

Tax Agenda Czechia

April 2022



No.	Fact	Action
Registration of beneficial owners with significant changes		
1	The Act on Registration of Ultimate Beneficial Owners (BO) introduces significant changes concerning the registration of beneficial owners (e.g. new definition of BO, publicly available information, sanctions for non-compliance). The Act entered into force on 1 June 2021.	Review compliance with the requirements of the new law. ●
Articles of association must indicate clear scope of the activity		
2	The Supreme Court ruled on 12 May 2021 that the articles of association (AoA) stipulating scope of activity of a given company as „manufacturing, trade and services not specified in Annexes 1 to 3 of the Trade Licensing Act” are not clear and specific. Such general wording (i) will prevent the courts from registering new companies; (ii) should be specified in case of already registered companies (penalty can include: court ruling on dissolution).	Review compliance of the company's main activity as stated in the AoA and commercial register with the Supreme Court decision. ●



● Compliance ● Risk management ● Cash-flow / ETR impact

No.	Fact	Action
	New regional State aid map	
3	The European Commission adopted revised guidelines on regional State aid, which will come into force on 1 January 2022. The amount of the aid depends on the business region. The new guideline provides for the growth of aid above the current 25% in selected regions, though this does not generally apply to support of production expansion projects for large businesses in some regions.	Consider filing an application for an investment incentive under the new rules. ●
	Changes of VAT rules on travel services	
4	As of 1 January 2022, selected rules for the application of VAT on travel services (Sec. 89 of the VAT Act) were changed. According to the new rules, it will be necessary to (i) calculate the margin for each service provided (aggregate margin for the whole taxable period is no longer available) and (ii) declare the tax on advances received for travel services.	Review compliance with the new VAT rules. ●
	Intrastat changes	
5	As a result of the adoption of Government Regulation No. 333/2021 Coll., there are changes to the Intrastat reporting from 1 January 2022. The most significant change is the option to use a "simplified declaration" if a reporting company imports or exports (within one calendar year) goods worth between CZK 12 million and CZK 20 million, unless the goods are of a specific type.	Review the new Intrastat changes and consider potential simplification of Intrastat reporting. ●
	VAT on payments from the group to offset the profitability of Czech companies	
6	The Supreme Administrative Court (SAC) in the case 3 Afs 54/2020-73 (Eli Lilly) ruled that marketing service invoiced by a Czech distributor of medicines to its parent company in foreign country constituted a separate supply of service taxable in foreign country (and it is not taxable ancillary to the local sale of medicines). Based on the SAC ruling, a foreign supplier may have an interest in promoting its products in the Czech Republic.	Consider the possible implications of the judgment on the company. ● ●

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7	<p>Fines for employers for disguised mediation of employees</p> <p>With effect from 2 August 2021, the amendment to the Employment Act No. 274/2021 Coll. has expanded the range of entities that can be fined for disguised mediation of employees. In practice, there are situations where the parties enter into e.g. a contract on the provision of services or contract for work, however, the actual relationship consists in providing employees (the work is assigned, organised and controlled by the recipient of the services, not by the provider). Provision of employees without an agency license or proper temporary assignment setup can result in fines for illegal employment. Based on the amendment, such fines can be imposed not only on the provider, but also on the recipient of the services, i.e. recipient of the employees.</p>	<p>Review the relationships with intra-group and third party providers of services or works for any concerns relating to disguised mediation of employees and adapt to new legislation.</p> <p>● ●</p>
8	<p>Disclosure of financial statements</p> <p>The amendment to the Accounting Act No. 609/2020 Coll. allows selected persons obliged to comply with the Accounting Act to submit their financial statements to the public register by filing them with the relevant tax authority. The financial statements have to be filed as an attachment to the corporate income tax return and the tax return has to be submitted electronically.</p>	<p>Consider submitting financial statements in the public register via tax return attachment.</p> <p>●</p>
9	<p>Revaluation of advances paid in foreign currency</p> <p>The Supreme Administrative Court (SAC) in the case 4 Afs 170/2021-35 ruled that advances paid in foreign currency for the acquisition of fixed assets should not be revalued as at the balance sheet date. The SAC agreed with the interpretation of National Accounting Council (NAC) I-43 stipulating that booking of the exchange rate risk is only applicable if the exchange rate has an impact on the future value of those assets, which is not the case for advances for fixed assets.</p>	<p>Review correctness of the accounting principles used with respect to the new interpretation of National Accounting Council and related Supreme Administrative Court ruling.</p> <p>●</p>

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