

Dear collaborators,

**Emergency Ordinance no. 38/2026 for amending and supplementing some normative acts**

**In force since May 8<sup>th</sup> , 2026**

In order to obtain the wholesale certificate, the economic operators provided for in art. 435 para. (3) of the Fiscal Code, who wish to distribute and wholesale energy products - liquefied petroleum gas, fuel oil, alcoholic beverages, other than wines, and processed tobacco - have the obligation to provide a guarantee of 250,000 lei, in the form of:

- a) recording of money at a unit of the State Treasury;
- b) letter of guarantee/guarantee insurance policy issued under the law by a credit institution/insurance company registered in the European Union and the European Economic Area, authorized to carry out its activity on the territory of Romania, in favor of the territorial tax authority with which the economic operator is registered as a payer of taxes and duties.

In the event that the competent bodies find the indications of the commission of a crime and assess the damage, the economic operator has the obligation to replenish the guarantee at the level of the damage, unless the guarantee is sufficient.

**VAT refund**

It is considered that taxable persons present a risk of undue refund of VAT if they find themselves in other situations established by order of the President of A.N.A.F., from which it follows that taxable persons present a risk of undue refund of VAT [...].

The procedure for applying the provisions of this article, as well as other situations in which taxable persons are considered to present a risk of undue refund of VAT, according to art. 169 paragraph (4) letter d) of the Tax Procedure Code, shall be approved by order of the President of A.N.A.F.

To view the ANAF order you can access this [link](#).

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

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