

# Romania

## Transfer Pricing Country Profile<sup>1</sup>

November 2025

		SUMMARY	REFERENCE
The Arm's Length Principle			
1	Does your domestic transfer pricing framework <sup>2</sup> make reference to the arm's length principle?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  All transactions between related parties are required to comply with the arm's length principle (ALP).  This obligation extends to both domestic and cross-border intragroup dealings, ensuring that such transactions are conducted under conditions consistent with those that would have been agreed upon by independent parties.	Law no. 227/2015 regarding the Fiscal Code, as latest amended ( Title I, Chapter IV Article 11 para 4) <sup>3</sup>  Order no. 442/2016 on conditions surrounding the amounts of transactions, submission of the transfer pricing file, content and conditions of requesting the preparation of the transfer pricing documentation file and application of transfer pricing adjustment/estimation procedure <sup>4</sup>
2	Does your domestic transfer pricing framework give the OECD Transfer Pricing Guidelines any role or status (e.g. legal binding effect, subsidiary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Law no. 227/2015 regarding the Fiscal Code, as latest amended ( Title I, Chapter IV Article 11 para 4)

<sup>1</sup> Information in transfer pricing country profiles is provided directly by jurisdictions. By publishing the transfer pricing country profiles on the OECD website, the OECD does not certify the accurateness of the information provided therein. Importantly, transfer pricing country profiles published on the OECD website are made available to stakeholders for information purposes only, and are not intended to be used in substitution to a jurisdiction's legal instruments, jurisprudence, or administrative guidance or practice nor relied on as an accurate and complete description of domestic law.

<sup>2</sup> For purposes of transfer pricing country profiles, the term "domestic transfer pricing framework" refers to a jurisdiction's domestic legislation, regulations, administrative guidance or practice, jurisprudence or governing general principles in the jurisdiction.

<sup>3</sup> [Legea nr.227/2015](#)

<sup>4</sup> [OPANAF 442\\_2016.pdf](#)

	<b>application in the absence of domestic legislation, source of interpretation of domestic legislation and/or treaty provisions, other)?</b>	<p>The Organisation for Economic Co-operation and Development Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations (hereinafter “OECD TPG”) are expressly incorporated by reference into Romanian legislation, thereby acquiring binding legal effect.</p> <p>Consequently, the OECD TPG form an integral part of the domestic legal framework and are fully applicable in the assessment and documentation of transfer pricing matters in Romania.</p>	
3	<b>Does your domestic transfer pricing framework provide for a definition of related parties applicable for transfer pricing purposes? If so, please provide the definition contained under your domestic transfer pricing framework.</b>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Definition of the affiliated Persons – as per the local legislation</b></p> <p>A person shall be deemed affiliated with another person where the relationship between them exists under at least one of the following situations:</p> <p>a) a natural person is affiliated with another natural person if such persons are spouse or relatives up to the third degree, inclusive;</p> <p>b) a natural person is affiliated with a legal person if the natural person owns, directly or indirectly, including holdings of affiliated persons, a minimum of 25% by value/number of the participation titles, or voting rights in the legal person, or effectively controls the legal person;</p> <p>c) a legal person is affiliated with another legal person if it owns, directly or indirectly, including holdings of affiliated persons, a minimum of 25% by value/number of the participation titles, or voting rights in the other legal person, or effectively controls that legal person;</p> <p>d) a legal person is affiliated with another legal person if a person owns, directly or indirectly, including holdings of affiliated persons, a minimum of 25% by value/number of the participation titles, or voting rights in the first and the second legal person, or effectively controls both legal persons;</p>	Law no. 227/2015 regarding the Fiscal Code, as latest amended (Title I, Chapter III, Article 7, point 26)
<b>Transfer Pricing Methods</b>			
4	<b>Does your domestic transfer pricing framework provide for transfer pricing methods to be used in respect</b>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	Law no. 227/2015 regarding the Fiscal Code, as latest amended (Title I, Chapter IV, Art. 11, para. 4)

	<p><b>of transactions between related parties?</b></p>	<p>If affirmative, please check those provided for in your legislation:</p> <table border="1" data-bbox="678 161 1529 320"> <tr> <th>CUP</th><th>Resale Price</th><th>Cost Plus</th><th>TNMM</th><th>Profit Split</th><th>Other (<i>If so, please describe</i>)</th></tr> <tr> <td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td></tr> </table> <p>The Fiscal Code includes detailed provisions on transfer pricing, explicitly regulating the methods prescribed by the OECD TPG. Furthermore, it acknowledges the applicability of “any other method” provided under the OECD TPG, thereby ensuring that the most appropriate method may be applied in each case to reflect the arm’s length principle.</p> <p>This legislative approach demonstrates Romania’s alignment with international best practices while granting both taxpayers and the tax authorities the necessary flexibility to select the method that best captures the economic substance of the transaction under review.</p>	CUP	Resale Price	Cost Plus	TNMM	Profit Split	Other ( <i>If so, please describe</i> )	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
CUP	Resale Price	Cost Plus	TNMM	Profit Split	Other ( <i>If so, please describe</i> )										
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>										
5	<p><b>Which criterion is provided for in your domestic transfer pricing framework for the application of transfer pricing methods?</b></p>	<p>Please check all that apply:</p> <p><input type="checkbox"/> Hierarchy of methods</p> <p><input checked="" type="checkbox"/> Most appropriate method</p> <p><input type="checkbox"/> Other (<i>if so, please explain</i>)</p> <p>There is no prescribed hierarchy in the selection of transfer pricing methods. The internationally accepted standard has been the application of the “<b>most appropriate method</b>” as defined by the OECD TPG.</p> <p>When determining the most appropriate transfer pricing method, the following criteria must be considered:</p> <ul style="list-style-type: none"> <li>• the circumstances under which prices are set in transactions carried out under free market conditions on commercially comparable markets;</li> <li>• the availability of reliable data derived from the actual operations of the affiliated parties engaged in comparable transactions;</li> <li>• the degree of accuracy with which comparability adjustments can be performed;</li> </ul>	<p>Law no. 227/2015 regarding the Fiscal Code, as latest amended (Title I Chapter IV Art. 11 para 4 - point 5 para. 4)</p>												

		<ul style="list-style-type: none"> <li>the specific circumstances of the case under review;</li> <li>the actual activities undertaken by each of the affiliated parties;</li> <li>the characteristics of the relevant market and of the taxpayer's business activity;</li> <li>the extent and quality of documentation that can be provided by the taxpayer.</li> </ul>	
6	Does your domestic transfer pricing framework contain specific guidance on commodity transactions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> For controlled transactions involving commodities, the guidance contained in paragraphs 2.18-2.22 of the TPG is followed. <input type="checkbox"/> Domestic transfer pricing framework provides for the use of a specific method for controlled transactions involving commodities ( <i>if so, please explain</i> ) <input checked="" type="checkbox"/> No <p>Romanian legislation does not set out detailed provisions specifically addressing commodity transactions. However, through explicit reference to the OECD TPG, these rules are applicable in the Romanian context. In practice, the Romanian tax authorities and taxpayers alike follow the principles and recommendations laid down in the OECD TPG, including the specific guidance on commodity transactions contained in paragraphs 2.18–2.22. This approach reflects Romania's alignment with international standards and ensures consistency in the application of the arm's length principle where domestic legislation does not provide detailed guidance.</p>	Law no. 227/2015 regarding the Fiscal Code, as latest amended (Title I, Chapter IV, Art. 11, para 4)
Comparability Analysis			
7	Does your jurisdiction follow (or largely follow) the guidance on comparability analysis outlined in Chapter III of the TPG?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>Romania applies the comparability analysis framework set out in Chapter III of the OECD TPG.</p>	Law no. 227/2015 regarding the Fiscal Code, as latest amended (Title I Chapter IV Art. 11 para. 4 )

8	<b>Is there a preference in your jurisdiction for domestic comparables over foreign comparables?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Order no. 442/2016 on conditions surrounding the amounts of transactions, submission of the transfer pricing file, content and conditions of requesting the preparation of the transfer pricing documentation file and application of transfer pricing adjustment/estimation procedure (Art. 8 para. 1)
		<p>When conducting a search for comparables, Romanian legislation establishes a hierarchy of territorial criteria, to be applied in the following order: national, European Union, pan-European and international.</p> <p>However, the practical application of these geographical criteria is largely dependent on the location and the availability of reliable data, for the selected tested party.</p>	
9	<b>Does your domestic transfer pricing framework permit the use of secret comparables for transfer pricing assessment purposes?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Order no. 442/2016 on conditions surrounding the amounts of transactions, submission of the transfer pricing file, content and conditions of requesting the preparation of the transfer pricing documentation file and application of transfer pricing adjustment/estimation procedure (Art. 8 para. 2, Art. 9 para. 3)
		Romanian legislation requires that data used in a comparability analysis be reasonably available at the time of setting or testing transfer prices. Where transfer prices are estimated by the tax authorities, the same data must also be accessible to the taxpayer, ensuring transparency and fairness. Taxpayers are further required to retain supporting evidence demonstrating what data was available and consulted during the analysis. The use of non-public data is not permitted for both taxpayers and the tax administration, thereby upholding the principle of equal access to information.	
10	<b>Does your domestic transfer pricing framework allow or require the use of an arm's length range and/or statistical measure (e.g. the interquartile range or other percentiles) for determining arm's length remuneration?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Order no. 442/2016 on conditions surrounding the amounts of transactions, submission of the transfer pricing file, content and conditions of requesting the preparation of the transfer pricing documentation file and application of transfer pricing adjustment/estimation procedure (Art. 8)
		Romanian legislation mandates the use of an arm's length range, determined through appropriate statistical tools such as the interquartile range, when establishing arm's length remuneration. In the context of a tax audit, however, the median of the range is applied as the reference point for potential adjustments. Voluntary transfer pricing adjustments made by taxpayers to ensure compliance with the arm's length principle may be effected at any point within the interquartile range.	
11		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Law no. 227/2015 regarding the Fiscal Code, as latest amended (Title I Chapter IV Art. 11 para 4)

	<b>Are comparability adjustments required under your domestic transfer pricing framework?</b>	Romanian legislation permits and, where necessary, requires the use of comparability adjustments when applying a transfer pricing method. Given that the OECD TPG are expressly recognized as applicable under domestic law, the references and principles set out in the OECD TPG regarding comparability adjustments are likewise implicitly applicable in Romania.	
<b>Intangible Property</b>			
12	<b>Does your domestic transfer pricing framework contain guidance specific to the pricing of controlled transactions involving intangibles?</b>	<input type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter VI of the TPG? <input type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input checked="" type="checkbox"/> No	Law no. 227/2015 regarding the Fiscal Code, as latest amended (Title I Chapter IV Art. 11 para. 4)
		Romanian legislation does not include specific guidance on transactions involving intangibles but expressly refers to the OECD TPG in this respect. As the OECD TPG are recognized as applicable under domestic law, the principles and references contained therein regarding intangible transactions are likewise implicitly applicable in Romania.	
13	<b>Are there any other rules outside your transfer pricing framework that are relevant for the pricing of controlled transactions involving intangibles?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Hard-to-Value Intangibles<sup>5</sup></b>			
14	<b>Does your domestic transfer pricing framework contain guidance specific to hard-to-value intangibles (HTVI)?<sup>6</sup></b>	<input type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow the guidance on HTVI in Chapter VI of the TPG? <input type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input checked="" type="checkbox"/> No	Law no. 227/2015 regarding the Fiscal Code, as latest amended (Title I, Chapter IV, Art. 11, para. 4)

<sup>5</sup> Please note that questions in this section are imported from the HTVI questionnaire and integrated into this TPCP to centralise all jurisdiction-related transfer pricing information.

<sup>6</sup> In the case of jurisdictions that do not apply the HTVI approach (i.e. they responded “no” to question 14), it is not necessary to respond to the remaining questions in the HTVI section and these questions will not be published as part of jurisdiction’s transfer pricing country profile.

		Romanian legislation does not include specific guidance on transactions involving HTVI but expressly refers to the OECD TPG in this respect. As the OECD TPG are recognized as applicable under domestic law, the principles and references contained therein regarding transactions involving HTVI are likewise implicitly applicable in Romania.	
Intra-group Services			
23	Does your domestic transfer pricing framework provide guidance specific to intra-group services transactions?	<input type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter VII of the TPG? <input type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input checked="" type="checkbox"/> No	Law no. 227/2015 regarding the Fiscal Code, as latest amended (Title I, Chapter IV, Art. 11, para. 4 )
		Romanian legislation does not include specific guidance on services transactions but expressly refers to the OECD TPG in this respect. As the OECD TPG are recognized as applicable under domestic law, the principles and references contained therein regarding services transactions are likewise implicitly applicable in Romania. Please also refer to answer to Question 24 below, for further details on low-value intragroup services.	
24	Does your domestic transfer pricing framework provide for or allow the application of a simplified approach for low value-adding intra-group services?	<input type="checkbox"/> Yes. If so, does it follow (largely follow) the low value-adding services approach in Chapter VII? <input type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input checked="" type="checkbox"/> No	Law no. 227/2015 regarding the Fiscal Code, as latest amended (Title I, Chapter IV, Art. 11, para. 4)
		The local legislation does not provide specific rules or a clear definition regarding low value-adding intra-group services. In particular, the legislation does not recognize the application of the simplified approach outlined in Section D.2 of Chapter VII on intra-group services. Consequently, all service transactions must be substantiated to demonstrate their arm's length nature, either through the transfer pricing documentation file or as part of an advance pricing agreement, regardless of whether the services are considered high or low value.	

25	Are there any other rules outside your transfer pricing framework for pricing intragroup services?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Financial Transactions			
26	Does your domestic transfer pricing framework provide guidance specific to financial transactions?	<input type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter X of the TPG? <input type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input checked="" type="checkbox"/> No	Law no. 227/2015 regarding the Fiscal Code, as latest amended (Title I, Chapter IV, Art. 11, para. 4)
		Romanian legislation does not provide specific guidance on financial transactions but expressly refers to the OECD TPG in this regard. Since the OECD TPG are recognized as applicable under domestic law, the principles and provisions relating to financial transactions are implicitly applicable in Romania. Moreover, local legislation stipulates that any subsequent updates to the OECD TPG are also applicable. Accordingly, the newly introduced Chapter X on financial transactions has been applicable in Romania as of 2022.	
27	Are there any other rules outside your transfer pricing framework that are relevant for the tax treatment of financial transactions? (e.g. whether your jurisdiction has implemented the measures in BEPS Action 4 to limit interest deductions and other financial payments or any similar rules)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Law no. 227/2015 regarding the Fiscal Code, as latest amended (Title II, Chapter III^1 art. 40^2 European Directive 2016/1.164/UE)
		Romanian legislation includes specific rules limiting interest deductibility, following the transposition of EU Directive 2016/1164 into domestic law. This directive establishes measures against tax avoidance practices that directly affect the functioning of the internal market, in line with the recommendations of BEPS Action 4.	
Cost Contribution Arrangements			
28	Does your jurisdiction allow cost contribution arrangements?	<input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter VIII of the TPG? <input checked="" type="checkbox"/> Yes	Law no. 227/2015 regarding the Fiscal Code, as latest amended (Title I Chapter IV Art. 11, para. 4)



		<input type="checkbox"/> No (please provide further explanations below)  <input type="checkbox"/> No  Romanian legislation does not include specific guidance on cost contribution arrangements but expressly refers to the OECD TPG in this respect. As the OECD TPG are recognized as applicable under domestic law, the principles and references contained therein regarding cost contribution arrangements are likewise implicitly applicable in Romania.	
<b>Transfer Pricing Documentation</b>			
29	<b>Does your domestic transfer pricing framework require the taxpayer to prepare transfer pricing documentation?</b>	<input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No  <i>If affirmative, please check all that apply:</i> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Master file consistent with Annex I to Chapter V of the TPG</li> <li><input checked="" type="checkbox"/> Local file consistent with Annex II to Chapter V of the TPG</li> <li><input checked="" type="checkbox"/> Country-by-country report consistent with Annex III to Chapter V of the TPG</li> <li><input type="checkbox"/> Specific transfer pricing returns (separate or annexed to the tax return)</li> <li><input type="checkbox"/> Other (specify):</li> </ul>	Order no. 442/2016 on conditions surrounding the amounts of transactions, submission of the transfer pricing file, content and conditions of requesting the preparation of the transfer pricing documentation file and application of transfer pricing adjustment/estimation procedure  Law no. 207/2015 on Fiscal Procedure Code, as latest amended (Title X, Chapter I, Art. 291 <sup>7</sup> )  Order no. 3049/2017 regarding the country by country report content <sup>8</sup>
30	<b>Please briefly explain the relevant requirements related to each transfer pricing documentation requirement (i.e. timing for preparation or submission, languages, etc.)</b>	<p>While the legislation does not explicitly refer to the “Master File” and “Local File,” the required content of the transfer pricing documentation is fully aligned with the OECD Transfer Pricing Guidelines (OECD TPG) and the EU Joint Transfer Pricing Forum (JTPF) guidance, issued on the content of the TP file. Accordingly, the Romanian transfer pricing file incorporates the information typically included in a Master File.</p> <p>The TP file is required for all taxpayers in case of a tax audit, for transactions over the threshold set in the legislation.</p>	Order no. 442/2016 on conditions surrounding the amounts of transactions, submission of the transfer pricing file, content and conditions of requesting the preparation of the transfer pricing documentation file and application of transfer pricing adjustment/estimation procedure (Art. 2, 4, 5 para. 4)

<sup>7</sup> [Legea nr.207/2015](#)

<sup>8</sup> [OPANAF\\_3049\\_2017.pdf](#)

		<p>For large taxpayers whose transactions exceed the specified threshold<sup>9</sup>, the transfer pricing file must be prepared annually and submitted by the corporate income tax return deadline.</p> <p>For small and medium size taxpayers whose transactions exceed the specified threshold<sup>10</sup>, the TP file must be prepared only at the request of the tax audit team.</p> <p>All documents must be prepared in the Romanian language.</p>	Law no. 207/2015 on Fiscal Procedure Code, as latest amended (Title X, Chapter I, art. 291 <sup>^</sup> 3, para. 1)
31	<b>Does your domestic transfer pricing framework provide for specific transfer pricing penalties and/or compliance incentives regarding transfer pricing documentation?</b>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>Romanian legislation provides a penalty of 2.000 RON - 3.500 RON for small and medium taxpayers and a penalty of 12.000 RON - 14.000 RON for large taxpayers for not complying with transfer pricing documentation requirements.</p>	Law no. 207/2015 on Fiscal Procedure Code, as latest amended - art. 336, para. 1 e), para. 2 c
32	<b>Does your domestic transfer pricing framework provide for exemption from transfer pricing documentation obligations?</b>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>Transfer pricing documentation exemptions are granted exclusively on materiality grounds, as follows: For transactions not exceeding the lower thresholds (EUR 50,000 for interest and services, and EUR 100,000 for tangible and intangible goods), taxpayers are not legally obligated to prepare transfer pricing documentation.</p>	
<b>Administrative Approaches to Avoiding and Resolving Disputes</b>			
33	<b>Which mechanisms are available in your jurisdiction to prevent and/or resolve transfer pricing disputes?</b>	<p>Please check those that apply:</p> <p><input checked="" type="checkbox"/> Rulings</p> <p><input type="checkbox"/> Enhanced engagement or cooperative compliance programmes</p> <p><input checked="" type="checkbox"/> Advance Pricing Agreements (APA)</p>	<p>Law no. 207/2015 on Fiscal Procedure Code, as latest amended art. 52 and art. 282</p> <p>Order no. 3735/2015</p>

<sup>9</sup> 200.000 EUR for interest received / paid; 250.000 EUR for transactions involving services received / provided; 350.000 EUR for transactions involving purchases / sales of goods.

<sup>10</sup> 50.000 EUR for interest received / paid; 50.000 EUR for transactions involving services received / provided; 100.000 EUR for transactions involving purchases / sales of goods.

		<input checked="" type="checkbox"/> Unilateral APAs <input checked="" type="checkbox"/> Bilateral APAs <input checked="" type="checkbox"/> Multilateral APAs <input type="checkbox"/> International Compliance Assurance Programme (ICAP) <input checked="" type="checkbox"/> Mutual Agreement Procedures <input checked="" type="checkbox"/> Other ( <i>please specify</i> ):	
		<p>Unilateral, bilateral, and multilateral APAs may be issued. Bilateral and multilateral APAs are available only for transactions involving taxpayers that are residents of countries with which Romania has concluded double taxation treaties.</p> <p>As of June 2025, APA rollback procedures have been introduced. An APA may be granted for a maximum period of five years, both for the future as well as for the past.</p> <p>For further details on Romania's administration of MAPs, please refer to Romania's MAP profile.</p>	
<b>Simplified and Streamlined Approach for Baseline Marketing and Distribution Activities</b>			
34	<b>Does your domestic transfer pricing framework allow the application of the simplified and streamlined approach for baseline marketing and distribution activities in the relevant Annex of Chapter IV of the TPG?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other (please elaborate)	
37	<b>Does your jurisdiction respect the outcome of the application of the simplified and streamlined approach by a covered jurisdiction in line with the Inclusive Framework political commitment?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Romania has not implemented yet the Streamlined Approach for Baseline Marketing and Distribution Activities (Amount B) into its domestic law or its administrative guidance but is committed to accepting the outcome of applying	

		Amount B to baseline marketing and distribution activities in covered jurisdictions with which Romania has a Double Tax Agreement.	
<b>Safe Harbours and Other Simplification Measures</b>			
39	<b>Does your jurisdiction provide for any safe harbours or other simplification measures in respect of certain industries, types of taxpayers, or types of transactions (not listed in other sections of this questionnaire)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Romanian legislation has implemented the provisions of the European Directive 2016/1.164/UE for laying down rules against tax avoidance practices that directly affect the functioning of the internal market, as a consequence of BEPS Action 4.	Law no. 207/2015 on Fiscal Procedure Code, as latest amended - art. 40^2
<b>Other Legislative Aspects or Administrative Procedures</b>			
40	<b>Does your domestic transfer pricing framework allow downward corresponding adjustments in the absence of a mutual agreement procedure (e.g. unilateral corresponding adjustments)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
41	<b>Does your domestic transfer pricing framework allow or require taxpayers to make year-end adjustments?</b>	<input type="checkbox"/> Yes. Voluntary year-end adjustments are required whenever the transfer pricing results do not comply with the arm's length principle. <input checked="" type="checkbox"/> Yes. Voluntary year-end adjustments are allowed. <input type="checkbox"/> No  Romanian legislation requires taxpayers to adhere to the arm's length principle. Consequently, if the results of the transfer pricing analysis deviate from this principle, voluntary year-end transfer pricing adjustments should be made to ensure compliance.	Order no. 1802/2014, Appendix 1, Section 2.4
42		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

	<b>Does your domestic transfer pricing framework provide for secondary adjustments?</b>	Romanian legislation does not contain specific rules regarding secondary adjustments.	
<b>Attribution of Profits to Permanent Establishments</b>			
43	<b>Which version of Article 7 of the OECD Model Tax Convention on Income and on Capital do your tax treaties contain?</b>	<input checked="" type="checkbox"/> Article 7 as it read before 2010.  <input checked="" type="checkbox"/> If so, please indicate in how many treaties: 88 tax treaties covering 89 jurisdictions  <input type="checkbox"/> Article 7 as it reads after 2010.  <input type="checkbox"/> If so, please indicate in how many treaties:  <input type="checkbox"/> Other (please provide additional details)	Link to official Romanian Tax Treaties:  <a href="https://static.anaf.ro/static/10/Anaf/Asistent%C0ntribuabili_r/Conventii/Conventii.htm">https://static.anaf.ro/static/10/Anaf/Asistent%C0ntribuabili_r/Conventii/Conventii.htm</a>
		Romania currently has 88 tax treaties covering 89 jurisdictions that contain the version of Article 7 of the OECD Model Tax Convention on Income and on Capital, as it read before 2010.	
44	<b>For tax treaties containing Article 7 as it read before 2010, does your jurisdiction apply the authorized OECD approach (AOA)?</b>	<input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No (please explain the approach used and which tax treaties are concerned)	Law no. 207/2015 on Fiscal Procedure Code, as latest amended (Art. 8, 36, 37)  Link to official Romanian Tax Treaties:  <a href="https://static.anaf.ro/static/10/Anaf/Asistent%C0ntribuabili_r/Conventii/Conventii.htm">https://static.anaf.ro/static/10/Anaf/Asistent%C0ntribuabili_r/Conventii/Conventii.htm</a>
		Romanian legislation provides specific regulation providing that the profits attributable to a permanent establishment are the profits that the permanent establishment might be expected to make if it were a separate and independent enterprise engaged in the same or similar activities under the same or similar conditions, taking into account the functions performed, assets used and risks assumed through the permanent establishment and through other parts of the enterprise. These provisions are consistent with the Authorised OECD Approache for the attribution of profits to PEs.	

45	<p><b>Does your domestic transfer pricing framework contain specific guidance for the attribution of profits to permanent establishments of non-resident entities? If so, please provide a summary of the main features of this guidance.</b></p>	<p><input type="checkbox"/> Yes, they follow the AOA as described in the 2008 Report on the Attribution of Profits to Permanent Establishments</p> <p><input checked="" type="checkbox"/> Yes, they follow the AOA as described in the 2010 Report on the Attribution of Profits to Permanent Establishments</p> <p><input type="checkbox"/> Yes, they do not follow the AOA (please provide a summary of the main features of these rules)</p> <p><input type="checkbox"/> No</p> <p>The taxable result of a permanent establishment is determined by treating it as a distinct and independent entity and by applying transfer pricing rules to establish the arm's length value of transactions between the foreign legal entity and its permanent establishment. In determining the arm's length value of such transactions, reference is made to the provisions of the 2010 OECD Report on the Attribution of Profits to Permanent Establishments, as published on the OECD's official website at <a href="https://www.oecd.org/content/dam/oecd/en/publications/reports/2010/07/2010-report-on-the-attribution-of-profits-to-permanent-establishments_d659f672/2f94c049-en.pdf">https://www.oecd.org/content/dam/oecd/en/publications/reports/2010/07/2010-report-on-the-attribution-of-profits-to-permanent-establishments_d659f672/2f94c049-en.pdf</a></p>	Law no. 207/2015 on Fiscal Procedure Code, as latest amended (art. 36, 37)
Other Relevant Information			
46	Other legislative aspects or administrative procedures regarding transfer pricing	N/A	
47	Other relevant information (e.g. whether your jurisdiction is preparing new transfer pricing regulations, or other relevant aspects not addressed in this questionnaire)	N/A	

For more information, please visit: <https://www.oecd.org/en/topics/sub-issues/transfer-pricing/transfer-pricing-country-profiles.html>