

Dear collaborators,

Emergency Ordinance no. 8/2026 on the establishment of economic recovery measures, the increase of productive investments and competitiveness, as well as for the amendment and completion of some normative acts in the fiscal-budgetary field

In force since February 25th , 2026

AMENDMENTS TO THE FISCAL CODE

Tax credit for research and development expenses

In order to determine the corporate income tax/minimum turnover tax, taxpayers can apply the tax credit for research and development expenses.

The tax credit represents the amount determined by applying the percentage of 10% to the value of the eligible expenses for research and development activities, registered by the taxpayer during the fiscal period for which the calculation of the corporate income tax or the minimum turnover tax is carried out.

The tax credit is deducted annually from the corporate income tax or the minimum turnover tax and is recorded in the tax register. If it is not used in full, different compensation or refunds can be made later.

The difference is established at the end of the fiscal year, after the application of other legal deductions (external tax credit, exemptions, sponsorships, deductions for research and development, etc.), and the annual tax is recalculated after these deductions.

Different tax credit becomes the tax claim and can be used in the next 4 years to offset other tax liabilities, except for certain additional taxes. The right of repayment is subject to the same 4-year term, which begins at the beginning of the year following the year for which the loan was determined.

The tax credit for research and development (R&D) activities can also be applied at the level of the tax group. Each member determines the individual tax credit, and the responsible legal entity centralizes it and applies the legal provisions.

Accelerated depreciation for certain fixed assets subject to the exemption of reinvested profit

If in 2026 the tax exemption for subgroup 2.1 (technological equipment: machinery, tools, work facilities, computers and periphery) applies, contributors can choose to apply accelerated depreciation for these fixed assets, i.e. to deduct their cost in accounting more quickly in order to reduce corporate tax.

Non-taxable income

In the calculation of the tax result, new non-taxable income was included:

- The difference in the tax credit for research and development expenses that are offset or refunded.
- Bonuses granted by the tax authority.

Additional 50% deduction for admission and mention expenses in asset trading

Expenses related to the process of admitting/maintaining assets for trading on a regulated market and/or within a multilateral trading facility, in Romania or in a state with which Romania has concluded a legal instrument based on which the exchange of information is carried out, a constant tax incentive is applied in the additional deduction when calculating the tax result, 50% of the expenses related to the process of admission to trading, as well as of the expenses of mention to trading recorded in the first fiscal year/fiscal year modified after the admission to trading.

The expenses that can benefit from the additional deduction of 50% for the admission or maintenance of trading assets are established by order of the Minister of Finance.

Tax treatment of reserves

Taxpayers who register tax reserves constituted according to the provisions on the tax exemption on profit reinvested before the fiscal year 2026/amended fiscal year starting in 2026, cannot use them for the increase of the share capital, for distribution or to cover losses, for a period of 5 years, starting with the year following the one for which they are constituted.

If this condition is not met, those amounts are taxed in full, as income-like items, in the tax period in which they are used.

After the period of 5 years, in the case of reserves used for distribution, according to the law, 50% of their value is taxed as items similar to income in the fiscal period in which they are used.

In the case of reserves used, after the 5-year period, to increase the share capital and/or to cover losses, their value does not represent elements similar to income and is not taxed.

The provisions of this paragraph also apply to the reserves existing in the accounting records on December 31st, 2025, respectively on the last day of the amended fiscal year that is attempted in 2026.

The amounts representing the use of reserves, according to the law, shall be taxed, according to the provisions of this paragraph, in the order in which they are registered. For the purpose of establishing the order of registration, the reserves existing in the accounting records on December 31st, 2025, respectively on the last day of the amended fiscal year ending in 2026, shall be considered recorded on December 31st, 2025/the last day of the amended fiscal year ending in 2026.

If those tax reserves are maintained until liquidation, they are not taken into account for determining the tax result of the liquidation.

Tax depreciation

Depreciable fixed asset is any tangible asset that cumulatively meets the following conditions:

- a) is owned and used in the production, delivery of goods or in the provision of services, to be rented to third parties or for administrative purposes;
- b) on the date of entry into the taxpayer's patrimony, it has a tax value equal to or greater than the amount of RON 5,000; this limit is updated annually, depending on the inflation index, by the Government.

For new assets, acquired/produced and put into service, in the period from 1st January 2026 to 31st December 2026 inclusive, respectively in the amended fiscal year starting in 2026, as the case may be, from subgroup 2.1 - Technological equipment, respectively machinery, tools and work facilities and/or subgroup 2.4 - "Animals and plantations", a super-accelerated depreciation method may be applied according to which the depreciation is calculated as follows:

- a) for the first year of use, the depreciation may not exceed 65% of the tax value from the date of entry into the taxpayer's patrimony of the asset;
- b) for the following years of use, the depreciation is calculated by relating the remaining depreciation value of the asset to its remaining normal period of use.

In the case of assets in progress occasioned by the acquisition/production of assets provided for above, commenced until 31st December 2025 inclusive/until the last day of the amended fiscal year that is attempted in 2026 inclusive, the provisions on over-accelerated depreciation apply only to the value of assets in progress occasioned by the acquisition/production of assets put into operation in the period between 1st January 2026 and 31st December 2026 inclusive, In the year, the year of tax change of care starts in 2026.

Special provisions for taxpayers using the corporate income tax prepayment system

The advance payment for the first quarter of each fiscal year/modified fiscal year is calculated by applying the tax rate on the accounting profit of the period for which the advance payment is made.

The provisions apply starting with the 2026 fiscal year, and for taxpayers whose fiscal year does not coincide with the calendar year, they apply starting with the modified fiscal year starting in 2026.

Deadline for payment and submission of the annual corporate income tax return

The annual corporate income tax return will be submitted by June 25th of the following year, respectively by the 25th of the sixth month after the end of the amended fiscal year.

Tax on the income of micro-enterprises

The main provisions for micro-enterprises are:

- For the application of the micro-enterprise income tax system in the fiscal year 2026, the ceiling of 100,000-euro applies for 2026.
- The condition that a company has no longer been a payer of micro-enterprise income tax starting with 01.01.2023 is eliminated; Companies can opt for the micro tax in the fiscal year following the fulfillment of the conditions.
- The submission of the annual financial statements is considered valid if it is done by March 31st, 2026.
- Newly established companies have 90 days to hire an employee to be able to apply the micro tax.
- The bonuses granted by the tax authority are non-taxable income for micro.
- If a micro-agreement exceeds 100,000 euros in income in a year, it owes that it is taxed on profit from the quarter in which it was exceeded
- If a micro-agreement does not file within the stated annual financial deadline, it will make payments to the profit before the quarter in which the obligation was not met.
- The verification of turnover during the year also includes income from the transfer of fixed assets or land, if more than one asset/land of these subgroup is transferred

Value Added Taxes

Starting with March 1st, 2026, the ceiling for the application of the VAT collection system increases as follows:

- a) 5,000,000 lei, between March 1st and December 31st , 2026;
- b) RON 5,500,000, starting with January 1st , 2027.

VAT on collection continues to be applicable, and the rules clarify eligibility, notification method and procedure for exiting the system

Granting a bonus in the case of corporate income tax and micro-enterprise income tax

3% bonus for corporate income tax and micro-enterprise income tax (fiscal year 2025)

Contributions payable on profit and those payable on micro-enterprise income benefit from a 3% bonus applied to the tax due for the fiscal year 2025 (or the modified fiscal year starting in 2025). The bonus was granted by the tax authority ex officio, by decision, after submitting the related tax returns.

The bonus is granted by the tax authority in compliance with the following conditions by the taxpayer:

- a) has submitted all the declarations according to the fiscal vector;
- b) the annual profit tax/levied on the income of micro-enterprises, related to the year 2025/amended fiscal year starting in 2025, as the case may be, are fully extinguished and within the terms provided by the law;
- c) does not register any other outstanding fiscal/budgetary obligation at the legal deadline for submitting the declarations declaring the annual corporate income tax before the year 2025/the amended fiscal year starting in 2025, respectively declaring the income tax of the microwise for the fourth quarter of the fiscal year 2025, according to the law.

For the calculation of the bonus, the following are taken into account:

- a) if the taxpayer redirects amounts from the annual corporate income tax, according to the law, they are not taken into account when establishing the bonus;
- b) for taxpayers paying tax on the income of micro-enterprises, the percentage related to the bonus is applied to the tax due for the entire fiscal year determined by summing the taxes on the income of micro-enterprises due quarterly, according to the law;
- c) in the case of micro-enterprises that become corporate income tax payers in 2025, the percentage of the bonus is applied to both the income tax of micro-enterprises and the annual corporate income tax, taxes determined according to the provisions of letter a) and letter b, respectively).

If, after the issuance of the decision to grant the bonus, amending declarations are submitted for the annual corporate income tax/microbusiness income tax, for the year 2025/the amended fiscal year starting in 2025, as the case may be, or taxpayers are notified, as a result of a tax audit, tax decisions by which they were established differently from the annual corporate income tax/micro-enterprise income tax, For the year 2025/the amended fiscal year starting in 2025, the specialized department proceeds as follows:

- a) In the event that each taxpayer submits a corrective return/receives a tax decision, with a reduction in the tax liability, the specialized department verifies the tax record and the amount initially granted as a bonus is duly modified, by reducing its value and issuing a new decision. For this purpose, the tax record shall add the difference between the amount initially granted as a bonus and the amount resulting after verification;
- b) In the event that each taxpayer submits a corrective return/receives a tax decision, with additional tax liability of more than 3%, the specialized department verifies the tax record and cancels the amount of the bonus initially granted.

The initially granted bonus is also cancelled in the event of submitting a corrective statement according to which it does not register the tax liability. For this purpose, a new decision is issued and the amount of the bonus granted is added to the tax records.

The amounts subject to the bonus are not refunded, but are used to compensate the taxpayer's tax obligations in accordance with the provisions of art. 167 of Law no. 207/2015 on the Fiscal Procedure Code.

By exception, the tax obligations that are subject to the bonus, for which the limitation period of the right to request the refund is fulfilled, according to the provisions of art. 219 of Law no. 207/2015, shall be returned according to the provisions of art. 168 of that normative act, if they have not been compensated with other budgetary obligations.

It probably also applies if at the end of the 2025 fiscal year/amended fiscal year starting in 2025 contributions must be taxed on profit at the level of the minimum turnover tax, according to the provisions of art. 181 of Law no. 227/2015, as subsequently amended and supplemented.

The procedure for applying the provisions of this article shall be approved by order of the Minister of Finance, at the proposal of the President of the National Agency for Fiscal Administration, within a maximum of 45 days from the date of entry into force of this Emergency Ordinance.

Note: The aspects mentioned in this newsletter do not represent expert advice, but general information. For further details, please contact us.

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