

Recent tax changes introduced by Package 2 and subsequent legislation, as follows:

- Law no. 239/2025 on the establishment of measures for the recovery and efficiency of public resources and for the amendment and completion of some normative acts, published in the Official Gazette no. 1160 on December 15, 2025 ("Law 239/2025")
- Emergency Ordinance no. 78/2025 for the amendment of Law no. 239/2025 on the establishment of measures for the recovery and efficiency of public resources and for the amendment and completion of some normative acts, published in the Official Gazette no. 1172 of 17 December 2025 ("GEO 78/2025")
- Emergency Ordinance no. 89/2025 amending and supplementing Law no. 227/2015 on the Fiscal Code, regulating certain fiscal budgetary measures, as well as amending and supplementing certain normative acts, published in the Official Gazette no. 1203 of 24 December 2025 ("GEO 89/2025")

Amendments to the Fiscal Code

I. MINIMUM TURNOVER TAX ("IMCA") – from January 1, 2026

The IMCA regime undergoes two important changes:

- The regime will be maintained only for one more year, more precisely until December 31, 2026 inclusive/the last day of the amended fiscal year ending in 2027 inclusive.
- For this fiscal year 2026, the IMCA rate is reduced from 1% to 0.5%.

Taxpayers who have owed IMCA and who have decreased the value of fixed assets in progress/assets according to indicators I and A have the obligation to keep these assets in their patrimony for at least a period equal to half of the duration of economic use, but not more than 5 years. In case of non-compliance with this condition, the IMCA is recalculated and accessories are imposed, according to the applicable legislative regulations.

The new provisions also include a number of exceptions to this condition (i.e. assets transferred in the context of reorganisation operations; assets disposed of in liquidation or bankruptcy proceedings; assets destroyed, lost, stolen or defective and replaced; assets removed from the patrimony as a result of the fulfilment of obligations provided by law).

II. ADDITIONAL TURNOVER TAX IN THE OIL AND GAS SECTORS ("ICAS") - from January 1, 2026

ICAS, the additional turnover tax applicable to the oil and gas sectors, whose application was to cease at the end of 2025, is maintained in force for another year, being also applicable in 2026, respectively for the amended fiscal year ending in 2027 inclusive.

The same rule providing for the liability to keep specific assets in the patrimony of the taxpayer described above for the IMCA regime also applies for taxpayers who have owed ICAS.

III. CORPORATE INCOME TAX - from January 1, 2026

For taxpayers who have recorded a turnover of less than 50 million EUR in the previous year, a new mechanism is introduced to limit the deductibility of expenses incurred in relation to affiliated entities that are not established/constituted and do not have the headquarters of effective management in Romania.

Taxpayers who record expenses related to intellectual property rights, management expenses and consultancy expenses in relation to non-resident related entities, as presented in the official accounting reports prepared for the financial year 2024/financial year, other than the calendar year, starting in 2024, in a percentage of more than 1% of the total expenses recorded in the same reports, in the fiscal year of calculation, they will consider these expenses deductible when determining the fiscal result within the limit of 1% of the total expenses recorded. What exceeds the 1% ceiling will represent a non-deductible expense.

Thus, for the first year of application (fiscal year 2026 / amended fiscal year starting in 2026), taxpayers will check if they fall under the limitation by calculating the limit of 1% based on the data/value of expenses from the official accounting reports prepared for the year 2024 / modified financial year starting in 2024. If the values are not presented in detail in the reports, they are determined as recorded in the accounting records for the year 2024.

Other important aspects:

- Starting with 2027/the amended fiscal year starting in 2027, the 1% quota, as well as the expenses incurred in relation to non-resident affiliated entities, are determined by taxpayers based on the expenses presented in the specific tax return, as recorded in the tax year of calculation. A new form of the tax return will be established by order of the Minister of Finance, at the proposal of ANAF, issued within 90 days from the date of publication of the law in the Official Gazette of Romania.
- Newly established taxpayers apply, for the year of establishment, the calculation rules presented above at the end of the fiscal year of calculation, based on the expenses recorded in the accounting records. The same rules apply to taxpayers established in 2025/amended fiscal year

starting in 2025, for determining the tax result of 2026/amended fiscal year starting in 2026.

- Taxpayers who, in the fiscal year of calculation, consider such expenses as having a limited deductibility based on the above mechanism, will no longer apply the provisions of art. 25 of the Fiscal Code for these expenses.
- In the case of the tax group, the calculation of the limitation is carried out accordingly by the members, depending on the individual situation.
- For the calculation of the limitation for the year 2026/amended fiscal year starting in 2026, the affiliated entities are those defined according to the applicable accounting regulations, and for the rest of the years starting with 2027/the amended fiscal year starting in 2027, the affiliated entities are those defined according to art. 7 item 26 of the Fiscal Code.

Exceptions to the application of the regime

- The following expenses related to intellectual property rights, management and consultancy, as a result of transactions carried out in relation to non-resident affiliated entities, are not subject to the limitation and are not taken into account when determining the 1% quota:
  - those carried out for obtaining trademarks, industrial designs and models, copyrights, etc, registered in Romania.
  - those that are capitalized in the value of tangible and intangible assets, according to the applicable accounting regulations.
- The following taxpayers are exempted from the application of the regime:
  - Taxpayers who hold an advance price agreement or starting with the 2027 fiscal year/modified fiscal year starting in 2027, request the issuance of an advance price agreement that has as object transactions carried out with non-resident affiliated persons that generate the recording of expenses presented in the tax returns, with a validity period starting such year. In the event of rejection of the advance price agreement, corporate income tax is recalculated for those amounts and, as the case may be, accessories are charged.
  - Credit institutions.

IV. MICRO-ENTERPRISE INCOME TAX – from January 1, 2026

Micro-enterprises will be subject to a single tax rate of 1%, as a result of the elimination of the 3% rate applicable so far depending on the income ceiling or the activities carried out. In addition, a number of technical correlations are made. We also remind you that starting with 2026, the income ceiling for the application of the micro-enterprise regime is of 100,000 EUR, a condition that is verified at the end of the previous year and during the current year.

V. INCOME TAX

- Investment income – from January 1, 2026
  - The tax rates applicable to income in the form of gains from the transfer of securities and from transactions with financial derivatives, carried out through intermediaries, are increased starting with the gains from transfers/operations made after January 1, 2026:
    - the rate applicable to each gain on the transfer of securities/gain on derivatives that have been acquired and disposed of within a period of more than 365 days, inclusive, from the date of acquisition, shall be increased to 3% (previously the rate was 1%);
    - The rate applicable to each gain from the transfer of securities/each gain from derivative transactions that were acquired and disposed of within a period of less than 365 days from the date of acquisition shall be increased to 6% (previously the rate was 3%).
  - The tax rate applicable to gains from the transfer of securities and from derivative operations, which are not made through intermediaries, as well as from the transfer of gold investment is increased from 10% to 16% - starting with the revenues related to 2026.
- Minimum non-taxable amount for income from salaries
  - Between January 1, 2026 and June 30, 2026, the amount of RON 300/month remains non-taxable, and thus is not included in the monthly calculation base of salary tax and mandatory social contributions, in correlation with the maintenance of the national minimum gross salary guaranteed in payment between January 1, 2026 and June 30, 2026, at the level of RON 4,050/month.
  - Between July 1, 2026 and December 31, 2026, the non-taxable amount that is not included in the monthly calculation base of salary tax and mandatory social contributions is of RON 200/month.
- Income from other sources – starting with earnings earned from January 1, 2026
  - The tax rate for gains from the transfer of virtual currency (cryptocurrencies) is increased from 10% to 16%. The provisions regarding the non-taxable amount of up to 200 RON/transaction, but not more than 600 RON/year are maintained.
  - The tax rate for certain income granted by a legal entity to its associates/shareholders is increased from 10% to 16%. The system of withholding tax at source at the time of granting this income by the income payers is maintained. Specifically, the rate is increased to 16% for the following types of income:

goods and/or services received by a participant in the legal entity, granted/provided by the legal entity for his personal benefit;

     the amount paid to a participant in a legal entity, for his personal benefit, for the goods or services purchased from him, above the market price for such goods or services.

Income from freelancing activity – starting with income for 2026

- This category shall also include income obtained from the provision of accommodation services, as well as income from the short-term rental of more than 7 rooms, located in personally-owned dwellings.

Taxpayers have the obligation to fill in and keep the occupancy form of the accommodation capacity. The tax is 10% and is determined on the annual net income determined by deducting a flat rate of 30% from the gross income. The gross income represents the totality of the amounts in money and/or the equivalent in RON of the income in kind collected during the fiscal year. The tax is established by self-declaration in the single declaration (D212).

Income from the transfer of the use of goods – starting with the income related to 2026

- This category shall also include income obtained from the short-term rental of a number between 1 and 7 rooms inclusive, located in personally owned dwellings, regardless of the number of dwellings in which they are located.

The net income for these types of income is determined by deducting a flat rate of 30% of the gross income - represented by the total value of the amounts collected from the activity of providing accommodation and rental services. The tax rate is 10%.

- Starting with the fiscal year in which the number of short-term rented rooms, located in personally-owned dwellings, is over 7 rooms, the income earned will be classified as income from independent activities.
- Starting with 2026, the rule according to which income from renting between 1 and 5 rooms for tourist purposes is taxed at the income norm is canceled.
- The provisions regarding the calculation of the net income from long term rental do not change. The net income from the transfer of the use of goods is established by deducting from the gross income a fixed percentage of expenses of 20%.</p></div>

funds.

- Additional obligations are introduced for authorized importers who present a high fiscal risk, such as the submission of an affidavit on the quantity of excise products intended to be reported.
- The obligation to authorise as a registered exporter and the related conditions are introduced.

IX. LOCAL TAXES

• applicable from January 1, 2026, except for those regarding the tax on buildings owned by legal entities

1. Tax on buildings

The new provisions bring changes regarding the buildings exempt from the payment of the tax provided by the Fiscal Code, as follows:

- New buildings built as part of investment projects in the field of manufacturing, warehousing and logistics are added to the list of tax-exempt buildings, for a period of 2 years from their receipt, in compliance with the state aid legislation. The activities falling under these provisions are established by methodological norms.
- Several categories of buildings are removed from the list of tax-exempt buildings, including, for example: buildings owned by people with disabilities, buildings owned by private health units, buildings owned by foundations established by will, as well as buildings of national sports institutions and buildings owned or used by social insertion enterprises.
- The list of buildings for which the local councils can decide to grant the exemption or reduce the tax/fee is also modified. Certain categories of buildings, removed from the list of those exempt from tax, may benefit from exemption or reduction of tax, if this is determined by the local council.
- People who donate blood and those with disabilities can no longer benefit from a possible reduction in the building tax. Also, the tax can no longer be reduced in the case of buildings used for the provision of tourist services for a maximum period of 180 days per year.
- In the case of buildings that are used as greenhouses, solariums, seedlings, mushrooms, feed silos, silos and/or pods for storing and preserving cereals, except for rooms that are used for other economic activities, the tax is reduced by 50% starting with 2027. In 2026, these buildings continue to benefit from the tax exemption.

Tax on buildings owned by individuals

- The tax rate on residential and non-residential buildings set for 2026 cannot be lower than the rate set by the local council for 2025.
- The coefficients used to calculate the taxable value of the residential building are increased (a coefficient of approximately 2.6777 is applied to the value in force for 2025).
- Reductions in the coefficients and taxable value are no longer granted for residential buildings depending on the number of apartments and levels in a block or the age of the block.
- The tax rate of 0.4% is no longer applied for non-residential buildings owned by individuals, used for activities in the agricultural field.

Tax on buildings owned by legal entities - in force from January 1, 2027, according to GEO 78/2025

- Starting with January 1, 2027, all buildings owned by companies will be considered as non-residential. Thus, the specific rate applicable to residential buildings owned by legal entities (between 0.08% and 0.2%) is eliminated and these buildings will be taxed according to the rate applicable to non-residential buildings owned by legal entities (between 0.2% and 1.3%), regardless of the destination. The amendment is based on the authorities' interpretation according to which legal entities are established for carrying out economic activities, which is why only the regime on non-residential buildings is kept in their case.
- The method of calculating the tax in the case of mixed-usage buildings is abrogated.

2. Land tax

The new provisions bring changes regarding the land exempt from the payment of the tax provided by the Fiscal Code, as follows:

- The land related to new buildings built as part of investment projects in the manufacturing, storage and logistics industry, exempted 2 years from the final reception, according to the law and under the conditions of state aid, with the activities established by the methodological norms, is added to the list of tax-exempt lands.
- Several categories of land are eliminated from the list of tax-exempt lands, among which we mention, by way of example: land owned by people with disabilities, degraded or polluted land included in the improvement perimeter, for the period during which their improvement lasts, the land of the foundations established by the will and the land which, by its nature and not by the given destination, they are unsuitable for agriculture or forestry.
- The list of land for which the local councils can decide to grant the exemption or reduce the tax/fee is also modified. Certain categories of land, removed from the list of those exempt from tax, are included in this list.
- People who donate blood and those

with disabilities can no longer benefit from a possible reduction in the land tax. Also, the tax can no longer be reduced in the case of land used for the provision of tourist services for a period of no more than 180 days per year.

• The coefficients used to calculate the taxable value of the land are increased (in general, a coefficient of approx. 2.6777 of multiplication compared to the tax until 31.12.2025 is applied).

3. Vehicle tax

Several categories of tax-exempt means of transport are eliminated, among which we mention, by way of example: means of transport owned by people with disabilities, means of transport used for interventions in emergency situations, electrically operated vehicles and means of transport of organizations whose sole activity is the provision of free social services in specialized units.

The list of means of transport for which the local councils can decide to grant the exemption or reduce the tax/fee is also modified. Certain categories of means of transport, removed from the list of those exempt from tax, are included in this list. By way of example, we mention the means of transport of the foundations established by will and the means of transport of the organizations whose sole activity is the provision of free social services in specialized units.

The tax is no longer reduced by 50% for individuals residing in certain localities in the Apusei Mountains and Tulcea County.

Method of calculating the tax

• The tax on means of transport will be calculated taking into account the pollution norm (previously, the tax was calculated taking into account only the cylinder capacity). To this end, the tax calculation coefficients are increased and updated, in order to also reflect the pollution rules. Information on pollution rules will be communicated between the competent authorities.

• In the case of hybrid means of transport with CO2 emissions less than or equal to 50g/km, the tax is reduced by a maximum of 30% – previously, the Fiscal Code provided for the possibility of reducing the tax by a minimum of 50% for all hybrid means of transport.

• In the case of electrically powered vehicles, the tax on means of transport becomes 40 RON/year (prior to this date, these vehicles were exempt from tax).

4. Other provisions

The maximum percentage by which the local public administration can increase the additional rates of local taxes and fees will increase, from 50% to 100% compared to the basic levels provided by the tax legislation.

Exemptions or reductions from the payment of local taxes and fees offered by local councils can be granted only on the basis of cost-benefit analyses, for a determined period of time, of no more than 2 fiscal years, depending on certain predefined criteria.

Exemptions/reductions from the payment of local taxes and fees granted before 1 January 2026 under state aid schemes remain valid under the conditions set out in the ongoing state aid schemes.

**SPECIAL TAX ON IMMOVABLE AND MOVABLE PROPERTY OF HIGH VALUE**

The rate of the special tax on high-value real estate and movable property increases from 0.3% to 0.9%, both for properties representing residential buildings and for cars. No changes are made regarding the determination of the calculation base.

The abrogation of the provisions of Government Ordinance no. 16/2022 and the introduction of the RO e-Property System

• From the date of entry into force of Law 239/2025, December 18, 2025, the provisions of OG 16/2022 regarding the determination of the taxable value of buildings based on market studies, which were to enter into force from January 1, 2026 after several successive postponements, are abrogated.

• The “RO e-Proprietate” system is established, as an information system of national strategic interest, with the purpose of automating the collection of data and information on real estate, in order to substantiate public policies for fiscal purposes. It will be administered by the Ministry of Finance, through the National Center for Financial Information.

• As information systems develop, the RO e-Property System will be able to be connected, under the conditions provided by law, with other information systems, in order to receive data and information about properties in Romania.

Amendments to the Fiscal Procedure Code

Payment rescheduling

• Several changes are made in terms of payment rescheduling (classic), as well as in terms of simplified rescheduling.

• Additional guarantees regarding payment rescheduling (classic) are introduced. In the procedure for rescheduling the payment of outstanding tax obligations, debtors must present, in certain situations, a surety contract as an additional guarantee. The debtor must submit the surety contract within 30 days from December 18, 2025. At the same time, the debtor has the obligation to present the surety contract in the case of unresolved applications on December 18, 2025.

• Additional conditions for payment rescheduling are introduced in simplified form, as follows:

o Only

legal entities established at least 12 months prior to the submission of the application benefit from simplified rescheduling.

Maximum ceilings are introduced for granting simplified rescheduling, regarding the amount of tax liabilities for which such rescheduling can be granted (i.e. previously there were only minimum ceilings). The ceilings are as follows:

Taxpayer type	Amount (RON)
Individuals	min. 500 – max. 100,000
Associations without legal personality	min. 2,000 – max. 100,000
Legal entities	min. 5,000 – max. 400,000

By exception to the previous point, debtors who have tax debts above the established ceilings but also have amounts to collect from public authorities/institutions, can request simplified rescheduling.

**New inactivity situations**

- New situations are introduced in which the taxpayer/payer is declared inactive, respectively if the taxpayer:
  - It does not have a payment account in Romania or an account opened with a unit of the State Treasury; the definition of the payment account is that of Law no. 209/2019 - these provisions were presented in the Legal Bulletin-Corporate Law of ?uca Zb&acirc;rcea & Asocia?ii on January 12, 2026.
  - It did not submit the annual financial statements within 5 months from the fulfillment of the legal deadline for their submission.
  - The declaration of inactivity of taxpayers/payers who are legal entities who are in these situations is made starting with January 1, 2026.
- New provisions are introduced regarding the dissolution of taxpayers declared inactive who are not reactivated within one year, including the obligation of the tax authority to request dissolution (with exceptions and special rules for companies regulated by Law no. 31/1990 and for temporary inactivity registered with the Trade Register), to establish and recover outstanding tax obligations, as well as new conditions regarding the reactivation of taxpayers.
- New criteria for establishing the tax risk class/subclass
  - New general criteria are introduced according to which the tax risk class/subclass is established. More precisely, the general criteria according to which the class/subclass of fiscal risk is established, regulated by art. 7 para. (7) of the Fiscal Procedure Code, with new criteria:
  - Criteria for the use of modern means of payment. In this regard, the definition of the modern means of payment (payment instrument, within the meaning of Law no. 209/2019, which includes debit, credit or prepaid cards, as well as modern payment solutions, which are based on applications that facilitate the initiation of a payment order to make account-to-account payments) is clarified.
  - Early warning criteria on the financial capacity to pay tax obligations.
  - Criteria regarding the information/facts recorded in the tax record.

**Amendments brought to GEO no. 120/2021 regarding the e-Invoice**

- Starting with January 1, 2026, on B2B and B2C relationships, the deadline for submitting invoices issued through the system is 5 working days.
- Also starting with January 1, 2026, taxable persons established in Romania have the obligation to submit invoices in the e-Invoice for supplies of goods/services with the place of taxation in Romania made to taxable persons not established in Romania, but who have a Romanian VAT code (i.e. exceptions are tax receipts and invoices issued for intra-community supplies of goods in relation to which the beneficiary has communicated a VAT code from another Member State).
- Starting with January 15, 2026, individual suppliers/service providers who identify themselves fiscally through CNP must apply for registration in the mandatory e-Invoice Register before starting to carry out economic activities.

**Amendments brought to GEO no. 70/2024 regarding the pre-filled e-VAT return**

- As of January 1, 2026, the obligation of taxpayers to respond to e-VAT compliance notifications and related penalties are eliminated.

**Amendments to Law no. 70/2015 for strengthening the financial discipline regarding cash collection and payment operations**

- It establishes the possibility for collection and payment operations to be carried out also through modern means of payment, the definition of which has been clarified in the Fiscal Procedure Code.
- New measures are introduced, applicable from January 1, 2026:
  - Legal entities are required to have a payment account in Romania or at a unit of the State Treasury for the entire duration of their activity. Newly established legal entities are obliged to open a payment account within 60 working days from the date of establishment.
  - It is the responsibility of payment service providers in Romania to open accounts for legal entities and individuals, upon request, if Law no. 129/2019 for preventing and combating money

laundrying and terrorist financing.

Failure by legal entities to comply with the obligations regarding the opening and holding of a payment account constitutes a contravention and is sanctioned with a fine from RON 3,000 to RON 10,000.

Amendments brought to GEO no. 193/2002 on the introduction of modern payment systems

- Starting with January 1, 2026, the obligation for economic operators to accept payments made also through modern means of payment is established.
- The threshold of RON 50,000 for cash receipts made during a year is eliminated, from which the obligation to accept as a means of payment the cards for legal entities carrying out retail and wholesale trade activities/service provision activities arises. The obligation in the present case therefore arises from the quarter following the one in which the respective ceiling was exceeded.
- As an exception, the obligation to accept payments made also through modern means of payment does not apply to entities that carry out all their operations (i.e. payments and collections) exclusively through bank accounts.

Amendments to the Companies Law no. 31/1990

- These provisions were presented in the Legal Bulletin-Corporate Law of ?uca Zb&acirc;rcea & Asocia?ii on January 12, 2026.

Other legislative changes

- Logistics fee of 25 RON
- A logistics tax is established for the management of flows of non-EU goods, in the amount of 25 RON for each parcel containing goods with commercial value, which enters the territory of Romania, with the place of commencement of delivery outside the EU territory, whose declared value is below the ceiling of 150 EUR.