

Tax & Legal Weekly Alert

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In this issue:

Order no. 1105 of 29 March 2016 for amending the 394 statement on transactions carried out on the national territory

Amendments to the statement regarding transactions carried out on the national territory by VAT registered persons (informative 394 statement) have been published in the Official Gazette on 1 April 2016.



Order no. 1105 of 29 March 2016 for amending the 394 statement on transactions carried out on the national territory

ANAF Order no.1105/ 2016 for the amendment of Order no. 3769/ 2015 on the reporting of transactions carried out on national territory by persons registered for VAT purposes as well as the content of informative 394 statement was published in Official Gazette no. 242 of 1 April 2016.

The order enters into force on 1 July 2016. Thus, the new 394 statement will refer to transactions performed on the national territory starting from July 2016.

For those transactions carried out by the end of June 2016, the former 394 statement should be used. The 394 statements submitted for the period January - June 2016 do not need to be replaced after the new format enters into force.

Please find below the main changes brought by Order no.1105/2016 to the form and content of the 394 statement:

- The 394 statement will comprise invoices issued or received during the reporting period. Thus, no rectifying 394 statements should be submitted for invoices received in another reporting period than their issuance date. For example, if an invoice issued in September is received by the beneficiary in October, the invoice is reported in the 394 statement related to the month of October and no rectifying 394 statement should be submitted for September.
- It is clarified that the 394 statement will include only the transactions carried out on the national territory that are not reported in the recapitulative statement 390.
- In *section C. Summary of the statement regarding transactions carried out with taxable persons registered in Romania* for the supplies / acquisitions of mobile phones, microprocessors, game consoles, tablet PCs and laptops at a value less than RON 22,500, exclusive VAT, should be reported distinctly. Moreover, a new category of deliveries/ acquisitions to be reported under this section has been introduced: deliveries/ supplies performed by taxable persons applying the normal / VAT cash accounting system for the special VAT schemes (travel agencies, second-hand goods, works of art, collectors' items or antiques), i.e. the acquisitions of goods and services from such taxable persons.

Information on the special VAT schemes should also be reported (LS code) in the following sections: D (transactions carried out with persons not registered for VAT purposes), E (transactions carried out with taxable persons not established and not registered for VAT purposes in Romania, established in the EU) and F (transactions carried out by taxable persons not established and not registered for VAT purposes in Romania, established outside the EU).

- In *section I. Other information* clarifications have been made regards invoice numbering that must be reported. This information is taken over from the internal decisions companies take regards invoicing and relates only to transactions carried out on the national territory.

The terms of credit notes (invoice with a negative value) and canceled invoices (the invoice not sent to the beneficiary and not registered in the accounting books) are defined.

Moreover, the following should be reported in this section: the series and the number of invoices issued by the taxable person as beneficiary on behalf of suppliers, as well as the total number of invoices issued by beneficiaries/ third parties on behalf of the taxable person, together with their series, number, name and unique registration code of the beneficiaries / third parties.

- At *letter D* – it is required to report details of the operations performed with persons not registered for VAT purposes and file the personal identification number/ fiscal

identification number when the taxable person is able to collect them from individual persons (invoices or contracts). In their absence, the name, surname and the address of the individual should be reported.

- *At letter G – details of the operations performed by means of fiscal electronic cash registers* should be reported for the transactions provided to individuals during the period 1st of July 2016 – 31st of December 2016 only for invoices for amounts more than RON 10,000. For invoices of lesser amounts, only the total number of invoices, the taxable base and related VAT should be reported.

For further questions regarding the aspects mentioned in this alert, please contact us.

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