



Tax & Legal Newsletter November 2018

1. Facilities for hiring non-EU workers

Law no. 247/2018, which entered into force on 10 November 2018, amends and supplements certain normative acts on the status of foreign nationals in Romania, a summary of which is provided below.

Among other things, the new law modifies the reference salary of non-EU workers to bring it into line with the gross national basic minimum wage. Foreign nationals who entered Romania for employment purposes will therefore have their right to temporary residence prolonged upon presentation of a full-time individual employment contract, duly registered with the general register of employees, showing that their salary is at least the same as the gross national guaranteed minimum wage, i.e. RON 1,900 per month. In the case of highly qualified workers, the minimum salary must be at least twice the gross average salary.

The procedure for issuing work permits to foreign nationals has also been simplified by halving the amount of fees charged for obtaining work permits and eliminating the requirement for permanent employees to obtain a certificate from the Ministry of National Education attesting to the recognition of their qualifications.

Finally, the law also implements the European Directive on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects, and au pairing.

Source: Law no. 247/2018 amending and supplementing certain normative acts on the status of foreign nationals in Romania, published in the Official Gazette of Romania no. 941 on 7 November 2018 and entered into force as of 10 November 2018.

2. Simplified customs declaration procedure for importers

The obligation to perform the unloading and receipt of goods in the declarant's records when filing a customs declaration has been eliminated.

In addition to this, the following articles have also been repealed:

- After the customs office releases the goods, the owner of the goods must break the seals, unload the goods from the means of transport, identify them and take receipt of them
- The owner of the goods is obliged to interrupt any on-going operations and immediately inform the customs office of any differences arising during unloading of the goods between the information provided in the transit declaration, delivery notification and accompanying documents and the unloaded goods.

Source: Order no. 2601 / 2018 amending the Norms on the use of simplified customs declarations and the registration in the declarant's records, approved by the Order of the President of the National Agency for Fiscal Administration no. 1887 / 2016, published in the Official Gazette no. 935 / 06.11.2018

3. Changes to the registration process for economic operators involved in the distribution and trade of wholesale energy products or alcoholic beverages and/or tobacco

- The deadline for submission of new applications for the registration of economic operators involved in the distribution and trade of wholesale energy products or alcoholic beverages and / or tobacco has been modified. The new deadline is 31 December 2018.



Tax & Legal Newsletter November 2018

- After expiration of this deadline, any authorisations held by economic operators will remain valid until the application is settled, but no later than 30 days from the date of submission of the application.
- For the economic operators that submitted an application for authorisation prior to the entry into force of this change, the authorisation will remain valid until the application is settled, but no later than 31 December 2018.

Source: Order no. 2761 of the President of the National Agency for Fiscal Administration, published in the Official Gazette no. 943 / 08.11.2018

4. New procedure for tax liabilities paid by individuals

Tax liabilities due by individual taxpayers for income earned up to and including 31 December 2017 are to be paid separately into the existing accounts established for each income source.

The tax liabilities of taxpayers on income estimated / derived after 1 January 2018 are to be paid into a single account. The types of tax obligations individual taxpayers are to pay into this unique account are as follows:

- Income tax relating to the unique declaration
- Social security contributions relating to the unique declaration
- Health contributions relating to the unique declaration

Source: Order no. 2937 of the President of the National Agency for Fiscal Administration, published in the Official Gazette no. 1005 / 27.11.2018 and Order no. 2936 of the President of the National Agency for Fiscal Administration, published in the Official Gazette no. 1006 / 27.11.2018

5. New changes to the accounting regulations

A new Order introduces several changes to the Accounting Regulations (Order 1802 / 2014), including the following:

- The obligation on all parent companies of a group with more than 500 employees to include in the administrators' report a non-financial statement containing information on at least environmental, social and personnel issues, the respect for human rights, the fight against corruption and the paying of bribes. Until now this provision was only applicable to public interest entities.
- The provision stipulating that the amortisation method can only be changed when it results from an error encountered when estimating the means of consumption of the benefits associated with a tangible asset has been eliminated

In keeping with the International Financial Reporting Standards, the Accounting Regulations were also amended to include the following changes:

- Changes to the definition of fixed assets
- Assets representing rights to use underlying assets that are the subject of leases are now to be listed separately in the lessee's accounts



Tax & Legal Newsletter November 2018

- The underlying assets under lease agreements are now to be recorded by the lessee in off-balance-sheet accounts
- The lender is now to make separate entries in the accounts for any receivables relating to the leasing contracts
- Equity: the provisions for the recording of gains or losses that represent favourable or unfavourable valuation differences no longer apply to the amounts presented in other elements of the comprehensive income account, where the entity, upon initial recognition, takes the irrevocable decision to present in other elements of the comprehensive income account the subsequent changes to the fair value of an investment in an equity instrument
- New accounts are introduced and the descriptions of some older accounts have been changed

Finally, the Accounting Regulations for non-profit legal entities without patrimonial purpose have also been amended.

Source: Order no. 3456 of the President of the National Agency for Fiscal Administration, published in M.O. no. 942 / 07.11.2018

6. Electronic submission of Form 101 may become mandatory

Changes and additions to the structure of Form 101 ("Statement of Corporate Tax") have been proposed through a new draft law. Under the same draft law, starting with 2019, it will only be possible to submit Form 101 by electronic means.

Source: Draft Order of the President of the National Agency for Fiscal Administration, published on the ANAF website, in the section " Drafts of normative documents submitted for public debate"

This newsletter is a service of TPA

Kind regards
Your TPA Team

Contact:

TPA Romania
Str. Grigore Cobălcescu 46, 010196 Bucharest
Tel.: +40 21 310 06-69
Fax: +40 21 310 06-68
<http://www.tpa-group.ro>
<http://www.tpa-group.com>



Tax & Legal Newsletter November 2018



Claudia Stanciu Stănciulescu
Tax Advisor, Partner

email: claudia.stanciu@tpa-group.ro

www.tpa-group.ro
www.tpa-group.com



Cristina Gheorghita
Legal Partner

email: cristina.gheorghita@tpa-group.ro

www.tpa-group.ro
www.tpa-group.com

To receive regular updates from TPA Romania, please sign up for our newsletter.

IMPRINT Information update: End of November 2018. This information has been simplified and is not a substitute for individual advice. Responsibility for the content lies With Claudia Stanciu, Tax partner, and Cristina Gheorghita, Legal Partner, of TPA Romania, Str. Grigore Cobălcescu 46, 010196 Bucharest, Romania. TPA Romania is an independent member of the Baker Tilly Europe Alliance. Tel: +40 21 3100669. Homepage: www.tpa-group.ro; Concept and design: TPA Romania
Copyright ©2015 TPA Romania, Str. Grigore Cobălcescu 46, 010196 Bucharest, Romania.