



## Acte adoptate

**Ordinul nr. 102/22.01.2020 al Oficiului National de Prevenire si Combatere a Spalarii Banilor privind aprobarea Normelor de aplicare a prevederilor Legii nr. 129/2019** pentru prevenirea si combaterea spalarii banilor si finantarii terorismului, precum si pentru modificarea si completarea unor acte normative pentru entitatile raportoare supravegheate si controlate de Oficiul National de Prevenire si Combatere a Spalarii Banilor, a fost publicat in Monitorul Oficial nr. 75/03.02.2020.

- Entitatile raportoare au obligatia intocmirii unor proceduri interne care stabilesc masurile de protectie a propriilor angajati implicati in aplicarea acestor politici impotriva oricaror amenintari ori actiuni ostile sau discriminatorii

- Persoanele prevazute la art. 5 alin. 1, lit. e) si f) din Lege au obligatia de a transmite un raport de tranzactii suspecte cu exceptia informatiilor primite de la client in legatura cu derularea unei proceduri judiciare, indiferent daca aceste informatii sunt primite sau obtinute inaintea procedurilor, in timpul acestora sau dupa acestea.

**Exceptie:** Trebuie transmis catre Oficiu raport de tranzactii suspecte in cazurile in care persoanele prevazute la art. 5 alin. 1, lit. e) si f) din Lege cunosc faptul ca activitatea de consiliere juridica este furnizata in scopul

## Adopted documents

**Order no 102/22.01.2020 of the National Office for Prevention and Fight Against Money Laundering on the approval of the Rules implementing the provisions of Law no 129/2019** on the prevention and fight against money laundering and terrorist financing, and to amend and supplement some of the regulatory acts for reporting entities supervised and controlled by the National Office for the Prevention and Fight Against Money Laundering, was published in the Official Gazette no 75/03.02.2020.

- The reporting entities are required to draw up internal procedures that establish measures to protect their employees involved in the implementation of such policies against any threats or hostile or discriminatory actions.

- The persons referred to in article 5 paragraph (1) letter (e) and (f) of the Law are required to submit a suspicious transaction report, with the exception of information received from the customer in connection with the conduct of judicial proceedings, whether or not such information is received or obtained before, during or after the proceedings.

**Exception:** Suspicious transaction reports must be submitted to the Office in cases when the persons referred to in article 5 paragraph (1), letter (e) and (f) of the Law know that legal advice is provided for the purpose of



spalarii banilor sau al finantarii terorismului sau atunci cand stiu ca un client doreste consiliere juridica in scopul spalarii banilor sau al finantarii terorismului.

Documentele si informatiile obtinute de la clientii entitatilor reglementate sunt pastrate pe toata perioada desfasurarii relatiei de afaceri si ulterior pentru o perioada de 5 ani de la incetarea acestei relatii sau de la data tranzactiei ocazionale.

**- La solicitarea scrisa a autoritatilor competente entitatile reglementate au obligatia sa extinda perioada de pastrare a documentelor, fara ca aceasta prelungire sa depaseasca 5 ani.**

Ordinul a intrat in vigoare la data de 03.02.2020.

### **Proiecte legislative**

#### **Ministerul Finantelor**

Proiect Hotarare pentru modificarea si completarea titlului VII "Taxa pe valoarea adaugata" din Normele metodologice de aplicare a Legii nr. 227/2015 privind Codul fiscal, aprobate prin Hotararea Guvernului nr. 1/2016 - publicat in data de 6 februarie 2020.

#### **ANAF**

Proiect de ordin pentru modificarea Ordinului presedintelui ANAF nr. 146/2018 pentru descrierea profilurilor prevazute la art. 22 pct. J lit. a) din Normele metodologice pentru aplicarea Ordonantei de urgenta a Guvernului nr. 28/1999 privind obligatia

money laundering or terrorist financing or when they know that a client wants legal advice for the purpose of money laundering or terrorist financing.

Documents and information obtained from the customers of regulated entities shall be kept for the duration of the business relationship and thereafter for a period of 5 years after the termination of that relationship or the date of the occasional transaction.

**- At the written request of the competent authorities, regulated entities are required to extend the retention period for documents, without such extension exceeding 5 years.**

The Order entered into force on February, 3rd, 2020.

### **Legislative projects**

#### **Ministry Of Finance**

Draft Decision to amend and supplement Title VII "value added tax" of the detailed Rules for the application of Law no 227/2015 on the Tax Code, approved by Government Decision no 1/2016 - published on February 6-th, 2020.

#### **ANAF**

Draft order to amend the order of the President of ANAF No 146/2018 to describe the profiles referred to in Article 22 (j) (a) of the methodological Rules for the application of Government Emergency Ordinance no 28/1999 on the obligation for economic



operatorilor economici de a utiliza aparate de marcat electronice fiscale, aprobate prin Hotararea Guvernului nr. 479/2003 - publicat in data de 04.02.2020

operators to use fiscal electronic marking devices, approved by Government Decision no 479/2003 - published on February, 4-th, 2020

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