

December 2017

Promulgation of the Prevention Law

Law no. 270/2017 published in the Official Gazette no. 1037 from 28 December 2017

- ❖ The Prevention Law establishes a series of instruments focused on assuring the prevention of committing certain facts that can be sanctioned with contraventions/fines.
- ❖ Thus, all the authorities or institutions with competence in auditing, reporting and sanctioning the contraventions have the obligation, within three months from the entry into force of the law, to prepare and distribute informational materials and guides and allocate special sections dedicated to public information on their websites regarding the legislation in force, the rights and obligations related to the activities of reporting and applying contraventions.
- ❖ Public authorities with competence in auditing have the obligation to guide the interested persons in order to correctly and unitarily apply the provisions of the law, by further publishing on their websites the cases frequently met in practice and the guidelines in this respect.
- ❖ In case of ascertaining the committing of certain contraventions stipulated by the Government Decision no. 33/2018, the auditor shall conclude a report for the application of a warning and which includes an annex with a remediation plan. In this situation, no complementary sanctions should be applied.
- ❖ Within maximum 10 business days from the expiration date of the remedial period, the public audit authority has the obligation to resume the audit and to apply sanctions, if the case.

Approval of the model and content of the tax forms statements 201, 205 and 207

NAFA's president Order no. 3726/2017 published in the Official Gazette no. 1038 from 29 December 2017

- ❖ The present Order amends the model and content of the following forms, as well as their filling in instructions:
 - ❖ Form 201 - „Statement on income earned abroad”;
 - ❖ Form 205 - „Informative statement on income beneficiaries regarding the withholding tax, gambling income and profit/losses from investments”;
 - ❖ Form 207 - „Informative statement on non-resident income beneficiaries regarding the withholding tax/ exempted income”.

Approval of the model and content of certain forms used in the administration of income tax

NAFA's president order no. 3780/2017 published in the Official Gazette no. 1038 from 29 December 2017

- ❖ The present order approves the model and content of the following forms:
 - ❖ Form 220 - „Statement regarding the estimated income/income brackets from self-employment activities” and „Accommodation capacity sheet”;
 - ❖ Form 221 - „Statement regarding the income from agricultural activities taxed based on an income brackets basis”;
 - ❖ Form 222 - „Informative statement regarding the beginning/ending of the activity carried out in Romania by individuals who earn salary or salary-related income from abroad”;
 - ❖ Form 223 - „Statement regarding the estimated income for the associations without legal personality and entities subject of fiscal transparency”;
 - ❖ Form 224 - „Statement regarding the salary and salary related income earned from abroad by individuals carrying out activities in Romania”.

Approval of the model and content of certain forms used for the registration of taxpayers

NAFA's president order no. 3725/2017 published in the Official Gazette no. 1027 from 27 December 2017 and NAFA's president order no. 3769/2017 published in the Official Gazette no. 1033 from 28 December 2017

- ❖ The present NAFA's orders approve the model, content and filling in instructions of certain forms used for tax registration purposes, stating certain tax amendments, as well as taxpayer's deregistration. Moreover, Order no. 3769/2017 approves the tax registration procedure of nonresident taxpayers carrying out activities in Romania through one or more secondary head offices.
- ❖ The following forms have been amended:
 - 010 Form - Tax registration / deregistration statement for legal entities, associations and other entities without legal personality;
 - 013 Form - Tax registration / deregistration statement for non-resident taxpayers with one or more permanent establishments in Romania;
 - 015 Form - Tax registration / deregistration statement for non-resident taxpayers which do not have a permanent establishment in Romania;
 - 016 Form - Tax registration / deregistration statement for foreign legal entities with the effective place of management in Romania;
 - 020 Form - Tax registration / deregistration statement for Romanian and foreign individuals having personal identification numbers;
 - 030 Form - Tax registration / deregistration statement for Romanian and foreign individuals not having personal identification numbers
 - 050 Form - Request for registration / change of the taxpayer's domicile
 - 060 Form - Tax registration / deregistration statement for the secondary head offices;
 - 061 Form - Tax statement regarding secondary head offices;
 - 070 Form - Tax registration / deregistration statement for self-employed individuals or for those exercising liberal professions;
 - 700 Form - Tax registration / amending statement for stating the categories of tax obligations included in the tax vector.
- ❖ According to Order no. 3725/2017, starting with January 1, 2018, the work insurance contribution is included in the taxpayer's tax vector which as of December 31, 2017

had the status of employers. The amendment of the tax vector shall be

effected, by default, by the competent tax authorities until 15 January 2018.

Introduction of a maximum ceiling for the monthly allowance for raising children

Law no. 261/2017 regarding the approval of the GEO no. 55/04.08.2017 amending GEO no. 111/2010 regarding the leave and monthly allowance for raising children published in the Official Gazette no. 1011 from 20 December 2017

- ❖ The GEO no. 55/2017 states that the monthly allowance for raising children should not exceed RON 8.500 per month.

Amendment of the Implementation and Administration procedure of the tax group

NAFA's president Order no. 3480/2017 published in the Official Gazette no. 995 from 14 December 2017

- ❖ The Order no. 3480/2017 is mainly focusing on amending the procedure of establishing the competent tax authority for the administration of the tax group.
- ❖ Specifically, if the representative of the tax group or one of its members is qualified as medium-sized taxpayers/large taxpayers, then the tax authority in charge with the administration of the tax group will be the Tax Administration for Medium-sized Taxpayers/ the General Tax Administration for Large Taxpayers.
- ❖ The modification of the tax domicile of the tax group's representative or the tax domicile of one of its members (belonging to another category of taxpayers – i.e. large, medium and others), also entails changing the competence for the administration of the whole tax group, as previously mentioned.
- ❖ Moreover, the present Order amended the model and content of the Tax Group Request, as well as its filling in instructions.

For details you can contact any member of TaxHouse team or you can send us a message at the email address office@taxhouse.ro