

Reff & Associates | Deloitte Legal obtained a landmark solution at HCCJ confirming that the interest related to a state aid returned to the national budget is subject to tax amnesty



Reff & Associates | Deloitte Legal has obtained from the High Court of Cassation and Justice (HCCJ) the annulment of approximately RON 10 million interest rates imposed by the national authorities to a multinational company operating in the construction products field, which was forced to reimburse a state aid granted from the national budget. The supreme court thus confirmed that the company was entitled to benefit from the annulment of the accessories (interest and penalties) related to the returned state aid, under the amnesty governed by GEO 69/2020.

This decision clarifies the scope of the tax amnesty, given that, in recent years, there have been many cases in which the implementation of such legal facilities was refused by the administrative authorities, on the grounds that certain specific situations would not be compatible with the annulment of interest and penalties. A common situation is the one related to state aid granted to companies whose recovery was later ordered by the authorities, together with the related interest, while the companies concerned were not entitled to benefit from the tax amnesty in force at the time, regardless of whether the amounts had to be returned to the national budget or to the European Union budget.

The solution obtained by **Reff & Associates | Deloitte Legal** confirms that state aid granted from the state budget is compatible, in principle, with amnesty measures governed by national law, meaning that companies can benefit from the exemption from interest if they need to repay the funds received.

The team of lawyers that obtained this favorable solution for the client was made of [Mihnea Galgoțiu-Sararu](#), *Partner*, [Bogdan Marculeț](#), *Senior Managing Associate*, and [Laura Epure](#), *Managing Associate*, Reff & Associates | Deloitte Legal.

"The solution obtained is a landmark one both because it brings the supreme court clarification on issues non-unitarily treated, in practice, by the administrative authorities, and because it involved the analysis of regulations in various matters, such as the state aid regime, the tax amnesty and even the European legislation," said **Laura Epure**, *Managing Associate*, *Reff & Associates | Deloitte Legal*.

"This victory confirms that the dispute resolution mechanisms in relation to the tax authorities are efficient in Romania as well and taxpayers can trust that the justice system in our country offers an adequate protection, even in unusual cases of high complexity. At the same time, we are proud that it has become a norm for our litigation practice to contribute, through the innovative solutions obtained, to the clarification of some controversial aspects and to the correction of the tax authorities practice, from which the entire Romanian business environment can

benefit in the future," added **Mihnea Galgotiu-Sararu**, *Partner at Reff & Associates | Deloitte Legal*, who coordinated the project team.

Reff & Associates | Deloitte Legal's litigation practice, which consists of more than 20 lawyers and benefits from the expertise of professionals in all practice areas within Deloitte network, including tax and financial advisors, technical experts and digital solutions, covers all types of business disputes, from fiscal, to commercial and administrative litigation.

[Reff & Associates | Deloitte Legal](#) is recognized as a leading law firm in Romania for the quality of services and ability to deliver solutions on complex legal matters. The areas of practice include banking and finance, competition law, employment law, energy and environment law, insolvency law, legal management consulting, litigation, corporate, mergers and acquisitions, public sector, real estate. The firm represents in Romania Deloitte Legal, a global network with more than 2,500 lawyers in more than 80 countries.