

Tax & Legal Weekly Alert

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New legislation regarding categories of buildings and establishments subject to fire safety permitting and/or authorization

On 16 August 2016, Government Decision no. 571/2016 approving the categories of buildings and establishments that are subject to fire safety procedures for permitting and/or authorization was published in the Official Gazette of Romania. This Decision entered into force on the publication date and replaces former Government Decision no. 1739/2006.

Change in the VAT registration / default VAT deregistration procedure starting with 17th August 2016

Order no. 2.393/2016

New provisions regarding batteries and accumulators and waste batteries and accumulators

New requirements have been established for placing batteries and accumulators on the market as well as specific rules concerning the collection, treatment, recycling and disposal of waste batteries and accumulators. This has been done to increase the environmental performances of batteries and accumulators as well as the activities of all economic operators involved in their life cycle.

Registration of economic operators that distribute and sell with or without storage, energy products, alcohol or tobacco

Economic operators who trade and wholesale, with or without storage, energy products and alcoholic beverages and / or tobacco or who intend to retail energy products will need to register in this regard.

Also, economic operators who hold such certificates have 90 days to submit a new application for registration.

New legislation regarding categories of buildings and establishments subject to fire safety permitting and/or authorization

Government Decision no. 571/2016 approving the categories of buildings and establishments subject to fire safety procedures for permitting and/or authorization ("G.D. 571/2016") introduces new fire safety regulations replacing former Government Decision no. 1739/2006 ("G.D. 1739/2006").

Changes in G.D. 571/2016 consist in amending the areas of buildings and establishments subject to fire safety authorization and result in a tendency of increasing such limit for structures that require fire safety permitting and/or authorization. Moreover, while the former regulation provided many situations where certain types of buildings and establishments were subject to fire safety authorization regardless of the surface area, G.D. 571/2016 establishes a threshold for areas of buildings and establishments subject to mandatory fire safety permitting and or authorization.

Hence, the new regulation includes fewer cases in which buildings and establishments are subject to fire safety permitting and/or authorization.

The new regulation has entered into force on 16 August 2016, along with its publication in the Official Gazette of Romania, Part I, no. 628.

Mention should be made that the documentation related to fire safety that is under process of permitting and/or authorization or already drafted on 16 August 2016, shall be governed further by G.D. 1739/2006.

A. Differences on the area threshold for which permitting and/or authorization is mandatory:

Building and construction categories subject to fire safety permitting and authorization fire safety	Minimum area under G.D. no. 1739/2006 (sqm.)	Minimum Area under G.D. no. 571/2016 (sqm.)
Headquarters of the local and central public authorities	-	600
Church houses and related accommodation, publicly accessible	-	200
Buildings designed for commercial purposes	400	600
Establishments designed for commercial purposes developed in collective households	50	200
Dispensaries and polyclinics	400	600
Buildings designed for education, supervision, care centers or accommodation/housing for preschool children, students, the elderly, disabled or homeless people	-	150
Railway stations, bus stations and airports	-	600
Building designed for production or storage	400	600
Establishments designed for production or storage fitted in buildings designed for collective households	-	200
Underground civil buildings or public spaces fitted in the basement, the semi-basement, the attic or on the roof terrace of civil buildings	-	100

B. Other amendments introduced by G.D. 571/2016 regarding the following categories of buildings and establishments subject to fire safety permitting and/or authorization:

I. Buildings:

- for new or existing collective households, with more than four levels above the ground, already designed with attics; under the article 1 point w.) of the former regulation, the permitting authorization was necessary for a height equal to or greater than the ground floor plus three floors plus attics or upper stories;
- closed agrozootechnical and agro-industrial structures, having a built area equal to or greater than 600 square meters, except for metal silos, greenhouses, growth rooms, mushroom farms and deposits of fibrous feed which are not subject to fire safety permitting and/or authorization; under the former regulations, deposits of fibrous feed were not mentioned as an exception;

II. Buildings or areas in buildings designed for:

- car parking with over 10 parking lots, but being excluded, according to the new regulation, references from article 1, point t) from previous regulation "buildings or spaces arranged in buildings designed for parking and/or maintenance and repair of over 10 cars";
- leisure center, with indoor pools (outdoor pools being excluded), services of relaxation and body care, massage, hydro massage, wraps, herbal baths, dry sauna, cabins for chromo-aroma-therapies and Turkish baths, squash halls aerobics, fitness, billiards, table tennis and mechanical football gear, tennis courts, football fields and lockers related to and similar buildings, having an area equal to or greater than 600 square meters, with the following mention introduced in the new regulation: if the space is arranged in collective house holding, its area is subject to fire safety permitting/authorization, if it is equal to or greater than 200 square meters;
- tourist accommodation with more than eight rooms and/or 16 seats, which was increased from three rooms and eight seats, for the following types of accommodation: hotels, aparthotels, motels, hostels, mini-hotels, touristic villas, bungalows, chalets, hunting and fishing cabins, holiday villages, tourist stops, camping houses, guesthouses urban and rural, including related catering establishments, being excepted campgrounds, agro-hostels, apartments for rent and rooms for rent;

III. Buildings, systems or installations for:

- liquefied petroleum gas distribution systems, not placed in mixed stations, for vehicles with a maximum storage capacity of 30 cubic meters water equivalent storage, which was increased from a capacity of 3 cubic meters water equivalent;
- consumer outlets for liquefied petroleum gas cylinders with minimum storage of 250kg LPG and maximum storage of 1250kg LPG, introducing a minimum storage capacity of liquefied petroleum gas cylinders.

Buildings and sports facilities that have a capacity less than or equal to 200 indoor seats and equal to or greater than 1,000 outdoor seats are subject to permitting and authorization. Thus, under G.D. 571/2016, the threshold for permitting of outdoor sports facilities has decreased from 2,500 seats, as was initially stipulated, and the threshold for the number of indoor seats remain unchanged.

Moreover, G.D. 571/2016 introduces a new category of temporary buildings and establishments subject to authorization, as opposed to the former provisions. Thus, temporary buildings and facilities located outdoor designed for entertainment performances or gatherings with capacity equal to or greater than

200 seats or designed for commercial purposes and have an area equal to or greater than 2,500 square meters are subject to authorization procedures.

For further questions regarding the aspects mentioned in this alert, please contact us.

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Amendment of the procedure for VAT registration / default VAT deregistration

Starting with 17th August 2016, the procedure for VAT registration, respectively default VAT deregistration for taxable persons, companies, having the place of business in Romania, established under the Companies Law no. 31/1990, subject to registration with the Trade Register was amended.

The new provisions enforce taxpayer's right to be listened, both for supplying additional information/documents for the VAT registration, and before making the decision to deny the VAT registration application.

The new order also clarifies some terms as risk groups, majority shareholder and updates deadlines (for e.g.: 3 days for notifying taxpayers to supplement the documentation; 45 days for solving the VAT registration request).

The VAT registration / default VAT deregistration procedures are detailed in the annexes 3 and 4 to the Order.

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New provisions regarding batteries and accumulators and waste batteries and accumulators

An emergency decision amending and supplementing Decision no. 1132/2008 on batteries and accumulators and waste batteries and accumulators has been recently published in the Official Gazette.

Among the changes made through this emergency decision are:

- Batteries and accumulators placed on the market that no longer meet the new criteria will continue to be sold until stocks are exhausted.
- The exemption applied to button cell batteries containing mercury in a ratio greater than 0.0005% by weight is eliminated
- The exemption applied to portable batteries and accumulators integrated in cordless power tools, containing cadmium in a higher proportion than 0.002% of weight, is limited until December 31st, 2016
- The responsibility of local authorities to separately collect waste batteries and accumulators is detailed
- The approval procedure of the collective organizations and the operating plan of the producers who organize waste collection individually are not subject to tacit approval

What does it mean for you?

If you are registered in the Register of producers of batteries and accumulators, this authorization remains valid under the conditions in which it was issued. If you filed an application for registering in the Register of producers of batteries and accumulators, this will be settled according to the new legislation.

Since Emergency Ordinance no. 39/2016 introduced a fee for batteries and accumulators, we recommend a strict monitoring of the management of waste batteries and accumulators.

Registration of economic operators that distribute and sell with or without storage, energy products, alcohol or tobacco

ANAF Order No. 2329/2016 was published in the Official Gazette last week, amending Order No. 1849/2016 for approving procedures for registering operators that wholesale trade or retail energy products - gasoline, diesel, kerosene, liquefied petroleum gas and biofuels, as well as the model and content of some forms. This order also amends Order no. 1850/2016 for approving the procedure for registering wholesale trade and retail activity of alcoholic beverages and / or tobacco products, and the model and content of some forms.

In this respect, economic operators who will wholesale distribute and trade, with or without storage, energy products and alcoholic beverages and / or tobacco or intend to retail energy products will have to register for these activities at the customs office in whose area of jurisdiction is located the trading space, sales unit or wholesale warehouse unit for which registration is required.

What does it mean for you?

If you find yourself in one of the above situations, you are required to register for those activities.

If you own a valid trading certificate, you have a period of 90 days, under a vigilant approach, to submit a new application and related documents to the

competent authority for registration. After the above timeframe expires, the certificates issued earlier will cease to be valid.

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