

Transfer Pricing Alert

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In this issue:

“Country-by-country report”, the model and content of the form published by ANAF

The model and content of the “Country-by-country report” and also the proceedings for the completion and submission of the form are regulated by ANAF Order no. 3,049, published in the Official Monitor of Romania no. 894/14.11.2017.

The reporting obligations for each member state are provided by Emergency Ordinance no. 42/ 2017, which transposes into the Romanian legislation the EU Directive 2016/881. You may find more details regarding the provisions of this Ordinance in the [Tax & Legal Weekly Alert 12th – 16th of June edition](#).



“Country-by-country report”, the model and content of the form published by ANAF

ANAF Order no. 3,049/ 2017 presents details regarding the model, content and completion and submission instructions of the “Country-by-country report” and also of the notification that should be submitted to the Romanian competent tax authorities.

Most important provisions:

- The form for “Country-by-Country report” is submitted starting with the fiscal year 2016, the obligation of submission being applicable also to the taxpayers with a fiscal year different from the calendar year;
- The form is divided in five sections, as follows:
 - Identification data of the taxpayer resident in Romania, which constitutes the reporting entity;
 - Identification data of the multinational group;
 - Overview of allocation of income, taxes and business activities by tax jurisdiction:
 - aggregated value of the revenues obtained from transactions with related / independent parties;
 - profit (loss) before taxation of revenues/ profits/ specific tax;
 - income tax paid (on cash basis);
 - income tax accrued – reporting fiscal year;
 - stated capital;
 - accumulated earnings;
 - number of employees;
 - tangible assets, other than cash or cash equivalents.
 - List of all constituent entities of the multinational group included in each aggregation, per tax jurisdiction, with details of the main business activities carried out by each constituent entity (e.g., manufacturing or production, sales, marketing or distribution, insurance, etc.);
 - Additional information and explanation considered necessary or that would facilitate the understanding of the compulsory information mentioned above;
- The obligation to submit the report to the competent authorities in Romania shall take place within 12 months from the last day of the multinational group’s reporting fiscal year;
- “Country-by-country report” form should be submitted to the competent tax authority in Romania;
- Furthermore, each constituent entity of a multinational group which is resident in Romania shall notify the Romanian competent tax authorities the identity and tax residence of the reporting entity. The deadline for submission of the notification is the last day of the reporting year of the group, but no later than deadline to submit the tax return 101 of that constituent entity for the previous fiscal year. The content and model of this notification is presented in Appendix no. 3 of the Order;
- The notification should be submitted to the competent tax authority in Romania or should be transmitted by electronic means, according to the legislation in force.

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