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Fiscal Bulletin



Summary:

1. Decision of the Fiscal Commission No. 6/2014

VAT included in the price agreed between parties

The Decision of the Fiscal Commission No. 6/2014 („Decision”), published in the Official Gazette, Part I, No. 20/12 January 2015, amending the Decision of the Fiscal Commission No. 2/2011, regulates the method of computing VAT when the parties do not agree contractually on VAT.

Thus, when the price has been agreed by the parties with no mention of VAT, and the supplier does not have the possibility to recover the VAT imposed by the tax authorities from the buyer, it is considered that the price already includes VAT and that the authorities cannot impose VAT on top of the price agreed.

To be noted that the Decision published yesterday is applicable in all cases and not only for real estate taxable supplies.

The Decision is in line with the interpretation of the European Court of Justice in the cases C-249/12 and C-250/12, published in November 2013.

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Editors

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