

Legal Info

October 28th, 2020



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The Cabinet Decision no. 856/2020 – The extension of the state of alert and other set-up proceedings.

ECOVIS Romania: HR & Payroll Services

Esteemed Clients,

On October 26th, 2020 the Official Monitor no. 988 has published **The Emergency Order 181/2020** regarding specific tax & budgeting proceedings, for the modification and the addition of regulatory documents, as well as for the prorogation of some deadlines.

I. The exemption from interests and penalties for overdue payments

It is granted the exemption from interests and penalties for overdue payments, as well as the suspension of the foreclosure procedure, for the tax debts due starting with March 21st, 2020 and unpaid until December 25th, 2020.

II. Rescheduling of payments

It is introduced the option of the rescheduling of payments for a period of maximum 12 months for the main tax duties and their accessories (interests and overdue payments penalties) with the maturity occurring after the date of the institution of the state of emergency.

The conditions for granting the rescheduling are the following:

- To register an application to the tax authority, up to December 15th, 2020 (included);
- It is not under the bankruptcy procedure;
- It is not under the dissolving procedure;
- It does not register overdue tax duties at the date of the institution of the state of emergency, and not yet paid at the date of the issuing of the tax ascertain certificate;
- It is not in the situation of being declared responsible pursuant to the law regarding insolvency and/or joint liability;
- The entity has submitted all due tax returns, pursuant to the total tax owed;

This provision is not applicable for tax duties lower than 500 lei for natural persons and of below 5.000 lei for legal persons.

Rescheduling Procedure:

- ◆ The application for rescheduling is registered with the tax authority before December 15th, 2020;
- ◆ The tax authority issues the tax ascertain certificate (inscribing the due debts) in a term of 5 business days and notifies the debtor;
- ◆ The application is processed by the tax authority in 5 business days after the day of its registration, and the outcome of the processing can be the issuing of a decision for the rescheduling of the payments or a decision for the rejection of the application, according to each particular situation;
- ◆ At the debtor's request, the tax authority may agree to the differentiated payments of installments;
- ◆ For the rescheduling installments paid after the payments' deadline the tax-payer owes interests (0,01% per overdue day) and penalties (5% to the amount of the unpaid installment).

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III. Other tax proceedings

The exemption for the payment of the specific tax

The tax-payers bearing the obligation of paying the tax specific to some activities do not owe this tax for the timeframe between the date of the coming into act of this Cabinet Order and December 31st, 2020.

The tax-payers re-calculate the specific tax due to the year 2020 through the division of the annual tax to 365 calendar days and the multiplication of the resulted value with the number of days determined through the subtraction from 365 days of the number of days due to the period October 26th— December 31st and of the number of 90 calendar days stipulated by OUG 99/2020.

The tax payers who, up to October 26th, have submitted the statement regarding the specific tax due to first semester apply the above-mentioned provisions through the registration of a adjusting statement.

For the payers of the building tax (legal persons or natural persons) of non-residential utilization it can be granted a decrease of up to 50%, but the decision belongs to local councils and with the fulfillment of preset conditions.

Deductibility of the COVID tests. The counter value of the expenses paid by the employer / payer for the medical tests for the diagnosis of the infection with COVID-19, from his own initiative, for own employees, are considered deductible expenses and they are exempted from the payment of the incomes derived from salaries and social insurance contributions.

The deadline for the VAT reimbursement with a subsequent inspection is prorogated up to January 25th, 2021.

IV. The procedure of granting of days off for parents due to child care

On October 27th, 2020 the Official Monitor no. 993 has published **the Emergency Order no. 182/2020** *for the addition of the Emergency Order of the Cabinet no. 147/2020 regarding the granting of days off for parents due to child care, if educational activities requiring the actual presence of the children in the educational units such as schools and nurseries are limited or suspended, due to the spread of the Coronavirus SARS-CoV-2, as well as of the art. 6 of the Cabinet Emergency Order no. 132/2020 regarding relief measures for employees and employers in the context of the pandemic generated by the spread of the Coronavirus SARS-CoV-2, as well as for the stimulus of the employment of the workforce, for the introduction of new tax & budgeting measures, for the change and the addition of specific regulatory documents, as well as for the prorogation of specific deadlines.*

Pursuant to OUG no. 147/2020, **parents are granted with paid days off when the actual presence of the children in educational units is limited.**

The granting of the days off is applicable in both scenarios:

- ⇒ **scenario 2** «The daily participation of all preschoolers and pupils from primary schools, from the classes no. 8 and 12, with the observance and the implementation of all protection norms and the partial coming back to school by a 1-2 weeks rotation of the pupils from other classes of grammar school and high school, with the observance and the implementation of all protection norms».
- ⇒ **scenario 3** «All preschoolers and pupils participate online at activities/lessons».

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These days off are granted to parents who meet the following conditions cumulatively:

- a) They have children up to 12 years old or they have children with disabilities up to 26 years old, registered with a school or a nursery;
- b) The other parent does not benefit, on his/her behalf, of days off;
- c) as an exception, for the parent or legal custodian who has under care, supports and provides for one or more schooled children, with chronic diseases, for whom the family physician or the specialist doctor issued certificates for the online schooling.

Important: The days off are granted only after the employer applies the current legal provisions regarding the tele-work of home office, if the parent's job allows.

The amount of the allowance and applicable taxes:

For each day off, the entitled parent **benefits of an allowance in amount of 75% of the basic salary** due to a work day, but without overcoming 75% of the gross average salary (5.429 lei), corresponding to a work day.

The above-mentioned allowance is in gross amount (4.071,75 lei/ whole month) and it is subject to the income tax and to the mandatory contributions for social insurance. At the same time, for this allowance is owed the assuring contribution for work.

The allowance is paid from the fund for the payment guarantee for salary debts, and the employers must observe the procedure mentioned in the Order for the payment of the allowances.

The procedure to be followed by the employee (parent):

The concerned employee will register with the employer:

- ◇ An application (template attached);
- ◇ A self-responsibility declaration from the other parent (template attached);
- ◇ The birth certificates of the child/children; if applicable, a duplicate of the certificate ascertaining the inclusion in a physical disability legal category for the child or for the adult up to 26 years old;
- ◇ A duplicate of the certificate issued by the family physician / specialized doctor regarding the situation of the parent or of the legal representative who supports, cares for and provides for one or more schooled children with chronic diseases.

The self-responsibility statement of the other parent must mention clearly that he/she has not applied on his/her own behalf for the allowance for days off stipulated by this Order. Simultaneously, **the other parent must observe the following situations and to declare consequently that he/she:**

- ⇒ Is not currently on childcare leave;
- ⇒ Is not the personal attendant for the children;

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- ⇒ Is not during his/her vacation leave or during an unpaid leave;
- ⇒ Does not have the work relations suspended based on the procedure of technical unemployment, as described by the Employment Code;
- ⇒ Derives incomes from salaries, from independent activities, incomes from intellectual property rights, incomes from farming activities, forestry and fish farming taxed under real system.

The procedure to be followed by the employer:

- a) The employers pays the allowance to the employee, respectively the payment of taxes and contributions owed to the national budget for that month;
- b) In maximum 30 days after the payment of the taxes and of the contributions due to the allowance, the application for the reimbursement of the allowance and the justifying documents are submitted electronically to the agencies for the employment of the workforce;
- c) In a term of 15 calendar days after submitting the documents, the amounts for allowances will be paid to the employers.

Very important: the education units deciding to limit/suspend classes bear the obligation that in 10 days after this decision they transmit electronically to the Agencies for the employment of the workforce the lists with the names of the children affected by the limitation/suspension of classes.

According to the situation of each child, the transmittal of the lists will be made by the schools inspectorates, by city halls or by the authority for social protection and child protection.

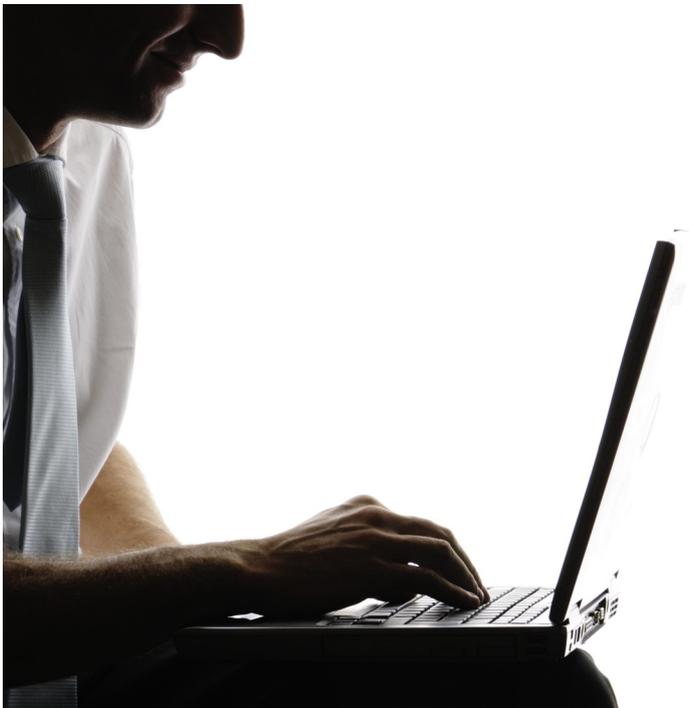
Applicability period

This facility is applied to all employees from the public and private sector, for the entire period of limitation or suspension of classes in school/schools or of the activities of the day services for persons with disabilities or of the activities of the day services for the persons with disabilities, during the state of alert and after its termination, but no later than the date of the finalization of the classes of the school year 2020-2021.

V. The extension of the state of alert and other set-up proceedings

The Decision no. 856/2020 stipulates that starting with October 15th, 2020 the state of alert is extended for 30 days on the entire national territory. Pursuant to art. 11 of the Annex no. 3 of the above mentioned decision, it is instituted the obligation to analyze the conducting of activity and the organization of the work schedule as tele-work or work from home. At the same time, it is mentioned that if one or more employees cannot perform their activity as tele-work or work from home, and in order to avoid the crowding of the public transportation, the institutions and business operators, both public and private, organize their work schedule in a manner allowing the division of the staff in at least two groups starting, respectively finishing activity one hour apart at least.

ECOVIS Romania: Financial Audit & Internal Audit Services



This info is a selection of some elements of new legislation, with a strictly informing purpose. It is not considered professional consulting and, in consequence, we do not assume any responsibility in this respect. For additional questions regarding the situations mentioned above, please do not hesitate to contact us.

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- Contabilitate financiară;
- Întocmire și depunere declarații fiscale pentru persoane juridice și fizice române și străine;
- Armonizarea contabilității financiare naționale cu normele contabile ale societății-mamă;
- Întocmirea și certificarea situațiilor financiare anuale;

Audit

- Audit financiar în conformitate cu ISA;
- Retratarea situațiilor financiare întocmite în conformitate cu reglementările naționale, pentru Standardele Internaționale de Raportare Financiară (IAS / IFRS) sau Standardele specifice Client (GAAP);
- Audit financiar impus de politica grupului;
- Audit intern;
- Misiuni de audit de tipul: proceduri convenite (ISA 4.400), revizuiri (ISA 2.400), *due diligence*;

Salarizare și resurse umane

- Servicii de salarizare;
- Managementul, auditul și înregistrarea dosarelor de personal conform cerințelor legale și reglementărilor firmei;
- Întocmirea fișelor de post și a Regulamentului de Ordine Interioară specifice activității Clientului;
- Interfața cu aplicații bancare și efectuarea operațiunilor de plăți salariale;
- Evaluare și selectare personal pentru servicii de contabilitate / departamentul de contabilitate;

Consultanță

- Consultanță fiscală
- Asistență în pregătirea dosarului **prețurilor de transfer**;
- Consultanță în fuziuni și achiziții, restructurarea companiei;
- Asistență în implementarea soluțiilor IT cu privire la: contabilitatea financiară și de gestiune, evidența angajaților, salarizare, rapoarte manageriale etc.;
- Înregistrare fiscală diverse entități și înregistrare ca plătitor TVA;
- Notificări cu privire la modificări semnificative ale legislației.

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