

Tax Newsflash

Amendments to the Romanian Fiscal Code introduced by Law no. 239/2025 – Package 2 of fiscal measures for 2026

Law no. 239/2025 on establishing measures for the recovery and efficiency of public resources and on amending and supplementing certain normative acts was published in the Official Journal of Romania, no. 1160 (December 2025). This legislation makes numerous amendments to the Fiscal Code (Law no. 227/2015) and will enter into force in 2026.

The Fiscal Code has been amended with respect to the corporate income tax base, personal income tax, social security contributions, and local taxes and duties. There are also increases in tax rates for capital gains and income from the transfer of virtual currency. The new law also introduces a logistics fee for managing extra-EU flows of goods, which is not included in the Fiscal Code. We present below details of the main changes.

Corporate income tax

The new law contains two provisions on the calculation of taxable profit:

- **Special regime for taxpayers recording expenses related to affiliated entities that are not incorporated/established and do not have their place of effective management in Romania**

A new article 25¹ is introduced into the Fiscal Code, establishing a special regime of limited deductibility (capped at 1% of total expenses recorded in the relevant tax year) for certain targeted expenses (i.e. expenses related to intellectual property rights, management expenses, and consultancy expenses) incurred by taxpayers in relation to affiliated entities that are not incorporated/established and do not have their place of effective management in Romania (hereinafter, non-resident affiliated entities).

These provisions do not apply to:

- Entities subject to special taxation rules under Art. 15 of the Fiscal Code, such as educational establishments, foundations and other non-profit organizations, religious denominations, homeowners' associations, etc.;
- Taxpayers subject to the minimum turnover tax, i.e., those that in the previous year achieved turnover exceeding EUR 50,000,000, determined according to Art. 18¹ at the National Bank of Romania (NBR) exchange rate at the end of the financial year;
- Credit institutions which are Romanian legal entities, and Romanian branches of credit institutions which are foreign legal entities.

The interaction between Art. 25¹ and Art. 25 of the Fiscal Code should be taken into account. If a taxpayer applies the limited deductibility regime under Art. 25¹ to certain expenses, the provisions of Art. 25 no longer apply to the same amounts.

The regime also provides further exceptions. Certain situations are excluded from the scope of the new Art. 25¹, so not all targeted expenses, as defined above, fall under the 1% cap. The following are excluded:

1. **Intellectual property registered in Romania:** Expenses for IP rights, management, and consultancy resulting from transactions with non-resident related parties undertaken to obtain trademarks, designs, industrial models, copyrights, etc. registered in Romania are not subject to the deductibility limitation. These are also excluded from the 1% ratio calculation.
2. **Capitalized expenses:** If the targeted expenses are capitalized in accordance with accounting regulations, they do not fall under the new article and are excluded from the ratio calculation.
3. **Advance Pricing Agreements (APAs):** Taxpayers holding a valid APA, or which, starting with fiscal year 2027 request the National Agency for Fiscal Administration (ANAF) to issue an APA for transactions with non-resident related parties that generate such expenses, are not subject to Art. 25¹ for the period covered by the APA. If the APA request is later rejected, the corporate income tax must be recalculated for the amounts previously deducted and fiscal penalties become due from the quarter/year in which those expenses were deducted.

Taxpayers falling under this new regime will apply the following rules in 2026 (or in the modified fiscal year starting in 2026). If such taxpayers recorded the targeted expenses as presented in the profit and loss account / statement of income and expenses / informative data from the official accounting reports prepared for FY2024 (or a financial year different from the calendar year starting in 2024), and the share of these targeted expenses as a proportion of total expenses recorded in those reports exceeds 1%, then in 2026 they will be able to deduct such expenses only up to 1% of total expenses recorded under accounting regulations in the relevant tax year.

In conclusion, if the targeted expenses under the new regime exceed 1% of total expenses recorded in 2024, then for the 2026 tax year expenses of this nature will be deductible only up to a cap of 1% of total expenses, and the excess costs related to non-resident affiliated entities become non-deductible in calculating the 2026 taxable profit. As noted, the 1% share is initially determined based on the FY2024 financial statements. Where the accounting reports do not present the targeted expenses separately (IP rights, management services, consultancy services), the ratio is calculated by reference to the IP/management/consultancy expenses recorded in relation to non-resident related parties as recorded in the accounting records for 2024.

We also note that for the calculation of the 1% ratio for 2026 / the modified fiscal year beginning in 2026, affiliated entities are those defined under the applicable accounting regulations.

Only starting with fiscal year 2027 will the definition of affiliation be that provided by the Fiscal Code, and the ratio will be calculated based on the expenses recorded in the tax year, to be presented in a new tax return established by order of the Minister of Finance, based on a proposal from ANAF. Law 239/2025 states that this order should be issued within 90 days of the date of publication of Law 239/2025 in the Official Journal of Romania.

Taxpayers incorporated during a fiscal year (including those incorporated during 2025 / a modified fiscal year starting in 2025), for the fiscal year of incorporation apply the new provisions at the end of the relevant tax year, taking into account the IP/management/consultancy expenses recorded in relation to non-resident related parties, as a part of total expenses, as recorded in the accounting records.

The provisions also apply to taxpayers incorporated during 2025 / a modified fiscal year starting in 2025, to determine the fiscal result for 2026 / the modified fiscal year starting in 2026.

For fiscal groups, the regime applies individually to each group member, without consolidation at group level. This approach avoids distortions that could occur by reference to the group total.

- **Tax treatment of assets under construction included in the ICAS calculation**

The specific tax for oil and gas (ICAS) was introduced in 2024 as a tax additional to corporate income tax and was applicable for the period 1 January 2024 – 31 December 2025. Consequently, ICAS is no longer due starting from 1 January 2026 (or starting from the modified fiscal year beginning in 2026).

However, in the context of using indicators I and A in the ICAS calculation during the two years of application, the law introduces a transitional provision intended to regulate potential abusive behaviors related to the facilities granted in connection with this tax after ICAS ceases to apply. Taxpayers which currently benefit from a reduction in the taxable base by deduction of the value of assets under construction or certain assets (indicators I and A as set out in Art. 46² para. (2)) must keep those assets in their ownership for a minimum period equal to half of their economic useful life, but no longer than 5 years.

Consequences for non-compliance: If a taxpayer disposes of or removes such an asset from its ownership before the minimum period expires (half of the economic useful life, but max. 5 years), the law provides for retroactive recalculation of tax by the filing of an amending return. Given that ICAS ceases as from 1 January 2026, if taxpayers do not comply with the requirement to keep the assets for the stated period, then starting from 1 January 2026 the minimum turnover tax is recalculated for the relevant amounts and fiscal penalties are charged from the quarter/year of the deduction.

Law 239/2025 also specifies situations where the requirement to keep the assets does not apply (and thus where there is no recalculation), such as reorganizations, liquidation or bankruptcy, destruction, loss, theft, etc., or other legal obligations requiring disposal of the asset.

Personal income tax

The law introduces amendments in the field of personal income tax, described below by income category.

Income from independent activities and from the letting of property

Income obtained from providing accommodation services, as well as income from short-term renting of more than 7 rooms located in a personally owned dwelling, is included in the category of income from independent activities. The tax due is 10% of the net income determined by deducting a flat-rate expense of 30% from the gross income (i.e., the total amounts collected from accommodation and rental activities). This provision applies starting with income related to 2026.

Income obtained from short-term renting of between 1 and 7 rooms (inclusive) is included in the category of income from the letting of property. However, the tax due is 10% applied to the net income determined by deducting a flat-rate expense of 30% from total gross income (i.e., the total amounts collected).

To determine net income from short-term renting of rooms in personally owned dwellings—whether included as independent activities (more than 7 rooms) or as letting of property (1–7 rooms)—taxpayers need to complete only the income section of the Fiscal Records Register and have no accounting record-keeping obligations.

Taxpayers must complete and keep the accommodation capacity occupancy record so that the room occupancy period and the identification data of the person(s) occupying it are indicated. The template, content, and management method of the standardized form “Accommodation capacity occupancy record” will be approved by order of the President of ANAF, within 90 days of the publication date of Law 239/2025.

The commission retained by entities facilitating the short-term rental of rooms in personally owned dwellings, including electronic interfaces such as an online marketplaces, platforms, portals, or similar means, is not included in gross income. If amounts are received in foreign currency, the RON equivalent is determined using the NBR exchange rate published on the last banking day prior to receipt.

Separately, for other income from the letting of property (e.g. long-term lease/rental of agricultural land and short-term room rentals), the flat-rate expense used to determine net income remains 20%.

The deadline for filing the single tax return and paying the related tax liabilities for income from independent activities and from the letting of property remains unchanged, i.e., by 25 May of the year following the year in which the income was obtained.

Investment income – capital gains

Starting from 1 January 2026, the tax on income in the form of gains from the transfer of securities and from transactions in derivative financial instruments carried out through intermediaries that are tax resident in Romania or have a permanent establishment in Romania is withheld at source and determined as follows:

- 3% on each gain if the securities and/or derivatives were acquired and disposed of over a period longer than 365 days (inclusive) from the acquisition date;
- 6% on each gain if the securities and/or derivatives were acquired and disposed of over a period shorter than 365 days from the acquisition date.

Starting from 1 January 2026, the tax on income in the form of gains from the transfer of securities and from financial instrument transactions carried out through intermediaries that are not tax resident in Romania is determined by applying a 16% rate to the net gain and is assessed by taxpaying through the single tax return, for income earned in the previous tax year.

Income from other sources – virtual currency transfers

For income from the transfer of virtual currency, starting from 1 January 2026 the personal income tax due is calculated by the taxpayer based on the single tax return by applying a 16% rate to the gain from virtual currency transfer, determined as the positive difference between the selling price and the acquisition price, including direct transaction costs. Gains below RON 200 per transaction are not taxed, provided that total gains in a fiscal year do not exceed RON 600.

Social security contributions

CAS for income from independent activities

Starting with 2026 income, the social insurance contribution (CAS) is due for income from accommodation services and from short-term renting of more than 7 rooms located in personally owned dwellings, as these are included in the category of independent activities. The annual threshold of at least 12 gross minimum wages or at least 24 gross minimum wages, as applicable, is determined by cumulating net income and/or annual income norms from independent activities.

CASS for income from independent activities

The health insurance contribution (CASS) due for independent activity income is determined by applying the 10% rate to an annual calculation base equal to the amount resulting from cumulating the annual net/gross income or annual income norm (or adjusted annual income norm, as

applicable), which may not exceed a base corresponding to 72 gross minimum wages. This provision applies starting with 2026 income.

For independent activity income earned in 2025, CASS is due under the rules in force at the time the income is earned, i.e., CASS applies to the annual net/gross income or annual income norm (or adjusted norm), subject to a minimum threshold of 6 gross minimum wages and a maximum threshold of 60 gross minimum wages.

Building tax and building duty

The new regulation clarifies that buildings in the public or private ownership of the state or of local authorities are subject to the building duty even where there is no explicit title of ownership. A mechanism is also introduced for offset/refund when, during the year, the regime changes from building tax to building duty, meaning the tax difference for the period covered by the duty is offset/refunded in the next fiscal year.

Special rate for residential buildings owned by legal entities; exemptions and reductions

A major change is the elimination of the special building tax rate (currently between 0.08% and 0.2%) applicable to residential buildings owned by legal entities. As a result, starting in 2026, apartments or dwellings owned by companies will be taxed at the rate applicable to non-residential buildings (between 0.2% and 1.3%).

The law also makes important amendments to Art. 456 of the Fiscal Code (exemptions/reductions for building tax/duty), reducing the list of exemptions granted by law and redefining local council competencies or removing certain provisions.

The list of situations for which local councils may grant exemptions or reductions has been rewritten, with a significant narrowing of eligible categories. Some exemptions become capped reductions; others are removed entirely. Eliminated provisions include (among others) buildings of institutions/units coordinated by the Ministry of Education, the Ministry of Research, Innovation and Digitalization, the Ministry of Family, Youth and Equal Opportunities, or the Ministry of Sport, as well as buildings of national sports federations and of the Romanian Olympic and Sports Committee.

Buildings that were previously exempt by law, but which may now only obtain exemptions/reductions if these are granted by local councils, at their discretion, include:

- Buildings belonging to foundations established by will for cultural, humanitarian, or social purposes;
- Buildings belonging to private healthcare units, except for rooms used for economic activities generating income other than from healthcare, subject to state aid rules.

Furthermore, categories for which local authorities may grant exemptions/reductions are narrowed and some exemptions are converted into capped reductions or removed. Examples include:

- Buildings owned by enterprises, under state aid / de minimis schemes, which have an objective set out in state aid legislation;
- Residential buildings owned by persons covered by Law no. 341/2004 or by persons with income below the minimum wage, or with income exclusively from social aid or unemployment allowance.

New local tax incentives have been introduced:

- Buildings for which owners, at their own expense, registered the property in the land book may be exempt from tax for 2 years, starting from 1 January of the year following registration (new measure);
- For residential buildings affected by natural disasters: the maximum period during which the local council may grant exemption is reduced to a maximum of 2 years (previously 5 years), calculated from 1 January of the year following the event.

Agricultural buildings and annexes

Buildings used as greenhouses, solariums, seedbeds, mushroom farms, fodder silos, or grain stores are no longer fully exempt. Instead, the law establishes a fixed 50% reduction of tax for these buildings, applied automatically (subject to state aid rules). Thus, the incentive is reduced (full exemption replaced by a 50% reduction).

Abrogated special rules

The reduction for blood donors and its extension to persons with disabilities, as well as the rules on cumulation with bonuses in Art. 456 paras. (2¹)–(2³), have been repealed.

Minimum rate for 2026

In terms of tax rates, the law introduces an important temporary restriction: the building tax rate for 2026 may not be lower than the rate applied in 2025. This applies to local council decisions (including the Bucharest General Council) and covers both individuals and legal entities, regardless of the building's use (residential or non-residential). In practice, in 2026 local authorities cannot reduce building tax rates below 2025 levels, even if the taxable base is increased. This ensures local revenues remain at least at the level of the previous year and prevents offsetting higher taxable values through lower rates.

Taxable values per square meter for residential buildings (individuals)

The taxable values per square meter for residential buildings (used to calculate building tax for individuals) have been updated and increased significantly. The new values in Table 6 of art. 457 are about 2.5–3 times higher than the previous ones. For example: for a type A building (reinforced concrete structure or fired brick exterior walls, with all utilities) the taxable value increases from RON 1,000/sqm to RON 2,677/sqm (and without utilities, from RON 600/sqm to RON 1,606/sqm). For a type B building (walls of wood/unfired stone, etc.), the taxable value rises from RON 300/sqm to RON 803/sqm with utilities, and from RON 200/sqm to RON 535/sqm without utilities. Similar increases apply to household annexes—for example, type C (annex of concrete/fired brick) becomes RON 535/sqm (from RON 200), and type D (annex of wood/stone) becomes RON 335/sqm (from RON 125).

Land tax / land duty

The provision on land duty is amended similarly to the adjustment made for buildings under Art. 455, for land in the public/private ownership of the state or a local authority. An equivalent offset/refund rule is also introduced: if during the year the conditions arise to switch from land tax to land duty, the tax paid for the period covered by the duty is offset/refunded in the next fiscal year.

The list of land plots exempt from land tax/duty is amended similarly to the changes for buildings. Exemptions removed include, for example, land belonging to foundations established by will for cultural/humanitarian/social purposes, land belonging to institutions under the Ministry of Education

or the Ministry of Youth and Sport (if not used for economic purposes), land related to residential buildings owned by persons with severe disability or classified as first-degree invalidity (or their legal representatives), etc. Some exemptions move to local council discretion, such as land belonging to such foundations, and land related to residential buildings belonging to persons covered by Law no. 168/2020.

A new exemption is introduced for land related to new buildings completed as part of investment projects involving manufacturing, storage and logistics. The incentive applies for two years starting from 1 January of the year following final acceptance of the building, subject to state aid rules. Eligible activities will be detailed in the application norms.

The land exemptions local councils may grant have also been restricted. For example, land related to residential buildings owned by persons under Law no. 341/2004 is no longer eligible; likewise land occupied by buildings classified as historical monuments, museums or memorial houses (except those used for economic activities), and land belonging to persons with income below the minimum wage or solely from social aid or unemployment allowance. Exemptions are also eliminated for rural land in protected natural areas, areas of land without buildings which have historical monument status, land in monument protection areas and protected zones, as well as areas in which archaeological research is taking place, for the duration of such research.

Vehicle tax

The method for calculating vehicle tax has been substantially modified for certain vehicle categories, with the introduction of a pollution standard criterion alongside engine capacity. The law also sets out an obligation for the Ministry of Development, the Ministry of Internal Affairs, and the Ministry of Transport to cooperate in exchanging data on vehicle pollution standards, for applying the new rules. The procedure will be established by a protocol between these institutions, to be concluded within 30 days from entry into force of Law 239/2025. .

The regulation also provides an alternative calculation formula for other categories of vehicles specified in the draft, under which the tax is calculated only based on engine capacity (without the pollution standard), by multiplying each 200 cm³ group (or fraction) by the amount in a second dedicated table. This applies, for example, to registered vehicles not subject to Euro classification, such as tractors.

For hybrid vehicles with CO₂ emissions ≤ 50 g/km, the local tax may be reduced by up to 30% based on a decision by a local council/CGMB (previously the reduction was 50%). For fully electric vehicles, the vehicle tax is set at a fixed amount of RON 40/year, regardless of other characteristics—replacing the previous full exemption.

In addition, the categories of vehicles exempt from vehicle tax are significantly narrowed (e.g., specialized vehicles for transporting beehives in pastoral activities, as certified by the Romanian Auto Register and used exclusively for that purpose). Certain categories may be included as exempt via local council/CGMB decisions (e.g., passenger river vessels, boats and skiffs used to transport individuals domiciled in the Danube Delta, Insula Mare a Brăilei, and Insula Balta Ialomiței, where tax may be reduced by up to 50%; and vehicles belonging to organizations whose sole activity is providing free social services in specialized units providing accommodation, social and medical care, assistance, protection, recovery, rehabilitation and social reintegration activities for children, families, persons with disabilities, the elderly, and other persons in difficulty, as set out by law).

Special tax on high-value immovable and movable assets (luxury tax)

For residential buildings with values above RON 2,500,000 and for cars with acquisition value above RON 375,000, the tax rate is increased from 0.3% to 0.9%. The new rate applies starting from 1 January 2026.

The law also includes provisions allowing additional rates on local taxes and duties that may be set by local councils:

- The cap for additional rates increases from a maximum of 50% up to 100% over existing ceilings;
- A new Article is introduced on granting exemptions and/or reductions from local taxes and duties by local councils and the Bucharest General Council, via a decision adopted at least three working days before the end of the budget year, for a maximum of two fiscal years. Interim evaluations during those two years may lead to continuation or early termination. The total value of exemptions/reductions may not exceed 5% of local tax revenues collected up to the day before the decision, related to the previous fiscal year.

RO e-Property system

The law repeals all provisions in Government Ordinance 16/2022 that referred to comparing taxable values with notarial grids for determining the taxable base for immovable property—provisions whose entry into force had been repeatedly postponed.

Instead, the law introduces a national integrated system for the fiscal management of data and information on immovable property in Romania, called the RO e-Property System, to be managed by the Ministry of Finance through the National Center for Financial Information.

The RO e-Property System is a set of principles, rules and IT systems, communications infrastructure, interconnection and interoperability elements with other IT systems, hardware and software platforms for storage, automatic processing, manual processing, collection, display and transmission of data, aimed at automating the collection of data and information about immovable property to substantiate public policies for fiscal purposes.

Public authorities/institutions and professional organizations of public interest or public utility that, directly or through subordinated/coordinated structures, hold any data or information on immovable property must provide it to the Ministry of Finance free of charge for integration into the RO e-Property System.

As IT systems develop, the RO e-Property System may interconnect, under conditions set by law, with other IT systems to receive data and information about properties in Romania.

The procedure for use and operation of the RO e-Property System, functional and structural standards, frequency and methods of transmitting/providing data and information will be established by an order of the Minister of Finance, to be drafted within 3 months from the date of entry into force of Law 239/2025.

Logistics fee for managing flows of goods from outside the EU

Starting from 1 January 2026, a logistics fee of RON 25 will be imposed for each parcel containing goods with a commercial value entering Romania from outside the EU, with a declared value below EUR 150, regardless of the place of release for free circulation within the EU. Key aspects are as follows:

- The fee applies to parcels delivered in distance sales of imported goods from third territories/countries, as defined by the Romanian Fiscal Code.
- The obligation to pay the fee lies with the supplier of the goods or the entity/individual acting on the supplier's behalf and introducing the parcel into the national postal network, regardless of their role in the supply chain.
- Parcels not delivered to the final recipient in Romania are exempt.

- For parcels returned under consumer rights legislation, the fee is not refundable.
- Postal service providers must collect, declare and pay the logistics fee, reporting to ANAF by the 25th of the month following delivery.
- Postal service providers must set a contractual deadline with the goods supplier or its representative for collecting the fee. If they fail to comply with this requirement, they automatically assume the supplier's payment responsibilities.
- Failure to comply with obligations, if not a criminal offense, constitutes an administrative offense and results in fines between RON 2,000 and RON 10,000. In addition, collecting the fee without paying it to the state within 30 days constitutes a criminal offense, punishable by imprisonment from 1 to 5 years or a fine.
- ANAF is responsible for identifying administrative offenses and applying sanctions.
- ANAF's General Directorate for Fiscal Anti-Fraud will supervise implementation of the logistics fee, with responsibilities set by order of the ANAF President.



Contact

KPMG in Romania

Șoseaua Bucuresti - Ploiești, nr. 89A
Sector 1, Bucuresti 013685, Romania
Tel: +40 372 377 800 / Fax: +40 372 377 700
Internet: www.kpmg.ro
E-mail: kpmgro@kpmg.ro

René Schöb

Partner, Head of Tax & Legal,
KPMG in Romania
E: rschob@kpmg.com

Mădălina Racovițan

Partner, Taxation Services,
KPMG in Romania
E: mracovitan@kpmg.com

Laura Toncescu

Partner KPMG,
Head of KPMG Legal – Toncescu și Asociații
E: ltoncescu@kpmg.com

Alin Negrescu

Partner, Taxation Services,
KPMG in Romania
E: vnegrescu@kpmg.com

Daniel Pană

Partner, Taxation Services,
KPMG în România
E: dpana@kpmg.com

Inga Tigai

Partner, Taxation Services,
KPMG in Romania
E: ingatigai@kpmg.com