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Tax Newsflash

ANAF Order No. 828/2026 – New Transfer Pricing Documentation Requirements in Romania

ANAF Order No. 828/2026, published in the Official Journal of Romania No. 543 of 2 July 2026, introduces significant amendments to the Romanian transfer pricing ("TP") documentation framework. The new rules revise the transaction value thresholds, documentation deadlines, content requirements and conditions under which a transfer pricing file may be requested by the tax authorities. The Order also updates the procedure for transfer pricing adjustments and estimations.

A key development is the introduction of a requirement for large taxpayers to submit their transfer pricing documentation electronically through the Romanian Virtual Private Space ("SPV"), provided that transactions with related parties exceed the thresholds established in legislation.

The annual documentation requirement for large taxpayers applies to related-party transactions carried out starting from the fiscal year 2026, while the new procedural framework will generally apply to tax administration procedures initiated after 1 January 2027.

Given these changes, taxpayers should consider reviewing and assessing their intra-group transactions carried out from fiscal year 2026 onwards.

Annual Transfer Pricing Documentation Requirement for Large Taxpayers

Large taxpayers are required to prepare an annual transfer pricing file for transactions carried out with each related party where the following thresholds are met or exceeded, per transaction category:

- EUR 100,000 for service transactions generating revenues or expenses;
- EUR 200,000 for financing transactions generating interest income or expenses;
- EUR 250,000 for transactions involving intangible assets, as well as royalty-related revenues or expenses;
- EUR 350,000 for transactions involving the sale or purchase of tangible assets.

The transfer pricing file must be submitted electronically through the SPV within 30 working days of the statutory deadline for filing the annual corporate income tax return.

The documentation must be submitted under the signature of the taxpayer's legal representative or authorised representative with power of attorney.

Where a large taxpayer has not submitted its transfer pricing file through the SPV, the deadline for presenting the file upon request may be limited to a maximum of five working days from the date of the request.

Transfer Pricing Documentation Requirements for Small and Medium-Sized Taxpayers

Unlike large taxpayers, small and medium-sized taxpayers are not required to prepare and submit annual transfer pricing documentation automatically.

However, transfer pricing documentation must be prepared and presented upon request by the tax authorities during a tax audit where transactions with a particular related party meet or exceed the following thresholds:

- EUR 50,000 for service transactions generating revenue or expenses;
- EUR 100,000 for financing transactions generating interest income or expenses;
- EUR 150,000 for transactions involving intangible assets, as well as royalty-related revenue or expenses;
- EUR 200,000 for transactions involving the sale or purchase of tangible assets.

In such cases, taxpayers will generally have between 30 and 60 working days to provide the documentation, with the possibility of a one-time extension of up to 30 additional working days based on a justified request.

The tax audit may be suspended during the period granted for preparing and presenting the transfer pricing file.

New Threshold Assessment Methodology

One of the most important changes introduced by the Order is that threshold assessments must be carried out separately for:

- Each category of transaction; and
- Each related party.

Consequently, certain taxpayers may become subject to transfer pricing documentation requirements for specific intra-group transactions even where their overall business activity remains unchanged.

Furthermore, even where the thresholds are not exceeded, the tax authorities may still request transfer pricing documentation for specific transactions and tax periods if this request is justified by the outcome of a tax risk analysis.

Enhanced Documentation Requirements

The Order introduces more detailed documentation requirements aimed at increasing transparency, strengthening comparability analyses and aligning Romanian transfer pricing practices with OECD Transfer Pricing Guidelines.

Among other changes, taxpayers will be required to provide additional support for:

- The selection of the tested party;
- The rationale supporting the chosen transfer pricing methodology;
- Comparability analyses and benchmarking studies; and
- The selection and use of comparable companies.

Particular emphasis is placed on situations where a non-Romanian taxpayer is selected as the tested party.

In such cases, taxpayers may need to provide additional supporting documentation substantiating the profitability indicator applied to the non-Romanian tested party and, optionally, independent certification supporting the analysis.

These enhanced requirements indicate an increasing focus by the Romanian tax authorities on the robustness of transfer pricing analyses and the quality of supporting documentation.

Declaration of Accuracy and Completeness

Another notable development is the requirement to include a declaration confirming the accuracy and completeness of the information contained in the transfer pricing file.

The Order also clarifies situations where transfer pricing documentation may be considered incomplete.

Examples include missing information, documentation, explanations, analyses or other data needed to demonstrate compliance with the arm's-length principle, including:

- Transaction descriptions;
- Contractual documentation;
- Functional analyses;
- Transfer pricing method selection and justification;
- Comparability analyses; and
- Relevant financial information.

Where transfer pricing documentation is not provided within the applicable deadlines, or where the documentation is considered incomplete, the taxpayer may be deemed not to have demonstrated compliance with the arm's-length principle.

In such circumstances, the tax authorities may estimate transfer prices for the relevant transactions and periods for which adequate documentation has not been provided.

Practical Impact for Taxpayers

The new rules are expected to increase the administrative burden for taxpayers engaged in intra-group transactions, as threshold analyses must now be carried out at a more granular level, by transaction category and by related party.

For large taxpayers, the impact is particularly significant given:

- The annual documentation requirement;
- Mandatory electronic filing through the SPV; and
- The very short response period in the event of a tax audit request.

For small and medium-sized taxpayers, the focus should be on ensuring that relevant transactions can be documented promptly if requested by the tax authorities.

Recommended Actions

Taxpayers should consider undertaking a proactive review of their fiscal year 2026 intra-group transactions to identify transactions that may exceed the new thresholds.

In addition, taxpayers should assess the availability and consistency of supporting documentation, including:

- Intercompany agreements;
- Transfer pricing policies;
- Benchmarking studies; and
- Relevant financial information.

Large taxpayers should also begin planning their internal compliance processes to ensure timely preparation and submission of transfer pricing documentation through the SPV.

Given the expanded documentation requirements and increased focus on transfer pricing compliance, an early assessment of potential risk areas is recommended.

We remain available to discuss the implications of these developments for your organisation and to assist with assessing the impact on your transfer pricing obligations and documentation requirements.

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