



ROMANIA TAX CARD 2024

TAX CARD 2024 – ROMANIA

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I. Individuals

1.1 Personal Income Tax

Personal income tax applies to all incomes obtained by Romanian residents from sources within or outside Romania. Non-residents are taxable on their income derived from Romania.

1.1.1 Tax Rates

Standard tax rate	10%
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1.1.2 Taxable Income

Salaries
Income from independent activities
Rental income
Investment income
Pension income
Prizes
Other incomes

1.1.3 Exempt Income

Allowances for maternity leave, maternity risk and for child care leave paid from the health fund
Salaries obtained by severely disabled individuals
Salary income obtained from employment activities performed abroad
Stock option plan advantages, at the moment of being granted and exercised
Amounts received for transportation and accommodation expenses incurred during delegation or secondment, limited to 2.5 times the level set for employees of public institutions
Salary income derived from software development and design, if meeting certain criteria
Income from the sale of movable assets from personal patrimony
Sponsorship and donations
Inheritance
Taxable incomes from pension

1.1.4 Deductible Expenses/Allowances

Obligatory social security contributions
Personal deductions
Contributions to voluntary pension funds
Trade union membership fees
At their request, taxpayers may redirect up to 2% of their annual income tax to charitable purposes

1.2 Social Security Contributions (SIC)

1.2.1 Taxpayers

- Resident and non-resident individuals that are employed in Romania, self-employed individuals, freelancers and others;
- Retired persons with retirement allowances above RON 2.000;
- Employers (including public entities).

1.2.2 SIC Rates

Type of Contribution	Paid by the Employee, withheld by the Employer	Paid by the Employer
Social Security	25.0%	
Health Fund Contribution	10%	
National Insurance Fund for work accidents and professional diseases	-	
Obligatory Work insurance for payment of salary debts	-	2.25%

1.2.3 SIC Rates for Self-employed Persons

Type of Contribution	
Social security fund (Note 1)	25%
Health fund (Note 2)	10%

Notes

1. If the obtained incomes are over 39,600 / 79,200 lei per year.
2. Minimum ceiling – 19,800 lei, maximum ceiling 198,000 lei

1.2.4 SIC for Income Gained from Intellectual Property Rights / Civil Conventions

Type of Contribution	
Social security fund	25%
Health fund	10%

*the tax contributions are calculated for a minimum income equivalent of 12 monthly gross salaries. Starting from 1 st of January 2024, the minimum gross salary is 3,300.

1.2.5 SIC for Income Gained from Independent Activities

Type of Contribution	
Social security contributions (pension)	25%
Individual health insurance contributions	10%

*For obtained incomes in excess of 39,600/79,200 lei yearly.

Taxation of incomes from independent activities should be analyzed specifically case by case.

1.3 Capital Gains Tax

Upon the transfer of the right of ownership and its dismemberment, through legal acts between livings on constructions of any kind and their related lands, as well as on lands of any kind without constructions, taxpayers owe a tax that is calculated on the value of the transaction by applying the following rates :

a) 3% for constructions of any kind and their related lands, as well as on lands of any kind without constructions, held for a period of up to 3 years inclusive;

b) 1% for the buildings described in letter a), held for more than 3 years.

Capital gains of companies and individuals from disposal of securities and other financial instruments (specified by the law) are taxed at 16% for companies and respectively at 10% for individuals.

II. Corporate Taxation

2.1 Corporate Income Tax

Resident entities are subject to taxation on their worldwide income. Foreign income of Romanian entities is included in the taxable income. This includes passive income as well as capital gains. However, a credit is allowed for foreign taxes paid up to the level of the Romanian tax on that income.

Non-resident companies are tax liable only for their Romanian-sourced incomes.

2.1.1 Residency

A legal entity is considered to be “resident” if:

- It is incorporated under the Romanian law;
- It has its place of effective management in Romania; or
- It has its registered office in Romania but is incorporated under European law, e.g. European companies (SEs), European cooperative societies (SCEs).

2.1.2 Tax Rates

Corporate income tax	16%
Tax for nightclubs and gambling venues	5% of the total revenues achieved

Starting from 1st of January 2019, an additional tax of 2%

from total participation fees will be paid monthly.

2.1.3 Exempt Income

a) dividends received from a Romanian legal entity;
b) dividends received from a foreign legal entity paying profit tax or a tax similar to profit tax, located in a third country, with which Romania has concluded a convention to avoid double taxation, if the Romanian legal entity that receives the dividends are held by the foreign legal entity from the third country, on the date of their registration according to the applicable accounting regulations, for an uninterrupted period of one year, at least 10% of the share capital of the legal entity that distributes dividends;
c) the value of the new shares or the amounts representing the increase in the nominal value of the existing shares, registered as a result of the incorporation of reserves, benefits or issue premiums in the legal entities that hold the shares. These are taxable on the date of assignment, transfer free of charge, withdrawal of the share capital or liquidation of the legal entity in which the shares are held, with the exception of those related to the shares for which the conditions set out in letter i) and j);
d) income from cancellation, recovery, including re-invoicing of expenses for which no deduction was granted, income from the reduction or cancellation of provisions for which no deduction was granted, income from the restitution or cancellation of interest and/or penalties for which no deduction was granted, such as and the income representing the cancellation of the reserve registered as a result of the participation in kind in the capital of other legal entities or as a result of the increase of the social capital of the legal entity in which the participation titles are held;
e) revenues from the deferred profit tax determined and recorded by taxpayers who apply the accounting regulations in accordance with the International Financial Reporting Standards;
f) income representing the change in the fair value of real estate investments/biological assets, as a result of the subsequent evaluation using the model based on the fair value by taxpayers who apply the accounting regulations in accordance with the International Financial Reporting Standards. These amounts are taxable concurrently with the deduction of tax depreciation, respectively at the time of deregistration of these real estate investments/biological assets, as the case may be;
g) revenues representing increases in value resulting from the revaluation of fixed assets, land, intangible assets, as the case may be, which offset the expenses with previous decreases related to the same immobilization;
h) revenues expressly provided in agreements and memoranda as non-taxable approved by normative acts;
i) the income from the valuation/revaluation/sale/assignment of participation titles held in a Romanian legal entity or a foreign legal entity located in a state with which Romania has concluded a double taxation avoidance convention, if on the date of the valuation/revaluation /sale/assignment including the taxpayer owns for a continuous period of one year at least 10% of the social capital of the legal entity in which he has the participation titles. Income from the sale/assignment of participation titles held in a Romanian legal entity by a legal entity resident in a state with which Romania does not have a double taxation avoidance agreement does not fall under the scope of these provisions;
j) the income from the liquidation of another Romanian legal entity or a foreign legal entity located in a state with which Romania has concluded a convention to avoid double taxation, if on the date of the start of the liquidation operation, according to the law, the taxpayer holds for an uninterrupted period for one year at least 10% of the social capital of the legal entity subject to the liquidation operation;
k) the amounts collected, according to the law, for fulfilling the responsibilities of financing waste management;
l) the income related to the payment titles obtained by the entitled persons, according to the law, initial holders in the records of the Central Commission for the Determination of Compensations or their legal heirs;

m) compensations received based on the judgments of the European Court of Human Rights;

n) income registered through a permanent establishment in a foreign state, under the conditions in which the provisions of the double taxation avoidance convention concluded between Romania and the respective foreign state are applied, and that convention provides as a method of avoiding double taxation the exemption method;

o) the sums received as a result of the restitution of the share of the contributions of the shareholders/associates, on the occasion of the reduction of the social capital, according to the law.

2.1.4 Deductible Expenses

Deductible expenses shall be considered only those carried out to obtain taxable income, including expenses provided by the legislation in force. All expenses must be documented.

<p>Deductible expenses specifically provided by the law such as:</p>	<ul style="list-style-type: none"> •Mandatory SIC •Business promotion expenses, advertising •Expenses of business trips •Professional training expenses of employees •Marketing & market research expenses •Other
<p>Expenses with limited deductibility (subject to conditions) such as:</p>	<ul style="list-style-type: none"> •Interests from non-financial institutions •Private health insurance •Bad debts provisions •Social expenses •Other

2.1.4 Non-deductible Expenses

Fines or penalties
Inventory losses
Expenses on behalf of shareholders
Management or consulting expenses without contracts and supporting documentation
Other

2.2 Micro Enterprises

Starting from 1 January 2024 the definition of microenterprise has changed.

A microenterprise is a Romanian legal entity which fulfills the following conditions on 31 December of the previous fiscal year:

- a. achieved revenues, other than those derived from performing activities, mentioned in article 48 para. (6);
- b. achieved revenues, other than those from consulting and management, in proportion of over 80% of total revenues;
- c. achieved revenues that did not exceed the LEI equivalent of EUR 500,000 (as opposed to EUR 100,000 provided in the past). The exchange rate for determining the equivalent in Euro is the one available at the end of the fiscal year in which there were recorded revenues;
- d. the share capital is held by entities, other than the state and territorial administrative units;
- e. it is not in dissolution or liquidation, registered with the Trade Registry or the courts, according to the law.
- f. has at least one employee
- g. has associates/shareholders who hold, directly or indirectly, more than 25% of the value/number of participation titles or voting rights and is the only legal entity established by the associates/shareholders to apply the provisions of this title.

Legal entities that carry out the below activities cannot opt for this type of legal system:

- Banking activities;
- Activities in the field of insurance and reinsurance, capital market, except for legal entities that carry out intermediation activities in these domains of activity;
- Activities related to gambling, consultancy, and management.

2.2.1 Tax Rates

Starting from 1 January 2024, the tax rates for microenterprises are:

- a. 1% for micro-enterprises that achieve revenues that do not exceed 60,000 euros inclusive and that do not carry out the activities of certain CAEN codes;
- b. 3% for micro-enterprises that:
 - achieve incomes above 60,000 euros and up to 500,000 euros; or
 - carries out main or secondary activities, corresponding to certain CAEN codes.

2.3 Tax Incentives

Accelerated depreciation. According to the Fiscal Code, machinery and equipment, computers and their peripherals, as well as patents, may be depreciated using the accelerated method, under which a maximum of 50% of the asset's fiscal value may be deducted during the first year of usage, while the rest of the asset's value can be depreciated using the straight line method over the remaining useful life.

Expenses for research and development activities. Companies can benefit from an additional deduction of 50% of the eligible expenses for research and development activities.

Dividend tax exemption for reinvestments. Distributed dividends are exempted from taxation if they are invested in the same or in another Romanian company's share capital.

Reduced VAT rate of 5% for sale of buildings under certain requirements.

Local tax exemptions for businesses located in industrial parks and science technology parks under certain requirements.

Employment incentives for special categories of employees. Employers can apply for a monthly grant for 12 months period if they hire recent graduates of recognised institutions. Employers benefit from the same incentives if they hire recent graduates with disabilities, but in this case the monthly grant is extended to 18 months. Employers can also apply for monthly grants (for 12 months period) for each unemployed person that they hire with an age exceeding 45 years, or for each such person who is the sole family supporter. Employers benefiting from this incentive have the obligation to keep this employment relationship for at least two years.

2.4 Withholding Taxes

WHT is generally applicable on income derived by non-residents of Romania as:

- Dividends;
- Interest;
- Royalties;
- Commission fees;
- Income derived from the supply of services on Romanian territory as well as abroad (except for international transport services);
- Income derived from fiduciary operations.

The provisions of the EU Interest and Royalties Directive and the EU Parent-Subsidiary Directive are fully applicable in Romania.

However, as from 1 January 2014, the provisions of the EU Parent-Subsidiary Directive and the EU Interest and Royalties Directive ceased to be applicable in respect of payments to and from resident companies in Iceland, Liechtenstein and Norway.

2.4.1 Withholding Tax Rates

Standard WHT rate	8% Dividends distributed by a Romanian company to a company that has a legal form listed in the Parent- Subsidiary Directive are exempt from Romanian WHT if the recipient company has held at least 10% of the share capital of the Romanian company for at least one year. 50% (if the income is paid to a State with which Romania has not concluded a treaty for exchange of information, irrespective of the beneficiary's tax residency).
Interest / Royalties	16% 0% (under the EU Interest and Royalties Directive, subject to the conditions of direct ownership of at least 25% for an uninterrupted period of at least 2 years). 50% (if the income is paid to a State with which Romania has not concluded a treaty for exchange of information, irrespective of the beneficiary's tax residency).

2.5 Losses Carried Forward

The annual fiscal losses established by the profit tax declaration, starting from the year 2024/the modified fiscal year starting in the year 2024, as the case may be, are recovered from the taxable profits made, within the limit of 70% inclusive, in the next 5 consecutive years. The recovery of losses will be carried out in the order of their registration, at each profit tax payment term.

Losses incurred by a company can be transferred within a merger or spin-off operation and can be recovered by the successors, in proportion to the assets and liabilities transferred. Previously, such losses could not be recovered by the newly formed taxpayer.

III. Indirect Taxation

3.1 Value Added Tax

3.1.1 Taxable Persons

All persons carrying out economic activities independently, including manufacturers, traders, service providers, etc. irrespective of the place or purpose of results of such

activities, are treated as taxable persons.

3.1.2 VAT Registration Threshold

Registration as a taxable person is compulsory for all businesses with an annual turnover exceeding EUR 88.500 – at the currency from 01.01.2007 (300,000 RON). Businesses with a lower turnover may register voluntarily. As a general rule, taxable persons who are liable to pay VAT in Romania must register with the tax authorities either directly or through a VAT representative.

Taxable persons not established in Romania and not registered for VAT purposes in Romania may apply for VAT registration if they carry out the following operations in Romania:

- Imports of goods;
- Certain VAT exempted operations without the right to deduct.

For supply of goods/services by a taxable person which is not established or registered for VAT purposes in Romania, the person liable for the payment of VAT through the reverse-charge mechanism is the beneficiary that is VAT registered in Romania.

3.1.3 Cash Accounting VAT Scheme (CAVS)

The CAVS is optional for taxpayers with a turnover lower than RON 2,500,000 registered in the previous calendar year and for new companies.

The system does not apply for taxpayers which are part of a fiscal group, for transactions performed between affiliated parties, for cash payments or for taxpayers whose turnover exceeds the threshold of RON 2,500,000.

3.1.4 Rates

Standard VAT Rate	Starting from 1 January 2017, standard VAT Rate 19%: Applies to all supplies of goods and rendering of services, including imports, not qualifying for an exemption (with or without credit) or for VAT reduced rate.
Reduced VAT Rate	9%: -access to playgrounds, amusement parks and recreational parks - Medicine, food, drinking water; and - Hotel accommodations, etc. - Supply of buildings and lands destined to be used as a hostel for the elderly and/or children or to individuals and families whose economic situation does not allow them to access a home in the current market conditions and are awarded subsidies by the City Halls
Reduced VAT Rate	5%: -School manuals; -Books and newspapers -Access to - castles, museums, memorial houses, monuments historical, architectural and archaeological monuments, zoological and botanical gardens

<p>Exempt from VAT</p>	<ul style="list-style-type: none"> • Health care services; • Education, science, culture, sport institutions within general education, higher education, vocational training, as well as private lessons taught by residents; • Banks, mutual funds, credit companies, exchange offices; • Securities agencies trading shares, debentures, bonds and securities, as well as other financial instruments; • Other legal persons authorised to perform financial transactions with financial instruments; and • Insurance and reinsurance institutions, including those who mediate such activities.
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3.1.5 VAT refund

If the company is in a refundable position of VAT, the application for a VAT refund is made by ticking the VAT refund box on the VAT return.

Taxpayers established in other EU Member States or outside the EU are also entitled to claim VAT refunds in Romania, under the 8th and 13th EC VAT Directives, if certain conditions are met.

3.2 Custom Duties

The general customs policies enforced by the European Union apply to the goods imported from non-EU countries. There are no custom duties applicable to goods traded between Romania and the EU.

3.3 Excise Duties

The EU Directives setting the general framework for taxation of products subject to excise duties have been incorporated into the Tax Code. The harmonised excise duties are imposed on alcoholic beverages and other alcoholic products, tobacco products, energy and electricity.

IV. Local & Other Taxes, Fees

4.1 Property Taxes

4.1.1 Tax on Buildings

For individuals, building tax amounts is between 0.08% - 0.2% on the taxable value of the building, by taking into consideration factors such as floor area, nature or age of the building, location, and the purpose of its use. The taxable value shall be reduced depending on the age of the building.

For non-residential buildings owned by individuals building tax is applied depending on the purpose of use, either residential or non-residential. Tax rates range between 0.2%

and 1.3% of the value resulting from an assessment report, the final value of the construction works, the value of the buildings resulting from the act by which ownership is transferred.

The rate of tax on buildings, in case of buildings that have not been revaluated in the past three years, varies from 10% to 20%, while for buildings that have not been revaluated in the past five years varies from 30% to 40%.

Individuals who own a building obtained following a legal succession are exempted from the payment of increased tax on buildings.

4.1.2 Tax on Land

Owners of land are subject to land tax which is established at a fixed amount per square meter, depending on location. Land located outside the urban areas will be subject to a tax of approximately 0.25 EUR/ha, irrespective of its category of usage and area.

Both tax on land and tax on buildings shall be paid in two equal instalments, until 31st of March and 30th September each year.

4.1.3 Tax on Construction

As of 1 January 2014 a tax on constructions was introduced. Taxpayers are resident companies, foreign companies that carry on activities through a permanent establishment in Romania and companies that have their registered office in Romania. The tax rate imposed is 1%.

V. Tax Calendar

Generally, the 25th date of each month is the most important term for both the previous month and for the previous quarter or, where appropriate, the next quarter. For example, March 25 is important for reports related to February, but also for the first quarter or, anticipatory, for the second quarter of each year.

As a general rule, the most important due dates for submission and payment of tax obligations (depending on the fiscal period for which the company opted, namely monthly or quarterly) are the following:

Corporate income tax:	<p>Those who apply the system of quarterly payments, have to declare and pay any resulting tax quarterly by the 25th date of the month following each quarter for the I-III quarters. The payments are calculated based on income actually earned. Final tax liability must be settled by 25 March of the following year.</p> <p>Those who apply the anticipated/advanced payment system, have to pay and declare advanced payments by the 25th date of the month following each quarter. Adjustments must be made and final tax liability must be settled by 25 March of the following year. The advance tax payments are based on the corporate income tax due for the preceding year, adjusted by the consumer price index.</p> <p>Non- profit organisations and agricultural companies declare and pay corporate income tax once a year by the February 25 of the next year.</p>
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Note: If 25th is in a non-working day the payment will be made in the first working day of the next week.

<p>Tax for independent activities:</p>	<p>For those who carry out independent activities which the tax base is determined by the net income in real system must make anticipated/advance quarterly payments based on the estimated income statement filed until the January 31 or within 15 days from the start of the activity. The payments shall be made on March 25, June 25, September 25, and December 19.</p> <p>Form 200 shall be submitted by May 25 of the next year and the difference of payment shall be made within 60 days from receiving the decision for the difference of payment.</p> <p>For those who carry out independent activities which the tax base is determined by the net income based on the income norms must make quarterly (March 25, June 25, September 25, December 19) payments on the estimated income statement or the income norms must be submitted until January 31 or within 15 days from the set up.</p> <p>Form 200 no longer needs to be submitted.</p>
<p>Salary tax:</p>	<p>The salary tax shall be declared and paid by the taxpayer (Form 112) by the 25th date of the following month for which the salary payment was made.</p> <p>If the taxpayer has maximum two employees and a turnover of below 100,000 Euro, it can choose to pay the quarterly salary tax by the 25th date of the next month following the quarter.</p>
<p>Tax on income from leasing of goods:</p>	<p>The beneficiaries of such income must pay the tax in two equal installments on July 25 and November 25, applying a rate of 16% on the contract value from which a flat rate of 25% will be deducted. The Form shall be filed within 15 days from conclusion of the contract.</p> <p>If the number of rental agreements is more than five during a year, then the taxation shall be made according to the incomes from independent activities.</p>
<p>Tax on investments income:</p>	<p>The tax on dividends and interests related to deposits on term shall be paid and declared by the taxpayer by the 25th date of the next month following the payment of withholding taxes.</p> <p>Tax on gains from the transfer of securities of privately held companies listed in the stock market shall be paid and declared by the 25th of the next month for each transaction.</p> <p>Tax on gains from currency sale-purchase operations shall be paid and declared by the 25th of the next month following the transaction by the intermediary.</p> <p>The income obtained from the transfers of securities of public companies shall be declared by May 25 of the following year and the tax shall be paid within 60 days from the date of issuing the decision by the tax authority.</p>
<p>Tax on agricultural income:</p>	<p>Taxpayer submits the statement for establishing the income norm until May 25 and must pay the resulting tax in two equal installments on October 25 and December 15.</p>
<p>Tax for micro-enterprises:</p>	<p>The Form 100 must be declared and paid quarterly by the 25th day of the next month following the quarter by applying 3% on obtained revenues.</p>

<p>Tax for non-residents income:</p>	<p>The Form 100 must be declared and paid by the 25th date of the next month following the payment of withholding taxes by applying the appropriate rate: either from the Convention in force if the beneficiary shows a tax residency certificate or at the general rate of 16% if the beneficiary fails to show a tax residency certificate.</p> <p>On the last day of February of the following year, the taxpayer shall submit an informative form regarding the withholding taxes of non-residents during the previous year.</p>
<p>VAT:</p>	<p>The taxpayers registered for VAT purposes declare (Form 300) and pay monthly VAT if their turnover exceeds 65,000 Euro or quarterly if their turnover was below 65,000 Euro during the previous year.</p> <p>Those who perform intra-community acquisitions declare and pay VAT monthly irrespective of their turnover. Taxpayers registered for VAT purposes must submit the following statements:</p> <ul style="list-style-type: none"> • Form 390 VIES to be submitted if during a month they performed intra-community operations (by the 25th of the month following the performance of intra-community operations); • Form 394 to be submitted if they performed operations in Romania with other taxpayers that are registered for VAT purposes (same term as for Form 300); • Form 097 to be completed in the case of any change in the status of VAT payer applying VAT at collection date/at receipts (the 25th of the next month following the exceeding of the threshold for applying the VAT collection system). • Form 094 is obligatory for VAT payer if the VAT must be paid quarterly and there are no intra-community acquisitions of goods performed by the VAT payer (by January 25 of each year). • Form 088 for the registration for VAT purposes has been eliminated starting from 1 February 2017
<p>Tax on special constructions:</p>	<p>The taxpayer shall file each year by May 25 the statement containing the value of special constructions they held during the previous year and shall pay a quota of 1.5% calculated on the value registered on December 31 of the previous year. The payment shall be made in two equal installments on May 25 and September 25.</p>
<p>Taxes for local budgets:</p>	<p>Transfer taxes on lands and buildings shall be paid in two equal installments on March 31 and September 30. Tax on lands shall be calculated depending on the surface and tax on buildings shall be calculated depending on the surface for individual taxpayers and depending on the accounting value for legal entities. The declaration shall be made only upon acquisition, increase of value or disposal of the lands and buildings, within 30 days from the event.</p> <p>Tax on vehicles shall be paid in two equal installments on March 31 and September 30 and shall be calculated depending on the engine capacity for cars or depending on load capacity for cargo transportation vehicles. The declaration shall be made only upon acquisition or disposal of the vehicle within 30 days from the date of the event.</p>

VI. Administrative Penalties

<p>Late payment: Individual & Corporate</p>	<ul style="list-style-type: none"> • 0.02% per day - interest per day of delay • 0.01% per day-penalty for late payments • 0.8% per day -penalty for undeclared tax liability
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Published February 2024