

Client Alert

January 2013

Romania - Lease Agreements

Procedure for the registration of the lease agreements with the tax authorities by lessors - legal entities

Under the New Civil Code, lease agreements executed as authentic deeds before public notaries and lease agreements executed as private deeds and registered with the tax authorities are writs of execution for the payment of the rent and for the restitution of the leased object upon the expiry of the lease term. As a consequence, lessors may enforce such lease agreements directly through the bailiff, without having to obtain a final court decision on the merits of the claim. In practice, the registration by a lessor - legal entity of a lease agreement with the tax authorities for enforcement purposes was hindered by the lack of secondary legislation setting out the registration procedure.

In order to cover this legislative gap, under Order no. 1985/21.12.2012¹ issued by the President of the National Authority for Tax Management (the "**Order**"), a procedure has been established for the registration of the lease agreements by lessors - legal entities.

Lessors may register lease agreements directly at the front desk of the relevant tax authority or by post with acknowledgement of receipt. The following documents must be filed with the tax authority: (i) a standard registration application, and (ii) the original and a copy of the lease agreement, if filed at the front desk of the tax authority (the original will be returned to the lessor after verification by the tax authority) or a notarised copy of the lease agreement, if sent by post.

For the aforementioned registration purposes, the relevant tax authority is that where the lessor is registered as a tax payer.

The registration date shall be deemed to be the date on which the lease agreement was filed with the relevant tax authority or the date stamp, as applicable. The proof of registration is either (i) the copy of the application, bearing the registration number and the date of registration with the tax authority (if filed directly with the tax authority) or (ii) the copy of the application together with the confirmation of receipt signed by the representative of the tax authority (if sent by post). ■

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