



Tax & Legal Highlights

Romania

Tax Procedure Code: The impact of the most recent amendments for the taxpayers

Multiple amendments to the Tax Procedure Code have been recently approved by Government Ordinance no. 30/2017. The new amendments with significant impact refer to:

- Third party's joint liability with the debtor
- Liability of the person with liberal activities
- Interaction between tax authorities and taxpayers during administrative procedures
- Tax inspections
- Tax incentives, respectively the possibility of rescheduling tax liabilities
- Enforcement procedures and legal remedies to suspend this procedure
- The precautionary measures
- The procedure for solving the tax appeal
- Collaboration between the tax authorities within the EU

Tax & Legal Highlights

Multiple amendments to the Tax Procedure Code have been recently approved by Government Ordinance no. 30/2017. The new amendments with significant impact refer to:

- Third party's joint liability with the debtor
- Liability of the person with liberal activities
- Interaction between tax authorities and taxpayers during administrative procedures
- Tax inspections
- Tax incentives, respectively the possibility of rescheduling tax liabilities
- Enforcement procedures and legal remedies to suspend this procedure
- The precautionary measures
- The procedure for solving the tax appeal
- Collaboration between the tax authorities within the EU

Third party's joint liability with the debtor

Main changes:

According to the new provisions, the joint liability concerns:

- Entity that issued the letter of bank guarantee/insurance policy in the event that it failed to transfer the amounts covered by the bank letter of guarantee/insurance policy to the state budget at the request of the tax authorities (subject to the fulfillment of the provisions regulating the suspension mechanism by the bank letter of guarantee);
- Person (either natural or legal) that, with bad faith generated the accrual of liabilities of the insolvent debtor (for which such a procedure was started).

Note:

We anticipate that the banks will become more cautious and quite reluctant in providing such guarantees given the exposure. Also this might generate an increase of the related costs.

With respect to the insolvency matters, the new provisions are aimed to ease the engagement of joint liability of the shareholders (natural/legal person) and directors of the insolvent debtor. As such, it is expected a slight growth of the decisions issued by the tax authorities in this respect.

Read the full news [here](#)

Contacts Details

Andreea Artenie

Partner Reff & Associates

Tel: +40 21 207 54 35

Email: aartenie@reff-associates.ro

Horia Grigorescu

Senior Associate Reff & Associates

Tel: +40 744 310 710

Email: hgrigorescu@reff-associates.ro

Cristi Secrieru

Manager Reff & Associates

Tel: +40 723 183 166

Email: csecrieru@reff-associates.ro

New national regulations on customs and excise duties

A series of amendments to customs legislation and excise duties have been published recently. Implementation of the authorization procedure for deferring the payment of import duties and the completion of the Nomenclature of excise goods codes, are the most important.

New regulations in customs legislation

Starting 2 October 2017, new legislative orders will come into force, regarding:

- The procedure for authorization to defer the payment of customs duties on import due in respect of two or more customs operations;
- The authorization procedure for the use of the comprehensive guarantee due in connection with two or more customs operations, declarations or regimes, except for the Union / common transit procedure;

In addition, amendments have been made to the application of customs regulations in free zones. The main change is the introduction of the responsibilities of the holder of the decision approving the operative records, regarding its activity in the free zone area.

New regulations in excise legislation

ANAF Order no. 2331/2017 brings an amendment in the Configuration of the Excise Duty Code and the Nomenclature of Excise Product Codes by adding a new code, T500, for products subject to non-harmonized excise duties, namely:

- Heated tobacco products which, by heating, emit an inhalable aerosol without the combustion of the tobacco mixture, with the tariff classification CN 2403 99 90, and
- Nicotine containing a liquid intended for inhalation using an electronic "electronic cigarette" device, with the tariff classification CN 3824 90 96.

This amendment is intended to complete the amendment to the Fiscal Code according to which products subject to non-harmonized excise duties provided under art. 439 par. (2) lit. a) of the Fiscal Code, manufactured in tax warehouses in Romania, shall be subject to the same regime provided for products subject to harmonized excise duties.

What to do?

We recommend that you review the impact of the legislation changes on your activity.

Contacts Details

Pieter Wessel

Partner

Tel: +40 (21) 207 52 42

Email: pwessel@deloittece.com

Mihai Petre

Senior Manager

Tel: +40 21 2075 344

Email: mipetre@deloittece.com

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee ("DTTL"), its network of member firms, and their related entities. DTTL and each of its member firms are legally separate and independent entities. DTTL (also referred to as "Deloitte Global") does not provide services to clients. Please see www.deloitte.com/about to learn more about our global network of member firms.

Deloitte provides audit, consulting, financial advisory, risk advisory, tax and related services to public and private clients spanning multiple industries. Deloitte serves four out of five Fortune Global 500® companies through a globally connected network of member firms in more than 150 countries and territories bringing world-class capabilities, insights, and high-quality service to address clients' most complex business challenges. To learn more about how Deloitte's approximately 245,000 professionals make an impact that matters, please connect with us on [Facebook](#), [LinkedIn](#), or [Twitter](#).

Deloitte Central Europe is a regional organization of entities organized under the umbrella of Deloitte Central Europe Holdings Limited, the member firm in Central Europe of Deloitte Touche Tohmatsu Limited. Services are provided by the subsidiaries and affiliates of Deloitte Central Europe Holdings Limited, which are separate and independent legal entities.

The subsidiaries and affiliates of Deloitte Central Europe Holdings Limited are among the region's leading professional services firms, providing services through nearly 6,000 people in 44 offices in 18 countries.

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited, its member firms, or their related entities (collectively, the "Deloitte Network") is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser. No entity in the Deloitte Network shall be responsible for any loss whatsoever sustained by any person who relies on this communication.

© 2017. For information, contact Deloitte Central Europe