

CMS | Romania introduces tax amnesty for gift vouchers

On 27 February 2023, Romanian Law no. 43/2023 came into force, which introduced a tax amnesty regarding the reclassification of income from gift vouchers obtained by individuals from anyone other than their employer.

As a result, any tax liabilities imposed by the Romanian tax authority representing the principal as well as interest and penalties following the reclassification of gift vouchers from the category of income from other sources in the category of income from salaries and salary-related income are cancelled if the liabilities were not paid by the date of entry into force of this law.

If tax liabilities imposed vis-à-vis the reclassification of gift vouchers were paid, the taxpayer will be reimbursed those amounts subject to filing a request to the Romanian tax authority. The statute of limitation for the right to request reimbursement is five years from the entry into force of the law.

This amnesty applies to the fiscal periods from the entry into force of Law no. 193/2006 regarding the granting of gift vouchers and nursery vouchers and Law no. 165/2018 regarding the granting of vouchers until 31 December 2020.

The tax amnesty also applies where a company granted gift vouchers to an employer to distribute to its employees on behalf of the granting company.

The Romanian tax authority will not issue tax decisions regarding the reclassification of the income from gift vouchers obtained by individuals from anyone other than their employer for the period until 31 December 2020. If the Romanian tax authority issued tax decisions prior to 27 February 2023, but did not communicate them to taxpayers, it will revoke these tax decisions.

The procedure for implementing these measures will be approved by an order of the president of the Romanian tax authority within 30 days from the date of entry into force of this law.

For more information on the tax amnesty for gift vouchers, contact your CMS client partner or local CMS experts: **Roxana Popel** and **Andrei Tercu**.