

New rules on VAT refund procedures starting from 1 January 2010

Services

- Reviewing the VAT implications for each line of business and identifying opportunities for improving VAT cash flows;
- Reviewing the VAT implications of the operations carried out and the VAT position with a view to identifying potential risks and penalties that might be incurred;
- Assistance with respect to the VAT treatment of specific operations;
- Assistance during VAT audits;
- Assistance with respect to strategies for VAT planning;
- Assessing the VAT implications of restructuring operations (e.g. mergers and acquisitions, transfer pricing, commissioner structures);
- Assistance with registration for VAT purposes in other EU Member States, as well as related VAT compliance services;
- Assistance with preparing and submitting VAT refund claims both in Romania and in other EU Member States, as well as in non-EU countries.

The National Agency for Fiscal Administration has issued Orders regarding the new VAT refund procedures, both for taxable persons established in Romania as well as for taxable persons that are not established and not registered for VAT purposes in Romania.

From 1 January 2010, new rules for VAT refund procedures will be applied. Here are the Orders published by the National Agency for Fiscal Administration, for each category of taxable person.

Order no. 3 of 4 January 2010

Approves the procedure for receiving refund claims for the VAT paid by taxable persons established in Romania for imports and acquisitions of goods/services concluded in another EU Member State.

The applicant will make a claim (form 318) in electronic format to the respective Member State, which it will send to the relevant fiscal authorities in Romania no later than 30 September of the year following the refund period.

Order no. 4 of 4 January 2010

Approves the procedure for the settlement of refund claims for the VAT paid for acquisitions concluded in Romania, filed by taxable persons not established in Romania, but established in another EU Member State.

The applicant will send a request in electronic format to the Member State where the applicant is established by using the electronic portal made available by that Member State, no later than 30 September of the year following the refund period.

Order no. 5 of 4 January 2010

Approves the procedure for the settlement of refund claims filed by taxable persons not registered for VAT purposes in Romania and established outside the Community for the VAT paid for the goods acquired or the services received in Romania, as well as for the tax paid for the import of goods into Romania.

The applicant must designate a fiscal representative in Romania for VAT refund purposes.

The application (form 313) must be sent in electronic format or by post to the relevant fiscal authorities no later than 9 months after the end of the calendar year in which the tax becomes payable.

KPMG assistance

If your company is affected by the new changes, KPMG can assist you with preparing and submitting VAT refund claims both in Romania and in other EU Member States, as well as in non-EU countries.

We will be pleased to help if you need further information about these changes in the VAT reimbursement procedures.

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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