

An aerial night view of a city, likely Bucharest, Romania, featuring a central roundabout with light trails from cars. The city is illuminated with various lights, and a network of glowing blue and purple lines is overlaid on the scene, suggesting a digital or data network. The word "COMARCH" is written in white capital letters in the top left corner.

COMARCH

E-invoicing in Romania

The current legal state, challenges and forecast



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A Revolution in Digital Tax Compliance

Introduction

For companies based or with branches in Romania, the big question right now is whether they are ready for the introduction of obligatory e-invoicing/dispatch advice rules? **On July 1, 2022, Romania joined the ranks of only a few European countries where structured invoices are to be issued using a central platform.**

For now, e-invoicing is only mandatory in certain cases. However, use of the National e-Invoicing System RO eFactura is expected to be extended to cover all businesses in 2023.

In order to minimize the VAT gap the authorities have gone still further. Legislation has also been introduced to impose similar obligations for issuing dispatch advices.

All this at an unprecedented fast pace of execution.

How do the rules in Romania compare to other European countries going through similar changes? How do entrepreneurs adjust to the extremely rapid pace of implementation? Is the Ministry itself ready for this revolution? And finally – do the new solutions represent an opportunity for development, or a difficulty to be overcome? What are structured invoices? This white paper brings you answers to all those questions and many more.



Electronic Invoices and Transport – the Legal Background

RO e-Factura

Before diving into the specifics of electronic invoices and dispatch advice legislation in Romania, it is worth reviewing **the concept of structured invoices in European Union law**, as this formed the foundation of the Romanian changes.

For the purposes of the Directive 2014/55/EU of the European Parliament and of the Council of 16 April 2014 on electronic invoicing in public procurement, **an electronic invoice means an invoice that has been issued, transmitted and received in a structured electronic format** which allows for its automatic and electronic processing.

Despite the fact that the term already existed in EU law (in a broader sense, including unstructured documents) within the VAT Directive, it was the Directive on Public Procurement that contributed most to pushing EU countries to take action. Member States had to ensure that contracting authorities and entities could receive and process electronic invoices which comply with the European standard on electronic invoicing.

The deadline imposed on Member States was quite a challenge, and not all countries managed to meet the deadline. **One of those countries was Romania.** Directive 2014/55/EU was transposed through the Law 199/2020 on electronic invoicing in public procurement, with a considerable delay, in late 2020. Even then, it was a while before the project began to take shape. In September 2021, the first draft on implementing e-invoicing via the national system called RO e-Factura was released, and soon a pilot program was initiated.

Later that year, Emergency Ordinance no. 130/2021 was issued. This provided some more information on the planned B2G e-invoicing system, and set a fixed date (from 1 July 2022) for taxpayers to be required to issue e-invoices through the RO system on a mandatory basis. Recognizing an opportunity to reduce the VAT gap, the authorities kept up the momentum by **extending the planned mandate for B2B suppliers of high-risk fiscal products**. The list of such products may be extended in the future, but currently includes **fruit and vegetables, alcohol, new construction, mineral products, textiles**



and footwear)¹. Although it is questionable whether such B2B extensions of the obligation are in compliance with EU law in light of the European Commission's missing derogation decision, it significantly expanded the list of affected payers.

Further legislation specifying details on the functioning of the RO e-factura system was issued in April. In addition to that, the ministry also announced² its **plan to introduce e-invoicing for all types of transactions in 2023**, which, however, won't be possible without the approval of the European Commission.

It remains unclear whether the already introduced legislation will be considered an infringement of articles 218 and 232 of the EU VAT Directive, since paper invoices and electronic invoices are not treated equally and no derogation from the EU VAT Directive has been granted.

¹ <https://legislatie.just.ro/Public/DetaliuDocument/250346>

² https://mfinanze.gov.ro/presa-comunicate-de-presa/-/asset_publisher/vMeOqJFpa30/content/ro-e-factura-restarteaz-c4-83-sistemul-fiscal?_com_liferay_asset_publisher_web_portlet_AssetPublisherPortlet_INSTANCE_vMeOqJFpa30_assetEntryId=48851038_com_liferay_asset_publisher_web_portlet_AssetPublisherPortlet_INSTANCE_vMeOqJFpa30_redirect=https%3A%2Fmfinanze.gov.ro%2Fpresa-comunicate-de-presa%3Fp_id%3Dcom_liferay_asset_publisher_web_portlet_AssetPublisherPortlet_INSTANCE_vMeOqJFpa30%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_mode%3Dview%26_com_liferay_asset_publisher_web_portlet_AssetPublisherPortlet_INSTANCE_vMeOqJFpa30_cur%3D0%26p_r_p_resetCur%3Dfalse%26_com_liferay_asset_publisher_web_portlet_AssetPublisherPortlet_INSTANCE_vMeOqJFpa30_assetEntryId%3D48851038

RO e-Transport

In April this year, the Romanian government took a further step to combat tax fraud by introducing an Emergency Ordinance, which establishes **the RO e-Transport integrated electronic system for monitoring road transport of goods with high fiscal risk.**

The goal of the authorities is to monitor in real time the movement of goods with high fiscal risk, in terms of:

- The transport of goods **purchased and delivered within the European Community**
- The transport of goods **subject to customs operations**
- The transport of goods **between two locations on Romanian territory.**

In July, it became mandatory to declare the transport of goods with high fiscal risk in the RO e-Transport system so that such goods can be identified by a UIT code. This is a unique code generated by the RO e-Transport System, through which the goods related to each commercial relationship that is the object of the transport of goods with high fiscal risk are identified.

Failure to comply with the provisions regarding the declaration of goods in RO e-transport was supposed to be sanctioned with a fine from LEI 10,000 to 50,000 in the case of individuals, or LEI 20,000 to 100, 000 for legal entities, plus confiscation of the value of undeclared goods.

However, due to short implementation timelines and inadequate documentation, problems arose consisting in the inability to implement solutions from the too frequently changing documentation in the very short deadline imposed.

The Romanian authorities realized the seriousness of the situation and, on the 30th of June, published an Emergency Ordinance to amend Art. 18 of the Government Emergency Ordinance no. 41/2022 for the establishment of the National System for monitoring the road transport of goods with high fiscal risk RO e-Transport and repealing art. XXVIII of the Government Emergency Ordinance no. 130/2021. Thanks to the provisions contained therein, **the introduction of criminal penalties was postponed until 1st of October 2022.**



The Technical Background and its Main Challenges

Authorization

In order to use both RO e-Transport and RO e-Factura, **economic operators must be registered in the Virtual Private Space (SPV)**, in compliance with MFP Order no. 660/2017. After accessing the Virtual Private Space using a qualified electronic signature of an authorized natural person, a Client ID and Client Secret can be generated. This is necessary to generate two kinds of tokens – **an authorization token** (valid for three months) and a **refresh token**, which can be used to renew the authorization token.

Unlike in Poland, **token generation needs to be handled externally** using a separate API, since the Virtual Private Space does not provide the functionality to generate the tokens within the system itself.

The tokens are required to establish **the automated connection to the systems** (via API). One token may be used for both RO e-Factura and RO e-Transport, although there can also be separate tokens for each system.

Since the open authorization mechanism was implemented only weeks before the planned July deadline, there was only very little time to complete the necessary development enabling the automated connection to the systems, which effectively **left taxpayers to face an almost unrealistic, or – in the best scenario – a very challenging timeline.**



RO e-Factura

Electronic invoice must be sent by **the issuer to the national electronic invoicing system RO e-Invoice**. Ideally, this is done using the established API connection. If the transmitted electronic invoice complies with the required structure, the electronic signature of the Ministry of Finance is applied. This certifies its receipt in the national system. If the transmitted electronic invoice does not meet the structure requirements, an error message is sent back.

The XML file and electronic signature will be considered the original invoice, and can be downloaded in a ZIP container. The date of communication of the electronic invoice to the recipient is the date on which the electronic invoice is available for them to download from the national electronic invoicing system. However **in the context of B2B electronic invoices, it has to be kept in mind that, for a counterparty which is not registered within RO e-Factura, the provisions of the Fiscal Code (art. 319) still apply.**



RO e-Transport

Users in scope of the new legislations **are obliged to make available to the road transport operator the UIT code related to the transported goods**, directly or through the transport organizer. They have to do this at the latest when presenting the vehicle at a border crossing point entering Romania, or at the place of import. Sometimes they must do this at the actual start point of the vehicle.

To get the UIT Code, **the DESADV has to be sent to the RO e-Transport System** in accordance with the structure published by the ministry. This can be done either manually within the SPV or via the established API connection. As with RO e-Factura, after the transmission of the XML file, the RO e-Transport System automatically performs validations regarding the structure, syntax, and semantic checks, and only after carrying out these operations successfully will **the RO e-Transport System automatically assign a unique identification number (UIT)**.

The UIT code must then be placed on the transport document, legibly and without erasures or additions, as it is the code through which the goods with high fiscal risk are identified. For the generation of the UIT code, **declarations in RO e-Transport can be made up to three calendar days before the declared date for the start of the transport.**

If both high-risk goods and other categories of goods are transported, **the declaration must be completed for all the goods transported**, and the UIT code will accompany the transport document related to them.

Key Challenges

The changes being introduced in Romania **set a precedent in terms of the speed** of their rollout. Contrary to emerging declarations, it must be said that the publication of the documentation of the OAuth (open authorization) mechanism enabling third-party providers to test and actually send electronic documents through the API in an automated manner, **came extremely late and required many technical changes affecting both the structure of the uploaded files and the transmission channels**, that were made weeks or even days before the set deadlines. For the production API of the RO eTransport system, **the necessary information was published after the 1st of July**.

The content of the published materials required specific knowledge and, at times, a creative approach, since the documentation had some gaps and did not provide all information usually included in such documentation.

This led to **many taxpayers and even professionals being unable to meet the requirements on time**.



How Can Comarch Help Overcome These Challenges?

For years, Comarch has been helping companies from many different industries operating in countries where such obligations as in Romania have become obligatory (such as France, Spain, Germany, Turkey and Italy) and those where they will only be introduced (for example,


Poland). Now, we are ready to provide you **with e-invoicing and e-transport solutions** so you can continue your business easily and in **full compliance with Romanian legal requirements**.

You can be fully compliant with ANAF requirements

ANAF (National Agency for Fiscal Administration) is the revenue service of the Romanian government. Comarch is one of the first global providers to meet ANAF requirements.

You can be fully compliant in more than 60 countries using just one tool

Comarch supports many companies in compliance within documents they exchange, so they can focus on their core business. We are a certified provider in many countries around the world, including for e.g. Thailand.



Why is
Comarch
software
your go-to
solution?

You will be supported by a global, experienced and trusted player on the EDI market

Comarch EDI has 20 years of experience and has connected 130,000 entities from more than 60 countries.

You can take advantage of high flexibility and customized services

Comarch is able to provide multichannel flexibility and the ability to customize products in line with your company's needs.

Comarch has already been involved in helping several companies meet new document exchange requirements implemented by Romania. One of them was looking for a provider who can provide a support in adjusting not only to e-invoicing but also e-transport requirements .

We supported our client in:

- Preparation of solutions covering RO eFactura (incoming and outgoing)
- Swift adaptation to the numerous adjustments regularly introduced by the ministry within Ro eFactura
- Mapping of invoices
- Meeting the July deadline in terms of Ro eFactur



In terms of eTransport:

- Preparation of solutions covering RO eTransport in parallel to RO eFactura
- Swift adaptation to the numerous adjustments regularly introduced by the Ministry within RO e-Transport
- Mapping of dispatch advices to a compliant format
- Meeting the deadline in terms of Ro e-Transport – readiness was achieved as soon as the RO e-Transport PROD API was published
- Preparation of customized UIT Code PDF with QR Code generated for RO e-Transport





Summary

Despite being a huge challenge for taxpayers in Romania, **the current and upcoming e-invoicing and e-transport changes also constitute a great opportunity to automate invoicing as well as other flows.** The expected full-scale mandate, in combination with the already introduced obligation, will operate as a **digitization trigger** for Romanian companies, which in the long run will definitely have a **positive impact.**

It can be easier **with the use of innovative technology that is fully compliant with the latest legal regulations and modern data transfer standards,** such as Comarch e-Invoicing described above. If you are interested in learning more about Comarch Data Exchange solutions, visit our webpage <https://www.comarch.com/trade-and-services/data-management/e-invoicing/> or [contact us](#) to talk about how they can help your companies.

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About Comarch

Comarch is a global provider of IT solutions (ERP, CRM & marketing, BI, e-invoicing, EDI, ICT, financials, cloud solutions and many more) for SMEs, larger enterprises, small businesses, banking and insurance, telecommunications, and healthcare. More than 6,500 employees work for Comarch around the globe in numerous countries. Thanks to high investments in research and development, Comarch offers a comprehensive range of innovative IT solutions, which are highly regarded by customers and analysts.