

26 October 2015

Fiscal Bulletin



Summary:

1. **Government Emergency Ordinance No. 44/2015 for the granting of tax incentives**

Conditions for granting the tax amnesty for the amounts due to the State Budget

Government Emergency Ordinance No. 44/2015 (the “Ordinance”), published in the Official Gazette of Romania, Part I, No. 785/21 October 2015, provides the conditions for granting of a tax incentive in the form of amnesty for a part of the accessories related to debts to the State Budget.

Thus, late payment penalties and a 54.2% share of the interest related to the main liabilities due to the State Budget, outstanding as of 30 September inclusively and managed by ANAF, shall be written-off provided that the following conditions are satisfied:

- Payment of all main liabilities outstanding as of 30 September 2015, by 31 March 2016;
- Payment of a 45.8% share of the interest related to the main payment liability by 30 June 2016;
- Also, the liabilities occurring between 1 October 2015 and 31 March 2016 will be paid until the date of submission of the application for the tax incentive;
- Submission of all tax statements, according to the fiscal vector, until the date of submission of the application the tax incentive;
- The request for benefiting of the tax incentive must be submitted no later than 30 June 2016.

Also, the Ordinance regulates the partial debt write-off procedure also for the payment liabilities declared additionally by the taxpayers according to a rectifying statement, and

for the payment liabilities established by notices of assessment issued further to a tax inspection which is in progress on the date when the ordinance comes into force.

Moreover, for better clarity, the payment liabilities outstanding as of 30 September 2015 which are not covered by this tax incentive, such as: the liabilities for which payment facilities were granted, existing as at 30 September 2015, the liabilities established under tax administrative acts which were suspended according to law, are clearly defined.

In addition, within 30 days following the entering into force of the Ordinance, the procedure for the implementation of the tax incentive shall be approved.

The provisions of the Ordinance are enforceable as of 21 October 2015, i.e., the date of publication in the Official Gazette of Romania.

alexandru.cristea@tuca.ro

alin.chitu@tuca.ro

Editors

Țuca Zbârcea & Asociații Tax S.R.L. is the specialised tax consultancy entity of Țuca Zbârcea & Asociații, offering a full range of advisory and compliance services. Țuca Zbârcea & Asociații Tax S.R.L. covers transaction planning, operational tax advice, efficiency structures (tax optimization schemes), tax reviews and due diligence, tax authorities' audits and dispute resolution (including mitigating the risks and the potential impact of time-consuming disputes with local fiscal authorities), tax compliance and representation, as well as transfer pricing. Our team comprises seven tax consultants previously working in management positions with Big Four companies and the Ministry of Finance. The group cooperates closely with the firm's lawyers specialising in administrative law, as well as contentious-administrative disputes.

Țuca Zbârcea & Asociații Tax S.R.L. is a proud member of A.R.S.I.T. - Asociația pentru Reformarea Sistemului de Impozite și Taxe - a nonprofit organisation created in an effort to represent the voice of the Romanian taxpayer in relation to state authorities.



Alexandru Cristea
Tax Partner
+4 037 413 61 15
alexandru.cristea@tuca.ro



Alin Chitu
Tax Partner
+4 037 413 61 04
alin.chitu@tuca.ro

**TZ/A CONSULTANȚĂ
FISCALĂ**

TAX ENTITY OF TUCA ZBÂRCEA & ASOCIAȚII

Șos. Nicolae Titulescu nr. 4-8
America House, Aripa de Vest, et. 8
Sector 1, 011141, București, România
T + 4 021 204 88 90
F + 4 021 204 88 99
E office@tuca.ro
www.tuca.ro/tax

This material is for reference only. It does not seek to provide final fiscal advice, which may be requested according to each specific issue. For details and clarifications on any of the topics dealt in this Fiscal Bulletin, please do not hesitate to contact the tax consultants indicated hereinabove.