

Indirect Taxnewsflash

KPMG IN ROMANIA

Registration of wholesale or retail economic operators that sell petroleum products

Services

- VAT, customs and excise duties review and planning aimed at enhancing the VAT cashflow;
- VAT review and health checks aimed at identifying exposure to VAT risks and potential penalties;
- Advice on VAT treatment of specific transactions;
- VAT assistance during tax audits conducted by the tax authorities;
- Advice on VAT, customs and excise duties planning strategies;
- VAT implications arising from business restructuring (e.g. mergers and acquisitions, transfer pricing policies, commissionaire structures);
- VAT registration in Romania and other EU countries, as well as compliance services;
- Preparation and filing of VAT refund claims.

Order of the President of the National Agency for Fiscal Administration (ANAF) no. 1378/2009, (published in Official Gazette no. 585/24.08.2009), has approved the registration procedure for wholesale and retail of various types of petroleum products, specifically energy products referred to in art. 175 (3) a)-e) of Law 571/2003 regarding the Fiscal Code.

According to art. 2441 (4) - (12) of the Fiscal Code economic operators who sell / intend to sell, on a wholesale or retail basis, energy products referred to in art. 175 (3) a)-e), including petroleum, diesel, kerosene and liquefied petroleum gas (LPG), are required to register with the territorial tax authority in accordance with the procedure and conditions laid down by this order.

After registration economic operators will be able to sell / store only the products covered by the registration certificate, from the date stipulated in the certificate.

Economic operators that already perform the above mentioned activities are required to apply the procedure and conditions established by Order 1378/2009, within 90 days after it is published in the Official Gazette of Romania.

As stipulated by art. 2441 (10) of the Fiscal Code, authorized warehouse-keepers and registered operators that sell / intend to sell energy products, on a wholesale basis, are not required to register with the territorial tax authority.

The carrying out of these activities by economic operators who do not apply the procedure and conditions of Order 1378/2009 constitutes a contravention subject to fines, as well as to the confiscation of sale proceeds and to prohibition from carrying out economic activities in relation to excisable products for a period of 1-3 months.

About us

Our team consists of more than 100 Romanian and international consultants, with command of local and international legislation, organized to be able to react at short notice to requests for tax assistance covering a wide range of issues.

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