

Moldova Innovation Technology Park

# MITP Eligibility Guide

December 2024



# Guidelines on the eligibility of the economic activities eligible to be carried out in Moldova Innovation Technology Park

## Introduction

This Guide is an essential tool for companies interested in becoming a resident of Moldova Innovation Technology Park (MITP), or for those already operating within the park.

The guide provides a detailed set of information and examples that clearly explain the eligible activities according to the legislation, using statistical classifiers such as CAEM-2 and CSPM rev. 2.1, both at the national level and relevant references, as well as the applicability of legislation at the European Union level.

The purpose of the Guide is to provide clarity regarding the criteria and conditions required for an activity to be considered eligible, so that companies can benefit from the favorable tax regime offered by MITP.

### The aim of the initiative to develop the Guide on the eligibility of the economic activities allowed to be carried out in Moldova Innovation Technology Park

The guide is a useful tool in various scenarios, such as:

- **Eligibility assessment:** The guide provides clear details and specific criteria to determine whether the activities carried out by a company are eligible according to the applicable legislation. It includes detailed descriptions for each relevant statistical code, so that companies can correctly identify their main activities and associated sub-activities. Through examples and evaluation criteria, companies can perform a simulation to see if their main activity meets the eligibility requirements.
- **Guidance on the use of statistical codes (CAEM-2 and CSPM rev. 2.1):** The guide provides step-by-step instructions for identifying and correlating the company's activities with national statistical codes. The structure provided helps MITP residents and potential residents align their economic activities with the descriptions outlined in CAEM-2 and CSPM rev. 2.1, ultimately ensuring correct classification within the categories of eligible activities established by Law 77/2016 on Information Technology Parks.
- **Proper documentation of the activities carried out:** The Guide describes the steps to document the activities carried out in a way that complies with the general and special legislation applicable to MITP residency. The Guide describes in detail how services and products must be documented to meet the requirements of the legislation, providing solutions for possible discrepancies between what is reported and what is actually performed, as well as issues to consider for MITP residency.
- **Preparation for audit and annual activity verification:** For companies already residing in MITP, the guide provides information and suggestions to consider in their operations, which are audited annually by audit entities. This ensures that eligibility indicators and fiscal criteria are met to confirm the conditions for maintaining MITP residency status.

### Benefits of using the Guide on the Eligibility of the Economic Activities allowed to be carried out in Moldova Innovation Technology Park

The proper adoption and use of this Guide offers several benefits:

- **Access to the favorable MITP tax regime:** If activities are correctly identified and documented, a company can benefit from the special tax regime, which offers a single 7% tax on sales revenue, a significant reduction compared to standard taxation.
- **Minimizing the risk of non-compliance:** By properly identifying activities, MITP residents ensure they meet all legal requirements, thus reducing the risk of penalties or exclusion from the park. The guide helps avoid errors in activity classification, ensures compliant reporting, and supports correct documentation.

- **Clarity in making business decisions:** The guide provides support and guidance in business decision-making regarding carried-out activities, allowing companies to efficiently plan how to adjust their operations to maximize tax benefits and manage eligibility-related risks.
- **Support in carrying out the audit:** The Guide provides guidance to prepare the annual audit and verification, according to which the compliance with the criteria for maintaining MITP resident status can be analyzed (independently or by third parties).

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## 1. General aspects regarding the identification of eligible activities under MITP

According to [Law no. 77/2016 on information technology parks](#) (hereinafter "Law no. 77/2016"), a resident of Moldova Innovation Technology Park (MITP) may be any legal or natural person, registered in the Republic of Moldova as a subject of entrepreneurial activity, which is included in the Register of the park residents and which is carrying out, as its main activity, one or more of the activities referred to in Article 8, on the basis of a contract concluded with the Park Administration.

The main activity is the activity that generates at least 70% of the resident's revenue from sales. Therefore, the essential conditions for obtaining and maintaining the status of park resident are:

- carrying out at least one of the activities referred to in Article 8 of Law No 77/2016, and
- obtaining revenue of at least 70% from these activities (revenue from product sales (goods), provision of services, or execution of works, recorded monthly in the accounting records and determined in accordance with the provisions of the National Accounting Standards or, as applicable, IFRS).

According to Article 8 of Law no. 77/2016, the main activities to be carried out in the park must be analyzed from the perspective of the descriptions in the statistical classifiers, namely – [the Classifier of Activities in the Economy of Moldova approved by Order no. 28 of the National Bureau of Statistics from 07.05.2019 \(CAEM-2\)](#) and [the Statistical Classifier of Products \(goods and services\) of the Republic of Moldova \(CSPM rev. 2.1\), approved by Order no. 9 of the National Bureau of Statistics from January 30, 2024.](#)

The Classifier of Activities in the Economy of Moldova (CAEM-2) is a document intended for the classification and coding of economic activities and serves as the basis for collecting and providing statistical data regarding economic activities in the fields of economic statistics (e.g., production, employment). CAEM-2 is developed based on harmonization with the official version of the Statistical Classification of Economic Activities in the European Community – NACE Rev. 2, ensuring a 1:1 compliance. The use of CAEM-2 in the national statistical system is mandatory.

At the EU level, the most recent version of the statistical classification of economic activities is NACE 2.1, which is a different version from the one adopted by the Republic of Moldova in CAEM-2, briefly referred to as NACE Rev. 2, in order to reflect the current economic environment and the new economic activities that have emerged. NACE 2.1 will be gradually implemented starting from January 2025, with full adoption by January 2031 (European Data) (European Commission). From this perspective, the adjustment of CAEM-2 to the new provisions of NACE 2.1 is expected to be made in the near future to establish the new correlations.

The Statistical Classifier of Products (goods and services) of the Republic of Moldova (CSPM rev. 2.1) represents the system for classifying goods and services applied in the Republic of Moldova. It was developed by the National Bureau of Statistics of the Republic of Moldova in the context of harmonizing the national statistical system with European standards<sup>1</sup>, being correlated with CPA 2.1, a similar classifier at the European Union level. CSPM rev. 2.1 is the national version of the statistical classification of products based on the activity domain (CPA) used in statistics by EU member states, ensuring 1:1 compliance. The statistical data obtained

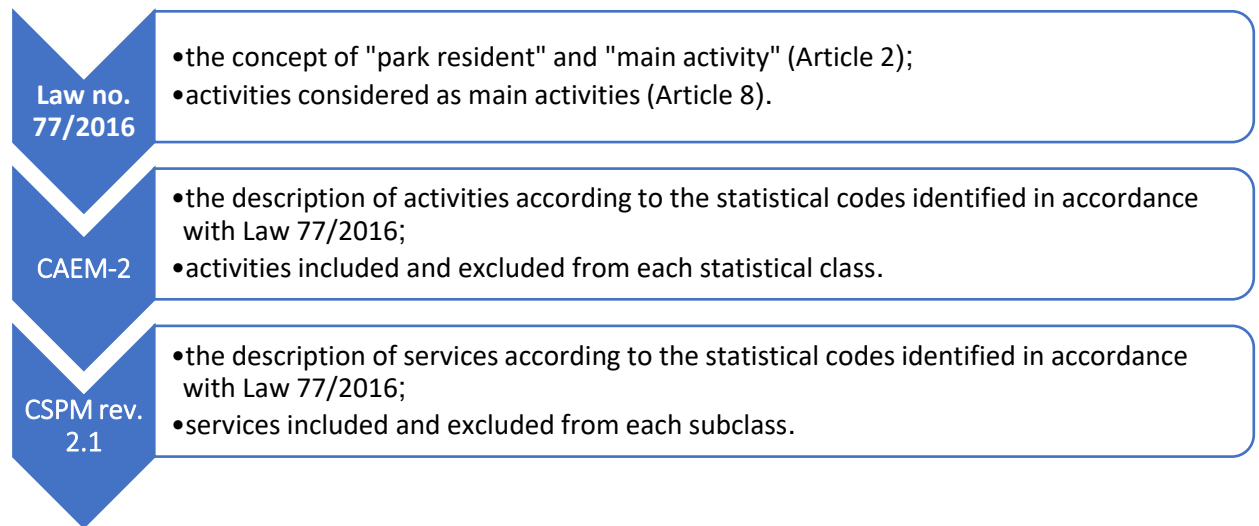
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<sup>1</sup> Commission Regulation (EU) No. 1209/2014 of October 29, 2014, amending Regulation (EC) No. 451/2008 of the European Parliament and of the Council establishing a new statistical classification of products by activity (CPA) and repealing Council Regulation (EEC) No. 3696/93.

based on CSPM rev. 2.1 are comparable at the global, European, and regional levels. At the same time, the use of CSPM rev. 2.1 in the national statistical system is mandatory.

It should be noted that, although the preamble of Article 8 of Law no. 77/2016 refers to CSPM rev. 2.1, the eligible activities to be carried out within MITP are defined in the previous version. In this context, until the actual modification of the Law, they should be analyzed based on the updated version of the classifiers.

From the perspective of meeting the eligibility conditions, a potential resident should conduct a preventive simulation and initially analyze the activities they intend to carry out within MITP, considering the following aspects:



## 2. The importance of identifying statistical codes from the perspective of CAEM-2 and CSPM rev.

### 2.1

#### ➤ How to navigate within CAEM-2?

The structure of CAEM-2 consists of two blocks: identification and naming. The identification block has a hierarchical classification system with four levels:

- the first level, which consists of titles identified by an alphabetical code (sections);
- the second level, which consists of titles identified by a 2-digit numeric code (divisions);
- the third level, which consists of titles identified by a 3-digit numeric code (groups);
- the fourth level, which consists of titles identified by a 4-digit numeric code (classes).

In general, identifying the relevant CAEM-2 code for the activity carried out by the resident is recommended to follow this order:

- determining the section of CAEM-2 (marked with letters);
- determining the division within the section (marked with numbers);
- determining the group within the division (marked with numbers);
- determining the class within the group (marked with numbers).

For the potential resident, the codes, names and descriptions of the classes are relevant, which are marked with a 4-digit code. The main criteria to be used in the delimitation of divisions and CAEM-2 groups (two-digit and three-digit level of detail respectively) are as follows:

- the nature of the goods and services produced,
- the destination of the products and services,
- the raw materials, process, and production technology.

According to CAEM-2, the activities carried out by an entity are classified into three basic categories: primary activity, secondary activity, and auxiliary activities. The primary activity is the one that contributes the most to the total added value of the entity, identified by the descending order method (from top to bottom), and it does not necessarily represent 50% or more of the total added value of the entity. Each entity registered in the statistical register is assigned only one CAEM-2 code, based on its primary activity type, with the possible indication of secondary activity types.

At the same time, under Law no. 77/2016, the primary activity may involve multiple CAEM-2 codes (according to Article 8), unlike CAEM-2, where the primary activity involves only a single code.

The main activity of an entity as a whole can be usually determined based on the goods it sells or the services it provides to other entities or consumers. Generally, the main activity of the entity should be determined by considering the added value of the products and services produced. The concept of correct evaluation here is gross added value (GAV), which is determined as the difference between the value of output (the value of production, works, and services produced at market prices) and the value of intermediate consumption (the value of raw materials consumed and goods and services purchased necessary for the production of products).

- $GAV = \text{Value of output (production, works, services)} - \text{Value of intermediate consumption (raw materials, goods, services consumed)}$

➤ **How to navigate within CSPM rev. 2.1?**

CSPM rev. 2.1 contains over three thousand entries and represents a classification of products and/or services by types of activity that are correlated with CAEM-2. Each product or service in CSPM rev. 2.1 is classified into a specific category within CAEM-2, meaning that there is coherence between the structure of CSPM rev. 2.1 and that of CAEM-2 at all levels.

➤ **How to navigate through the classifiers and Law 77/2016?**

From the perspective of Law no. 77/2016, the primary activity is to be determined by considering the added value of the products and services produced, related to all the statistical codes - CAEM-2, as stipulated in Article 8 of the Law.

<b>The primary activity determined from the perspective of MITP residency eligibility.</b>		
<b>No.</b>	<b>according to Law no. 77/2016</b>	<b>according to CAEM-2</b>
<b>1.</b>	activity that generates <b>70%</b> or more of the <b>sales revenue</b>	which contributes <b>the most to the total added value</b> Criteria for substituting added value: - sales revenue; - commercial margin (the difference between the sales revenue of goods and the cost of goods sold); - number of employees by activity within the entity.
<b>2.</b>	it is determined by calculating a 70% proportion mathematically	it does not necessarily represent 50% or more of the total added value
<b>3.</b>	it may include <b>one or more CAEM-2 codes</b> at the class level (4-digit), according to Article 8 of the Law	it involves a <b>single CAEM-2 code</b> at the class level (4-digit)
<b>4.</b>	the primary activity may include from 1 to 29 activities that belong to different positions within CAEM-2, at the class level, without any of them representing more than 50% of the sales revenue, provided that they generate 70% or more of the total sales revenue of the entity.	if an entity carries out more than two activities that fall under 2 different class-level positions within CAEM-2, and none of them individually contributes more than 50% of the added value, the primary activity is determined using the top-down method.

### 3. Eligibility checklist for potential residents

#### ➤ Description of services provided and/or products created

From this perspective, it is recommended to conduct an independent analysis that includes comprehensive, complete, and detailed descriptions of the activities (products and services) performed or planned to be performed in MITP. For this, it is advisable that the narrative description be carried out from multiple viewpoints and by different specialists, independently from one another, as follows:

Description type	Substance of the description	Executor
<b>General description</b>	Narrative description, in simple terms, of the activities that the entity plans to carry out as a future resident, based on the fact that he/she knows the essence of the services provided, the vision, mission, strategic objectives of the entity.	business owner (partner, shareholder, founder)
<b>Technical description</b>	Descriptions of the services provided or products created by the entity shall be obtained. The descriptions may be completed by employees with different functions but involved in the provision of the services.	employees of the entity or managers of departments / subdivisions
<b>Financial description</b>	Description from the perspective of monetization methods, pricing structure, aspects related to cost formation, etc.	accountant, financial director, economist, sales specialist, etc.
<b>Third parties description</b>	Descriptions of the services provided or products delivered from the perspective of the entity's customers (how they perceive and understand the service or product purchased).	the entity's customers (if possible, by requesting confirmations).

At this stage, an overview of the services provided and/or products developed by the entity will be obtained based on the input of several individuals involved. It is recommended that these descriptions be prepared independently. Additionally, involving third parties can provide further assurance regarding the accurate classification of the activities carried out.

#### ➤ Correlation of the descriptions obtained with the provisions of CAEM-2

This stage should only be carried out after obtaining the descriptions mentioned above, as there will be a tendency to use the descriptions from CAEM-2. The entity's management, representatives from the finance and accounting department, or even employees directly involved in the provision/production process can be involved to clarify technical details, or the legal department.

When examining the correlation with the provisions of CAEM-2, it is important to identify key elements related to :

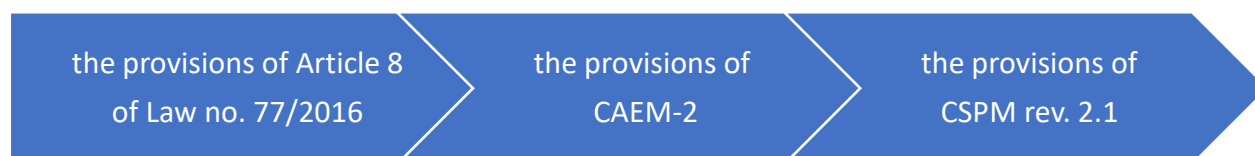
1. the nature of the services provided and/or products created;
2. the job functions of the employees involved in the production process;
3. the duties, responsibilities, tasks set out in the job descriptions or employment contracts of the employees (depending on the structuring of the employment relationship);
4. the technical methods of realization;
5. the monetization/price formation, etc.

Based on the identified keywords, the assignment of the services rendered and/or products generated according to the previously obtained descriptions to the CAEM-2 codes will be made. In the same way, special attention should also be paid to the activities that are included and excluded from the respective class, also in light of the limitations imposed by in Article 8 of Law no. 77/2016.

Regarding the functions of the employees involved in the eligible activity, it is important to note that they must be identified according to the Classification of Occupations in the Republic of Moldova, approved by the Order of the Ministry of Labor and Social Protection No. 11 of 12.11.2021. In this regard, the job title, competencies, but especially the duties of the respective employee must be relevant to the activity carried out by the company.

➤ **Correlation of the obtained descriptions with the provisions of CSPM rev. 2.1**

The provisions of CSPM rev. 2.1 are correlated with CAEM-2, and in the context of Article 8 of Law no. 77/2016, eligible activities are to be identified based on the services provided and/or products created up to the level of CSPM rev. 2.1, as this classifier most accurately reflects the actual services and products offered by the entity. Additionally, special attention will be given to the activities **that are included and excluded** from the respective class.



➤ **Examination of primary documents and their provisions**

Although the descriptions in CAEM-2 and CSPM rev. 2.1 are closely related, they do not constitute objective confirmation of the nature of the services provided and/or the products created. Therefore, these need to be reconfirmed through primary supporting documents related to the economic transactions. The most relevant documents include:

1. contract between the parties, especially the sections: object, responsibilities, description of services, annexes to the contract specifying the terms of reference, technical specifications, etc.
2. invoice (for exports to non-residents) or the fiscal invoice (for local deliveries);
3. documents/records of acceptance or other confirming documents;
4. bank statements—specifically the payment purpose section;
5. employee job descriptions or relevant sections of individual employment contracts;
6. other relevant documents.

Therefore the entity must follow the logical flow of all the primary documents. In other words, if in the contract and invoices in the description of services section it is indicated: 'software development' and in the destination of payment in the bank statements it is mentioned: 'payment for marketing services', then there is a inconsistency: either it is a technical error or the services are qualified differently by the entity and/or the client. The latter scenario may cast doubt on the correct qualification and documentation of the eligible activity. In such cases, a thorough review should be conducted in light of the classifiers and Law No. 77/2016, as well as supporting documentation.

➤ **Clarification of interpretative aspects to the competent authorities**

If there is any uncertainty regarding the attribution of the activities conducted under certain statistical codes, the company is entitled to seek clarification on its activity by submitting a request to the authorities.

According to the Law on Official Statistics (No. 93 of 26.05.2017), the central authority in the field of statistics is the National Bureau of Statistics (NBS) which implements classifiers and nomenclatures used for statistical purposes, for the purpose of coordinating the national statistical system on the development and production of official statistics. Therefore, the NBS is the authority empowered to qualify the activities carried out by entities according to CAEM-2 and CSPM rev. 2.1, but only from a statistical point of view, without going into the essence of meeting any eligibility criteria or conditions related to MITP residency.

From the perspective of the eligibility of economic activities, as well as identification of the compliance with the conditions of residency, the Administration of Moldova IT park is the authority entitled to examine the application for registration as a resident and the attached documents, and may refuse the conclusion of the contract and registration, when it finds that the applicant does not carry out/intends to carry out as main activity one or more types of activity referred to in Article 8 of Law no. 77/2016, according to item 12 and item 2 of Annex no. 2 to Government Decision no. 1144/2017 on the establishment of the information technology park "Moldova IT park".

In addition, in connection with the eligibility conditions, the activities of park residents are subject to a mandatory annual verification of the indicators required for acquiring and maintaining the status of resident (Article 18(1) of Law No. 77/2016). Accordingly, for each verification period (annually), the audit entities are responsible for verifying and confirming the meeting of the residency conditions. As a result, these entities will issue a report on the indicators subject to verification, in which they will also confirm the fulfillment of the indicator related to the eligibility of the activities carried out by the resident.

**Note:** CAEM-2 and CSPM rev. 2.1 are classifiers used to qualify activities for statistical purposes. Therefore, even if by de jure some activities carried out by the entity would fall under the codes mentioned in Art. 8 of Law no. 77/2016, de facto they could be qualified as ineligible activities, in terms of the nature of the services provided and/or products created.

#### 4. Some specific aspects regarding the documentation of eligible activities to be carried out in MITP

##### ➤ General considerations

A primary document represents a documentary confirmation that justifies the occurrence of economic events or grants the right to perform (produce) them, certifying the occurrence of an event (Article 3 of Law no. 287/2017 on accounting and financial reporting). Therefore, the primary document reflects the objective reality and effectively confirms the nature of the services provided.

A classic process of providing services and/or performing works involves the following stages and related documents:

##### 1. Process description:



##### 2. Documents related to each stage of the process:



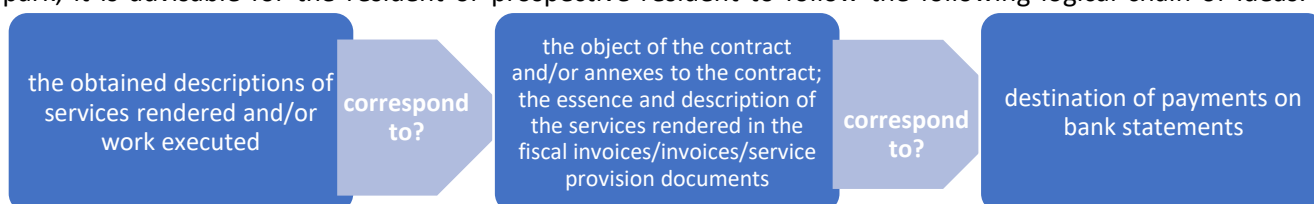
##### 3. Scope of the examination:

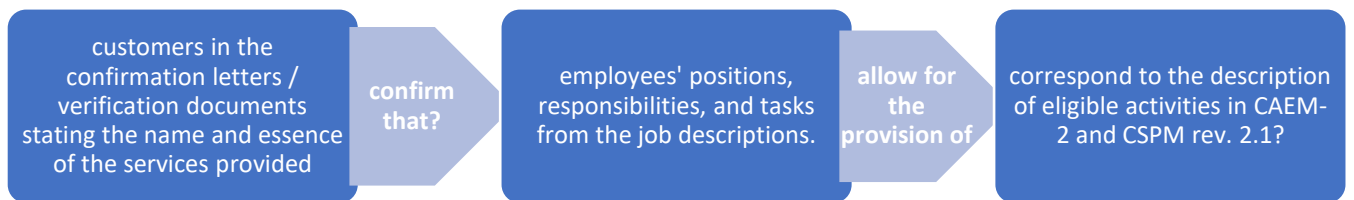


Therefore, in order to determine whether the activities carried out/services provided fall within eligible activities, it is necessary to examine the contractual relationship in its entirety and economic substance, analyzing the contract as the basic relationship, amendments, service provision documents, fiscal invoices, and other documents that confirm the provision of services and receipt of payment, regardless of their volume.

Thus, it is important that prior to obtaining the status of resident, but also during the course of the contractual relations, the resident to identify the activities he/she performs by correlating them to the above-mentioned classifiers, to examine the flow of documents from contracting to collection - contract, invoice, invoice deciphering, job descriptions of the employees involved, confirmation letter from the clients, service provision deed and/or other documents, if applicable.

Therefore, in order to determine whether or not the services provided fall within the client activities in the park, it is advisable for the resident or prospective resident to follow the following logical chain of ideas:





### ➤ Providing services through platforms

Regarding the provision of services through platforms, there are situations where the resident provides services to the final beneficiary through intermediary platforms such as Toptal, UpWork, Fiverr, Freelancer, PeoplePerHour, Guru, etc. In such cases, the documentation process for the transactions differs from the traditional document flow: contract, invoice/fiscal invoice, delivery receipt document.

Instead, the documentation may include platform-generated invoices or service contracts between the resident and the platform, along with other relevant records that detail the terms of service and payment agreements.

- the contract between the resident and the platform, in the form of terms and conditions, which does not include specific details about the subject matter of the contract;
- the invoice, which in some cases:
  - contains details about the services provided, but expressed through the position or job title performed by the resident, for example: Full-time services on position Back-end/Node developer for App (acceptable and confirms the nature of the services provided);
  - does not contain details about the services provided (in such cases, additional documents will be obtained to confirm the nature of the services, such as an invoice for the commissions fees charged by UpWork);
- confirmation letters for services provided generally cannot be obtained in the case of such platforms, as these platforms are multinational companies and, at the same time, they are not the final beneficiaries of the services provided by the resident.

Therefore, in situations where services are provided through platforms, the list of documents confirming the activity performed is usually more limited. However, there is still enough information to determine with certainty the essence and nature of the services provided.

### ➤ Conclusions

As stated above, the main activity refers to the activity that generates 70% or more of the resident's sales revenue. To determine whether the MITP resident generates 70% or more of its sales revenue, the ratio between the income from the sale of services and works permitted in accordance with Article 8 of Law No. 77/2016 and the total income from the sale of products (goods), provision of services, and execution of works, as recorded in the accounting records, is calculated. In this case, both indicators related to the amount of sales revenue are determined monthly, with a cumulative total from the beginning of the respective calendar year or from the start of the activity in the information technology park.

In conclusion, the main condition for obtaining and maintaining resident status is related to eligible activities that must generate at least 70%<sup>2</sup> of sales revenue. It is important that this indicator is realized both monthly and annually (from the beginning of the calendar year or from the beginning of the activity in the IT park). Thus, to determine whether the resident is engaged in a principal activity that generates 70% or more of sales revenue, calculate:

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<sup>2</sup> Article 368, paragraph (2) of the Fiscal Code

$$\text{The ratio} = \frac{\text{The amount of sales income from eligible activities}}{\text{The total amount of sales revenue}}$$

It is not considered a violation if this indicator is not met for a maximum of any 2 calendar months of the current calendar year, provided that the 70% indicator is ensured when calculated for the entire year, if the park residency status was acquired in previous calendar years, or for the period of applying the special tax regime, if the park residency status was acquired in the current calendar year.

The special tax regime applies starting from the first day of the month following the month in which the entity obtained the resident status. From a practical perspective, it would be reasonable for the resident to monitor the fulfillment of this indicator monthly, by completing the table below:

No.	Month	Sales revenue - eligible activities, MDL	Sales revenue - total, MDL	Cumulative sales revenue - eligible activities, MDL	Cumulative sales revenue - total, MDL	Cumulative monthly share of sales revenue generated by eligible activities, %
1	January	X1 <sup>3</sup>	Y1	A1 = X1	B1 = Y1	C1 = A1:B1
2	February	X2	Y2	A2 = A1 + X2	B2 = B1 + Y2	C2 = A2:B2
...	...	...	...	...	...	...
12	December	X12	Y12	...	...	...
<b>Total</b>		<b>X = SUM (X1:X2)</b>	<b>Y = SUM (Y1:Y2)</b>	<b>A = A12</b>	<b>B = B12</b>	<b>C = A:B</b>

<sup>3</sup> To fill in the fields marked in gray only for the months during which the special tax regime applies.

## 5. Eligible activities to be carried out under MITP

### 62.01 Activities related to custom software development (client-oriented software)

#### ➤ General description

Legal basis	Description
Law no. 77/2016	Does not contain special provisions/limitations
CAEM-2	Activities related to writing (programming), modifying, testing, and providing support for software products (details here)
CSPM rev. 2.1	IT design and development services (details here)

#### ➤ Example

##### **Example 1**

**Case study:** We are an agency specializing in website creation. Is it correct to classify the activity related to website management under code 62.01 "Activities related to custom software development (client-oriented software)" or under code 63.11 "Data processing, website administration, and related activities"?

**Description:** Although one might be led to believe that website creation services fall under code 63.11 based on the name of the respective class, a careful analysis reveals that:

- Class 63.11 includes only the provision of infrastructure for website hosting services, data processing, and related activities, such as hosting websites, streaming services (organizing streams), or hosting applications.
- Class 62.01 includes activities related to writing (programming), modifying, testing, and providing support for software products. This class also includes **the design of structure and content and/or writing the computer code necessary to create and implement, among other things, websites.**

**Conclusion:** Activities of agencies specialized in website creation should be classified under code 62.01 in CAEM-2, not under code 63.11, although it is also an eligible activity. If the services of agencies specializing in website creation include other related services, such as specialized design services using high-performance equipment, it is recommended to separate these complex services into distinct types of activities.

##### **Example 2**

**Case study:** One potential resident provides marketing services for client websites involving various strategies and activities designed to improve a website's visibility, traffic and conversions. Another potential resident, provides services to develop apps and tools that can help optimize and automate various marketing processes, such as: chatbots, HubSpot, Marketo, etc. Which of the services provided can be categorized as eligible activities?

**Description:** Marketing services for clients' websites, although not classical advertising services, are nevertheless to be classified under code 73.11 "Activities of advertising agencies", considering that:

- 73.11 "Activities of advertising agencies", which is not an eligible activity, includes the providing of a full range of advertising and promotion services (through internal possibilities or subcontracting), including consultancy, creative services, production of advertising material and its purchase, creation and realization of advertising campaigns, including the creation and placement of advertisements in newspapers, periodicals, radio and television, **on the Internet and other media;**
- their purpose and nature is the promotion of products/services;
- in this case, the method of execution does not matter – online or flyer advertising.

Regarding the potential resident no. 2, according to CAEM-2 chatbots, HubSpot, Marketo etc. are IT applications, the development of which includes activities of designing the structure and content and/or writing computer code, to be assigned to code 62.01 which is an eligible activity.



**solutions for optimizing  
and automating various  
marketing processes  
62.01**



**marketing services for  
websites  
73.11**

**Conclusion:** Marketing services for clients' websites represent a non-eligible activity, while the development of software solutions for optimizing and automating various marketing processes - is an eligible activity. If these activities are provided by a single resident in the proportion of maximum 30%, and at least 70%, respectively, the resident qualifies for MITP.

- **Red flags**
  - **Monetizing IT products through Google AdSense**

There are situations when the monetization of the developed IT products is achieved in different ways: with direct payment based on a contract/invoices or by placing advertising on different platforms (e.g. Google AdSense).

In order to identify the eligibility of the activity and the attribution of income, it is necessary to take into consider one of the general principles of accounting: the priority of content over form (Article 6, letter h) of the Law on Accounting and Financial Reporting No 287/2017), which implies that the information presented in the financial statements should reflect the essence and content of the economic facts rather than their legal form.

Therefore, for a company that develops and creates websites, applications, etc., and earns revenue through advertising, such advertising income can be considered derivative income (i.e., an effect or result) stemming from the use of the developed software product. In many cases, AdSense revenue may be the only available monetization method for certain software products.

- **Duties of employees involved in other activities**

Employees engaged in activity 62.01, in general, are programmers, software developers, user interface developers, IT product managers, etc. However, if there are no employees with technical functions or the proportion of employees engaged in this activity is insignificant or they have dominant functions related to other groups (e.g. advertising and marketing specialists (group 2431 of CORM 006-14)), then there is a probability of qualifying such services under code 73.11 " Activities of advertising agencies " .

- **Specific documentation**

In some cases, the subject of the contract, the tax invoice, invoices, and service delivery documents may specify a combined description of the services provided, such as: development, design, implementation, consulting, and software support services. Accordingly, the contract (price clause), tax invoice, invoice, and service delivery documents do not provide a breakdown of amounts by type of service.

**62.01  
software development, design,  
implementation services**



**62.02, 62.03  
software consulting and  
support**

An example would be entities that provide website creation services, which also offer hosting and domain registration services. Most entities assign both services to code 62.01. However, it is necessary to split these services into separate codes 62.01 (web page creation services) and 63.11 (hosting and domain registration services).

**62.01**  
website creation services



**63.11**  
hosting and domain services

In this regard, it is recommended that the contract, tax invoices, and other related documents clearly specify each type of service provided, along with the corresponding price for each service.

### 58.21 Computer games editing activities

#### ➤ General description

Legal basis	Description
Law no. 77/2016	Does not contain special provisions/limitations
CAEM-2	Editing computer games for all platforms (details here)
CSPM rev. 2.1	Computer games editing services (details here)

#### ➤ Example

**Case study:** A company carries out certain specific activities which are related to computer games, such as:

- edits computer games for all platforms,
- offers licenses for the right to use its games, allowing other companies to reproduce, distribute, or include these games in other products,
- edits and launches computer games developed for various platforms (PC, consoles, mobile phones),
- offers electronic files containing computer games downloadable from the Internet,
- provides online games, including RPGs, strategy games, and action games. Payment for these services may be subscription-based or pay-per-play.

Is the company eligible to become a MITP resident?

**Description:** Each of the activities mentioned in this case study will be analyzed from the perspective of the provisions and descriptions in the statistical classifications. Thus, the following are revealed:

- editing computer games (58.21) itself is an eligible activity,
- online games activity is included under activity 58.21.3, which is a subactivity of basic activity 58.21.,
- licensing services for the right to use games come under code 58.21.4,
- providing electronic files containing computer games falls under 58.21.20.

**Conclusion:** The subactivities carried out by the company fall under the main activity 58.21 "Computer games editing activities". Therefore the company can become MITP resident, applying the 7% tax regime.

#### ➤ Red flags

- Monetization of games (apps) through Google Play and the App Store

There are cases where certain entities develop games, apps, and other IT products, which they publish on marketplaces such as the App Store and Google Play. However, monetization occurs through advertising, which raises questions about how these entities generate revenue.

It should be noted that the process of developing computer games for the purpose of placing them on the Google Play and App Store platforms has become a common business model in this era of digital transformation. This approach constitutes a form of commercializing IT products/services (IT applications), which fundamentally differs from the "classic" model that typically involves the provision of IT services in the form of custom software development (client-oriented software).

The placement of applications on platforms such as Google Play and the App Store allows developers (IT companies) to monetize their IT products through advertising. In many cases, this is the only viable method of generating revenue from the development and creation of these software products (applications). In the "classic" version, the customer orders the application and pays a price, usually fixed according to the contract. When the application is placed on Google Play and App Store, the revenue of the IT company that developed the application is directly proportional to the popularity of the application among users (usually individuals) who download and use the application.

In this context, if the entity develops games, applications, IT products, which involve editing computer games for all platforms, its activity can be assigned to code 58.21, or activities of designing the structure and content and/or writing the computer code necessary to create and implement: software systems, software applications, databases, etc., which allows the activities performed to be assigned to code 62.01 "Custom software development activities". Respectively, the activities carried out by entities are to be qualified by the nature of the services provided and not only by their form.

- **Duties of the employees involved in this activity**

Employees trained to provide these services typically hold positions such as computer game designer, digital game designer, video game developer, or computer game programmer. This should be taken into account when identifying the relevant activity.

### 58.29 Activities related to publishing other software products

- **General description**

Legal basis	Description
Law no. 77/2016	Does not contain special provisions/limitations
CAEM-2	Editing of finished software products for general use, including translation or self-adaptation of general use software for a specific market (details here).
CSPM rev. 2.1	Other software editing services (details here)

- **Example**

**Case study:** Based on the contract with the client, the MITP resident has undertaken the obligation to provide services for adapting an accounting application to the specifics of the Eastern European market. Under which statistical codes will these services be assigned - code 58.29 "editing activities of other software products" or 62.01 "custom software development activities"?

**Description:** Although there are no major differences between the services provided under the codes mentioned above, according to CAEM-2, the descriptions related to code 58.29 include:

- editing of finished software products **for general use**, including **translation or self-adaptation of general-use software for a specific market**;
- **business apps** and other types of apps.

**Conclusion:** It is recommended to separate between codes 58.29 and 62.01 by correctly assigning the services provided by the entity. Thus, the adaptation of an accounting application should be classified under code 58.29, based on the fact that, the application covered by the contract is **a general-use application**. Additionally, we note that the types of activities carried out are considered eligible, regardless of the classification made by the entity.

- **Red flags** – to consider the aspects mentioned in the description of activity 62.01 "custom software development activities"

### 62.03 Management activities (management and operation) of computing resources

- **General description**

Legal basis	Description
Law no. 77/2016	Does not contain special provisions/limitations
CAEM-2	Activities of management and operation of customers' computer systems and/or data processing facilities (centers) and related services for them (details here)
CSPM rev. 2.1	IT equipment management services (details here)

- **Example**

**Case study:** An entity provides networking and IT maintenance services (system admin services). In addition, for some customers the entity purchases and resells equipment to provide more complex services. Periodically, the entity also provides computer repair services to customers. Which CAEM-2 code is relevant to the entity's activities?

**Description:** To identify the statistical code, the descriptions mentioned in CAEM-2 and CSPM rev.2.1 should be analyzed, specifically:

- according to CAEM -2, code 62.03 involves the management and operation of customer computer systems and/or data processing facilities (centers) and related services for them,
- according to CSPM rev. 2.1, code 62.03 is detailed up to 6 digits – 62.03.11 and includes network management services – services for the **administration and monitoring of communication networks and the hardware connected to the network**,
- at the same time, classes 46.51 "wholesale of computers, peripheral equipment and software" and 46.52 "wholesale of electronic and telecommunications equipment and components" include the **wholesale trade of computers, peripheral equipment, software, telephone and communications equipment**,
- additionally, class 95.11 "repair of computers and peripheral equipment" **includes the repair of electronic equipment** such as computers, calculators, and peripheral devices.

**Conclusion:** Each type of service and activity should be identified according to the classifiers and reported under a statistical code. Thus, the activities provided by the entity should be grouped into distinct classes, as follows:

- IT networking and maintenance services (system admin services) - 62.03 "management activities (administration and operation) of computing equipment";

- Resale of equipment – 46.51 "Wholesale of computers, peripheral equipment, and software" and/or 46.52 "Wholesale of electronic and telecommunications components and equipment";
- Computer equipment repair services – 95.11 "Repair of computers and peripheral equipment."

In this regard, it should be considered that the respective transactions must be properly documented. See Section 4 for details.

At the same time, the entity must monitor whether the services classified under code 62.03, which is an eligible activity in MITP, exceed 70% of sales revenue, and the services related to non-eligible activities classified under codes 46.51, 46.52 and 95.11 do not exceed 30% of sales revenue, in order to meet the basic criteria for maintaining the resident status, the company being allowed to miss the monthly indicator of at least 70% for 2 calendar months, provided that at the end of the year the minimum of 70% of sales revenue is still fulfilled.

- **Red flags** - to be considered the aspects mentioned in the description of the activity 62.01 "Custom software development activities", and additionally the aspects specifically related to the functions of the employees involved in the performance of this activity.

The employees involved in the provision of these services may be classified in group 2522 - System administrators who develop, control, maintain and support the optimal performance and security of IT systems (cloud, linux, windows, devops, storage systems, virtualization, etc.).

### 63.11 Data processing, website administration, and related activities

- **General description**

Legal basis	Description
Law no. 77/2016	Does not contain special provisions/limitations
CAEM-2	Data processing activities include full processing and the preparation of specialized reports based on data provided by clients, or providing automated data processing and data entry services, including database operation activities (function execution) (details here)
CSPM rev. 2.1	Data processing, hosting and related services (details here)

\* Note: According to NACE 2.1 (similar classification to NACE 2.1 at EU level, see details in Section 2), activity 63.11 is not found. Thus only activity code 63.10 is included in the proposed classifier to be implemented. Therefore, with the adjustment of CAEM-2, we anticipate updates/changes focusing on computing infrastructure, data processing, hosting and related activities.

- **Example**

**Case study:** A potential resident provides digitization services (transposition of paper format into electronic format) of books, magazines, documents, etc. using the scanning process. Another potential resident - a digital agency, collects information, data, reviews about its clients in order to identify the client's status and reputation in a given market, including identifying comments, reviews, testimonials etc (positive and negative), with the ultimate aim of providing relevant reports for the client. Which potential residents would be eligible for MITP?

**Description:** To identify the statistical code, the descriptions mentioned in CAEM-2 and CSPM rev. 2.1 must be analyzed, namely:

No.	Key elements	Digitizing books	Digital Agency
1.	full data processing	NO, the entity does not essentially process the data, but only scans it in order to convert the text from paper to electronic, in essence only the form is changed	YES, the data is extracted from the internet, from the most diverse platforms, portals where there are reviews, comments, testimonials about the client's activity
2.	generating specialized reports based on client-provided data	NO, although scanning could also involve specific reports, but these are more related to the quality of the scanning but not data operations	YES, the client receives reports on its status, reputation, position in a certain market
3.	ensuring automated data processing	NO, it involves using technologies and algorithms to collect, organize, analyze and interpret data automatically, without significant manual intervention	YES, it involves the collection, compilation, manipulation, analysis and dissemination of data
4.	data entry services	Partially YES, especially in the quality check process or when using Optical Character Recognition (OCR): using OCR software to convert text from scanned images into editable text	YES, during the data collection process, which can be automated, semi-automated or even manual by entering the data into specialized software that allows data analysis, sorting, manipulation, etc.
5.	involves collecting, compiling, manipulating, analyzing and disseminating data	No, scanning does not involve such processes, unless more complex actions related to the scanned text are required afterwards	YES, without these processes it is impossible to prepare reports to the client

**Conclusion:** In the process of determining whether a data-processing entity is eligible, it will also be taken into consideration that activities where the resident uses the computer only as a tool are categorized according to the nature of the services provided. At the same time, data processing services are not just about simple manual entry of massive amounts of data, but more complex activities involving the collection, compilation, manipulation, analysis and dissemination of data and metadata results. Likewise, the generation of specialized reports based on data provided by clients is a key element and a defining indicator in this regard.

➤ **Red flags**

▪ **Identification of the criteria and correct reporting of activity 63.11**

The activity type 63.11 "Data processing, website administration, and related activities," particularly the subactivity limited only to "data processing," presents challenges in the application of Article 8 of Law No. 77/2016, as this class includes data processing activities involving full processing and specialized reporting based on data provided by clients or providing automated data processing and data entry services, including database running activities (execution functions).

Accordingly, it is difficult for a potential resident processing certain data to identify the eligibility of this activity. For this, the company shall analyze the following basic criteria that would define eligibility for the purpose of data processing:

- complete data processing;
- specialized reports based on data provided by clients;
- providing automated data processing;

- data-entry services, including database operation activities (execution of functions).

At the same time, various national and international acts and regulations may be used to identify the activity, specifically to clarify the eligibility aspect. Thus, the OECD Glossary of Statistical Terms can be used as a reference, which provides the following main characteristics of data processing:

- data processing is defined as the operation performed on data to obtain new information according to a given set of rules. The processing site refers to the organization, institute, agency, etc., responsible for collecting, tabulating, manipulating and preparing data and metadata. The processing site may or may not refer to the physical location(s) where such activities take place. A processing system includes both manual and automated systems used by agencies to send out questionnaires, collect, compile, manipulate, analyze and disseminate data and metadata results. Such systems therefore cover all stages of the statistical processing cycle.
- automated data processing is defined as data processing operations performed by a system of electronic or electrical machines so interconnected and interacting as to minimize the need for human assistance or intervention.
- electronic data processing refers to data processing equipment that is predominantly electronic, such as an electronic digital computer.

Additionally, another filter for identification is the provision from CAEM-2 that mentions excluded activities. According to the descriptions in 63.11, activities where the supplier uses the computer only as a working tool are categorized according to the nature of the services provided. To this end, any company should perform a simulation exercise to determine whether the activity in question can still be performed without the use of a computer, without altering its core nature. For example human resources management or accounting services can be performed with the use of the 1C system, but even if this system is not used and the documentation is done on paper, the activity is not affected. Therefore, it is not a data processing activity and will be identified according to its nature (69.20 "accounting and financial auditing activities; tax consultancy").

It should also be taken into account that data processing must have a technological purpose, not a commercial one (e.g., data processing for advertising), which is connected with complex data processing or IT infrastructure management activities.

Additionally, certain technologies that might initially appear to involve data processing actually serve different purposes. Technologies, such as Vision AI and Google PWA, are used to automate the process of advertising and notifications, but not for complex data processing or the management of relevant information for advanced IT purposes. The use of these technologies is not sufficient to justify eligible activities under code 63.11.

As a consequence, not all types of processing qualify as data processing in the context of activity 63.11. In this regard, the company shall analyze and identify whether the processing it carries out meets the criteria and corresponds to the descriptions that would allow it to qualify as data processing activity under code 63.11.

- **Duties of the employees involved in this activity**

Employees involved in providing these services typically hold positions such as data entry, validation, and processing operator, data processing manager, or data operations manager. At the same time, if there are employees holding positions from other groups (e.g., human resources analyst, human resources manager, human resources specialist), it is unlikely that the services can be classified under code 63.11, even if the activities involve data processing. In such cases, there is a likelihood that these services would be classified under codes such as 70.22 "business and management consultancy activities," 78.10 "activities of employment placement agencies," or 78.20 "temporary employment agency activities," etc.

## 63.12 Activities of web portals

### ➤ General description

Legal basis	Description
Law no. 77/2016	Does not contain special provisions/limitations
CAEM-2	Details here
CSPM rev. 2.1	Web portals services (details here)

### ➤ Example

**Case study:** The entity provides SEO (Search Engine Optimization) services. Under which CAEM-2 code should the services provided by the entity be classified?

**Description:** SEO (Search Engine Optimization) services include a set of practices and strategies used to improve the visibility and ranking of a website in search engine results such as Google, Bing, and Yahoo. The main goal of these services is to attract organic (unpaid) traffic to a website by increasing its position in search engine results pages (SERP). According to the CAEM-2 classification, web portal activities include:

- Operating websites that use a search machine to generate and maintain extensive databases of Internet addresses in a searchable format;
- the operation of other websites that act as portals to the Internet, such as media sites offering regularly updated content.

**Conclusion:** SEO services should generally be classified under code 63.12. However, depending on their complexity (e.g., if they involve "classic" programming), the technical component, and other criteria, these services could be partially or fully classified under code 63.11 "data processing, website administration, and related activities" and/or 62.01 "custom software development activities," if they involve elements such as coding (programming), modification, testing, and support related to applications, databases, web pages, data processing, etc.

## 62.02 Information technology consultancy services

### ➤ General description

Legal basis	Description
Law no. 77/2016	Does not contain special provisions/limitations
CAEM-2	Planning and designing computer systems that integrate hardware, software and communication technologies. Consultancy services may also include user training (details here)
CSPM rev. 2.1	Computer consultancy services (details here)

### ➤ Example

**Case study:** The entity provides a wide range of interconnected services, including 1C maintenance and development as well as 24/7 technical support services over the phone. What CAEM-2 codes should be assigned to the services provided?

**Description:** In the process of assigning the services provided to certain CAEM-2 codes, there is a necessity to delimit the services by separate types of activities, namely:

- The maintenance and development of 1C, from the perspective of CAEM-2, would fall under activity 62.01 "custom software development activities (client-oriented software)" as it involves adapting

software according to specific requirements, that is modifying and configuring an existing application to make it compatible and functional within the client's IT environment.;

- according to CAEM-2, 24/7 technical support services by phone can be classified under code 82.20 "telephone call center activities," which involves responding to customer calls with the purpose of providing product information, handling customer support requests, or taking customer complaints. Additionally, 24/7 technical support services by phone can also be classified under CAEM-2 activity 62.02 "IT consultancy activities," which includes user training services;
- subclass 62.02.30 of CSPM rev. 2.1 "IT technical support services" includes the provision of technical expertise to solve problems that customers face in the use of software, hardware, or the entire computer system, such as:
  - providing assistance to customers in using or trouble shooting the software product;
  - providing assistance to customers in using or troubleshooting hardware, including regular testing and cleaning, as well as repairing IT equipment.;

**Conclusion:** Services related to the maintenance and development of 1C would fall under activity 62.01. As for technical support services, although they would qualify under code 82.20 "activities of call centers" if these support services are provided in the context of the maintenance and development of the 1C software, but not separately and limited to the call center only, their assignment to code 62.02 would be justified.

➤ **Red flags**

- **Identification of the criteria and correct reporting of activity 62.02**

According to CAEM-2, activity 62.02 "Information technology consultancy services" does not include consultancy combined with the design and development of an IT solution (website, database, specific application, network, etc.). In this regard, the corresponding core/basic IT design services from other statistical codes should be analyzed.

Furthermore, IT consultancy will be assessed in terms of competent technical skills. In other words, for this activity to be an eligible activity within the MITP it has to be connected with the information technology field. For example, improving business processes and providing consultancy on a general field (e.g., project management, marketing strategy, and client targeting through information systems) remains essentially general consultancy, unless the provider has the necessary qualifications to confirm expertise in the field of information technology. However, if the consultancy and advice are related to hardware or software issues, directly linked to the IT field, it will certainly fall under code 62.02.

Similarly, it should be noted that some services can also be classified under code 62.09 "Other IT services", which also include related activities not classified elsewhere, such as software installation services. However, code 62.09 expressly excludes computer consultancy, and details can be found in the classifiers.



- **Specific documentation**

In some situations, the object of the contract, the fiscal invoice, invoices, and service provision documents may list the provided services under a cumulative name, e.g., development, design, implementation, consultancy,

and software support services. Respectively, in the contract (price clause), fiscal invoice, invoice, and service provision documents, the amounts are not divided by service types.

**62.01**  
**software development, design,**  
**implementation services**



**62.02, 62.03**  
**consulting and software**  
**support**

As an example, entities that provide web page creation services would provide hosting and domain services. Most entities assign both services to code 62.01. However, it is necessary to split these services into separate codes 62.01 (web page creation services) and 63.11 (hosting and domain services).

▪ **Duties of the employees involved in this activity**

The employees engaged in the performance of these services, usually hold the position of information and communication technology consultant, information and communication technology expert, information and communication technology quality manager, etc. At the same time, if there are employees holding positions related to other groups (e.g. call center operator (CORM 006-14), then there is a probability of qualifying such services under code 82.20 "activities of call centers".

**62.09 Other information technology service activities**

➤ **General description**

Legal basis	Description
Law no. 77/2016	Does not contain special provisions/limitations
CAEM-2	Other information technology and related activities not elsewhere classified (details here)
CSPM rev. 2.1	Other information technology and computer services (details here)

➤ **Example**

**Study case:** The entity specializes in providing data recovery services from electronic devices. Additionally, the entity's employees install lost and/or damaged applications on clients' computers. Which CAEM-2 code should be assigned to the services provided by the entity?

**Descriere:** In order to identify the statistical code, the descriptions mentioned in CAEM-2 and CSPM rev.2.1 should be analyzed, namely:

- According to CAEM-2, class 62.09 includes other information technology and related activities not elsewhere classified, such as **data recovery services** from computers in case of disaster and/or **software installation services**;
- Class 62.09 includes other information technology and related activities not elsewhere classified, such as:
  - **data recovery** services from computers in case of disaster
  - installing personal computers
  - **software installation** services
- According to CSPM rev. 2.1, subclass 62.09.10 includes installation services for computers and peripherals, while subclass 62.09.20 includes **data recovery services**, specifically the recovery of a client's data from a damaged or unstable hard drive or other storage device in the event of a disaster such as a fire or flood, as well as **software installation services**.

**Concluzie:** Services for recovering information from electronic devices and services for installing lost and/or damaged applications on clients' computers are to be qualified under code 62.09, which is an eligible activity under MITP.

- **Red flags** - to consider the aspects mentioned in the description of activity 62.02 "information technology consultancy activities". We emphasize that the approach that code 62.09 includes all IT activities that are not found under the other eligible activity codes - is incorrect.

### 85.59 other types of education not classified elsewhere, limited to computer-related training

#### ➤ General description

Legal basis	Description
<b>Law no. 77/2016</b>	Establishes additional requirements: - the activity is computer training, - the activity is limited to certain descriptions in the CAEM-2 and CSPM rev. 2.1 codes.
<b>CAEM-2</b>	Activity type 85.59 contains broader descriptions, including computer training (details here)
<b>CSPM rev. 2.1</b>	Services described in class 85.59 "other types of education" contain broader descriptions, including services provided in IT schools - computer training services (details here)

#### ➤ Example

**Case study:** The entity is a digital school for programming and logic. Under which CAEM-2 code should the provided services be classified?

**Description:** Digital schools are usually online platforms dedicated to learning programming and developing logical thinking skills. These schools offer courses, workshops and resources covering a wide range of topics, from basic programming concepts to advanced software development techniques, for people of all ages who want to improve their technical skills.

From a CAEM-2 perspective, this type of activity includes computer training, and it is mandatory that the entity providing these services according to CSPM rev.2.1 must be an IT school.

**Conclusion:** The classification of services under code 85.59, in order to qualify as an eligible MITP activity, must follow the descriptions provided in CAEM-2 and CSPM rev. 2.1, as well as the provisions of Law No. 77/2016, which establishes additional requirements.

The main criteria for activity 85.59 remain: 'an IT-oriented school providing computer training services' and the tool used, namely 'the computer'. In the absence of these conditions, the services are to be classified as general educational activities (e.g., logic courses, management training, or training for specific business processes).

In this regard, the services provided by the entity show significant relevance to computer training. However, the eligibility of the activity needs to be further analyzed, specifically:

- what computer-related training is provided whether they include training that does not meet this requirement or are combined courses);
- whether the entity is an IT-oriented school or educational institution;

- whether the computer is the central element and all training services are directly related to its use.

Therefore, in the absence of additional details, it is difficult to determine whether the activity described above is eligible under Law No. 77/2017. However, it should be noted that the activity may be classified under the general statistical code 85.59 according to CAEM-2 and CSPM rev. 2.1. In this regard, the individuals involved in identifying and analyzing eligibility should request additional information to ensure that the MITP criteria are met.

➤ **Red flags**

▪ **Identification of the criteria and correct reporting of activity 62.02**

When identifying the eligible activity of code 85.59 the 3 normative acts - the requirements of Law 77/2016, CAEM-2 and CSPM rev.2.1 - have to be taken into account. From the perspective of the requirements of Law 77/2016 the main criterion of activity 85.59 remains the computer/computer domain and the IT profile of the school, in other words the services cannot be provided if this educational tool or profile does not exist. Also, the existence of this tool is not sufficient to qualify the activity under 85.59, i.e. the provision of services for computer training.

It should be mentioned that an exact and generally acceptable notion of "computer" does not exist. In this sense, the computer can be seen as a machine for processing data and information according to a list of instructions called a program, or it can take the most technically diverse forms.

At the same time, any person can do a simulation exercise on the eligibility of this activity, and identify/clarify the following aspects:

- status as a school or training center;
- existence of a curriculum, training program descriptions, or course details;
- limitation of the training exclusively to the field of computing;
- gaining new knowledge and skills;
- absence of a tangible result or deliverable;
- existence of certified/qualified staff specifically certified/qualified to deliver IT training courses;
- a possible certification or confirmation following passing the training released by the institution (but not obligatory).

Likewise, it should also be noted that activity 85.59 may be confused with 62.02 "information technology consulting activities" or 62.09 "other information technology service activities". What distinguishes it, however, are: the existence of a program/training, gaining new knowledge, but also the profile of the provider, the lack of a result/delivery, the nature of the provider (educational profile).

**85.59 other forms of education  
n.e.c. limited to computer  
training**



**62.02 information technology  
consulting activities  
62.09 other information technology  
service activities**

▪ **Specific documentation**

Given that the eligible activity MITP 85.59 is limited to the field of computers, there may be cases when different training centers offer other courses, which are not eligible activities - they are not related to computers. In this regard, the whole contractual relationship has to be analyzed and the curricula of the

training courses have to be compared and the non computer-related courses and the income from them have to be excluded from the calculation of the 70% minimum.

As a result, the entity must monitor whether services classified to code 85.59 limited to computers, which is an eligible activity in the MITP, exceed 70% of sales revenue, and services related to non-eligible activities classified to general CAEM-2 code 85.59, which excludes computers, do not exceed 30% of sales revenue, in order to meet the basic criterion for maintaining resident status.

**85.59 other forms of education  
n.e.c. limited to computer  
training**



**85.59 other forms of education  
n.e.c.**

Moreover, the status of the course provider should be considered, specifically, whether the company qualifies as an IT school. This can be determined by reviewing its articles of incorporation, curricula, regulations, and internal policies.

▪ **Duties of the employees involved in this activity**

The employees trained to perform these services, usually hold the position of IT instructor/trainer. At the same time, if there are employees with educationally related but general functions (e.g., educational program manager, mentor, etc. (CORM 006-14), then there is a likelihood that such services may qualify under code 85.59, but without the limitation to computer training, which may call into question the eligibility of the activity.

**72.19 research and development in other natural sciences and engineering based on the use of specialized high performance computing equipment, limited to:**

- research and experimental development services in mathematics (72.19.11);
- research and experimental development services on computers and computer science (72.19.12);
- research and experimental development services on physics (72.19.13);
- research and experimental development services on nanotechnology (72.19.21.21);
- other research and experimental development services in engineering and technology, except biotechnology (72.19.29);
- research and experimental development services on original projects in natural sciences and engineering, except biotechnology (72.19.50).

➤ **General description**

Legal basis	Description
<b>Law no. 77/2016</b>	Establishes additional requirements: - the activity is based on the use of specialized high-performance computing equipment, - the activity is limited to certain CAEM-2 descriptions and CSPM rev. 2.1 codes only.
<b>CAEM-2</b>	The type of activity contains broader descriptions (details here).
<b>CSPM rev. 2.1</b>	Eligible services contain broader descriptions in CSPM rev.2.

	In the updated version of CSPM rev 2.1, statistical codes are provided for which differ from those provided for in Law 77/2016. In this sense, Law 77/2016 will be updated to the requirements of international classifiers (e.g. CPA). In the meantime, the eligible activity will be identified by the Correlation Table between the previous version of CSPM and the updated version of CSPM rev.2.1 (details here).
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➤ **Example**

**Case study:** A company plans to perform certain laboratory experiments that would involve testing a new type of multimode optical fiber, as well as experimental research and development services in expansion vessel engineering. Then, depending on the results, it will be decided whether to go into production. What would be the CAEM-2 code to be reported for the company's activity?

**Description:** As a first step to identify the eligibility of the activity, it is necessary to identify the specific activities, namely the company will pursue the following:

- laboratory experiments that would involve testing a new type of multimode optical fiber,
- experimental research and development services in expansion vessel engineering,
- optical fiber production,
- production of expansion vessels.

According to Law 77/2016, the general activity to be initially analyzed is 72.19 "research and development in other natural sciences and engineering". Consider, that from an eligibility perspective, it is to be based on the use of specialized high performance computing equipment. In this regard, in terms of classifiers the activities mentioned by the company can be attributed to the following codes:

- laboratory experiments for optical fiber testing - research and experimental development services in physics (72.19.13) or research and experimental development services in nanotechnology (72.19.21);
- research and experimental development services on expansion vessel engineering - other research and experimental development services in engineering and technology (72.19.29) or research and development services on original design in natural sciences and engineering
- manufacture of optical fiber - manufacture of optical fiber cables (27.31.31);
- manufacture of expansion vessels - most likely manufacture of other articles of metal n.e.c. (25.99)

**Conclusion:** Regarding the first 2 activities there are certain arguments that would support that they are eligible for deployment in MITP, however 2 important aspects, which are not clear from the description of the case, need to be clarified:

- whether the services are related to nanotechnology/engineering/natural sciences,
- the specialized high performance computing equipment used for these services.

Assigning services to the limited code 72.19 so that it is also an MITP eligible activity, follows the descriptions in CAEM-2 and CSPM rev 2.1, but also the provisions of Law 77/2016, which establishes additional requirements. Although, the acts mentioned do not expressly indicate, the main criteria of the activity 72.19 remains the mandatory use of "specialized high performance computing equipment" (denomination and HPC), or in the absence of this object the services are to be qualified as a simple research and development activity that is not eligible from the MITP perspective.

At the same time, it should be noted that there is no official definition or description of “specialized high-performance computing equipment.” However, such equipment clearly goes beyond a standard computer, which is the reference point in activity 85.59 “Other education.” High-performance computing (HPC) equipment is significantly more advanced in terms of software and functionality. For example, in research and development activities, certain processes—like DNA sequencing—are too complex to be handled by a single computer. HPC systems address this challenge by connecting multiple nodes (individual computers) to work together in clusters that can perform massive calculations in a short time..

Therefore, in the absence of additional details it is difficult to assess whether the activity described above is an eligible activity according to Law 77/2016. In this regard, the persons involved in the identification and analysis of eligibility should request additional information to ensure that the MITP criteria are fulfilled.

As for the other activities involving the production of vessels and fiber optics, these are not eligible activities in MITP, and in this regard the company shall aim to not exceed the quota of maximum 30% of sales revenues so as to meet the basic criterion for maintaining the resident status, the company having the right to not meet the monthly indicator of minimum 70% for 2 calendar months, provided that at the end of the year the minimum of 70% of sales revenues is still met.

If there is a risk that this indicator will be exceeded, the company has to decide either to continue to maintain its resident status, and therefore refuse some services/activities, or to restructure and separate the business by setting up a separate specialized entity.

➤ **Red flags**

▪ **Identification of the criteria and correct reporting of activity 72.19**

When identifying the eligible activity under code 72.19, the 3 normative acts, the requirements of Law 77/2016, CAEM-2 and CSPM rev.2.1, should be taken into consideration. From the perspective of the requirements of Law 77/2016, the main criteria of activity 72.19 remains the use of specialized high-performance computing equipment, in other words, services cannot be provided if this equipment, which is more advanced and complex in terms of software or functionalities, than a simple computer, is not available.

At the same time, any person can perform a simulation exercise on the eligibility of this activity and clarify the following points:

- whether the activities/services are part of the research and development process,
- the research and development is carried out in other natural sciences and engineering, with a focus on mathematics (72.19.11), computer and information sciences (72.19.12), physics (72.19.13), nanotechnology (72.19.21), engineering and technology, except biotechnology (72.19.29), natural sciences and engineering, except biotechnology (72.19.50)
- use of specialized high-performance computing equipment used in these services.

▪ **Duties of the employees involved in this activity**

Employees engaged in the execution of these services should, as a general rule, have research and development qualifications (Group 2152): computer scientist, computer scientist, computer scientist, electrophysics scientist, electronics scientist, computer scientist, computer scientist or microelectronics scientist, computer research engineer. Not to be confused with mathematician, physicist or engineer.

**72.11 Research and development on biotechnology, limited to:**

- **experimental research and experimental development in bioinformatics: database construction in geonomics, protein ordination, complex biological modeling processes, including biological systems;**

- experimental research and development in nanobiotechnology: nano/microfabrication tools and processes used in the construction of devices for the study of biosystems and applications in medication, diagnostics, etc.

➤ **General description**

Legal basis	Description
Law no. 77/2016	Limited to certain subactivities of CAEM-2 and CSPM rev. 2.1.
CAEM-2	The type of activity contains broader descriptions (details here)
CSPM rev. 2.1	Eligible services included contain broader descriptions in CSPM rev.2 (details here)

➤ **Red flags**

▪ **Identification of the criteria and correct reporting of activity 72.19**

When identifying the eligible activity under code 72.11, three regulatory documents must be considered: the requirements of Law No. 77/2016, CAEM-2, and CSPM rev. 2.1. From the perspective of Law No. 77/2016, the main criterion for activity 72.11 is the limitation to two subactivities.

At the same time, any person can run a simulation exercise to simulate the eligibility of this activity and clarify the following points:

- whether the activities/services are part of the research and development process,
- research and development is carried out only in biotechnology, biotechnology being a biologically based science whose aim is the technical use of micro-organisms or products derived from them, plant and animal cell cultures for the production of substances useful in agriculture, food, pharmaceutical and pharmaceutical industries.
- Research and development in biotechnology is limited to bioinformatics and nanobiotechnology.

▪ **Duties of the employees involved in this activity**

Employees involved in providing these services should generally have qualifications in the field of research and development (Group 2152): scientific researcher in computers, scientific researcher in electro physics, scientific researcher in electronics, scientific researcher in computer science, or scientific researcher in microelectronics, research engineer in computers. These roles should not be confused with the role of mathematician, physicist, or engineer.

**26.11 manufacture of electronic components (modules) limited to:**

- manufacture of microprocessors;
- manufacture of integrated circuits (analog, digital or hybrid).

➤ **General description**

Legal basis	Description
Law no. 77/2016	Limited to certain subactivities of CAEM-2 and CSPM rev. 2.1.
CAEM-2	This class includes manufacture of semiconductors and other components for electronic installation. The class has broader descriptions (details here)
CSPM rev. 2.1	Electronic components. The activity contains broader descriptions (details here)

➤ **Example**

**Case study:** A company is going to manufacture computer screens and LED TV. To this regard, it examines the feasibility of obtaining MITP resident status. Is the activity eligible under MITP requirements?

**Description:** When identifying the eligible activity under code 26.11 the 3 normative acts - the requirements of Law 77/2016, CAEM-2 and CSPM rev.2.1 - are to be taken into consideration. From the perspective of the requirements of Law 77/2016 the activity is limited only to the manufacture of microprocessors and integrated circuits (analog, digital or hybrid).

At the same time, according to CAEM-2, the manufacture of computer and television screens is excluded from class 26.11 and is classified under 26.20 (Manufacture of computers and peripheral equipment) or 26.40 (Manufacture of consumer electronics).

**Conclusion:** The activity intended to be carried out by the company is not an MITP-eligible activity, even if the screen or TV has or may have electronic components included, therefore the company will not be able to acquire MITP resident status. However, if the company will engage in other eligible activities, while keeping the share of revenue from the manufacture of computer monitors below 30%, it could be considered for residency.

➤ **Red flags**

▪ **Identification of the criteria and correct reporting of activity 26.11**

When identifying the eligible activity under code 26.11, the 3 normative acts - the requirements of Law 77/2016, CAEM-2 and CSPM rev.2.1 - are to be taken into consideration. From the perspective of the requirements of Law 77/2016, the main criterion of activity 26.11 is the limitation to the manufacture of microprocessors and integrated circuits (analog, digital or hybrid).

At the same time, any person can run a simulation exercise to simulate the eligibility of this activity and clarify the following aspects:

- what the manufacturing process involves, is there equipment, location, space to manufacture electronic components;
- where is the raw material for manufacturing the components purchased, and whether the finished product is handled and formed into a new shape (other than the raw material);
- electronic components are only microprocessors and integrated circuits, components that are used in other equipment.

Given that activity 26.11 includes both MITP-eligible and non-eligible services, it is recommended to separate services into distinct types of activities. Therefore, there is a need for accurate and careful documentation of economic transactions from contracting to payment collection. The correct construction of the contractual relationship underpins the qualification of the services rendered by types of eligible and ineligible activities. For details see Section 4.

**59.12 post-production activities for cinema, video, and television programs, based on the use of high-performance specialized computing equipment, limited to:**

- **services for creating special effects (59.12.14);**
- **services for creating animated films (59.12.15).**

➤ **General description**

Legal basis	Description
Law no. 77/2016	Establishes additional requirements: <ul style="list-style-type: none"> <li>- the activity is based on the use of specialized high-performance computing equipment,</li> <li>- the activity is limited to certain CAEM-2 descriptions and CSPM rev. 2.1 codes only</li> </ul>

<b>CAEM-2</b>	This class includes post-production activities such as: editing, transfers from film to tape, titling, graphic subtitling produced on a computer, animation and special effects, developing and processing cinematographic films. It also includes the activities of film laboratories and the special laboratories for animated films. The type of activity contains broader descriptions (details here).
<b>CSPM rev. 2.1</b>	<p>The eligible services included contain broader descriptions in CSPM rev.2. In the updated version of CSPM rev. 2.1, the statistical codes have been renamed, with references differing from those provided in Law No. 77/2016, namely:</p> <ul style="list-style-type: none"> <li>• 59.12.14 Services related to optical effects</li> <li>• 59.12.15 Animation services</li> </ul> <p>In this regard, Law No. 77/2016 will be updated to the requirements of the international classifiers (e.g. CPA). In the meantime, the eligible activity will be identified by the correspondence table between the CSPM previous version and the CSPM rev.2.1. updated version (details here).</p>

➤ **Example**

**Case study:** The company is a digital marketing agency and provides social media marketing (SMM) services. Are social media marketing services eligible for MITP?

**Description:** From the start, the case is not clear enough to evaluate which services are included in the SMM, in this context the company is going to go through the suggestions for the accumulation of descriptions mentioned in Section 3, to detail and describe the activities provided.

However, according to general information, SMM consists of using social networks to promote a product, service, or brand. It involves creating and posting content on platforms, as well as interacting with customers to build relationships and stimulate sales. In this sense, in an abstract manner, we will assign certain activities that would fall under SMM services, which will be categorized into distinct types of activities:

- marketing strategy development - would qualify under code 73.11 "activities of advertising agencies" (MITP not eligible activity);
- photo services - would qualify under code 74.20 "photographic activities" (MITP not eligible activity);
- video services - would qualify under code 59.11 "Motion picture, video and television program production activities (eligible activity under certain conditions and specifications);
- graphic design services for post and content - would qualify under code 74.10 "specialized design activities" provided they are based on the use of specialized high-performance computing equipment (eligible activity);
- services of making and creating animation films - would qualify under code 59.12.15 "services of obtaining animation films" (eligible activity);
- SEO services, implementation of SEO techniques to improve the visibility of posts on social networks - would qualify depending on complexity, technical part and other criteria under codes 62.01 "custom software development activities" (if involving elements of writing (programming), modifying, testing and support of applications, databases, web pages, etc.) or 63.11 "data processing, web page management and related activities", 63.12 "web portal activities", etc. (eligible activities, for details see details under the respective sections);
- music recordings transformed into digital formats - would be classified under code 59.20.13 "digital color correction and reconditioning services (previous version of CSPM)/Sound recording masters (CSPM rev.2.1.)".

**Conclusion:** According to the above descriptions and correlating them with the provisions of the classifiers it can be noted that there are activities that are eligible for MITP and are in accordance with MITP residency, but there are activities that are not eligible.

In this context, it is recommended to separate the services provided into distinct types of activities and to calculate the share of eligible activities in the total sales revenue. If this share exceeds 70%, then the company will meet the residency conditions. Furthermore, it is recommended to clearly differentiate the services provided within the scope of SMM (social media marketing) service contracts and to maintain this distinction throughout the entire documentation process, from contracting to payment: invoice, tax invoice, invoice breakdown, job descriptions of involved employees, confirmation letters from clients, service delivery report and/or other documents, as necessary.

➤ **Red flags**

▪ **Identification of the criteria and correct reporting of activity 59.12**

When identifying eligible activity under code 59.12, three regulatory acts must be considered – the requirements of Law No. 77/2016, CAEM-2, and CSPM rev. 2.1. From the perspective of Law No. 77/2016, the main criterion for activity 59.12 is the use of high-performance specialized computing equipment (HTC). In other words, the services cannot be provided without such equipment, which is more advanced and complex, referring to the practice of aggregating computing power to achieve significantly higher processing capacity than that of traditional computers and servers, or a standard desktop computer.

Additionally, Law No. 77/2016 establishes requirements limited to only two sub-activities:

- special effects services (according to the previous version of the CSPM) / optical effects services (according to CSPM rev. 2.1),
- services related to optical effects (according to the previous version of the CSPM) / animation services (according to CSPM rev. 2.1).

At the same time, any person may run a simulation exercise on the eligibility of this activity and clarify the following points:

- if the activities/services relate to film, video and television program post-production activities,
- the specialized high-performance computing equipment used in the process,
- if the services are limited to: (i) special effects services/services relating to optical effects, and/or (ii) motion picture services/animation services

At the same time, film post-production services should be considered as simple video recording services (e.g. videotaping at different events and subsequent editing), which do not meet the above conditions, are not eligible activities, and therefore to be excluded from the 70% amount check for identifying residency status. In this context, it is recommended to divide the services provided into distinct types of activities and to calculate the share of eligible activities in total sales revenues.

**59.12 Cinematographic, video, and television post-production activities based on the use of high-performance specialized computing equipment, limited to:**

- special effects production services (59.12.14);
- animation film production services (59.12.15)



**59.12 Post-production activities for motion pictures, video, and television programmes**

- **Documentation**

Since Activity 59.12 includes both MITP-eligible services as well as services that are not eligible, it is recommended to delimit the services into distinct types of activities (e.g. video recording and editing are not MITP-eligible activities, but if the video footage is manipulated and modified with the introduction of special effects, only these activities/inputs will be considered eligible).

Therefore, it is necessary to document accurately and carefully the economic operations, from contracting to collection, even separating the object and price in the contract by different subtypes of services: video recording and special effects services, being calculated the proportion of at least 70% of revenue.

Proper structuring of the contractual relationship is essential for classifying the provided services into eligible and non-eligible activity types. For more details, see Section 3.

- **Duties of the employees involved in this activity**

Employees trained in providing these services typically hold positions from the following main groups: 3521 Technicians in broadcasting and television (main group 2513), web and multimedia systems designers (main group 2166), and graphic and multimedia designers.

**59.12. Employees trained in providing these services typically hold positions from the following main groups: 3521 Technicians in broadcasting and television (main group 2513), web and multimedia systems designers (main group 2166), and graphic and multimedia designers.**

➤ **General description**

<b>Legal basis</b>	<b>Description</b>
<b>Law no. 77/2016</b>	Establishes additional requirements: - activity is restricted to the computer games industry only, - the activity is limited to certain CAEM-2 descriptions and CSPM rev. 2.1 codes only.
<b>CAEM-2</b>	This class includes post-production activities such as editing, film-to-tape transfers, titling, computer-generated graphic subtitling, animation and special effects, film developing and processing. It also includes the activities of motion picture film laboratories and specialized laboratories for animated films. This type of activity includes broader descriptions (details here).
<b>CSPM rev. 2.1</b>	The eligible services included contain broader descriptions in CSPM rev.2. In the updated version CSPM rev.2.1, the statistical codes have been renamed, with references differing from those provided in Law No. 77/2016, specifically: <ul style="list-style-type: none"> <li>• 59.12.13 Color correction and digital restoration services</li> <li>• 59.12.17 Audio editing and design services</li> </ul> In this regard, Law No. 77/2016 should be updated to align with the requirements of international classification systems (e.g., CPA). Meanwhile, the eligible activity is to be identified based on the Correspondence Table between the previous version of CSPM and the updated CSPM rev.2.1 (see details here).

➤ **Example**

**Case study:** A company performs post-production activities, which includes video editing (cutting and editing of footage), creation and integration of special effects (fire effects, explosion, magic), as well as, audio mixing

and mastering (adjusting and balancing sounds (music, dialog, sound effects), making sure that all sounds are correctly synchronized and balanced with each other). The company provides services for different types of audiovisual productions (films, music videos, TV programs), as well as animation, subtitling, and video editing for a wide range of projects. Is it eligible to be a MITP resident under activity 59.12 established by Law 77/2016?

**Description:** From the perspective of the requirements of Law 77/2016 activity 59.12 is limited to certain subcategories and special conditions, namely:

1. Post-production activities for motion pictures, video, and television programmes based on the use of high-performance specialized computing equipment, limited to:
  - special effects production services (59.12.14);
  - animation film production services (59.12.15).
2. Post-production activities for motion pictures, video, and television programmes, exclusively for the video game industry, limited to the following services:
  - color correction and digital restoration services (59.12.13);
  - sound editing and design services (59.12.17);

From a CAEM-2 perspective, code 59.12 is a general code for audiovisual post-production activities, which also includes post-production for motion picture, video and television activities. In this context, the activities carried out by the company fall within this class.

By analyzing the two eligible activities within the MITP and their specific conditions, it is highlighted that one of them is restricted to the video game industry. In this regard, within the context of this case, the company is not eligible for MITP residency, as its post-production activities are not intended for the video game industry (59.12.13, 59.12.17).

At the same time, the company has to analyze whether it meets the requirements set out in 59.12.14 and 59.12.15, i.e. whether it provides special effects and animation services. An essential condition for these activities is the use of specialized high-performance computing equipment.

**Conclusion:** The company does not meet the eligibility conditions for MITP residency (59.12.13, 59.12.17) because its activity is not carried out for the video game industry.

At the same time, it is not certain whether the company fulfills the conditions for sub-activities 59.12.14 and 59.12.15, as there is missing information which has to be additionally requested from the company and confirmed by documentary evidence:

- whether the services are intended exclusively for the computer games industry,
- whether the production (films, music videos, TV programs) includes special effects and animation (in particular fire effects, explosions, magic),
- and, most importantly, what is the proportion of these special effects in relation to the entire video production (e.g. if we have a video clip and it includes only 2 special effects, this represents a clearly disproportionate share in terms of revenue).

In this regard, if it is determined that the company meets certain eligibility criteria with respect to its activities, an important aspect that needs to be clarified is the amount of income generated from these activities, the separation of income into eligible and non-eligible categories, and the supporting documentation.

➤ **Red flags**

- **Identification of the criteria and correct reporting of activity 59.12**

When identifying the eligible activity under code 59.12, three normative acts - the requirements of Law 77/2016, CAEM-2 and CSPM rev.2.1 - should be taken into account. From the perspective of the requirements of Law 77/2016, the main criteria of activity 59.12 is the exclusive applicability to the computer games industry.

In addition, Law 77/2016 establishes requirements limited to only 2 sub-activities:

- digital color grading and digital color remastering services (previous CSPM version)/ Digital color grading and digital color remastering services (according to CSPM rev.2.1).
- sound editing and design services (previous version CSPM)/ audio editing and design services (according to CSPM rev.2.1).

At the same time, any person may run a simulation exercise on the eligibility of this activity and clarify the following points:

- whether the activities/services relate to film, video and television program post-production activities,
- the services are exclusively for the computer games industry,
- whether the services are limited to: (i) digital color correction and remastering services/digital color correction and remastering services, and/or (ii) sound editing and design services/audio editing and design services.

At the same time, it should be considered that cinematographic post-production services, such as video services that do not meet the above conditions, are not eligible activities and, therefore, should be excluded from the 70% revenue threshold calculation for determining compliance with the residency status. In this context, it is recommended to separate the provided services into distinct activity types and calculate the proportion of eligible activities in total sales revenue.

**59.12 Post-production activities for motion pictures, video, and television programmes, based on the use of high-performance specialized computing equipment, limited to:**  
 – color correction and digital restoration services(59.12.13);  
 – sound editing and design services(59.12.17).



**59.12 Post-production activities for motion pictures, video, and television programmes**

- **Documentation and employee duties** - consider the aspects mentioned in the description of activity 59.12 above.

**59.20 sound recording and music editing activities, exclusively for the computer games industry, limited to original sound recordings**

➤ **General description**

Legal basis	Description
<b>Law no. 77/2016</b>	Establishes additional requirements: - Activity is restricted to the computer games industry only, - The activity is restricted to certain CAEM-2 descriptions and CSPM rev. 2.1 codes only
<b>CAEM-2</b>	The type of activity contains broader descriptions (details here).
<b>CSPM rev. 2.1</b>	Limitation to original sound recordings (59.20.13)

	<p>Included eligible services contain broader descriptions in CSPM rev.2.</p> <p>In the updated CSPM rev 2.1 the statistical codes have been renamed, references that differ from those in Act 77/2016, namely 59.20.13 Matrices of sound recordings, a class that includes original sound, text and music recordings transformed into digital or analog formats.</p> <p>In this regard, Law 77/2016 is to be updated to the requirements of the international classifiers (e.g. CPA). Also, in the meantime, the eligible activity is to be identified by the correlation table between the CSPM previous version and the CSPM rev.2.1. updated version (details here).</p>
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➤ **Example**

**Case study:** A company provides services of audio recording of songs (original sound recordings), including their music editing. Is the activity eligible under the MITP requirements?

**Description:** Although the described activity meets the description of statistical classifiers, from the perspective of the requirements of Law 77/2016 the activity does not refer to the computer games industry.

**Conclusion:** The intended activity to be carried out by the company is not an MITP eligible activity, therefore the company will not be able to obtain MITP resident status. However, if the company will be conducting activities exclusively for the computer game industry, it could be considered for resident status.

➤ **Red flags**

▪ **Identification of the criteria and correct reporting of activity 59.20**

When identifying the eligible activity under code 59.20 three normative acts - the requirements of Law 77/2016, CAEM-2 and CSPM rev.2.1 - are to be taken into consideration. From the perspective of the requirements of Law 77/2016 the main criterion of activity 59.12 is the applicability exclusively to the computer games industry.

Additionally, Law 77/2016 sets requirements limited to only one subactivity - original sound recordings (previous CSPM version)/ color correction and digital remastering services (according to CSPM rev.2.1) and sound recording masters (according to CSPM rev.2.1).

At the same time, any person may run a simulation exercise to simulate the eligibility of this activity and clarify the following points:

- whether the activities/services are related to the activities of making audio recordings and music publishing activities,
- the services are exclusively for the computer games industry.

At the same time, it should be considered that cinematographic post-production services, such as video services that do not meet the above conditions, are not eligible activities and, therefore, should be excluded from the 70% revenue threshold calculation for determining compliance with the residency status. In this context, it is recommended to separate the provided services, into distinct activity types and calculate the proportion of eligible activities in total sales revenue.

**59.20 activities of sound recording and music editing, exclusively for the video game industry, limited to original sound recordings**



**59.20 sound recording and music editing activities**

- **Documentation and employee duties** - consider the aspects mentioned in the description of activity 59.12 above.

## 74.10 Specialized design activities based on the use of high-performance specialized computing equipment

### ➤ General description

Legal basis	Description
<b>Law no. 77/2016</b>	It establishes additional requirements – the activity must be based on the use of high-performance specialized computing equipment.
<b>CAEM-2</b>	Details here
<b>CSPM rev. 2.1</b>	Details here

### ➤ Example

**Case study:** A company intends to provide services for the development of models for 3D printing. Is this activity eligible from the perspective of MITP requirements?

**Description:** From the perspective of the requirements set by Law No. 77/2016, the activity is limited by the use of high-performance specialized computing equipment (HPC). As previously mentioned, there is no precise definition or description of “high-performance specialized computing equipment” other than the fact that it involves the aggregation of computing power.

At the same time, the development of 3D models for printing represents the process of creating three-dimensional (3D) digital representations of objects that are to be produced using a 3D printer. This process involves the use of 3D modeling software to construct virtual models, which are then converted into a specific format required for 3D printing — most commonly the STL (Stereolithography) file format.

3D modeling involves the use of software such as Blender, Tinkercad, Fusion 360, or SolidWorks to design object geometry. These programs require the use of advanced computing systems designed to perform complex and intensive tasks in terms of computing power, speed, and processing capacity — i.e., high-performance specialized computing equipment.

Furthermore, subclass 74.10.19 “other specialized design services” includes services related to the **creation of three-dimensional models**.

**Conclusion:** The activity intended to be performed by the company is an eligible MITP activity and is classified under 74.10, therefore the company will be able to become MITP resident. However, the eligibility condition will only be met if the entity will use specialized high performance computing equipment.

### ➤ Red flags

- **Identification of the criteria and correct reporting of activity 74.10**

When identifying the eligible activity under code 74.10, three normative acts - the requirements of Law 77/2016, CAEM-2 and CSPM rev.2.1 should be taken into consideration.

From the perspective of the requirements of Law 77/2016, the main criterion of activity 72.19 remains the use of specialized high-performance computing equipment, i.e. services cannot be rendered if this equipment, which is more advanced and complex in terms of software or functionalities than a simple computer, is not available.

At the same time, any person can run a simulation exercise on the eligibility of this activity and clarify the following aspects:

- whether the activities/services represent specialized design activities,
- the use of specialized high performance computing equipment used for these services.

**74.10 specialized design activities based on the use of specialized high-performance computing equipment**



**71.11 architectural activities**  
**71.12 engineering and technical consultancy activities**  
**71.20 technical testing and analysis**

▪ **Duties of the employees involved in this activity**

The employees trained to provide these services are usually designers, audio/video designers, jewelry designers, interior designers, floral designers, graphic designers, industrial designers, user interface designers, user interface designers, computer game designers, digital media designers, mobile designers, landscape designers, product designers, fashion designers, web designers, project managers, etc.

**82.20 activities of call centers, based on technology/customer communication channel (contact center), provided exclusively for export, including activities provided in customer relations in the process of supply and logistics in freight transport**

➤ **General description**

Legal basis	Description
<b>Law no. 77/2016</b>	Establish additional requirements: -the activity is technology-based/customer communication channel (contact center), - provided exclusively for export. In addition, a clarification is included that activities provided in customer relations in the supply chain and freight forwarding logistics are also eligible.
<b>CAEM-2</b>	Details here
<b>CSPM rev. 2.1</b>	Details here

➤ **Example**

**Case study:** The MITP resident is engaged to provide call-center services in order to provide informational support to the diaspora, persons originating from Romania and the Republic of Moldova, on how to recover taxes, complete tax returns and informational support in obtaining work permits. Is there any risk for the MITP resident when performing the annual verification?

**Description:** When identifying the eligible activity under code 82.20, three normative acts - the requirements of Law 77/2016, CAEM-2 and CSPM rev.2.1 - should be taken into consideration. At the same time, the information included in the case is not clear enough to evaluate the eligibility of activity 82.20.

As a first step to identify the eligibility of the activity it is necessary to clarify the following aspects:

- whether services are provided through any customer communication tool/technology/channel (contact center),
- the provider has a dedicated contact center to handle the calls,
- whether the services are provided exclusively for export (who are the recipients, their country of origin and the place of service),
- type of calls handled - calls will be directed outward (making calls) or inward (receiving calls),
- what information will be provided about the customer's products/services,
- the persons/employees involved in the provision of the services concerned.

Moreover, it should be paid attention to the description of the services mentioned in the present case "tax recovery, tax returns fulfillment and information support in obtaining work permits". In this regard, according to CAEM-2, the services in question could be reported under the following statistical codes, without taking into account the non-fulfilment of other criteria:

- tax recovery – could be classified under activity 69.20 "accounting and auditing activities; tax consultancy", specifically as tax preparation and consultancy services for individuals;
- completion of tax declarations – could also be classified under 69.20 "accounting and auditing activities; tax consultancy", which, according to CSPM rev.2.1, is further detailed as tax preparation and consultancy services for individuals;
- informational support for obtaining work permits – could be classified under activity 69.10 "legal activities", specifically as legal consultancy and representation services in labor law proceedings.

**Conclusion:** The activity outlined in the case cannot be considered eligible, neither by its nature, as it is essentially tax consultancy. Moreover, it does not meet the additional conditions established by Law No. 77/2016.

Under certain conditions, the services provided could meet the mandatory elements associated with the activities of telephone intermediary centers, as follows:

- represent activities of telephone intermediary centers directed both inward and outward (will direct calls to and from users);
- receive orders (collecting the necessary information for tax refund processes related to salary-paid taxes);
- provide information on products (details about the tax refund process, required documents, procedures and deadlines, relevant legislative updates, technical support);
- handle customer assistance requests (providing general information about tax recovery services, required documents, and terms and conditions of the services);
- receive customer complaints (receiving and registering complaints).

➤ **Red flags**

- **Identification of the criteria and accurate reporting of activity 82.20**

When identifying the eligible activity under code 82.20, three regulatory acts must be taken into account: the requirements of Law 77/2016, CAEM-2, and CSPM rev. 2.1. From the perspective of the classification systems, broken down by criteria, activity 82.20 can be described as follows:

- inbound customer calls that are limited to receiving orders and providing product information

on behalf of the clients;

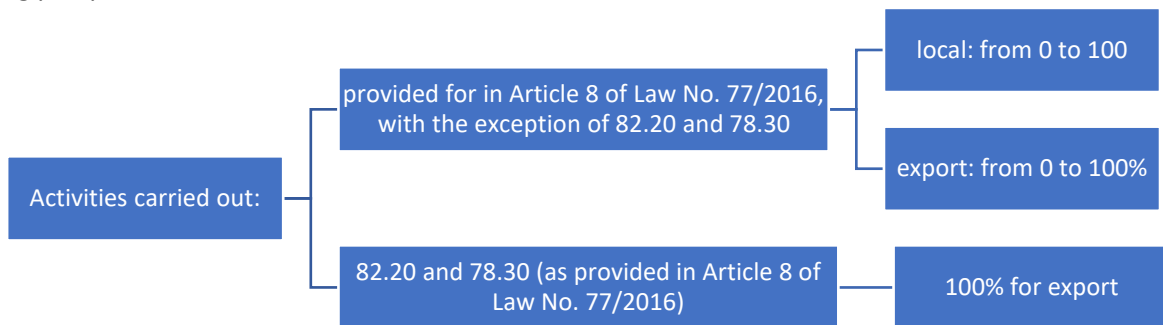
- inbound calls that are limited to providing customer support or handling complaints on behalf of clients;
- outbound calls aimed at selling goods and services on behalf of clients to potential customers, provided that an order is received.

In addition to the above, the activity must also meet the following requirements:

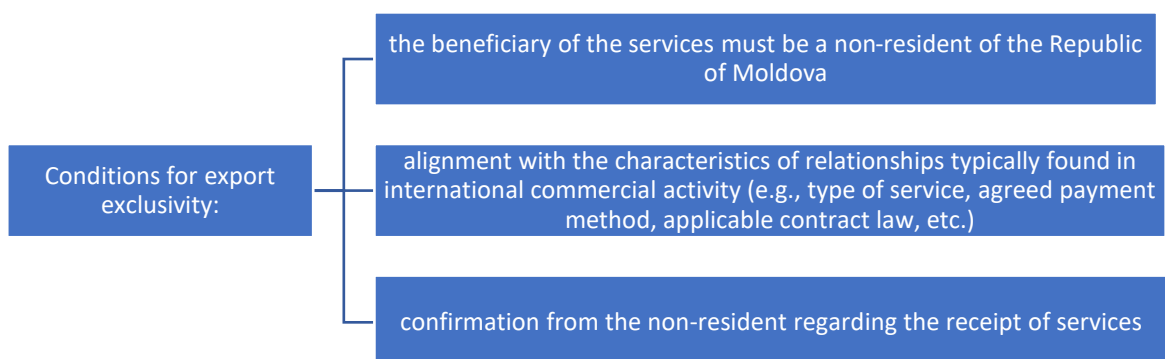
- it must be based on client communication technology/channels (contact center);
- it must be provided exclusively for export.

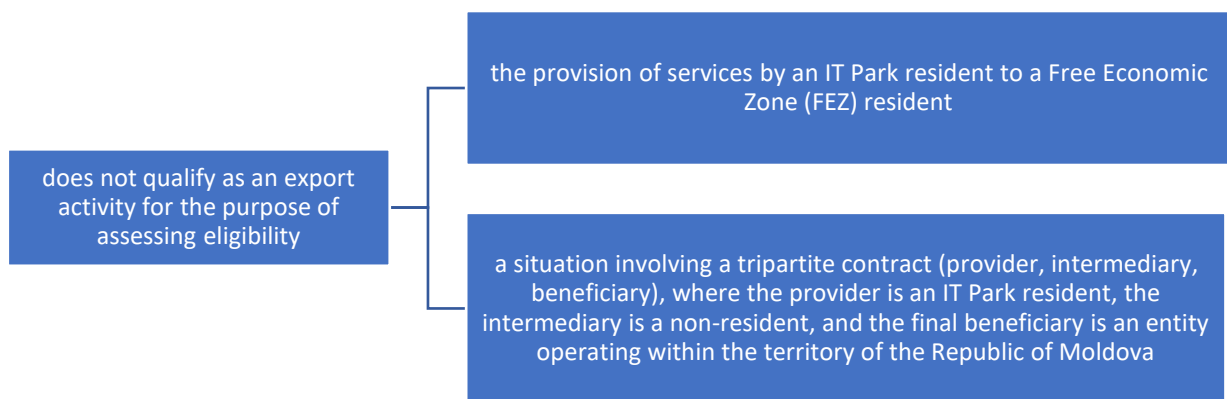
Both Law 77/2016 and the mentioned classification systems do not define or describe what constitutes a “client communication technology/channel (contact center).” In this context, any tool that enables communication with a client may be considered, but the communication must necessarily be conducted via telephone calls. Communication limited to email or messaging does not meet the condition of “carrying out calls.”

It is important to note that Law 77/2016 imposes the export exclusivity requirement for only two types of activity: 82.20 and 78.30. The assessment of the “exclusively for export” condition must be analyzed from the following perspective:



For the purpose of identifying and validating the services provided by the MITP resident for export, the following key aspects may be considered and analyzed (there is no obligation to apply them simultaneously):





As a specification, the legislator expressly stated that activity 82.20 specifically refers to services involving the use of telephone intermediary centers in client relations within the supply and logistics processes of freight transportation.

At the same time, any person may conduct a self-assessment exercise to determine the eligibility of this activity by clarifying the following aspects:

- the services/activity performed involves making and receiving calls, with further details such as:
    - the type of calls handled by the company – whether the calls are outbound (the company makes calls) or inbound (the company receives calls), along with other relevant descriptive details of this activity;
    - what type of orders will be received via calls, and any other relevant descriptive details of this activity;
    - what information will be provided regarding the client's products/services, the purpose of providing this information, and other relevant descriptive details of this activity;
  - what client assistance requests or complaint handling will consist of, and other relevant descriptive details of this activity
  - what technology or communication channel is used to interact with clients (e.g., contact center systems)
  - whether the activity is exclusively export-oriented, and whether calls will also be made to clients located in the Republic of Moldova.
- **Positions held by employees involved in the performance of this activity**

Employees engaged in providing these services generally hold positions such as call center operator, customer relations officer, or client support agent in information centers, and similar roles.

**78.30 – Other human resources provision services, delivered through computers, other electronic devices, or technical and software means, exclusively for export, limited to:**

- human resources provision services in the field of information technology and telecommunications (78.30.11);
- human resources provision services for other categories of personnel in the administrative sector (78.30.12);
- human resources provision services for staff involved in procurement, logistics, and customer relations in freight transport.

➤ **General Description**

Legal basis	Description
<b>Law no. 77/2016</b>	It sets additional requirements: - the activity must be carried out through computers, other electronic devices, or technical and software means, - the services must be provided exclusively for export. - the activity is limited only to specific descriptions under CAEM-2 and CSPM codes, rev. 2.1.
<b>CAEM-2</b>	The activity type contains broader descriptions (details here)
<b>CSPM rev. 2.1</b>	The eligible services listed include broader descriptions in CSPM rev. 2 (details here).

➤ **Examples**

**Case:** The entity has signed a contract with a non-resident client, which includes the provider’s obligation to supply highly qualified personnel (programmers), with the work to be carried out remotely from the Republic of Moldova.

Do the services provided by the entity qualify as eligible activities?

**Description:** According to the provisions of CSPM rev. 2.1, code 78.30.11 refers to other human resources provision services in the field of information technology and telecommunications. This elementary subclass includes temporary staffing services for the provision of personnel in IT and telecommunications fields, such as staff for software development, data processing, IT and telecom systems operations, etc.

**In this context, it is necessary to address the following key questions:**

No.	Question	Answer
1.	Are the services provided through computers, other electronic devices, or technical and software means?	Yes, the services are provided remotely using computers and internal team communication applications such as Slack, Trello, and Jira – which represent technical means of communication.
2.	Are the services provided exclusively for export?	Yes, based on the fact that the entity’s client is a non-resident legal person.
3.	Do programmers qualify as human resources in the field of information technology and telecommunications?	According to the Classification of Occupations of the Republic of Moldova, the position of Programmer is listed under code 251207, which falls within Major Group 2512 – Software Developers. These professionals research, analyze, and evaluate requirements for existing or new software applications and operating systems; they design, develop, test, and maintain software solutions to meet these requirements. Their main responsibilities include conducting research, designing and developing software systems, testing applications, writing code and preparing documentation, as well as drafting maintenance procedures for operating systems and software applications.

➤ **Conclusion:** When identifying eligible activities, the requirements of three legal instruments must be taken into account: Law No. 77/2016, the CAEM-2 classification, and CSPM rev. 2.1.

At the same time, for this specific type of activity, it is necessary to ensure alignment with the Classification of Occupations of the Republic of Moldova, approved by Order No. 11 of 12.11.2021 issued by the Ministry of Labour and Social Protection.

- From the perspective of the Classification of Occupations of the Republic of Moldova, programmers are considered human resources in the field of information technology and telecommunications; therefore, the services provided by the supplying entity are eligible.

**Case:** The entity has signed a contract with a non-resident client (a packaging manufacturing company), which provides for the supplier's obligation to assign operator(s) to handle invoicing services within the client's accounting department. The work is to be carried out remotely, through IP telephony and the client's software systems. Do the services provided by the entity qualify as eligible activities?

**Description:** According to the provisions of CSPM rev. 2.1, code 78.30.12 refers to other human resources provision services for other categories of personnel in the administrative sector. This elementary subclass includes management and recruitment services for the provision of office staff, such as secretaries, clerks, accountants, typists, etc.

**In this context, it is necessary to answer the following key questions:**

No.	Question	Answer
1.	Are the services provided through computers, other electronic devices, or technical and software means?	Yes, the services are performed remotely using a computer, IP telephony, and the non-resident client's software systems, which constitute technical means of communication.
2.	Are the services provided exclusively for export?	Yes, based on the fact that the entity's client is a non-resident legal entity.
3.	Are billing operators administrative staff for the customer?	According to the Classification of Occupations in the Republic of Moldova, billing operators are assigned code 431106 and belong to the basic group 4311 Clerks in accounting and financial services. Therefore, for the non-resident client—a factory that manufactures packaging—billing operators fall into the category of administrative staff. Furthermore, the accounting department of a manufacturing factory is part of the entity's administration.

**Conclusion:** When identifying eligible activities, three legal instruments must be considered: the requirements of Law No. 77/2016, the CAEM-2 classification, and CSPM rev. 2.1.

At the same time, for this specific type of activity, alignment with the Classification of Occupations of the Republic of Moldova, approved by Order No. 11 of 12.11.2021 issued by the Ministry of Labour and Social Protection, is required.

From the perspective of the Classification of Occupations of the Republic of Moldova, invoicing operators are part of the administrative personnel category. Therefore, the services provided by the supplier entity are considered eligible.

➤ **Red flags**

- **Identification of the criteria and correct reporting of activity 78.30**

When identifying the eligible activity under code 78.30, three legal instruments must be taken into account: the requirements of Law No. 77/2016, CAEM-2, and CSPM rev. 2.1.

From the perspective of the classifications, and based on specific criteria, activity 78.30 includes three sub-activities:

- human resources provision services in the field of information technology and telecommunications (78.30.11);
- human resources provision services for other categories of personnel in the administrative sector (78.30.12);
- human resources provision services for personnel involved in procurement, logistics, and client relations in freight transport.

In addition to the above, the following requirements are established for the activity:

- the activity must be carried out through computers, other electronic devices, or technical and software means,
- it must be provided exclusively for export.

Neither Law No. 77/2016 nor the aforementioned classifications provide a detailed explanation or description of what constitutes “other electronic devices or technical and software means.” In this regard, electronic devices and technical and software means cover a wide range of equipment and technologies used for various activities, from data processing and automation to entertainment and education, such as: computers and laptops, smartphones and tablets, IoT (Internet of Things) devices, etc.

Likewise, for this activity, the condition of being “exclusively for export” must be assessed. For more details, please refer to the descriptions included under activity 82.20.

Thus, any person may conduct a self-assessment exercise to determine the eligibility of this activity by clarifying the following aspects:

- the method of documenting the employment relationship between the supplier’s employees and the client – who bears responsibility for these employees, how hiring, recruitment, reporting, supervision, or direct management are documented, etc,
- the roles/functions of the employees provided under the manpower supply service,
- the services performed by the supplier’s employees involved in the activity,
- whether the services provided by the employees fall within the ITC sector, the administrative sector, or represent personnel involved in procurement, logistics, and customer relations in freight transport,
- the duration of the manpower supply service,
- whether the activity is carried out using computers, other electronic devices, or technical and software means, and what these are / which category they fall under,
- whether the activity is carried out exclusively for export.

As a specification, the legislator explicitly stated that activity 78.30 includes services involving the use of telephone intermediary centers provided in customer relations during procurement and logistics processes in freight transport.

If the resident performs multiple types of activities listed under Article 8 of the Law, including 82.20 and 78.30, their main activity shall be determined based on the types of services carried out for the local or foreign market (at least 70% of sales revenue, according to Article 2 of the Law). However, for activities under codes 82.20 and 78.30, the sales revenue considered to be generated from the main activity must be 100% derived from service exports.

Case: For an entity engaged in software development (code 62.01 from Article 8 of the Law), the sales revenue considered for determining the main activity may include both export sales (55% of total sales revenue) and local sales (15% of total sales revenue) — adding up to 70% of the total sales revenue. In this situation, the entity in question complies with the provisions of the Law.

For an entity carrying out call center activities (code 82.20 from Article 8 of the Law) alongside other activities not listed in Article 8, it will be considered eligible only if the revenue from call center services is 100% export-oriented and represents at least 70% of the entity's total sales revenue.

- **The functions/positions of the employees involved in delivering this activity**

Employees engaged in providing these services generally hold positions within Group 24 – Administrative and Commercial Professionals, such as accountants, financial and investment specialists and consultants, or human resources and personnel specialists. Additionally, this category includes positions in information and communication technology, classified under Group 25 – ICT Professionals.

## 6. Consequences of misclassifying the conducted activities

The services provided and the activities carried out by the entity require an accurate understanding and a substance-over-form analysis to ensure correct classification and reporting. If the activities performed are mistakenly qualified as eligible, this may affect the 70% sales revenue condition, thereby breaching the core requirement for applying the tax incentives under the special taxation regime.

According to Article 15(5) of Law No. 77/2016 and Article 378(1) of the Fiscal Code, if residents fail to meet the conditions for benefiting from tax incentives, their obligations to the national public budget will be recalculated under the general taxation regime, starting from the fiscal period (month) in which the breach occurred.

In practice, failure to comply with these conditions may result in:

- payment of taxes under the standard regime, along with applicable fines and penalties;
- significant effort and costs related to the restatement of accounting records under the standard regime;
- risk of being found in tax evasion (where applicable);
- reputational risk for both the entity and the special regime applicable to all residents of the park.

Below is detailed information on the sanctions that may be applied in connection with non-compliance with the conditions for acquiring and maintaining resident status:

Violation	Sanction	Legal Article
<b>FISCAL CODE</b>		
failure to properly prepare and submit the tax return	fine ranging from 500 to 1,000 MDL for each tax return, but not more than 10,000 MDL for all tax returns	Art. 260, para. (1)
reduction of taxes, duties, mandatory health insurance premiums, and mandatory state social insurance contributions (set as a percentage), by submitting a tax return to the State Tax Service containing false information or data	fine from 20% to 30% of the reduced amount	Art. 261, para. (4)
evasion from calculating and paying taxes, duties, mandatory health insurance premiums, and mandatory state social insurance contributions, set as a percentage	fine from 80% to 100% of the undeclared amount of taxes, duties, mandatory health insurance premiums, and mandatory state social insurance contributions	Art. 261, para. (5)
late payment of tax obligations owed to the state and local budgets	late payment interest of 0.0273% per day	Art. 228, para. (1), (2), (3)
late payment of mandatory state social insurance contributions to the state social insurance budget	late payment interest of 0.1% of the outstanding amount for each day of delay	Art. 4, Law No. 419/2023 on the State Social Insurance Budget for the year 2024
late payment of mandatory health insurance premiums	late payment interest of 0.1% of the outstanding amount for each day of delay	Art. 30, para. (1), Law No. 1593/2002 on the size, method, and deadlines for payment of

		mandatory health insurance premiums
failure by IT park residents to pay the single tax on time	late payment interest of 0.1% of the outstanding amount for each day of delay	Art. 4, Law No. 419/2023 on the State Social Insurance Budget for the year 2024
<b>CONTRAVENTION CODE</b>		
non-payment, late payment, or incomplete payment of mandatory health insurance premiums calculated as a percentage of salary and other remunerations, as required by law, or of mandatory state social insurance contributions for all types of payments for which such contributions are required by law	fine from 12 to 30 conventional units applied to the responsible person	Art. 301 <sup>1</sup> , para. (3)
<b>CRIMINAL CODE</b>		
tax evasion by intentionally including in accounting, tax, and/or financial documents — including electronic ones — clearly falsified data regarding income or expenses that are not based on real transactions or are based on transactions that did not take place, or by intentionally concealing taxable items, accounting, tax, and/or financial records, if the cumulative amount of the tax, fee provided by the Fiscal Code, mandatory state social insurance contribution, or mandatory health insurance premium related to a fiscal year:	if the amount exceeds 50 average monthly wages in the economy, as forecasted and established by a Government decision in force at the time the act was committed: It is punishable by a fine ranging from 9,000 to 13,000 conventional units or imprisonment of up to 6 years, with the deprivation of the right to hold certain positions or engage in certain activities for up to 5 years. In the case of a legal entity, the penalty is a fine ranging from 15,000 to 20,000 conventional units, with deprivation of the right to engage in certain activities.	Art. 244, para. (1)
	if the amount exceeds 100 average monthly wages in the economy, as forecasted and established by a Government decision in force at the time the act was committed >  it is punishable by a fine ranging from 13,000 to 20,000 conventional units or imprisonment from 3 to 7 years, with deprivation of the right to hold certain positions or engage in certain activities for a term of 2 to 5 years. In the case of a legal entity, the penalty is a fine ranging from	Art. 244, para. (2), b)

	20,000 to 40,000 conventional units, with deprivation of the right to engage in certain activities or the liquidation of the legal entity.	
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## CAEM-2

### Activities related to custom software development (client-oriented software)

#### 62.01

This class includes activities of writing (programming), modifying, testing, and providing support for software products. This class includes:

the design of structure and content and/or writing computer code needed to create and implement:

- software systems
- software applications
- databases
- web pages
- adaptation of software to specific requirements, meaning modification and configuration of an existing application so that it becomes compatible and functional according to the client's IT system setup

This class excludes:

- publishing software packages, see 58.29
- converting or adapting non-specialized software for a specific market on own account, see 58.29
- planning and designing computer systems that integrate hardware, software, and communication technologies, even when the supplied software is an integral part of the system, see 62.02

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## CSPM rev. 2.1

### 62.01 Computer programming services

62.01.1 IT design and development services

62.01.11 IT design and development services for applications

This elementary subclass includes:

- services for designing the structure and/or writing computer code, including updates and patches, needed to create and/or implement a software application, such as:

- designing the structure and content of a web page and/or writing the computer code necessary to create and implement a web page
- designing the structure and content of a database and/or writing the computer code necessary to create and implement a database (data warehouse)

• designing the structure and writing the computer code as needed to design and develop a customized software application, other than programming for websites, databases, or packaged software integration

• customizing and integrating, adapting (modifying, configuring, etc.), and installing an existing application so that it becomes functional in the client's IT system environment

This elementary subclass excludes:

- service contracts in which web page design and development is combined with web hosting, see 63.11.13

- service contracts in which application design and development is combined with continuous application hosting and management, see 63.11.19

- service contracts in which database design and development is combined with ongoing data stock management, see 63.11.19

62.01.12 IT design and development services for networks and systems

This elementary subclass includes:

- design, development, and implementation of client networks such as intranets, extranets, and virtual private networks
- services for network security design and development, e.g., designing, developing, and implementing software, hardware, and procedures to control access to data and programs and to allow secure information exchange within a network

This elementary subclass excludes:

- service contracts in which this service is included with the daily management of the client's network, see 62.03.12

62.01.2 Original computer programs

This elementary subclass includes:

- intellectual property with copyright protection produced without a contract for full sale (i.e., with all associated ownership rights)
- intellectual property for sale that is implicitly or explicitly protected by copyright (e.g., computer software)

This elementary subclass excludes:

- software produced under contract for third parties, see 62.01.11
- wholesale and retail trade services for software, see 46.14.11, 46.51.10, 47.00.31

62.01.21 Original computer games

This elementary subclass includes:

- intellectual property with copyright protection produced without a contract for full sale (i.e., with all associated ownership rights)
- intellectual property for sale that is implicitly or explicitly protected by copyright (e.g., software for computer games)

62.01.29 Other original computer programs

This elementary subclass includes:

- intellectual property with copyright protection produced without a contract for full sale (i.e., with all associated ownership rights);
- intellectual property for sale that is implicitly or explicitly protected by copyright (e.g., other computer programs)

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## **CAEM-2**

### **58.21 Activities related to video game publishing**

This class includes:

- the publishing of computer games for all platforms.

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## **CSPM rev. 2.1**

### **58.2 Software publishing services**

#### **58.21 Publishing services for computer games**

58.21.1 Computer games on physical media

58.21.10 Computer games on physical media

58.21.2 Downloadable computer games from the internet

58.21.20 Downloadable computer games from the internet

This elementary subclass includes:

- electronic files containing computer games that can be downloaded and stored on a local device

58.21.3 Online games

58.21.30 Online games

This elementary subclass includes:

- the provision of games intended to be played on the Internet, such as:
  - RPG games
  - strategy games
  - action games
  - card games
  - children's games

Payment may be made on a subscription basis or pay-per-play.

This elementary subclass excludes:

- online gambling game services, see 92.00.14

58.21.4 Licensing services for the right to use computer games

58.21.40 Licensing services for the right to use computer games

This elementary subclass includes:

- licensing services for the right to reproduce, distribute, or include software and supplementary materials for computer games

This elementary subclass excludes:

- services related to acquiring copyright and publishing rights, see division 58
- software packages on physical media, see 58.2
- limited licenses for end users, as part of software packages, see 58.2

**back**

## CAEM-2

### 58.29 Activities related to publishing other software products

This class includes the publishing of packaged software products for general use, including translation or adaptation on one's own account for a specific market of general-use software:

- operating systems
- business and other applications

This class excludes:

- reproduction of software products, see 18.20
- retail sale of general-use software, see 47.41
- software production not associated with publishing, including conversion or adaptation of non-specialized software for a specific market, on a fee or contract basis, see 62.01
- online provision of software (application hosting and supply services), see 63.11

**back**

## CSPM rev. 2.1

### 58.29 Other software publishing services

58.29.1 System software on physical media

58.29.11 Operating systems on physical media

This subclass includes:

- basic programs that interface with hardware and peripherals, manage task scheduling, allocate storage space, and provide a default user interface when an application is not running.

Includes all client and network operating systems.

58.29.12 Network programs on physical media

This subclass includes:

- programs used to control, monitor, manage, and communicate with operating systems, networks, network services, databases, storage applications, and network applications in an integrated and cooperative manner via a network from a central location.

Includes all network management programs, server programs, security and encryption software, etc

- 58.29.13 Database management programs on physical media  
This subclass includes:  
- collections/sets of software programs that allow the storage, modification, and retrieval of information from a database.  
There are many types of database management programs, ranging from small systems running on personal computers to large systems running on high-speed computers with extensive storage capacity.
- 58.29.14 Developer software and programming languages on physical media  
This subclass includes:  
- programs used for the development and/or creation of computer programs  
- programs that support professional development in designing, developing, and implementing a wide range of software solutions and systems
- 58.29.2 Applications on physical media
- 58.29.21 General business and private use applications on physical media  
This elementary subclass includes:  
- programs used in business to enhance productivity or used at home for entertainment or educational purposes.  
Included are office applications such as word processors, spreadsheets, simple databases; graphic applications; project management software; computer-based training programs, etc.
- 58.29.29 Other applications on physical media  
This elementary subclass includes:  
- cross-industry application software, i.e., software designed to perform and/or manage a specific business function or process that is not unique to any particular industry.  
Includes professional accounting software, human resource management software, customer relationship management software, geographic information systems software, website/webpage design software, etc.  
  
- vertical market application software, i.e., software that performs a wide range of business functions for a specific industry, such as manufacturing, retail, healthcare, engineering, restaurants, etc.  
  
- utility software, i.e., small computer programs that perform a very specific task, such as compression programs, antivirus software, search engines, fonts, file viewers, and voice recognition software (utilities differ from other application software in terms of size, cost, and complexity)  
  
- other application software n.e.c. (not elsewhere classified)
- 58.29.3 Software downloads  
This subclass includes:  
- electronic files containing software programs that can be downloaded and stored on a local device for later execution/installation.
- 58.29.31 System software downloads  
This elementary subclass includes:

- electronic files containing system software programs that can be downloaded and stored on a local device for later execution/installation.
- 58.29.32 Application downloads  
This elementary subclass includes:  
- electronic files containing application software that can be downloaded and stored on a local device for later execution/installation.
- 58.29.4 Online Software
- 58.29.40 Online Software  
This elementary subclass includes:  
- computer programs intended to be executed online.  
This elementary subclass excludes:  
- online games, see 58.21.30  
- software products available for download online, see 58.29.3  
- online gambling services, see 92.00.14
- 58.29.5 Licensing Services for the Right to Use Software
- 58.29.50 Licensing services for the right to use computer programs  
This elementary subclass includes:  
- licensing services for the right to reproduce, distribute, or incorporate software programs and supporting materials for systems and application software. These apply to different levels of licensing rights::
  - rights to reproduce and distribute software programs
  - rights to use software components for the creation and inclusion in other software products
 This elementary subclass excludes:  
- limited end-user licenses provided as part of software packages, see 58.29.1–58.29.4

back

## CAEM-2

### 62.03. Activities related to the management (operation and exploitation) of computing resources

This class includes: activities related to the management and operation of clients' computer systems and/or data processing facilities (centers), as well as auxiliary services related to them.

#### CSPM rev. 2.1

### 62.03 IT Equipment Management Services

62.03.1 IT Equipment Management Services

62.03.11 Network Administration Services

This elementary subclass includes:

-services for administering and monitoring communication networks and network-connected hardware, and collecting statistical information related to capacity and usage for the purpose of network traffic management and adjustment.

It also includes remote management of security systems or the provision of security-related services.

62.03.12 IT System Management Services

This elementary subclass includes:

- provision of services for the management and daily operation of the client's IT system.

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## CAEM-2

### 63.11 Data processing, website administration, and related activities

This class includes the provision of infrastructure for hosting web pages, data processing, and related services. It covers specialized hosting activities such as web hosting, streaming services (organizing data streams), or application hosting. Data processing activities include full processing and preparation of specialized reports based on data provided by clients, as well as automated data processing services and data entry, including database operation (executing functions).

This class excludes: activities where the provider uses a computer solely as a working tool are classified according to the nature of the services provided.

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## **CSPM rev. 2.1**

### **63.11 Data processing, website administration, and related activities**

63.11.1 Data processing, hosting, application-related services, and other IT infrastructure services

63.11.11 Data processing services

This elementary subclass includes:

- full data processing services and the preparation of specialized reports based on data provided by clients; automated data processing and entry services, including database management services.

63.11.12 Web hosting services

This elementary subclass includes:

- the provision of infrastructure for hosting clients' web pages and similar files in a location that ensures a secure and fast Internet connection, which may include:

- storage limited to a single server, shared or not, without service providers managing or integrating the software applications (the hosted programs remain the responsibility of the client, and the service level is standardized and limited depending on their scope)
- a package of services that includes hosting and administration of web pages and related applications.

An important feature of this type of service is the guarantee of a secure and reliable website and Internet connection that can quickly scale to handle usage fluctuations. Often, consulting, customization, and system integration are part of the offering. The applications generally relate to e-commerce and allow the creation of online stores, virtual shopping carts, and catalogs with advanced and complex features such as: order processing and fulfillment, procurement, invoicing, transaction processing, customer management, databases, and data warehouse integration and migration.

63.11.13 Provision of application services

This elementary subclass includes:

- the provision of rented software applications from a centralized IT system, hosted and managed:

- with integration into the client's systems and infrastructure (often including consulting, customization, and system integration services with the hosting and application management)
- without customization or integration with other client applications (applications are usually accessed via the World Wide Web. A common example is office-type software applications)

63.11.19 Other IT infrastructure and hosting services

This elementary subclass includes:

- hosting services, for example the provision of space within secure facilities for installing servers and platforms (services include providing space for clients' hardware and software, Internet and communications network connectivity, and ongoing server monitoring).

Clients are responsible for managing the operating system, hardware, and software.

- data storage services, such as the management and administration of data warehouses and backup data management

- data administration services, such as ongoing management and administration of data and organizational resources (services may include data modeling, data mobilization, data rationalization, data exploitation, and system architecture)

63.11.2 Internet advertising time or space

63.11.20 Internet advertising time or space

This elementary subclass excludes:

- advertising space in online books, newspapers, magazines, and periodicals – see 58.11.42, 58.13.32, 58.14.32

- internet advertising space on web portals – see 63.12.20

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## CAEM-2

### 63.12 Web Portal Activities

This class includes:

- operating websites that use a search engine to generate and maintain extensive databases of Internet addresses in an easily searchable format
- operating other websites that function as Internet portals, such as media sites offering regularly updated content

This class excludes:

- publishing of books, newspapers, and journals on the Internet – see Division 58
- broadcasting of programs over the Internet – see Division 60

**back**

## CSPM rev. 2.1

### 63.12 Web Portal Services

63.12.1 Web Portal Content

63.12.10 Conținuturi de portaluri web

This subclass includes:

- content provided through web page search portals, such as extensive databases containing addresses and content in an easily searchable format

This subclass excludes:

- online publication of directories and address lists – see 58.12.20

63.12.2 Internet advertising space on web portals

63.12.20 Internet advertising space on web portals

This subclass excludes:

- internet advertising space or time – see 63.11.20

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## CAEM-2

### 62.02 Information technology consultancy activities

This class includes the planning and design of computer systems that integrate hardware, software, and communication technologies. Consultancy services may also include user training activities.

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## CSPM rev. 2.1

### 62.02 Computer consultancy services

This class excludes:

- service contracts in which consulting is combined with the design and development of an IT solution (website, database, specific application, network, etc.), see the corresponding IT design services;
- consulting on business strategy issues, such as developing an e-commerce strategy – see 70.22.11.

62.02.1 Hardware consulting services

62.02.10 Hardware consulting services

This elementary subclass includes:

- IT consulting services related to hardware issues, such as advice on hardware requirements and procurement of computer equipment
- providing expert reports on computer hardware
- combined services for assessing an organization's IT needs, advising on hardware and software procurement, developing system specifications, and commissioning the new system
- computer systems integration services, such as analyzing the client's current IT system and present and future needs, purchasing new hardware and software, and integrating both new and existing system components to create a unified IT system.

62.02.2 Consultancy services for computer systems and software

62.02.20 Consultancy services for computer systems and software

This elementary subclass includes:

- providing expert advice or opinions on IT issues related to IT systems and software, such as:
  - consulting on software requirements and procurement
  - consulting on system security issues

62.02.3 IT technical support services

62.02.30 IT technical support services

This elementary subclass includes the provision of technical expertise to resolve issues clients face when using software, hardware, or their entire IT system, such as:

- providing customer support for using or troubleshooting software
- upgrade services
- providing customer support for using or troubleshooting hardware, including regular testing, cleaning, and repair of IT equipment
- technical support for relocating the client's IT system to a new location
  
- providing customer support for both hardware and software when combined
- providing technical expertise to resolve specific problems clients encounter with their IT systems, such as audit or evaluation services for IT operations, without offering consulting or monitoring services; this includes auditing, evaluating, and documenting a server, network, or process in relation to components, capabilities, performance, or security

This elementary subclass excludes:

- data recovery services in disaster situations – see 62.09.20

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**CAEM-2**

**62.09**

**Other information technology service activities**

This class includes other information technology activities and related services not classified elsewhere, such as:

- data recovery services in case of computer system failure or disaster
- installation of personal computers
- software installation services

This class excludes:

- installation of high-speed, high-capacity computers (mainframes) and similar equipment – see 33.20
- computer software – see 62.01
- computer consultancy – see 62.02
- management of IT systems – see 62.03
- data processing and website administration – see 63.11

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### CSPM rev. 2.1

#### 62.09 Other information technology and computer-related services

62.09.1 Installation services for computers and peripherals

62.09.10 Installation services for computers and peripherals

This elementary subclass excludes:

- installation services for high-speed, high-capacity computers – see 33.20.39

62.09.2 Other information technology and computer-related services n.e.c.

62.09.20 Other information technology and computer-related services n.e.c.

This elementary subclass includes:

- data recovery services, namely the recovery of client data from a damaged or unstable hard disk or other storage device, the provision of backup IT equipment, and the duplication of programs at a separate site that allows the client to regularly reinstall data to resume and continue current IT operations in case of a disaster such as fire or flood

- software installation services

- other IT system maintenance services not elsewhere classified

This elementary subclass excludes:

- software programming services – see 62.01.1

- IT consultancy services – see 62.02

- data processing and hosting services – see 63.11.1

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### CAEM-2

#### 85.59 Other types of education not classified elsewhere, limited to computer-related training

This class includes:

- education that cannot be classified under CAEM classes 85.10–85.53
- academic mentoring services
- educational centers offering therapeutic courses
- courses for testing professional knowledge
- training in foreign languages and conversational skills
- computer training
- religious education

This class also includes:

- lifeguard and mountain rescue training
- survival training
- public speaking training
- speed reading training, etc..

This class excludes:

- adult literacy programs, see 85.20
- general secondary education, see 85.31
- technical and vocational secondary education, see 85.32
- higher education, see 85.4

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#### CSPM rev. 2.1

##### 85.59 Other educational services n.e.c.

85.59.1 Other educational services n.e.c.

This subclass excludes:

- services provided by academic schools, colleges, universities, or other educational institutions that issue diplomas or equivalent certifications, see 85.2–85.4, depending on the level of education

85.59.12 Services provided by IT-focused schools

This elementary subclass includes:

- computer training services

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#### CAEM-2

##### 72.19 Research and development in other natural sciences and engineering

This class includes:

experimental research and development in natural sciences and engineering, other than biotechnological research and experimental development:

- research and development in natural sciences
- research and development in engineering and technology
- research and development in medical sciences
- research and development in agricultural sciences
- interdisciplinary research and development primarily in natural sciences and engineering

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#### CSPM rev. 2.1

##### 72.19 Services of research and experimental development in other fields of natural sciences and engineering

72.19.1 Services of research and experimental development in the field of physical sciences

This elementary subclass includes:

CSPM rev.2	CSPM 2.1
– research and experimental development services in mathematics (72.19.11);  <i>According to the Transfer Table from CSPM Rev. 2 to CSPM Rev. 2.1, service 72.19.11 has been reassigned to 72.19.61, 72.19.62, and 72.19.63.</i>	72.19.61 Fundamental research services in other fields of natural sciences  72.19.62 Applied research services in other fields of natural sciences  72.19.63 Experimental development services in other fields of natural sciences
– research and experimental development services in computer	72.19.61 Fundamental research services in other fields of natural sciences

<p>and information sciences (72.19.12)</p> <p><i>According to the transfer table from CSPM Rev. 2 to CSPM Rev. 2.1, service 72.19.12 has been reassigned to</i></p>	<p>72.19.62 Applied research services in other fields of natural sciences</p> <p>72.19.63 Experimental development services in other fields of natural sciences</p>
<p>– research and experimental development services in physics (72.19.13);</p> <p><i>According to the transfer table from CSPM Rev. 2 to CSPM Rev. 2.1, service 72.19.13 was reassigned to:</i></p> <p><i>72.19.11, 72.19.12, 72.19.13.</i></p>	<p>72.19.11 Fundamental research services in the field of physical sciences</p> <p>72.19.12 Applied research services in the field of physical sciences</p> <p>72.19.13 Experimental development services in the field of physical sciences</p>
<p>– research and experimental development services in nanotechnology (72.19.21);</p> <p><i>According to the transfer table from CSPM Rev. 2 to CSPM Rev. 2.1, service 72.19.21 has been reclassified under codes 72.19.31, 72.19.32, and 72.19.33.</i></p>	<p>72.19.31 Fundamental research services in the field of technology and engineering, excluding biotechnology</p> <p>72.19.32 Applied research services in the field of technology and engineering, excluding biotechnology</p> <p>72.19.33 Experimental development services in the field of technology and engineering, excluding biotechnology</p>
<p>– other research and experimental development services in engineering and technology, excluding biotechnology (72.19.29);</p> <p><i>According to the transfer table from CSPM Rev. 2 to CSPM Rev. 2.1, service 72.19.29 was reassigned to 72.19.31; 72.19.32; 72.19.33</i></p>	<p>72.19.31 Fundamental research services in the field of technology and engineering, excluding biotechnology</p> <p>72.19.32 Applied research services in the field of technology and engineering, excluding biotechnology</p> <p>72.19.33 Experimental development services in the field of technology and engineering, excluding biotechnology</p>
<p>– research and development services for original projects in natural sciences and engineering, excluding biotechnology (72.19.50);</p> <p><i>According to the Transfer Table from CSPM Rev. 2 to CSPM Rev. 2.1, service 72.19.50 was assigned to 72.19.70.</i></p>	<p>72.19.70 Original research and development projects in other fields of natural sciences and engineering.</p>

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## CAEM-2

### 72.11 Research and development in biotechnology

This class includes research and experimental development in the field of biotechnology:

- Experimental research and development related to DNA/RNA, including pharmacogenomics, genetic research, genetic engineering, DNA/RNA sequencing/synthesis/amplification, etc.
- Experimental research and development related to proteins and other molecules, including sequencing/synthesis/engineering of proteins and peptides (including hormone molecules), development of drug delivery methods, proteomics, protein isolation and purification, signaling and identification of receptor cells
- Experimental research and development in cell and tissue cultures and engineering:
  - Including cell/tissue cultures, cellular tissue engineering (including biomedical and skeletal tissue engineering), cell fusion, vaccines/immune stimulants, embryo manipulation
- Experimental research and development on biotechnological processes: fermentation using bioreactors, bioprocessing, biosolubilization, biobleaching, biodesulfurization, bioremediation, biofiltration, and phytoremediation
- Experimental research and development on genes and RNA vectors: gene therapy, viral vectors
- Experimental research and development in the field of bioinformatics: construction of databases in genomics, protein sequencing, complex biological modeling processes, including biological systems
- Experimental research and development in the field of nanobiotechnology: tools and nano/microfabrication processes used in the construction of devices for studying biosystems and for applications in medicine, diagnostics, etc.

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## CSPM rev. 2.1

### 72.11 Research and experimental development services in the field of biotechnology

72.11.1 Research and experimental development services in health-related biotechnologies

This subclass includes research and experimental development services concerning living organisms, their products, and models, consisting of modifying living or non-living matter for the purpose of acquiring knowledge or producing goods and/or services.

Including:

- research and experimental development services in the field of DNA:

- genomics, pharmacogenetics, gene probes, sequencing/synthesis/amplification of DNA, genetic engineering

- research and experimental development services in the field of proteins and molecules (functional building blocks):

- sequencing/synthesis/engineering of proteins and peptides, engineering of lipids/proteins/glyco structures, proteomics, hormones and growth factors, cellular receptors/signaling/pheromones

- research and experimental development services on cell and tissue culture and engineering:

- cell/tissue cultures, cellular tissue engineering, hybridization, cell fusion, vaccines/immunostimulants, embryo manipulation

- research and experimental development services on biotechnological processes:

- fermentation using bioreactors, bioprocessing, biodesulfurization, biobleaching, bioremediation, biosolubilization, biofiltration

- research and experimental development services in the field of subcellular organisms:

- gene therapy, viral vectors

72.11.11

Basic research services in health-related biotechnologies

72.11.12	Applied research services in health-related biotechnologies
72.11.13	Experimental development services in health-related biotechnologies
72.11.2	Research and experimental development services in environmental and industrial biotechnologies
72.11.21	Basic research services in environmental and industrial biotechnologies
72.11.22	Applied research services in environmental and industrial biotechnologies
72.11.3	Research and experimental development services in agricultural biotechnologies
72.11.31	Basic research services in agricultural biotechnologies
72.11.32	Applied research services in agricultural biotechnologies
72.11.33	Experimental development services in agricultural biotechnologies
72.11.4	Original research and development projects in the field of biotechnology
72.11.40	Original research and development projects in the field of biotechnology

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## CAEM-2

### 26.11 Manufacture of electronic components (modules)

This class includes the manufacture of semiconductors and other components for electronic assemblies.

This class includes:

- manufacture of electronic capacitors
- manufacture of electronic resistors
- manufacture of microprocessors
- manufacture of electronic tubes
- manufacture of electronic connectors
- manufacture of microassemblies with non-insulated printed circuits
- manufacture of integrated circuits (analog, digital, or hybrid)
- manufacture of diodes, transistors, and similar semiconductor devices
- manufacture of inductors (e.g., impedance coils, transformers), of the type used in electronic components
- manufacture of electronic crystals and crystal assemblies
- manufacture of solenoids, switches, and transducers for electronic applications
- manufacture of finished or semi-finished semiconductor printed circuits
- manufacture of components for displays/screens (plasma, polymer, LCD)
- manufacture of light-emitting diodes (LEDs)

This class also includes:

- manufacture of printer cables, monitor cables, USB cables, various connectors, etc..

This class excludes:

- printing of smart cards, see 18.12
- manufacture of computer and television screens, see 26.20, 26.40
- manufacture of modems (transmission equipment), see 26.30
- manufacture of X-ray tubes and similar radiation devices, see 26.60
- manufacture of optical instruments and equipment, see 26.70
- manufacture of similar devices for electrical applications, see 27
- manufacture of starters, see 27.11
- manufacture of electrical relays, see 27.12
- manufacture of cable connectors, see 27.33
- manufacture of complete equipment is classified elsewhere, according to the classification of the entire equipment.

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## CSPM rev. 2.1

### 26.11 Electronic Components

- 26.11.1 Lamps, tubes, and electronic valves with hot cathode, cold cathode, or photocathode, including cathode ray tubes  
This elementary subclass also includes:  
- cathode ray tubes
- 26.11.11 Cathode ray tubes for television receivers; tubes for television cameras; other cathode ray tubes
- 26.11.12 Magnetrons, klystrons, microwave tubes, and other electronic valve tubes
- 26.11.2 Diodes and transistors
- 26.11.21 Diodes; transistors; thyristors, diacs, and triacs
- 26.11.22 Semiconductor devices; light-emitting diodes (LEDs); mounted piezoelectric crystals; parts thereof
- 26.11.3 Integrated electronic circuits
- 26.11.30 Integrated electronic circuits
- 26.11.4 Parts of valves and electron tubes and other electronic components n.e.c.
- 26.11.40 Parts of valves and electron tubes and other electronic components n.e.c.
- 26.11.5 Printed circuits containing only conductive and contact elements
- 26.11.50 Printed circuits containing only conductive and contact elements
- 26.11.9 Services related to the manufacture of integrated electronic circuits; subcontracted operations that are part of the manufacturing process of electronic components
- 26.11.91 Services related to the production of integrated electronic circuits  
This subclass includes:  
- assembly services for microassemblies on printed circuit boards
- 26.11.99 Subcontracted operations that are part of the manufacturing process of electronic components.

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## CAEM-2

### 59.12 Post-production activities for motion pictures, video, and television programs

This class includes post-production activities such as: editing, film-to-tape transfers, titling, computer-generated graphic subtitling, animation and special effects, development and processing of motion picture films. This also covers the operation of film laboratories and specialized labs for animated films.

This class also includes:

- activities of film archives, etc.

This class excludes:

- duplication of films (except reproduction of motion picture films for theatrical distribution) as well as reproduction of audio and video tapes, CDs, or DVDs from master copies, see 18.20
- wholesale trade of recorded video tapes, CDs, and DVDs, see 46.43
- wholesale trade of blank video tapes and CDs, see 46.52
- retail sale of video tapes, CDs, DVDs, see 47.63
- film processing services other than for the motion picture industry, see 74.20
- rental of video tapes and DVDs to the general public, see 77.22
- independent (freelance) activities of actors, cartoonists, directors, consultants, and other professionals in the field, see 90.0

[back \(59.12.14, 59.12.15\)](#)

[back \(59.12.13, 59.12.17\)](#)

CSPM Rev.2	CSPM 2.1
m) post-production activities for cinema, video, and television programs (59.12), based on the use of high-performance specialized computing equipment, limited to:	According to CSPM Rev. 2.1, services 59.12.14 and 59.12.15 have been renamed as follows.
– special effects production services (59.12.14);	59.12.14 Services related to optical effects
– animation film production services (59.12.15)59.12.15);	59.12.15 Animation services

## CSPM 2.1

### 59.12.14

#### Services related to optical effects

This elementary subclass includes:

- the addition of visual effects to audiovisual productions (cinema film, video productions, digital storage media, etc.) by applying photographic or digital technology after the main shooting or photography, such as: film narrowing, digital and optical effects, overlays, double printing

### 59.12.15

#### Animation services

This elementary subclass includes:

- the creation of images, abstract drawings, and similar original compositions using various techniques, including computer animation or frame-by-frame drawing animation;
- claymation (animation of characters and objects created with clay)

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CSPM Rev.2	CSPM 2.1
o) Post-production activities for motion pictures, video, and television programs (59.12), exclusively for the video game industry, limited to the following services:	According to CSPM Rev. 2.1, services 59.12.13 and 59.12.17 have been renamed as follows.
– digital color correction and restoration services (59.12.13);	59.12.13 Color correction and digital restoration services
– sound editing and design services (59.12.17);	59.12.17 Audio editing and design services

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## CSPM 2.1

### 59.12.13

#### Color correction and digital restoration services

This basic subclass includes:

- color correction services, such as adding, modifying, or removing colors from an audiovisual production (motion picture film, video production, digital storage media) using digital techniques
- digital restoration services for audiovisual productions, such as removing scratches from a film (motion picture film, video productions, digital storage media) using digital techniques that prepare the film for the transfer process

**59.12.17 Audio editing and design services**

This basic subclass include:

- the creation, addition, and recording of sound elements (dialogue, music, sound effects) in an audiovisual production (motion picture film, video production, digital storage media, etc.) for a soundtrack that synchronizes the sound and visual components of the production:

- composing, recording, mixing, and integrating original sound and music into the soundtrack of an audiovisual production
- recording music appropriate to a sequence in an audiovisual production
- mixing and recording music and sound that are subject to copyright law and provided by the client to be integrated into the soundtrack of an audiovisual production
- integrating music and sound that are subject to copyright law and provided by the client to be included in the soundtrack of an audiovisual production, as well as synchronizing the sound elements with the visuals of the production

- licensing services and/or agent services for obtaining music and sound licenses related to mixing and integration services

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**CAEM-2**

**59.20 Sound recording and music publishing activities**

This class includes the production of original (audio) recordings such as tapes and CDs, and the promotion and distribution of audio recordings to wholesalers, retailers, or directly to the public. These activities may or may not be integrated with the production of master recordings within the same unit. If not integrated, the unit carrying out these activities must obtain the rights for reproduction and distribution of the master recordings. This class also includes service activities for sound recording in a studio or other location, including the production of pre-recorded radio programs.

This class also includes music publishing activities, meaning the acquisition and registration of reproduction rights for musical compositions, as well as the promotion, licensing, and use of these compositions in recordings, on radio or television, in film productions, performances, print, etc. Units engaged in these activities may own the reproduction rights or act as administrators on behalf of the rights holders. The publication of sheet music is also included in this category.

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**CSPM 2.1**

**59.20 Sound recording and music publishing services**

59.20.1 Sound recording services and live recordings; sound recording masters

59.20.13 Sound recording masters

This elementary subclass includes:

- original recordings of sound, text, and music converted into digital or analog formats.

This elementary subclass excludes:

- original radio programs, see 59.20.22.

CSPM Rev.2	CSPM 2.1
p) sound recording and music publishing activities (59.20), exclusively for the video	According to CSPM rev. 2.1, service 59.20.13 has been renamed.

game industry, limited to original sound recordings (59.20.13);	59.20.13 Sound recording masters  This elementary subclass includes:  - original recordings of sounds, texts, and music converted into digital or analog formats.
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## CAEM-2

### 74.10 Specialized design activities

This class includes:

- design related to textiles, clothing, footwear, jewelry, furniture, interior decorations, fashion items, as well as other personal or household goods
- industrial design, meaning the creation and development of plans and specifications that optimize the use, value, and appearance of products, including determining materials, mechanisms, shapes, colors, and surface finishes of the products, taking into account human characteristics and needs, safety, and market preferences regarding the production, distribution, use, and maintenance of these products
- services provided by graphic designers
- activities of interior decoration designers

This class exclude:

- web page design and programming, see 62.01
- architectural design, see 71.11
- engineering design activities, i.e., the application of engineering physical principles and laws in the design of machines, materials, instruments, structures, processes, and systems, see 71.12

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## CSPM 2.1

### 74.10 Specialized design services

74.10.1 Industrial design services, interior decoration, and other specialized fields

74.10.11 Interior decoration services

This elementary subclass includes:

- interior design services, such as planning and designing interior spaces to meet the psychological, aesthetic, and functional needs of individuals
- development of interior design projects
- interior decorations

This elementary subclass excludes:

- architectural design services, see 71.11

74.10.12 Industrial design services

This elementary subclass includes:

- design services for industrial products, meaning the creation and development of plans and specifications that optimize the use, value, and appearance of products. this includes determining materials, mechanisms, shapes, colors, and finished surfaces of the products, taking into account human characteristics and needs, safety, as well as market preferences regarding production, distribution, use, and maintenance of these products

This elementary subclass excludes:

- technical design services for the development of industrial products, see 71.12.17

74.10.19 Other specialized design services

This elementary subclass includes::

- services consisting of creating and preparing designs for a variety of products by harmonizing aesthetic considerations with technical and other requirements, such as:

- furniture design
- clothing, footwear, and jewelry design
- aesthetic design for various other client products
- packaging design services
- creation of threedimensional models

74.10.2

Original design models

74.10.20

Original design models

This elementary subclass includes:

- the creation of original design, produced on own account:

- graphic design
- industrial product design
- aesthetic design

These intellectual property products are generally created with the intention of being sold or licensed to others.

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## CAEM-2

### 82.20

#### Call centre activities

This class includes the activities of:

- inbound call centres, which handle incoming customer calls using human operators, automatic call distribution systems, computer-integrated telephony, interactive voice response systems, or similar methods to take orders, provide product information, handle customer support inquiries, or process customer complaints
- outbound call centres, which use similar methods to sell goods or services to potential customers, conduct market research or public opinion surveys, and perform similar activities on behalf of clients

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## CSPM 2.1

### 82.20

#### Call centre services

82.20.1

Call centre services

82.20.10

Call centre services

This elementary subclass includes:

- receiving orders by telephone on behalf of clients
- soliciting contributions or providing information by telephone on behalf of clients
- telemarketing

This elementary subclass exclude:

- sales promotion services (if no order has been received), see 73.11.19
- market research services, see 73.20.1
- public opinion polling services, see 73.20.20

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## CAEM-2

### 78.30

#### Other human resources provision services

This class includes activities related to the provision of human resources to client enterprises. Units classified here provide the employer with payroll records, tax and other fiscal matters, and human resources issues, but they are not responsible for the management and supervision of the employees.

The provision of human resources is usually on a long-term or permanent basis, and the units classified here perform a wide range of duties related to human resources and personnel administration in connection with the provision of such staff.

This class excludes:

- manpower supply services combined with supervision or management of the business, see the class of the relevant economic activity of that business
- manpower supply services for temporarily replacing or supplementing the client's workforce, see 78.20

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## **CSPM 2.1**

### **78.3 Other human resource provision services**

#### **78.30 Other human resource provision services**

This class excludes:

- labor supply services combined with supervision or management of the enterprise, see the class of the relevant economic activity of that enterprise
- labor supply services related to only one of the human resources functions, see the class of the relevant economic activity of that function

##### 78.30.1 Other human resource provision services

This subclass includes:

- placement services to provide personnel for extended work assignments.

Under this type of agreement, the client may recruit the person(s) employed by the staffing firm and either retain them in their position or transfer part of the existing workforce to the staffing firm. Long-term employees are on the payroll of the temporary employment agency, which is legally responsible for their actions, but when working, they are under the direct supervision of the client. These services include labor hire, staff leasing, employee leasing, extended personnel recruitment, salary calculation, and payroll.

##### 78.30.11 Other human resource provision services in the field of IT and telecommunications

This elementary subclass includes:

- temporary labor placement services to provide personnel in the field of IT and telecommunications, such as staff for software development, data processing, IT system and telecom operations, etc.

##### 78.30.12 Other human resource provision services for other categories of administrative personnel

This elementary subclass includes:

- management and labor recruitment services for the provision of office personnel such as secretaries, clerks, accountants, typists, etc.

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