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THE TAXATION AND ACCOUNTANCY OF LUNCHEON VOUCHER

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„ABSTRACT” Accounting represent a privilege source of information for the fiscal bodies, the majority of fiscal obligations are being established on the basis of accounting data. There is interdependency between accounting and taxation, which is defining in the fiscal management of the enterprise. The accountancy is an element intended for obtaining pure and objective information, and therefore the intervention of taxation in accounting procedures is unacceptable. But accounting isn't perfect and therefore the fiscal body proposes itself t, as a user of the same information, to interpret them according to own interests.

The employers can allow an individual allowance for food as a luncheon voucher.

Through the collective working contracts there are established stipulations regarding the individual allowance of food which foresee:

- the number of the employees from the unit that can receive monthly luncheon voucher and the nominal value of the luncheon voucher according to the financial possibilities of the employer;
- the number of the monthly working days for which there are distributed luncheon vouchers to the employees;
- The selection criteria regarding the employees that will receive luncheon vouchers according to the specific working conditions.

In determining the amounts designed to cover the nominal value of the luncheon vouchers, it is taken into account: the nominal value of the luncheon voucher agreed by the social partners, the number of the employees that will benefit from luncheon vouchers and the number of the days afferent to the period in which the luncheon vouchers are given. The nominal value written on the luncheon voucher cannot top the value established by the law¹.

The specific issuance activity of the luncheon vouchers is done only on the basis of the functioning permit, given by the Economy and Finances Ministry. The issuer unit uses units of public alimentation such as canteens - restaurants, buffets, alimentary shops with which is signing direct contracts for performing the respective services or those that are organised.

To purchase the luncheon vouchers the employers are signing a contract with the issuing units which will include clauses regarding: the annual, half-yearly or quarterly necessary of luncheon vouchers, the public alimentation units in which the employees can use luncheon vouchers; the conditions in which luncheon vouchers are given back.

The printing representing the luncheon vouchers must contain the following obligatory:

- the serial number in an increasing order, corresponding to the number of luncheon vouchers ordered by the employers in the basis of the contract of purchase of luncheon vouchers;
- data that define the employers care;

¹ Nr. 142/1998 law, regarding the allowance of luncheon vouchers, Official Monitory nr. 260/13.07.1998.

- the name and the head office;
- the matriculation number from the Commerce Registration Office;
- The unique cod of registration;
- the nominal value of the luncheon vouchers in numbers and letters, which is written by the employer as a firm order transmitted to the issuing unit;
- the validity period of the luncheon vouchers ;
- the space for writing down the name and the first name of the employee who is going to use the luncheon vouchers;
- the interdiction of being used to buy cigarettes and alcoholic products, such as other interdictions established by the contract between the employers and the issuing unit;
- the name and the head office of the issuing unit;
- The space assigned for writing down the date and the stamp of the public alimentation unit to which the employee has used the luncheon voucher.

The delivery of luncheon vouchers by the issuing units is done by issuing an invoice according to the legal stipulation.

The employers distribute to the employees the luncheon vouchers, monthly, in the last decade of each month, for the following month. The luncheon vouchers cannot be distributed by the employers, if they haven't acquit to the issuing unit the nominal counter value of the luncheon vouchers purchased, including the cost of the printing representing the luncheon vouchers.

In the case in which the working places of the employers foreseen in the individual working contracts are situated outside the area in which the employers has his head office, and thee provision cannot be done daily, the employees in discussion can use a number of luncheon vouchers, taking into account the real conditions of conserving the aliments and the period in which the employees are at that working places.

The employers can give more than one luncheon voucher for every working day from the month in which there is done the distribution and it cannot consider used more than one luncheon voucher for each day worked in the month for which the distribution has been done. There aren't considered working days, the periods in which the employers:

- are doing their annual leave;
- beneficiate of paid free days for special family events, and of festive days and for the legal holidays or other free days given according to the collective working contracts ;
- According to the legal disposals they are delegated or sent outside the place where they have their permanent working address, and they receive daily payment or monthly payment for the delegation;
- They are in temporary incapacity for work leave, they are absent from the working place or they are in other situations established by the employer with the union organisations or, after case, with the employees representatives.

The number of luncheon vouchers used by an employee in a month is equal to the number of the working days in which he is present at work in the unit and it cannot exceed the number of worked days established by the employer. It is forbidden to the employee the use of luncheon voucher to purchase any other products from the alimentary ones and receiving a rest in money, in the case in which the corresponding sum of the demanded alimentary products is smaller than the nominal value of the luncheon voucher.

The individual food allowance given as luncheon voucher is completely beard on costs by the employer.

The economic agents that offer luncheon vouchers can integrally deduct the expenses representing the luncheon voucher, from the calculation of the profit taxation, according to the law.

There aren't included in the employees' incomes and are not taxable, meaning the income tax the counter value of the luncheon vouchers given by the employers to the employees.

To record in accountancy the operations regarding the issuing, the acquisition and the use of the luncheon vouchers is done according with the legal provisions².

•In accountancy of the employers that do not have canteens - restaurants or buffets.

a) the acquisition of the luncheon vouchers from the issuing units:

% = 401 - the total value of the delivery invoice of the luncheon vouchers

5328/ - the total nominal value of the purchased luncheon vouchers

628/x - the cost of the printing (luncheon voucher)

4426 – VAT deductible afferent to the printing cost.

b) the settlement of the counter value of the luncheon voucher by the issuing units

401 = 5121 – the total value of thee invoice

c) including the expenses on the counter value of the luncheon voucher given to the employers

604 = 5328/ - the nominal value of the luncheon voucher given

d) the restoration by the employee, at the end of the month of the unused luncheon voucher

e) 5328/ = 758/ - the nominal value of the analytic distinct unused luncheon voucher

f) reproaching of the luncheon voucher used by the employees in a larger number than the number of worked days

4282 = 758 - the nominal value of the reproached luncheon voucher (including the printing cost)

g) sending back to the issuing units of the unused luncheon voucher, according to the invoice

411 = 5328/ - the total value of the invoice representing the nominal value of the luncheon voucher

5121 = 411 - the cash of the invoice value regarding the luncheon voucher returned

•In the accountancy of the issuing units

a) the procurement of the luncheon voucher printed at thirds

% = 401 - the total value of the invoice

3018/ - the printing cost of the luncheon voucher analytic distinct

4426 - Deductible afferent VAT

b) the payment of the invoice regarding the luncheon voucher procured

401 = 5121

c) the delivery by the employers of the invoicing luncheon voucher

411 = % - the total value of the invoice

462/ - the nominal value of the luncheon voucher delivered analytic distinct

708 - The value of the delivered luncheon voucher representing the printing cost

4427 - VAT collected afferent to the printing cost

5121 = 411 - cashing the value of the invoice regarding the invoicing luncheon vouchers

² The accounting law nr. 82/1991 republished, Official Monitory nr. 48/2005

d) the settlement by the public alimentary units of the value of the used luncheon vouchers

462/ = 5121 - the value of the invoice of the used luncheon vouchers (the analytical number of the used luncheon vouchers and the nominal value) distinct

e) receiving the unused luncheon vouchers from the employers

462/ = 401 - the total value of the unused luncheon vouchers, given back according to the invoice distinct

401 = 5121 - the payment of the value of the luncheon voucher given back by the employer

•in the public alimentation units accountancy

411 = % - the total value of the invoice including the afferent VAT

707 - The nominal value of the luncheon vouchers received from the employees of the employers (excluding VAT)

4427 - The afferent collected VAT

635 = 446/ - the difference between the nominal value of the analytic luncheon voucher, the amount corresponding to the given aliments, which is paid to the state budget.

5121 = 411 - cashing the value of the luncheon vouchers received from the employers.

•in the employers' accountancy - those who have canteens - restaurants or buffets

a) the purchase of the luncheon vouchers printed by thirds

% 401 - the total value of the invoice regarding the printed luncheon vouchers

3018/ - the printing cost of the analytic distinct luncheon vouchers

4426 - The afferent VAT and at the same time

5328/ = 462 - the nominal value of the luncheon vouchers analytic distinct

b) the inclusion on expenses of the value of the luncheon vouchers

604/ = 5328/ - the nominal value of the luncheon vouchers analytic distinct distributed

658 = 3018/ - the cost of the luncheon vouchers analytic distinct distributed

c) the settlement of the luncheon vouchers by canteens - restaurant, buffets

462 = 481/ - the nominal value of the luncheon vouchers used by employees

481/ = 5121 - the nominal value of the luncheon vouchers used by the employees

d) the restoration by the employees of the luncheon vouchers unused by the employer

5328/ = 758 - the nominal value of the analytic distinct restored luncheon vouchers

e) the destruction of the unused luncheon vouchers or of the luncheon vouchers unused by the time they expire, on the basis of a signed protocol according to the law

462 = 5328/ - the nominal value of the destroyed luncheon vouchers

Analytic distinct

f) The reproaching of the luncheon vouchers used by the employers in a larger number than the worked days.

4282 = 758 - the nominal value of the luncheon vouchers reproached (including the printings cost)

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