

Amendments regarding the registration / cancellation of VAT registration numbers

16 February 2015

In brief

Several Orders of the President of the National Agency of Fiscal Administration (“OPANAF” 17, 19, 18,112/2015) have been published, amending certain VAT provisions.

In detail

The amendments are included in the following legislative acts:

- OPANAF 17/2015 establishing the conditions for VAT registration;
- OPANAF 19/2015 regarding the Procedure for modification, by default, of the VAT position;
- OPANAF 18/2015 regarding the VAT registration procedure for taxable persons with cancelled VAT registration numbers;
- OPANAF 112/2015 approving the model and content of some pre-printed VAT forms.

The new orders amend the following provisions:

Criteria for registration for VAT purposes

In order to register for VAT purposes, companies established under Law No. 31/1990 regarding trading

companies must demonstrate both the intention and the capacity to perform economic activities.

Such intent and capacity are assessed by the competent tax authorities based on a statement of own responsibility (pre-printed form o88) submitted by the taxable person.

Taxable persons who partially meet the assessment criteria will be invited to the competent tax authority to clarify their intention and capacity to perform economic activities.

If following the discussion with the tax authorities, the taxable person does not clarify both the intent and the capacity to perform economic activities, the VAT registration applications will be sent, for settlement purposes, to the competent regional antifraud directorate.

The pre-printed form o88 “Statement on own

responsibility for the evaluation of the intent and capacity to perform an economic activity involving VAT operations” must be submitted by companies established under Law no.31/1990 regarding commercial companies in the following situations:

- In order to register for VAT purposes;
- At the request of the competent tax authorities, in the event of changing the registered office or the directors / shareholders.

Registration / Cancellation by default of VAT registration numbers

The registration for VAT purposes by default is considered valid as of the date when the related decision is communicated.

New provisions regarding the annulment of VAT registrations have been implemented based on the

incorporation type, as provided by Law No. 31/1990 regarding commercial companies, as follows:

- For joint stock companies or limited share companies, the VAT registration is cancelled if a director and / or the taxable person itself have certain offences in their tax record;
- For other types of company, the VAT registration is cancelled if the majority shareholder or sole shareholder and / or a director and / or the taxable person itself have certain offences in their tax record.

For companies which do not demonstrate either the intention or the capacity to carry out economic activities, under the Fiscal Code criteria, the VAT registration is cancelled at the communication date of the decision for annulment.

Taxable persons whose VAT registration has been cancelled by default, as a result of inactivity, cannot now be

registered by default for VAT purposes.

The amendments came into force as of 1 February 2015.

[Sources: Official Gazettes of Romania:

No. 16 of 9 January 2015,

No. 19 of 12 January 2015,

No. 32 of 15 January 2015 and

No. 40 of 16 January 2015]

The takeaway

Criteria for registration for VAT purposes

In order to register for VAT purposes, companies established under Law No. 31/1990 regarding trading companies must demonstrate both the intention and the capacity to perform economic activities by submitting a statement of own responsibility (pre-printed form 088);

If the evaluation criteria for VAT registration purposes are partially met, the VAT registration applications will be sent, for settlement purposes, to the competent regional antifraud directorate

The pre-printed form 088 must be submitted by

companies established under Law no.31/1990 regarding commercial companies in the following situations:

- In order to register for VAT purposes;
- At the request of the competent tax authorities, in the event of changing the registered office or the directors / shareholders.

Registration / Cancellation by default of VAT registration numbers

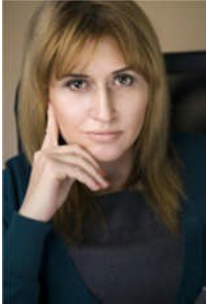
VAT registration of a taxable person by default is considered valid only at the date of communication of the decision regarding the default registration.

Companies established under Law 31/1990 should take into account the new provisions regarding default registration / annulment of registration for VAT purposes.

VAT registration of a taxable person with a cancelled VAT number will be performed by the competent tax authorities only upon request, irrespective of the reason for the VAT number cancellation.

Let's talk

For a deeper discussion of how this issue might affect your business, please contact:



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