

Transfer Pricing Alert

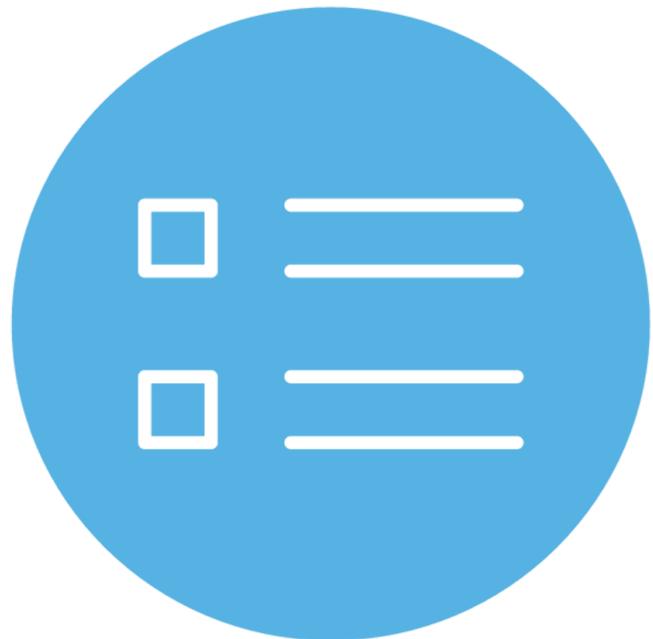
18 December 2017

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Country-by-Country (“CbC”) Notification became functional – Certain entities have to submit it until year end

The official form for submitting the CBC Notification regarding the quality of the constituent entity within a multinational enterprise group was published by the National Agency for Fiscal Administration (ANAF) on December 11, 2017 and updated on December 14, 2017. Certain entities have the obligation to submit the CBC Notification until December 31, 2017.

We are presenting below the methodology and deadlines, as well as potential penalties for non-fulfilment of obligation.



Country-by-Country (“CbC”) Notification became functional – Certain entities have to submit it until year end

Filing methodology

The form includes the identity and tax residence of the reporting entity of the multinational enterprise group, as referred in the Order no. 3049 of the president of the National Agency for Fiscal Administration, further published in the Official Monitor of Romania no. 849/ 14.11.2017. You can access and/or submit the official forms at the following link:

https://static.anaf.ro/static/10/Anaf/Declaratii_R/405.html

The notification should be submitted to the competent tax authority in Romania as follows:

- hard-copy, with the completed forms saved on a CD, and a signed print according to the law, or
- by electronic means (similar to other tax statements).

Deadlines for filing

The deadline for the CbC notification is the last day of the fiscal year of the group, but no later than the deadline for the corporate income tax return for the previous fiscal year.

The deadline for fiscal year 2017 (and 2016, if the case) is December 31, 2017, in case the fiscal year ends in December.

For fiscal year 2018, the deadline to be considered for the CbC notification is the deadline for submitting the corporate income tax return for fiscal year 2017.

Penalties for non-fulfilment of obligations

Failure of the eligible companies to submit the notification may trigger penalties up to RON 5,000, for non-filing.

The fines for not submitting the CbC report range from RON 70,000 to RON 100,000. Late, incomplete or incorrect filing of the CbC report may attract fines between RON 30,000 RON and RON 50,000.

The eligible companies are Romanian companies, that are part of a multinational group with total consolidated income above EUR 750 million.

For further questions, please contact us.



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