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Split VAT is eliminated today. Firms begin to receive their money from Treasury accounts

TAXES AND CONSULTANCY

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Marius Oncu

written today, 09:00



Starting today, February 1, the VAT breakdown mechanism is repealed, according to a decision taken by the Government in December, and the process of restoring to the companies, in their bank accounts, the amounts they had in the VAT accounts begins. opened at the Treasury. The money transfer process should be completed in 10 days. In December the VAT split was about 20,000 companies, most of them insolvent or with VAT debts. It should be mentioned that, since the Government's decision on 23 December to repeal the VAT split, no new companies have been introduced into the breakdown payment system.

Thus, starting with February 1, through the VAT accounts of the Treasury of the companies that have applied the breakdown payment mechanism, operations can no longer be performed, except:

- Within 10 days from February 1, 2020, the Treasury units to which the persons who applied the VAT breakdown mechanism have opened VAT accounts, automatically transfer, without any formalities in relation to the account holder, the existing available from the balance of accounts of VAT in the account of available of the holder opened at the same unit of the Treasury.
- Within 10 days from February 1, 2020, persons who have applied the VAT breakdown mechanism, who have not opened the State Treasury available account will communicate to the State Treasury unit the current account opened at a credit institution in which it is transferred the respective amounts. If these persons do not communicate information regarding the current account opened at the credit institution, based on a list of these persons provided

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READ AND DOCUMENT The Government suspended the obligation to submit three tax returns, a decision expected by the accountants

Between December 23 and February 1, the respective accounts of the companies in the VAT split could be enforced by any creditors, regardless of the nature of the debt, so also by ANAF.

Split VAT has been strongly challenged by the business environment, and the European Commission has asked Romania for over a year to renounce this abuse. Currently, around 20,000 companies are split into VAT, out of which only about 2% have volunteered.

According to Profit.ro data, in December, when the repeal order was published, there were 19,917 companies in the VAT split, of which 190 were high taxpayers, 1,667 medium, and 18,060 were small.

Below, the ordinance published in the Official Gazette on December 23, 2019.

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confesional, publicată în Monitorul Oficial al României, Partea I, nr. 18 din 11 ianuarie 2007, cu modificările și completările ulterioare.

Art. III. — Articolul 11 din Legea nr. 133/2019 pentru înființarea Agenției pentru Calitatea și Marketingul Produselor Agroalimentare, publicată în Monitorul Oficial al României, Partea I, nr. 576 din 15 iulie 2019, se modifică și va avea următorul cuprins:

„Art. 11. — Prezenta lege intră în vigoare la 1 ianuarie 2021.”

Art. IV. — Prin derogare de la prevederile art. 54 alin. (2) din Legea nr. 500/2002 privind finanțele publice, cu modificările și completările ulterioare, în anul 2019, pentru ultima lună,

urgență, organele fiscale nu mai operează înscrieri în Registrul persoanelor care aplică plata defalcată a TVA.

(4) Până la data intrării în vigoare a prevederilor alin. (1), contul de TVA poate fi executat silit de către orice creditor, indiferent de natura creanței.

(5) În termen de 10 zile de la data intrării în vigoare a prevederilor alin. (1), unitățile Trezoreriei Statului la care persoanele care au aplicat mecanismul plății defalcate a TVA au deschis conturi de TVA transferă automat, fără nicio formalitate prealabilă în raport cu titularul contului, disponibilul existent în soldul conturilor de TVA în contul de disponibil al titularului deschis la aceeași unitate a Trezoreriei Statului pentru

MONITORUL OFICIAL AL ROMÂNIEI, PARTEA I, Nr. 1031/23.XII.2019

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operațiunile prevăzute la art. 6 alin. (1) din Ordonanța de urgență a Guvernului nr. 146/2002 privind formarea și utilizarea resurselor derulate prin trezoreria statului, republicată, cu modificările și completările ulterioare.

(6) În termenul prevăzut la alin. (5) persoanele care au aplicat mecanismul plății defalcate a TVA care nu au deschis la Trezoreria Statului contul prevăzut la art. 6 alin. (1) din Ordonanța de urgență a Guvernului nr. 146/2002, republicată, cu modificările și completările ulterioare, vor comunica unității Trezoreriei Statului contul curent deschis la o instituție de credit în care se transferă sumele respective. În cazul în care aceste

persoane nu comunică informații privind contul curent deschis la instituția de credit, în baza unei liste a acestor persoane furnizate de Trezoreria Statului, organul fiscal solicită, în termen de 10 zile de la data primirii solicitării de la Trezoreria Statului, titularilor de cont aceste informații, pe care le transmite unităților Trezoreriei Statului în vederea transferului sumelor.

(7) Începând cu data intrării în vigoare a prevederilor alin. (1), prin conturile de TVA deschise la unitățile Trezoreriei Statului ale persoanelor care au aplicat mecanismul plății defalcate a TVA nu mai pot fi efectuate operațiuni, cu excepția celor prevăzute la alin. (5) și (6).

PRIM-MINISTRU
LUDOVIC ORBAN

Contrasemnează:
p. Ministrul agriculturii și dezvoltării rurale,
Florin Emil Dumitru,
secretar de stat
Ministrul finanțelor publice,

Until February 1, the VAT debt companies applied to the state (under certain conditions), those who are insolvent, but also those who have chosen to voluntarily enter into this system, in order to benefit from a series of facilities.

Profit.ro wrote, at the beginning of November, that the Government "failed" to eliminate the VAT split not even a year after the European Commission informed the Romanian authorities that the broken down payment mechanism is an abuse of companies and that it will initiate the procedure of infringement if Romania does not give up this instrument. Romania risks going into the Commission's infringement procedure if it does not eliminate at least January 1 the VAT split, which is currently mandatory for certain categories of companies.

"It is a very welcome measure. More it confounded the business environment than it stimulated with all the facilities initially granted. And even if a company was not in the VAT split system, it was indirectly affected having commercial relations with the companies in the system", a declared for Profit.ro fiscal consultant Cornel Grama.

The VAT Split was introduced in the fall of 2017, optional, following which from January 1, 2018 it will become mandatory for all companies registered for VAT purposes. However, the ordinance was significantly modified by the Parliament, and the split remained optional for companies, with a bonus system, but obligatory for insolvency companies and those with VAT debts.

Although the European Commission sent in the fall of 2017, including through Profit.ro, that it would be better to consult before adopting such big changes regarding VAT, the Government at that time ignored the messages. In the first part of 2018, the newly installed Minister of Finance at the time, Eugen Teodorovici, asked the Commission for a derogation for the VAT split.

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At the beginning of November 2018, the European Commission asked Romania to give up the VAT breakdown mechanism, as, according to the EU executive, this system, introduced since the beginning of 2018 by Finance for insolvency and VAT debt companies, is contrary to the EU VAT Directive and the freedom to provide services. The Commission therefore rejected Romania's request for a derogation from the VAT directive for the breakdown payment mechanism.

The Ministry of Finance proposed in the first part of this year to the European Commission that the VAT split mechanism be completely optional, and the measure received the EC agreement this summer.

In mid-August, the Ministry of Finance published a draft ordinance in this regard, but, as Teodorovici failed to pass it through the Government, he introduced in the Parliament a draft law with the same provisions. The project was adopted in mid-October by the Senate, but must also pass the Chamber of Deputies, be promulgated and published in the Official Gazette.

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INFORMATION ABOUT CURRENT CREDIT**CURRENCY**

EUR ▼

LOAN AMOUNT

50000

SOLD CREDIT (amount remaining to be repaid)

40000

THE INTEREST RATE

7

%

LUNAR COMMISSION

0.00

% balance ▼

REMAINING PERIOD

120

months

COMMISSION FOR ANCIENT REFUND

2

%

INFORMATION ABOUT THE NEW CREDIT**CURRENCY**

EUR ▼

THE INTEREST RATE

5

%

TYPE OF INTEREST

variable ▼

FURTHER INTEREST (standard)

0.00

%

GRANTING COMMISSION

2

%

OTHER COMMISSIONS ON GRANTING (fixed amount, in new currency currency)

0.00

LUNAR COMMISSION

0.00

% balance ▼

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