

# Tax Agenda Czechia

April 2023



Building a better  
working world

No.	Fact	Action
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## Registration of beneficial owners with significant changes

1 On 1 October 2022, an amendment Act on Registration of ultimate beneficial owners (UBOs) came into force introducing significant changes to the identification of UBO. Based on the amendment, the basic criterion for UBO status is the ownership of shares in a specified amount. The amendment also modifies the thresholds for so-called indirect ownership in a registered person, which could lead to an increase in the number of UBOs in a company. The amendment also narrows the scope of entities that are considered to have no UBO. The obligation to identify NPOs extends, for example, to political parties, churches, trade unions or unit owners' associations.

Review the compliance with the amended Act on Registration of ultimate beneficial owners.



## New tax law in connection with the events in Ukraine

2 The bill on tax measures in connection with the conflict in Ukraine was approved by the Senate. This new law contains especially the income taxes' implications of related gifts or donations. The Ministry of Finance has also published a Q&A on this law.

Review these documents if you deal with gifts or donations or assist employees or their family members from Ukraine.



Use text boxes above the timeline to plan your actions for coming months



Compliance



Risk management



Cash-flow and ETR impact

No.	Fact	Action
3	<p><b>Employer social security discount for selected groups of employees</b></p> <p>For selected categories of employees, (e.g., parents caring for young children, students, people under 21, people over 55 or 60, people with disabilities or retrained employees) a 5% discount on employers' insurance premiums will be introduced. The employer's contributions would thus be only 19.8% instead of 24.8% for the employees concerned.</p> <p>An amendment to Act No. 589/1992 Coll. came into force from 1 February 2023.</p> <p>From this date, employers are able to send electronically to the Czech Social Security Administration (CSSA) a notification that they will apply this discount. The CSSA will then inform the employer whether it has registered its intention and the discount can be applied.</p>	<p>Employers who plan to claim the discount for selected employees should notify the relevant CSSA of their intention and have their payroll systems adjusted so that the discount is calculated correctly.</p>
4	<p><b>Windfall tax</b></p> <p>A new windfall tax which apply to companies with significant activities in electricity and gas generation and trading, fossil fuel extraction and production, distribution of petroleum and coke products and largest banks, was approved.</p> <p>The thresholds for companies are set at certain net turnovers at group and stand-alone level (for banks, the threshold is set at net interest income level). The windfall profits will be calculated by comparing the current year's tax base with the arithmetic average of the 2018-2021 historical bases plus 20%. The windfall profits are subject to tax rate of 60% (in addition to the 19% corporate income tax) and will apply from 2023 to 2025.</p>	<p>Review the potential obligation of the company to levy additional tax on windfall profits.</p>
5	<p><b>Amendment to the VAT Act</b></p> <p>Based on the amendment to the VAT Act there will be an increase of the limit for compulsory registration of a VAT payer from the current CZK 1 m to CZK 2 m. Further a new deadline for filing a control report. The changes take effect from 1 January 2023 with a number of transitional provisions.</p>	<p>Review the changes in tax obligations based on the amendment of the VAT Act.</p>

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6	<p><b>Amendment to the Income Tax</b></p> <p>Amendment to the Income Tax is approved takes effect from 1 January 2023.</p> <ul style="list-style-type: none"> <li>▶ The amendment to the Income Tax Act mainly introduces an extension of the possibility to apply extraordinary depreciation to assets acquired until 31 December 2023.</li> <li>▶ Another change is increasing the income limit for the flat tax scheme while introducing different flat tax bands with different monthly levies.</li> <li>▶ Inter alia, there is a relatively significant increase in the income threshold that obliges an individual to file a tax return (from the current CZK 15,000 to CZK 50,000 per year). For employees who typically (if the statutory conditions are met) benefit from the annual tax settlement carried out by their employer, the limit of other income triggering the obligation to file a tax return will also increase from the current CZK 6,000 to CZK 20,000 per year.</li> </ul>	<p>Review the changes in tax obligations based on the amendment of the Income Tax Act.</p>
7	<p><b>Complete abolition of the electronic evidence of sales (EET)</b></p> <p>The obligation to record sales was suspended until the end of 2022, but the businesses could continue to record their sales voluntarily. However, there is the complete abolition of the EET, as the new law comes into force with effect from 1 January 2023.</p>	<p>Entrepreneurs should check in due time their ability to issue cash documents (receipts) without being connected to the EET system.</p>
8	<p><b>New reporting obligation for digital platform operators (DAC7)</b></p> <p>The reporting digital platform operators will be required to report selected information to the tax authorities yearly (by 31 January) based on the local implementation of the EU Directive (DAC7). The reporting platform is a software that allows a seller to connect with another user to carry out defined notifiable activities in return for consideration.</p> <p>These notifiable activities are:</p> <ul style="list-style-type: none"> <li>▶ Provision of immovable property</li> <li>▶ Provision of means of transport</li> <li>▶ Personal services</li> <li>▶ Sales of goods</li> </ul> <p>The reporting digital platform operators will collect and report information about income of sellers from the notifiable activities and additional information. The law contains a number of exemptions from reporting obligations. The law also introduces additional registration or reporting obligations, as well as sanctions for breaches of related obligations.</p> <p>The General Financial Directorate has published a Q&amp;A about the new reporting obligations for digital platform operators (deadlines, application of DAC7, the registration of a non-established reporting obligator, and examples of what is (not) covered by the notification obligation under DAC7) on its website.</p> <p>The year 2023 will be the first period for which reporting is to be done (i.e., in January 2024).</p>	<p>For digital platform operators: Review the possible obligation to report information to tax authorities and set-up respective due diligence, collection of information, reporting and monitoring procedures.</p> <p>For sellers: Get prepared for potential tax inspections of income realized via digital platforms from the tax authorities.</p>

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9	<p><b>Carbon duty mechanism in force from 1 October 2023</b></p> <p>The members of the Council and the European Parliament have agreed on the form of the Carbon Border Adjustment Mechanism (CBAM). The mechanism is to be implemented from October 2023, with a first phase (transition period) for data collection. The length of the transition period is not yet known.</p> <p>The new obligations will apply to imports of carbon-intensive products, including in the first phase iron, steel, aluminum, cement, fertilizers, electricity, hydrogen, precursors, and, under certain conditions, indirect emissions).</p>	<p>Review the potential impact of implementing a carbon duty on the company.</p>
10	<p><b>Energy price caps for large enterprises</b></p> <p>The Government approved a regulation of energy price capping for large enterprises. The basic parameters of the regulation are summarized below:</p> <ul style="list-style-type: none"> <li>▶ Price capping applies from 1 January 2023 until the end of 2023.</li> <li>▶ The maximum price (excluding VAT and distribution charges) of electricity is set at CZK 5 000 per MWh and the price of natural gas at CZK 2 500 per MWh.</li> <li>▶ The capping applies up to 80% of the highest monthly consumption over the last five years.</li> <li>▶ The enterprise must provide a declaration to its energy supplier.</li> </ul> <p>The capping can be combined with other forms of aid under the Temporary Crisis Framework, but the total state aid cannot exceed EUR 2 m or EUR 4 m for an enterprise (higher limits for energy-intensive companies).</p>	<p>Consider making use of energy price capping and, if appropriate, provide a statement to your energy supplier.</p>
11	<p><b>Registration of limited liability company (LLC) in the Commercial Register</b></p> <p>Act No. 416/2022 amending regulations related to the use of digital tools and the operation of public registers, and Act No. 417/2022 amending the Notarial Tariff have entered into force.</p> <p>Main changes they bring:</p> <ul style="list-style-type: none"> <li>▶ The option to first register the company in the Commercial Register and to obtain a trade license afterward (the opposite order was obligatory before this acts)</li> <li>▶ Creation of an official template of Articles of association of LLC (published on the website of the Ministry of Justice), which can serve as a full-fledged incorporation act</li> <li>▶ Reduction of the notary fee in case that the Articles of association template is used</li> </ul>	<p>Consider the revised regulations when establishing a limited liability company in the Czech Republic.</p>

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12	<p><b>Extension of the statutory period for archiving payroll records</b></p> <p>The main innovation of the approved amendment to the Pension Insurance Act (No. 455/2022) is the extension of the legal deadline for archiving employee payroll (i.e., wage lists) and accounting records of data needed for pension insurance purposes. The existing 30-year retention period for these documents has been extended to 45 calendar years following the year to which the documents relate. This change is effective from 1 January 2023.</p>	<p>Assess the implication of the extended deadline and assess the company's policy for archiving payroll and accounting data for alignment with changes to the law.</p>
13	<p><b>Updated guideline on the application of certain provisions of the Income Tax Act</b></p> <p>The General Financial Directorate has published a new guideline D-59, an update of previous guideline D-22. The guideline specifies in more detail the application of certain provisions of the Income Tax Act (e.g., moment when the depreciation of buildings can start has been specified, concept of cost of meals for the purpose of providing meals to staff has been clarified, rules for taxation of a controlled foreign company have been specified). The new wording of the guideline is effective as of 1 January 2023.</p>	<p>Review the updated guideline and consider its potential impact on the company.</p>

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