

AUD 2.9302 0.0156 ▲ BGN 2.4386 0.0013 ▲ BRL 1.0103 0.0028 ▲ C/

to equip companies with electronic fiscal instruments

## The fines for the lack of cash register houses, up to 10,000 lei, can come from ANAF. The government does not rush to remove from the Law of prevention the failure to equip companies with electronic fiscal instruments

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Marius Oncu

written today, 08:00



Only in April could ANAF apply fines on a larger scale to companies that have not installed the new types of cash register houses, according to Profit.ro information. In mid-January, the Ministry of Finance debated a draft government decision that eliminates this contravention from the scope of the Prevention Law. The Government, although dismissed, may adopt decisions, as is the case with this normative act, but the project will not most likely be adopted by the Executive in February, and will reach the Government meeting from March. The amendment of the Prevention Law will take effect 30 days after its publication in the Official Gazette, so that the first sanctions can be applied at the earliest of April. The fine is up to 10,000 lei.

Currently, the company found in the irregularity is not directly sanctioned when ANAF finds in control the lack of the new type of cash register, but receives a compliance plan, and will be sanctioned / amended only later, if it does not comply with that plan. The number of sanctions applied so far is low. It should also be noted that at present the government led by Prime Minister Ludovic Orban has been ousted, but President Klaus Iohannis again appointed Orban to form the Government, with the stated purpose of imposing early elections. If the Government falls and the early elections are still forced, it can be assumed that the Executive will be largely in the same formula as at present.

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The elimination of this contravention under the protection of the Prevention Law is only a matter of time, in the context in which the authorities consider that the companies no longer have any difficulty in procuring and installing the new fiscal devices, as in the past.

Although currently the ANAF computer system required to connect the real-time cash registers with the Treasury is not operational, the government has transmitted, through the statements of Prime Minister Ludovic Orban, but also through the recently presented governance program, that it intends to complete in the first half of the year. 2020 connecting the cash registers to the computer system of ANAF. Currently, companies that have the new types of tax devices, with electronic logbook, transmit the data to ANAF monthly, through a form.



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Currently, about 507,000 cash registers are in operation at companies, another about 30,000 have been purchased and are waiting for installation, and another 60,000 are available in distributors' stocks.

To enter into force, the decision must be adopted by the Government and published in the Official Gazette. The project provides that "this decision shall enter into force 30 days from the date of publication in the Official Gazette of Romania".

The legislation provides for the following sanctions for failure to comply with the obligation to equip the new cash register:

- main contravention sanction - fine from 8,000 lei to 10,000 lei, as well as the following complementary sanctions:
  - confiscation of unjustified amounts;
  - suspending the activity of the economic operator at the unit for selling the goods or rendering the services, until the endowment with a fiscal electronic marking machine and the presentation of the proof of payment of the fine or half of its amount, as the case may be, to the finding body.

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separated by the law, or using devices for marking with electronic journals, under the provisions of the Law of prevention no. 270/2017, was taken as a result of the permanent monitoring, carried out by the Ministry of Finance, which resulted in the maintenance of the measure is no longer justified as the economic operators no longer have objective reasons for non-compliance. Thus, at this date, the Ministry of Finance issued distribution authorizations for all types of markers, and the distributors authorized and their accredited units for marketing have stocks of new markers,"the Ministry of Finance said in January 2020, when it debated the new version of the project.

The Ministry stated that it requested information from the entities that distribute / market / install cash registers and who know the reality of the market directly, the data obtained confirming further the findings made by Finance, in the sense that the economic operators that are not equipped with electronic logging devices are in expectation and will not proceed with the purchase of new logging devices, as long as the contravention regarding the non-observance of the deadlines provided by law, for equipping with electronic logging devices, is subject to the Prevention Law no. 270/2017.



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Prime Minister Ludovic Orban said in December that he had asked the Minister of Finance, Florin Cîțu, to complete as soon as possible the procedures for the acquisition of the IT solution that would allow the new cash registers purchased by companies to communicate online with ANAF. The acquisition will most likely be completed in May-June, if there are no appeals, Orban said.

**The document with the draft Government decision is available here , and the substantiation note here.**

Recently, at the beginning of January 2020, the Government decided, by ordinance, to extend until December 31, 2020 the obligation to provide tax electronic markers in the case of economic operators who deliver goods or provide services through the commercial machines that work, based on card payments, as well as acceptors of banknotes or coins. The deadline for equipping such devices was December 31, 2019 and had been stipulated in a similar bill, for which the Government committed its responsibility in Parliament last year. As the PSD attacked the project on the merits at the Constitutional Court, the postponement could no longer take effect from the beginning of the year.

**Firms have to take their new cash register houses**

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Thus, through GEO no. 44/2018, were granted grace terms of 3 months in which the sanctions were not applied for not equipping the economic operators with the new devices (until September 1, 2018 for large and medium taxpayers, respectively November 1, 2018 for small taxpayers). Considering that some of the economic operators in the category of large and medium taxpayers could not fulfill their obligation to equip themselves with the new markers even after the expiry of the grace terms (since, at the end of August 2018, they were not available on the market dedicated fiscal solutions), at the initiative of the Ministry of Finance, the contravention for the lack of time with the new markers was added, by GD 701/2018, in the provisions of the Prevention Law (GD no. 33/2018).

Thus, ANAF can carry out, including at present, in relation to this contravention, only actions of preventive type stimulative and not of sanctioning from the first deviation of the economic operator.

The Ministry of Finance and ANAF tried in 2019 to scare companies with announcements about rigorous controls or intensifying controls, but the result of these efforts was a small one, in the context in which the companies knew that the law of prevention was not fulfilled for this obligation. That is, when the Antifraud inspectors find that the new cash registers are missing, they grant a compliance deadline, and if, when they return, after the deadline, the company has not yet bought the new fiscal device, only then can they apply the fine.

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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 credit currency)**

0.00

**LUNAR COMMISSION**

0.00

% balance ▼

**REFUND PERIOD**

120

months

CALCULATE

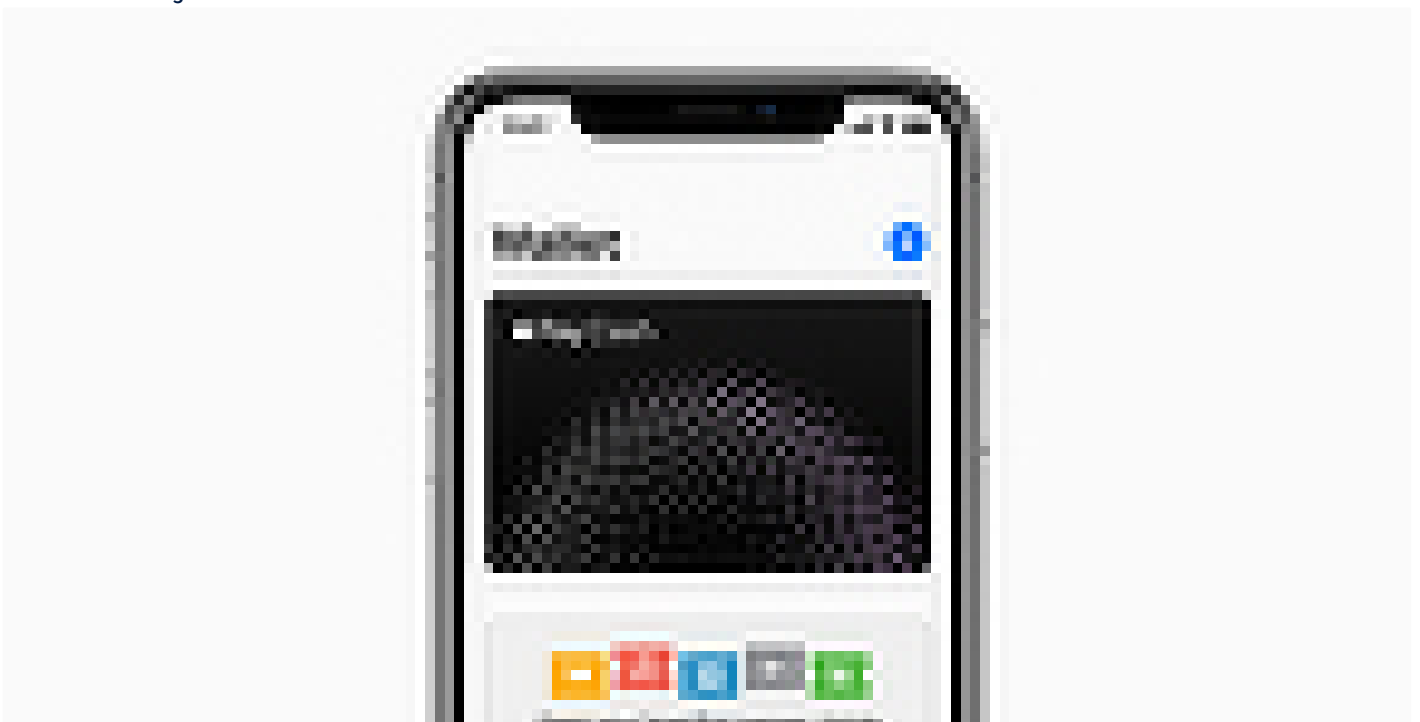


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