The measures in the Listing Act will come into force 20 days after publication in the Official Journal of the EU and the member states will

- The term of 2 years

have 18 months to transpose the directives into the national legislation, and two years to transpose the directive regarding multiple voting shares.



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În acest moment, NOA operează din trei sedii la București, Cluj-Napoca și Londra.



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