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CHAPTER 1

General Provisions

Article 1

The régies autonomes, trading companies, public organizations, co-operative entities, associations and the other legal persons, as well as natural persons having the status of traders shall be bound to organise and conduct their own accounting activity under the present law.

Article 2

Accounting, as a major instrument of knowledge, management and control of state of patrimony and of the obtained results, shall ensure:

- (a) chronological and systematic recording, processing, disclosure and storage of information on the patrimonial and the obtained results, both for the needs of entities referred to in Article 1, and for the benefit of relations of such entities with associates or shareholders, clients, suppliers, banks, tax authorities and other natural and legal persons;
- (b) control of patrimonial transactions that have been performed and of the data processing procedures that have been used, as well as the accuracy of the supplied accounting data;
- (c) disclosure of the required information for the determination of the national wealth, the execution of the national public budget and as well as the drawing up the financial balances and the annual accounts of the national economy as a whole.

Article 3

(1) The accounts shall be kept in the Romanian language and in the national currency.

(2) The accounts of the transactions in foreign currency shall be kept both in national and in foreign currency.

Article 4

The Ministry of Finance shall issue the chart of accounts, layouts for accounting books and annual accounts, common forms to be used in financial and accounting activities, methodological norms for drafting and using such documents. For banks, such norms shall be issued by the National Bank of Romania and shall be approved by the Ministry of Finance.

Article 5

(1) The entities referred to in Article 1 shall be bound to organize double-entry bookkeeping and to prepare annual accounts or, in the case of public institutions, an accounting statement, hereinafter called annual accounts.

(2) The Ministry of Finance shall establish the categories of entities that may organize single-entry bookkeeping, as well as those that shall draw annual accounts.

Article 6

(1) Book entries shall be made in a chronological and systematic way, according to the chart of accounts and to the norms issued pursuant to Article 4.

(2) Every asset transaction shall be recorded at the time of its performance in a document that is the basis of accounting records, having thus the status of a supporting document.

(3) The supporting documents for entries in the accounting records shall engage the responsibility of the persons that prepared, endorsed and approved them or, as the case may be, of persons that recorded them in the books.

Article 7

(1) Bookkeeping of movable and immovable assets shall be made at the purchase price, production or market value, as the case may be.

(2) The claims and debts shall be accounted for at their nominal value.

Article 8

(1) The entities referred to in Article 1 shall carry out a general stocktaking of patrimony: on starting-up the business; at least once a year during operation; in case of merger or winding-up of business, as well as in other situations provided by law.

(2) The Ministry of Finance may approve exceptions from the rule of the annual stocktaking for certain special assets under the management of public institutions and régies autonomes, upon the recommendation of the concerned ministries.

Article 9

Assessment of values following the evaluation of the patrimony and disclosure in the annual accounts shall be made according to the rules established by the Ministry of Finance.

Article 10

The formal management document issued by the entities referred to in Article 1 shall be the annual accounts, which must render a true and fair and clear and complete view of the patrimony, financial position and the obtained results.

CHAPTER 2

Organization of Wealth Accounting

Article 11

(1) The entities set out in Article 1 shall, as a rule, organise and keep the books in separate departments, headed by the financial-accounting director, the accounting officer or any other person empowered to fill this position. Such persons shall have a university degree in economics.

(2) Exceptionally, persons with secondary education having adequate qualifications in the field may also fill the respective positions, subject to endorsement by the Ministry of Finance, upon the grounded request of the standing institutions.

(3) Bookkeeping activities for the entities mentioned in Article 1 may also be organised and carried out by authorised legal persons or by natural persons having the status of chartered accountant or certified public accountant, who are responsible under the law.

(4) The manager, the authorising officer or any other person in charge of managing assets shall bear responsibility for organizing and keeping the accounts, under this law.

(5) The natural persons set out in Article 1, together with the staff accountable to them, shall bear responsibility for keeping the accounts according to the law.

(6) If the authorized persons do not keep the accounts, the owner shall assume the responsibility.

(7) For trading companies that do not have separate accounting departments, adequately trained staff employed under the law or contracts for rendering accounting services concluded with authorised legal or natural persons, the Ministry of Finance shall establish, depending on the evolution of inflation and on the development of the profession, value limits for the turnover level above which there is the obligation to conclude contracts for the balance sheet to be prepared solely by authorised legal or natural persons.

(8) The public institutions where accounting is not organised into separate departments and that do not employ staff, under an individual employment contract, for keeping the accounts and for drawing up accounting reports on the budget execution, may employ specialist staff under civil conventions, such services being paid out of the salary fund provided for in their budgets, pursuant to the specific rules and regulations of the respective entities.

(9) If public institutions cannot employ operational staff in conditions set out at (8), the accounts may also be prepared by public certified accounting companies or by individuals authorised under the law, on the basis of contracts for the rendering of services. The contracts shall be awarded as a result of tenders for the public procurement of goods and services, organised under

the law. Payment for the respective services shall be made out of budget loans for such purpose and within the limit of the labour expenses that the entity would incur if it employed specialist staff under an individual employment contract.

Article 12

(1) The object of wealth accounting shall be the reflection in monetary terms of movable and immovable assets, including land, natural resources, deposits and other goods with economic potential, cash, securities, rights and duties of the entities provided in Article 1, as well as movements and changes as a result of asset transactions, expenses, incomes and results obtained from these.

(2) Holding of tangible assets and of monetary assets under any form or any title, of any individual asset or liability, as well as performance of asset transactions without recording them in the accounting books shall be forbidden.

Article 13

(1) Fixed assets shall be accounted for by categories and by individual items.

(2) Tangible assets shall be accounted for by quantity and by value or only by value.

Article 14

The value of outstanding shares or of other securities, as well as payments made in the subscribed capital account shall be distinctly reflected in the books.

Article 15

Accounting for clients and suppliers, as well as other claims and debts accounts shall be kept by categories and by every natural or legal person.

Article 16

Expenses shall be accounted for by categories of expenses, depending on their nature.

Article 17

Records of expenses financed from budget and off-budget means ensures the recording of both cash payments and of the actual expenses, in accordance with the structure of the budget classification.

Article 18

Records of revenue shall be kept by categories of income, depending on their nature.

Article 19

(1) The profit or loss shall be determined in the accounting on a monthly basis.

(2) The profit distribution shall be recorded in the accounting by destination, under the law.

CHAPTER 3

Account Books

Article 20

(1) The main account books used in the accounting are: the register journal, the inventory book and the general ledger.

(2) The Ministry of Finance may exempt certain entities referred to in Article 1 from the use of some of these books.

Article 21

The account books shall be used strictly in accordance with their destination and shall be filled in and kept in an orderly manner, so that they should allow, at any time, the identification and control of the performed asset transactions.

Article 22

The trial balance shall be drawn up on a monthly basis, in order to check the accurate recording of the asset transactions in the books.

Article 23

(1) The natural and legal persons using automated data processing systems shall ensure compliance with the accounting norms, the storage and keeping on technical support and the control of the recorded data in the accounting.

(2) The IT units shall be responsible for the accurate processing of the data recorded in the documents and the beneficiaries shall be responsible for the accuracy and fairness of the data submitted for processing.

Article 24

The recording of transactions as a result of a merger or of winding-up of business, under the law, of the entities referred to in Article 1 shall be based on the appropriate documents prepared in such cases.

Article 25

Account books and the supporting documents underlying entries in the books shall be kept in the archives of the entities referred to in Article 1 for 10 years, starting from the end of the respective financial year, except for payrolls that shall be kept for 50 years.

Article 26

In case of loss, theft or destruction of accounting records, action shall be taken to reconstruct them within 30 days since ascertaining it.

CHAPTER 4

Annual Accounts

Article 27

- (1) The annual accounts shall be drawn up on a yearly basis, as well as in case of merger or winding up of business, under the law, for entities referred to in Article 1, as the case may be.
- (2) For the régies autonomes and trading companies wherein the state holds at least 20% of the share capital, as well as for other legal persons, the Ministry of Finance may require annual accounts to be drawn up and submitted at intervals other than annually.
- (3) The annual accounts shall include: the balance sheet, the profit and loss account or the budget account in the case of public institutions, appendices and the management report.
- (4) The financial year starts on 1 January and ends on 31 December, except for the first year of activity when it starts on the date of establishment, or of registration respectively under the law of the entities referred to in Article 1.
- (5) The possible errors ascertained in the accounting records after the balance sheet is approved and submitted shall be corrected in the year when such errors are appraised, since the balance sheet of the previous financial years cannot be modified.

Article 28

Upon the preparation of the balance sheet, the following rules are considered:

- a) the items in the balance sheet must correspond with the data recorded in the accounting, matched with the actual position of individual assets and liabilities established on the basis of the stocktaking;
- b) the offsetting of the accounts in the balance sheet, as well as of the revenues and expenses in the profit and loss account shall be not allowed.

Article 29

The annual accounts of trading companies shall be subject to audit and certification by auditors, certified public accountants, chartered accountants with university degrees or certified accounting companies, as the case may be, under the conditions established by the Ministry of Finance. The conditions for the audit and approval of the balance sheets of régies autonomes shall be established in a similar manner.

Article 30

- (1) Following their approval, the annual accounts shall be published as provided by the law.

(2) The annual accounts shall be kept for 50 years.

(3) In case of winding-up of the activity of the entities referred to in Article 1, the annual accounts, the books and the other documents referred to in Article 25 shall be handed over to the State Archives, subject to the provisions of the National Archives Law No. 16/1996*), unless otherwise provided by the law.

*) Law No. 16/1996 was published in Romanian Official Journal, Part I, No. 71 of 9 April 1996.

Article 31

(1) All the entities referred to in Article 1 shall submit one copy of the annual accounts no later than April 15 of the following year to the General Directorate of Public Finance and Financial Control, at county level or of Bucharest, as the case may be.

(2) Public institutions and the other legal persons who receive public funds shall forward a copy of the trimestrial and yearly financial accounts to their controlling body.

(3) The ministries, departments and the other bodies of the central public administration, the prefectures, local councils, county councils and the General Council of the Bucharest Municipality, whose heads are standing institutions/credit authorising officers, shall submit to the Ministry of Finance a copy of their quarterly and annual balance sheet, under the norms and at the time established by such bodies.

Article 32

In order to verify calculations and the adjustment with the state budget and local budgets, as the case may be, of revenues due to them under the law, the entities referred to in Article 1 shall submit on a monthly basis to the General Directorate of Public Finance and Financial Control at county level or of Bucharest, a document on the "Operating Performance and Tax Liabilities", pursuant to the layout and at the date established by the Ministry of Finance.

CHAPTER 5

Accounting of the public finance treasury, of public institutions and the annual accounts of the national economy as a whole

Article 33

(1) The accounting of the public finance treasury shall be organised within the Ministry of Finance and its subordinated units and shall include: the transactions in respect of the cash execution of the State budget, local budgets, state social security budget; the creation and use of off-budget means and of funds having a special destination; the management of the domestic and foreign public debt, as well as other financial transactions performed on the account of the central public administration bodies.

(2) The organisation and management of accounting with public finance treasury shall comply with the norms issued by the Ministry of Finance.

(3) The ministries, departments and the other central public administration bodies, whose heads are standing institutions/authorising officers, as well as the public institutions having legal personality that are subordinated to them, shall organise and perform the accounting of the collected revenues and of the expenses made under the approved budget, the off-budget resources and the funds with a special destination.

Article 34

(1) The accounting of the local budgets shall be organised and managed at the level of counties and of Bucharest, of municipalities and sectors in Bucharest, of cities and communes, under the norms established by the Ministry of Finance, ensuring the recording of transactions in respect of:

a) the collected revenues and payments undertaken in the execution of local budgets and the funds having a special destination, established under the law;

b) the record of transfers from the state budget and the treasury fund, established under the law;

(2) State institutions of local subordination, having legal personality and headed by standing institutions, shall organise and carry out the accounting of revenues and expenses, according to the approved budget.

Article 35

The accounting of the state social security budget and of the other autonomous social security bodies, as well as of their subordinated entities, shall be organised and conducted by each social security entity.

Article 36

(1) The Ministry of Finance shall draw up the annual accounts for the overall national economy.

(2) The main item in the annual accounts for the overall national economy shall be the national wealth, made up of public and private assets, including land, natural resources, deposits and other assets with economic potential, expressed in monetary terms.

(3) The recording in natural or natural-conventional units, as the case may be, of the land, forests, useful mineral substances reserves and the other soil and subsoil resources, shall be made by the bodies and entities that manage, operate and use the respective assets.

Article 37

The annual accounts for the overall national economy shall be submitted to the Government with the annual general account of the state budget execution.

CHAPTER 6

Contraventions and offences

Article 38

The following shall be contraventions to this law, unless committed in such conditions that, under the law, are deemed to be offences:

1. holding tangible assets and monetary assets in any form and with any title, as well as any individual assets and liabilities, which are not accounted for in the books;
2. receipt and release from storage facilities any goods with no incoming or outgoing supporting documents;
3. failure to draw up the trial balances;
4. infringement of the norms issued by the Ministry of Finance in respect of:
 - a) using and keeping the accounting records;
 - b) preparing and using the supporting and accounting documents for all the asset transactions, recording them in the accounting books in the appropriate period of time, keeping and archiving such documents, as well as reconstructing the lost, stolen or destroyed documents;
 - c) carrying out the asset stocktaking;
 - d) drawing up, auditing, approving and submitting the annual accounts;
 - e) preparing and submitting the regular annual accounts indicated by the Ministry of Finance;
 - f) submitting balance sheets and regular annual accounts with inaccurate or non-correlated data, including as regards the identification of the reporting entity;
 - g) submitting a statement that the entities referred to in Article 1 did not perform any activities.

Article 39

(1) The contraventions set out in Article 38 points 1 and 2 shall be fined with amounts ranging from Lei 2,000,000 to Lei 50,000,000 lei, those set out in Article 38 point 3 and 4 letters (a) to (f), by amounts ranging from Lei 1,000,000 to Lei 25,000,000, while contraventions set out in Article 38 point 4 letter (g), shall receive a Lei 500,000 fine. The Government, upon the proposal of the Ministry of Finance, may modify the level of the fines depending on the inflation rate.

(2) The acknowledgement of such contraventions and the enforcement of penalties shall be made by persons having financial control powers and by other persons empowered by the Ministry of Finance.

(3) The contraventions referred to in Article 38 are subject to the provisions of Law no. 32/1968 on ascertaining and penalizing offences, except for Articles 25 to 27 thereof.

(4) The fines for contraventions referred to in paragraph (1) of this article shall be borne by the guilty parties.

Article 40

Wilful or knowing misrecording, as well as the deliberate omission of accounting entries, resulting in the distortion of revenues, expenses, operating performance and individual assets or liabilities that are mirrored in the accounts, shall be deemed to be intellectual forgery and shall be punished in accordance with the law.

CHAPTER 7

Transitory and Final Provisions

Article 41

The Government of Romania shall submit, within 60 days from the publication of this law, the draft law on the organisation of activities of certified public accountants and of chartered accountants *).

*) The Government Decision no. 65/1994 on the organisation of activities of certified public accountants and of chartered accountants was published in Romania's Official Journal, Part I, No. 243 of 30 August 1994, and was approved and amended by Law No. 42/1995, published in Romania's Official Journal, Part I, No. 103 of 29 May 1995.

Article 42

The Ministry of Finance shall, within six months from the entry into force of this law, shall draft the regulations for its application**) thereof, as well as update and republish the chart of accounts, the layouts of the accounting records and annual accounts, the uniform layouts for the financial and accounting activity, as well as the methodological norms for drafting and using such documents. Until such documents are republished, the existing accounts charts, their implementing instructions and the existing accounting norms shall be used, updated on the basis of the normative acts to be adopted in this period.

*) See Government Decision No. 704/1993 approving measures for the enforcement of Accounting Law No. 82/1991, published in Romanian Official Journal, Part I, No. 303 and 303 bis of 22 December 1993.

Article 43

(1) The entities operating in the national defence, public order and national security sectors shall perform their accounts, by quantity and value, for all the assets under their management, pursuant to their own standards endorsed by the Ministry of Finance.

(2) Transition to recording by quantity and value shall be completed by 31 December 1999, based on the programmes drawn up by the respective entities, approved by Government Decision.

Article 44

The Ministry of Finance shall exercise control of the application of this law.

Article 45

This law shall enter into force on 1 January, 1992***).

***) See the dates of entry into force of the amending norms.

Article 46

The provisions of this law shall also apply to sub-units with no legal personality based abroad, owned by entities referred to in Article 1 that have their headquarters or residence in Romania, as well as to sub-units based in Romania, owned by legal or natural persons having their headquarters or residence abroad.

Article 47

Upon entry into force of this law, the following shall be repealed:

- Decree no. 375/1956 on the reconstruction of acts, documents and records with financial content, lost, stolen or destroyed, published in the Official Newsletter No. 22 of 4 August 1956;
- Decision no. 1.885 of 28 December, 1970 on the organisation and performance of accounting activities, on the duties and responsibilities of the head of the financial-accounting department, published in the Official Newsletter No. 156 of 29 December 1970;
- Decision no. 1.533/1973 on the special regime forms, published in the Official Newsletter No. 189 of 2 December 1973;
- Decision no. 1.116/1975 on improving the balance sheet-based survey, increasing the efficiency and quality of information on the economic and operating performance of the state socialist enterprises, published in the Official Newsletter No. 127 of 5 December 1975;
- any other provisions that are contrary to this law.
