

RESEARCH ON THE TAX ACCOUNTING FOR THE COMPANIES LISTED IN ROMANIAN

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***Abstract.** In today's society every state is based on an annual budget of income and expenses. To realize a constant balance in terms of public revenues and expenditures balance, States must use all means necessary. Thus, as a main form of public expenditure coverage, the system of taxes and duties stands. That is why the main reason for choosing this theme was due to the impact of taxes and taxes on the economic independence of any state. Taking into account that these are the main means of generating the resources needed to cover public spending, fiscal policy must ensure that budget revenues are as voluminous as possible. My study case is SC Bermas SA because it is a company with a tradition in our city and has a very specialized accounting department. Also, this company attracted me by being listed on the Bucharest Stock Exchange. In the present paper I have tried to combine the elements of taxation theory in order to better understand what the taxes and duties are, what is their role for society, what are the legislative aspects that are defining our country and how we rank European Union.*

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Theoretical background

We are currently in the middle of a vast process of reforming tax legislation based on a market economy, in order to harmonize with the European Union's legal and fiscal universe. This process has attracted a great deal of legislative fluctuation and numerous difficulties in the correct application of the tax legal norm in time, space and people.

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The main objective of the article is to carry out a synthetic analysis of the national tax system. In this direction, we have achieved a bibliographic study to discover some significant aspects. So, taking into account the role and importance of the taxation system in the economy, in this article I chose to analyze some practical aspects of the beer industry in terms of excise duty.

National legislative aspects on excise

From the accounting point of view, all excise duties calculated on the basis of supporting documents and payable by legal entities on behalf of the company are expenses of exploitation cycle, are tax deductible for taxable profit, and result in an integrated report that affects profitability, excise duties always precede the tax on added value. The difficult problem of excise duties is not the accounting, but rather the multitude of tax rules, the technique of calculating the basis of calculation and the compulsory fiscal documents.

Excise duty on beer changes annually, calculated on the basis of the exchange rate established on the first working day of October of the previous year, published in the Official Journal of the European Union.

At the level of the European Union, member states apply excise duties and fix their rates in accordance with Directive 92/84 / EEC of 19 October 1992 on the harmonization of the structures of excise duties on alcohol and alcoholic beverages, as amended and supplemented. The European Union has tried, through the aforementioned directive, to provide a uniform framework for the application of excise duties. The Directive allows Member States to decide on the level of excise duty rates by offering only limits on excise duty rates.

National regulations have undergone numerous changes in order to create a uniform basis of application of excise duties that is in line with EU provisions. These changes have been positively perceived by the business community as they have contributed to the harmonization with European

Union regulations and have led to a better interpretation of tax legislation on excise duties (Vintilă, 2013).

In Romania, the excise duty regime was introduced for the first time in 2003, with Law no. 227/2015 on the Fiscal Code, as amended and supplemented. Excise duties on alcohol and alcoholic beverages are provided for in Title VIII, the whole of which is in fact a takeover of the aforementioned directive.

As we can see, the harmonized excise duties present a series of specific features very well defined by the Romanian legislation (see Law no.227 / 2015, art.335 - 336).

Harmonized excise duties are special charges levied directly or indirectly on the consumption of the following products: alcohol and alcoholic beverages, manufactured tobacco, energy products and electricity. Excise products shall be subject to excise duty at the time of their production, including, where appropriate, at the time of their extraction, within the territory of the European Union and when they are imported into the territory of the European Union.

Excise duty becomes chargeable when released for consumption and in the Member State of release for consumption. The conditions of chargeability and the level of excise duty applicable shall be those in force on the date on which the excise duty becomes chargeable in the Member State in which release for consumption takes place.

Release for consumption means: the exit of excise goods, including irregularity, from a suspensive excise regime; the holding of excise goods outside a suspensive arrangement for excise duty for which excise duty has not been levied in accordance with the provisions of this Chapter; the production of excisable products, including irregularities, outside a suspensive regime of excise duties; the importation of excise goods, including irregularity, unless excise goods are placed, immediately after importation, under suspension of excise duty; the use of excisable products inside the fiscal warehouse other than as raw material.

Issuance of the right is considered to be the possession of trade marks for a person of the excise goods that have been released in another Member State and because excise duties have not been paid in Romania (see Law no.227 / 2015).

As we can see, each excise duty payer has a series of legal debts that he must fulfill. Excise payers are required to register with the competent authority. Any excise payer is responsible for the correct calculation and payment of the excise duties to the state budget at the legal term and for the legal declaration of the excise statements to the competent authority, according to the legal provisions.

The time limit for payment of the excise duty is until the 25th of the month following the month in which the excise duty becomes chargeable, except in cases expressly stipulated for another payment term.

There are a few exceptions: in the case of importing an excisable product which is not placed under a suspensive regime, the moment of payment of the excise duty is the moment of registration of the customs import declaration; in the case of an excise product for which the excise has not been exigible beforehand. Any excise tax payer, with the exception of the authorized importer, is required to submit a statement of excise duty to the competent authority, whether or not the excise duty is due for that month. Any excise duty payer is required to submit an annual excise tax return to the competent authority, in accordance with the legal provisions on payment obligations to the state budget, by 30 April of the year following the reporting date.

The authorized warehousekeeper, the registered consignee, the registered consignor and the authorized importer have the obligation to lodge with the competent authority a guarantee, at the level established according to the provisions of the methodological norms, to ensure the payment of the excise duties that may become due.

Where the authorized warehousekeeper, the registered consignee, the registered consignor or the authorized importer records outstanding tax liabilities administered by National Agency for Fiscal Administration with more than 30 days of legal payment, the warranty extends to these legal obligations and without any other formality.

In the case of authorized ware housekeepers, minimum and maximum levels of guarantees are set by methodological rules, depending on the nature and volume of the excise goods to be manufactured or stored. The guarantee is valid throughout the European Union. The type, the method of calculation, the value, the duration and the conditions for the reduction of the guarantee are laid down in the methodological norms, by type of activities and product groups.

As we can see, the amounts due to excise duty are calculated in lei using the following formula (see Law no.227 / 2015, art. 343):

$$A = C \times K \times Q, \text{ where:}$$

A - the excise amount;

C - Number of degrees Plato;

K - the level of the excise duty provided in the Fiscal Code;

For beer, the Plato grade is included in the technical specification developed on the basis of the standard in force for each beer assortment and must be the same as the one entered on the marketing labels of the respective beer varieties.

For products resulting from the basic beer blend with non-alcoholic beverages, the number of Plato grades is that of the beer base of the mixture and is entered on the label.

The allowable deviation between the number of degrees Plato inscribed on the label and the number of Plato degrees determined in beer or beer base of the non-alcoholic beverage mix is 0.5 degrees Plato.

The financial management of excises at SC BERMAS SA

S.C. Bermas S.A. is a fiscal warehouse of beer production operating under the fiscal warehouse authorization no RO0056033PP01 dated 31.03.2014 issued by the Commission for the authorization of harmonized excisable products operators established at the level of the Ministry of Public Finance. The authorization was obtained following the application submitted to the competent bodies accompanied by the documents established by the Methodological Norms for the application of the Fiscal Code.

As an independent beer manufacturer with a nominal production capacity of up to 200,000 hl of beer production facilities, to benefit from the reduced level of excise duty, SC Bermas SA submits annually to the competent authority, up to January 15, a self-declaration of the production capacities it holds.

As an authorized fiscal warehouse, SC Bermas SA is required to submit to the competent authority also a guarantee to ensure payment of the excise duties that may become chargeable. The guarantee represents 6% of the value of the excise duties related to excise outputs in the last year, but not less than 6% of the excise value of the products that would result from the technological production capacities.

In this sense, SC Bermas SA submitted to the territorial tax authority a letter of bank guarantee at the level of the fixed amount by decision of the competent authority. The level of collateral is updated periodically reflecting changes in the volume of the business or the level of excise duty due. Also, SC Bermas SA submits annually, until January 31, a form of analysis of the establishment of the guarantee for updating it according to the changes occurred in activity in the previous year.

If we make a retrospective of taxes, fees and contributions, the professional accountant assigned to process, correctly determine the tax bases and to correctly process the accounting technique, it is extremely difficult for him to pass a very rich tax legislation but also unstable over time, either influenced or the insufficiency of fiscal revenues to the state budget that determines another fiscal mechanism by applying other rules of application and taxation of goods.

Law no. 227/2015 regarding the Fiscal Code with subsequent amendments and completions, stipulates that in 2017 the accruals for beer will be calculated at the same level as in the previous year, namely 1.82 / hl / 1 degree Plato. From the accounting point of view, all excise duties calculated on the basis of supporting documents and payable by legal entities on behalf of the

company are operating expenses are tax deductible for taxable profit and result in an integrated report that affects profitability, excise duties always preceding value added tax.

In accordance with the provisions of ORDINANCE no. 3055 of October 29, 2009 for the approval of Accounting Regulations in compliance with the European Directives regarding the accounting in the accounting of the excise and special funds included in the prices and tariffs, as subsequently amended and supplemented, the accounting in the account is made on the account of the corresponding debts accounts without passing through income and expense accounts.

Conclusions and recommendations

In this paper I have tried to combine the elements of tax legislation with elements of accounting practice in order to better understand what excises are, what is their role for society, what are the legislative aspects defining for our country and how we rank European Union.

Regardless of how the taxes are defined, their most important role is financially, because they represent the main means of creating the financial resources needed to finance the social needs of local and national interest.

Under current legislation, harmonized excise duties are revenue due to the state budget in the form of special taxes levied directly or indirectly on the consumption of the following products: alcohol and alcoholic beverages, manufactured tobacco, energy products and electricity (see Law no.227 / 2015).

Following the studies conducted for this paper, we consider it necessary to present the following recommendations and proposals:

- identifying mechanisms to enable the taxpayer to meet his tax obligations constrained by the need to conduct business.
- regular and accessible regulation of tax concepts so as to avoid problems of interpreting the law;
- increasing the professional training of officials within the fiscal control bodies;
- communicating permanently at Community level with Member State authorities;
- systematization and correlation of fiscal legislation with the legislative framework of the European Union;
- ensure the stability of basic tax legislation;
- periodical editing of specialized publications on the unitary interpretation of the normative framework, regarding the importance of taxes and duties for the good performance of the state's activity;

In today's society, each state is based on an annual revenue and expenditure budget. In order to achieve a steady balance in the balance of public revenues and expenditures, States must resort to all the necessary means. Thus, as a main form of public expenditure coverage, the system of taxes and duties lies.

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