

AUGUST 2, 2010

NUMBER 45

Government Decision no. 768/2010 regarding the amendment of the Norms for the application of the Fiscal Code, approved by Government Decision no. 44/2004ⁱ

VAT – transitory provisions for rate increase

Transitory provisions regarding the VAT rate increase and examples are provided for various circumstances.

In case adjustments of the taxable base (full or partial annulment of the operation, full or partial refusals, price differences, etc.) occur after July 1, 2010, the applicable VAT rate is the one used for the underlying transaction. However, in case the underlying transaction cannot be determined, the applicable VAT rate shall be the rate in force at the date of adjustment.

As derogation, for intra-community acquisitions of goods, the applicable VAT rate is the one in force at the date when the tax point occurs.

For services recharged based on the commissionaire structure, the chargeable event occurs at the date when the invoice is issued by the commissionaire.

Registry of Intra-Community operators

Taxable persons which are not incorporated based on Company Law no. 31/1990 are not required to submit the criminal records of their administrators and shareholders for the registration as intra-community operators.

This amendment simplifies the registration procedure for non-resident entities registered for VAT purposes in Romania.

Excise Duties

The list of documents to be submitted before the production/sale/use of products manufactured, marketed or used as heating fuel or engine fuel is expanded.

Clarifications are brought regarding the products which may be stored under the excise duty suspension regime, within production/storage fiscal warehouses.

The procedure and the documents required for the authorisation as registered consignee of the economic operators who already hold and end-use authorisation are detailed.

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ⁱ Published in Official Gazette no. 534/2010