



No. 08/13 May 2010

Law no 76/2010 for approving the Emergency Government Ordinance no 109/2009 for amending Law no 571/2003 regarding the Fiscal Code , was published in Official Gazette no 307/11.05.2010.

The main provisions are as follows:

Transfer pricing

The law expressly states that both the transactions between Romanian entities and non-resident affiliated entities, as well as between Romanian entities, fiscal authorities could adjust the amount of income or expense of any of the entity to reflect the arm's length price of goods or services provided in the transaction.

Minimum tax

Do not have to pay the minimum tax the taxpayers that:

- a) are in insolvency proceedings, from the date of opening of this procedure, according to law;
- b) are in dissolution, from the date of recording a statement in the Trade registry or in the courts of law.

For taxpayers who dissolves by operation of law due to the expiry of existence period set forth in the constitutive deeds, exemption from the minimum tax runs from the date of dissolution provided in the constitutive deeds. Do not fall under these provisions taxpayers who are in dissolution without liquidation.