

Mr Marcel Ioan Boloş
Romanian Ministry of Finance
16 Libertăţii Avenue, Sector 5
050706 Bucharest
Romania

9 August 2024

Dear Mr Marcel Ioan Boloş,

We are writing to request the deferral of Romania's early implementation of the Public Country-by-Country Reporting (pCbCR) Directive due to insufficient time to comply with the European Commission's forthcoming common template and electronic reporting formats. We support the efforts of the European Commission to foster corporate transparency and responsibility to inform the public discourse of taxation matters but are concerned with its fragmented implementation.

The American Chamber of Commerce to the European Union (AmCham EU) is a Brussels-based organisation representing American companies committed to and invested in Europe. Our Tax Committee is primarily composed of tax directors responsible for EMEA and global tax policy and compliance.

As you may know from a previous letter we sent to the European Commission, Romania's decision to require pCbCR publication earlier than foreseen in the directive means that taxpayers required to submit a Romanian public Country-by-Country (pCbyC) report must dedicate substantial time and resources to developing them ahead of the directive's deadline, which for calendar year companies is 31 December 2024. pCbyC reports require coordination among tax, information technology and accounting teams and interaction with similar internal systems for Pillar 2 compliance. Setting up these systems alone takes several months, even before producing and auditing the data needed for a pCbyC report.

The EU's pCbCR Directive envisioned this process to be harmonised, using a common template and electronic reporting format to minimise burdens for taxpayers. While the Romanian transposition mandates following the EU reporting format to ensure consistency, the European Commission is not expected to adopt the pCbCR common templates and electronic reporting formats until the third quarter of 2024 at the earliest. This does not give companies sufficient time to implement the necessary systems to comply with the Romanian transposition by 31 December 2024.

Without sufficient time for companies to prepare their pCbyC reports according to the common template, the Romanian tax authority will receive inconsistent pCbyC reports in 2024, followed by a different set of reports in 2025. On top of being burdensome and confusing for the Romanian tax authority, this will be costly and legally uncertain for taxpayers.

Accordingly, we urge the Romanian Ministry of Finance to defer Romania's pCbCR implementation to align with other Member States. This deferral should happen, ideally, in August or September 2024 before companies have to start calculating and auditing their pCbyC reports. A deferral would give companies enough time to implement the systems necessary to comply with the European Commission's forthcoming common template and electronic reporting requirements. Accordingly, it would ensure that taxpayer data is provided in a consistent format and save tax authorities and taxpayers alike money, time, and needless uncertainty.

In addition, we would be very grateful if you could attend a meeting of our AmCham EU Tax Committee to discuss this matter with our members.

Please do not hesitate to contact me or my colleague Andrew Hill, Tax Policy Adviser (AHI@amchameu.eu), if you have any questions.

Thank you for your consideration.

Yours sincerely,



Roger Coehlo
Senior Policy Director