

Summary of the main provisions of GEO 33/2020 regarding certain tax measures and the amendment of certain normative acts, published in the Official Journal, Part I no. 260 of 30 March 2020

I. Provisions regarding the bonuses for the anticipated payment of the corporate tax/the microenterprises income tax for the first quarter of 2020

1. Regardless of the declaration and payment system, taxpayers paying the **corporate tax** due for the first quarter of 2020 and the advance payment for the same quarter by 25 April 2020 inclusive, benefit from a bonus calculated from the corporate tax due, as follows:

a) 5% for large taxpayers established in accordance with the *Order of the President of the National Agency for Fiscal Administration no. 3.609/2016 on the organization of the management activities of the large taxpayers*;

b) 10% for medium taxpayers established in accordance with the *Order of the President of the National Agency for Fiscal Administration no. 3.610/2016 on the organization of the management activities of medium taxpayers*;

c) 10% for the other taxpayers who do not fall under a) and b).

2. The taxpayers who **have opted for a financial year different from the calendar year** also benefit from these bonuses if they pay the tax due for the quarter/the quarterly advance payment by the deadline between the date of 25 April and 25 June 2020.

3. The bonuses also apply accordingly to taxpayers who fall under *Law no. 170/2016 regarding the **specific tax** for certain activities*, for the corporate tax for the first quarter of 2020, determined for activities other than those related to the NACE codes provided by the law.

The targeted taxpayers are those that obtain income from activities other than those related to the NACE codes specific to HoReCa and that apply the corporate tax declaration and payment system, according to art. 10 (1) of Law no. 170/2016.

4. For the payment of the **micro-enterprises income tax** for the first quarter of 2020 by 25 April 2020 inclusive, taxpayers benefit from a **10%** bonus, calculated on the tax due for that quarter.

5. The above-mentioned taxpayers that pay the corporate tax/ the microenterprises income tax in advance determine the corporate tax/ the microenterprises income tax to be paid by **deducting the bonus** - calculated according to the above provisions - **from the tax due.**

6. For corporate taxpayers, the bonus calculated will be distinctly recorded in the annual corporate tax return (D101).

II. Special provisions regarding the value added tax for imports of coronavirus medicine and protective equipment

1. By way of derogation from the provisions of the Code, **the actual payment is NOT made to the customs authorities** by the taxable persons registered for VAT purposes in accordance with art. 316 of the Fiscal Code, who imports **medicine, protective equipment, other medical devices or equipment and sanitary supplies that can be used in the prevention, containment, treatment and control of COVID-19**, during the state of emergency and during the following 30 calendar days after the cessation of the state of emergency.

2. The customs authorities do NOT require the payment of value added tax for the above-mentioned imports.

3. The tax for the above-mentioned imports is included by importers in the VAT return (D300), **both as a collected tax and as a deductible tax**, within the limits of deductibility and under the conditions established in art. 297-301 of the Fiscal Code.

III. Special provisions regarding the state of emergency certificate

The state of emergency certificate issued according to the methodology approved by the Order of the Minister of Economy, Energy and the Business Environment (MEEMA Order no 791/2020) indicates, based on the affidavits, a decrease of minimum 25% in the **income or collections** of March 2020 compared to the average of January and February 2020 or the partial or complete discontinuation of activity as a result of the decisions issued by the appropriate public authorities during the declared state of

emergency.

Therefore, the request for a state of emergency certificate (which is no longer necessary for the settlement of the technical unemployment allowance by those who discontinue their activity following the decisions of the public authorities, in accordance with the amendments to GEO 32/2020 to GEO 30/2020) shall be based on an **affidavit** stating the following:

- Either a decrease of minimum 25% in income or collections (the "income" notion is newly introduced) for March 2020 compared to the average of January and February 2020 (previous b) category)
- Or the partial or complete discontinuation of activity as a result of the decisions issued by the appropriate public authorities during the declared state of emergency (previous a) category).

In conclusion, the state of emergency certificate issued in accordance with the provisions of the MEEMA Order no. 791/2020, which can be requested online at <http://prevenire.gov.ro/>, according to the provisions of the new normative acts published in the GO dated 30 March 2020, is still necessary in the following situations regulated by GEO 29/2020:

- payment deferrals for utility services during the state of emergency - electricity, gas, water, telephone and internet services, for the rent of the building housing the registered office and secondary offices of small and medium-sized enterprises that have discontinued their activity in whole or in part based on the decisions issued by the appropriate public authorities (previous a) category);
- invoking force majeure clauses, other than those mentioned above, in ongoing contracts concluded by small or medium-sized enterprises, specifying that force majeure can be invoked against them only after the attempt to renegotiate the contract, evidenced by documents communicated between the parties by any means, including electronic means, in order to adjust their clauses by taking into account the exceptional conditions generated by the state of emergency;
- the suspension of credit repayments, in accordance with GEO 37/2020.