

International Tax Finland Highlights 2017



Investment basics:

Currency – Euro (EUR)

Foreign exchange control – No

Accounting principles/financial statements – Finnish GAAP/IFRS. Financial statements must be prepared annually.

Principal business entities – These are the public and private limited liability company, general and limited partnership and branch of a foreign corporation.

Corporate taxation:

Residence – A company is resident if it is registered (incorporated) or otherwise established under Finnish law.

Basis – Residents are taxed on worldwide income; nonresidents are taxed only on Finnish-source income or income attributable to their Finnish permanent establishments. Foreign-source income derived by residents is subject to corporate tax in the same way as Finnish-source income. Branches generally are taxed according to the same principles applicable to subsidiaries.

Taxable income – Corporate tax is imposed on a company's profits, which consist of business income, passive income and capital gains. Normal business expenses may be deducted in computing taxable income. Complex rules govern the depreciation of assets.

Taxation of dividends – Dividends received by a Finnish resident company from another Finnish company generally are exempt from tax with certain exceptions, as are dividends received by a Finnish company from a company in an EU/European Economic Area (EEA) country. Dividends received from all other countries generally are taxable.

Capital gains – Capital gains generally are treated as ordinary income and taxed at the standard corporate rate of 20%. However, gains on qualifying holdings are exempt if certain conditions are satisfied (see under "Participation exemption").

Losses – Losses may be carried forward for 10 years. The right to carry forward tax losses is forfeited if more than 50% of the shares of the company were transferred during or after the year in which the losses were incurred. Further, if more than 50% of the shares in a company that owns at least 20% of the shares in the Finnish loss-making company have been transferred, the relevant portion of the shares in the Finnish loss-making company are deemed to be transferred. The carryback of losses is not permitted.

Rate – 20%

Surtax – No

Alternative minimum tax – No

Foreign tax credit – Foreign tax paid may be credited against Finnish tax assessed on same profits, but the credit is limited to the amount of Finnish tax payable on the income. The credit may be carried forward for five years.

Participation exemption – Gains derived from the sale of shares are not taxable for a Finnish corporate taxpayer when the shares sold belong to fixed assets that are deemed to be part of the seller's business income-generating assets (rather than passive income) if:

- The seller company owns at least 10% of the share capital of the entity;
- The shares have been held for at least one year, and the sale does not take place more than one year after the seller company's ownership in the entity falls below the 10% threshold;

- The disposed shares are not shares in a real estate company or limited liability company whose business activities consist principally of governing or owning real estate; and
- The disposed shares are of a Finnish company, a foreign company listed in the EU parent-subsidiary directive or a company resident in a country that has concluded a tax treaty with Finland, provided the treaty provisions on dividends are applicable to distributions by the company.

Holding company regime – See under “Participation exemption.”

Incentives – Finland has adapted its incentives to the EU’s regional and structural policy objectives and state aid rules. Certain areas in Finland are eligible for EU-financed incentives in some form.

Withholding tax:

Dividends – Dividends paid to a nonresident company are subject to a 20% withholding tax, unless the rate is reduced under a tax treaty or an exemption applies under the EU parent-subsidiary directive. If dividends are paid to an EEA resident shareholder, domestic nondiscrimination provisions may lower the withholding tax rate to a level corresponding to similar domestic distributions.

Interest – Interest payments to nonresidents generally are exempt from tax in Finland.

Royalties – Royalty payments made to a nonresident are subject to a 20% withholding tax, unless the rate is reduced under a tax treaty or an exemption applies under the EU interest and royalties directive.

Technical service fees – No

Branch remittance tax – No

Other taxes on corporations:

Capital duty – No

Payroll tax – No

Real property tax – The municipal authorities levy a real property tax ranging between 0.41% and 6%. The tax is deductible for corporate income tax purposes.

Social security – The employer is required to withhold social security, pension insurance contributions and unemployment insurance contributions from the gross salary of its employees.

Stamp duty – No

Transfer tax – A 1.6% tax is levied on transfers of Finnish securities, and a 4% tax is levied on transfers of Finnish real property and certain leasing rights in Finnish real property. Transfers of shares in real estate-rich companies or holding companies of real-estate-rich

companies are subject to a transfer tax of 2%. Some exemptions are available.

Other – A tonnage tax regime is available for shipping companies.

Anti-avoidance rules:

Transfer pricing – Finland generally follows the OECD transfer pricing guidelines. Affiliated companies are required to comply with the arm’s length principle. The tax authorities may adjust the profits of a Finnish company if the taxpayer has entered into a transaction under conditions that differ from those that would have been agreed upon between unrelated parties. Any profits that would have accrued to the company but for the non-arm’s length terms may be included in the company’s profits. Transfer pricing documentation is required.

Thin capitalization – There is a general limitation on the deductibility of intragroup interest expense. Interest expense on loans between related parties may be deducted only up to 25% of the company’s adjusted taxable income. There are certain exceptions to this rule: (1) net interest expense up to EUR 500,000 is fully deductible (but if the net interest expense exceeds EUR 500,000, the entire expense is subject to the limit); (2) the limit does not apply to interest expense not exceeding the interest income derived by the company paying the interest (i.e. interest expense is fully deductible up to the amount of interest income); and (3) the limit does not apply if the company can demonstrate that its equity balance sheet (equity/assets) ratio is equal to or greater than that of the group.

Controlled foreign companies – A foreign entity can be deemed a CFC if the entity is controlled directly or indirectly by Finnish residents. A nonresident entity is deemed to be controlled by Finnish residents if one or more residents jointly own directly or indirectly at least 50% of the capital of the foreign entity or its total voting power, or if one or more residents are entitled to at least 50% of the yield on the entity’s assets. The net income of a CFC is taxable income for the Finnish shareholder, regardless of whether the net income is distributed to the shareholder, if:

- The shareholder owns at least 25% of the capital of the nonresident entity or is entitled to at least 25% of the yield of the entity’s assets; and
- The effective tax rate in the entity’s state of residence is less than 3/5 of the Finnish corporate income tax rate, i.e. 12% (3/5 x 20%).

Disclosure requirements – No

Other – There is a broad substance over form doctrine in Finnish tax law and practice.

Compliance for corporations:

Tax year – The financial year is used. If two or more financial years end during the same calendar year, the years are combined for tax purposes.

Consolidated returns – Consolidated returns are not permitted; each company is required to file a separate tax return. However, profits may be transferred between eligible Finnish companies through a group contribution regime. The companies must engage in business activities, there must be at least a 90% direct or indirect holding between the entities and the ownership must have lasted for the full tax year.

Filing requirements – A company is required to file its return within four months of its financial year end. Advance corporate tax is paid monthly.

Penalties – Penalties apply for failure to file, late filing or filing a fraudulent return.

Rulings – A taxpayer may request a ruling from the tax authorities on the tax consequences of a specific transaction. Such rulings are binding on the authorities, but not on the taxpayer.

Personal taxation:

Basis – Finnish residents are taxed on their worldwide income. Nonresidents are taxed only on Finnish-source income as defined in the Income Tax Act, and income and gains from immovable property located in Finland.

Residence – An individual is resident if he/she has a principal place of abode in Finland or he/she spends more than six months in Finland (either within a calendar year or straddling two calendar years). A temporary absence (up to two to three months) will not break the continuity of the six-month period.

Filing status – Each taxpayer is provided with a tax return that has been filled in by the tax authorities; joint filing or assessment is not available.

Taxable income – Finland operates a dual income tax system for individuals, under which income is divided into earned income and capital income. Earned income is subject to national income tax, municipal income tax, church tax (if the individual is a member of either of the two state churches) and social security contributions. Income below EUR 16,900 is not subject to national income tax; progressive rates up to 31.50% apply above this amount. However, municipal income tax, church tax and social security contributions apply to income below EUR 16,900.

Income from capital is subject to national income tax at a flat rate of 30% on income up to EUR 30,000, and at 34% on income exceeding this amount.

A surtax of 5.85% is levied on pension income exceeding EUR 47,000 (after deduction of the pension income allowance).

Capital gains – Capital gains are taxed as income from capital at a flat rate of 30% applicable to income up to EUR 30,000, and at 34% on income exceeding that amount.

Deductions and allowances – Deductions for acquiring and maintaining income can be taken from taxable income. Certain deductions are applicable only from earned income (e.g. commuting costs, professional literature, tools and equipment and certain travel expenses), and some apply only to capital income (e.g. the deduction of interest on a home mortgage).

For municipal taxation purposes, a basic allowance up to EUR 3,060 is granted to low-income taxpayers. A municipal earned income allowance is granted up to a maximum of EUR 1,420, the deduction of which is calculated before the basic allowance. The basic allowance and earned income allowance are granted *ex officio*.

A national earned income allowance is available up to EUR 750.

Rates – Progressive national income tax rates up to 31.50% apply to earned income.

The municipal rates range from 16.50% to 22.5%, and potential church tax rates are 1% to 2.2%.

Nonresidents are taxed at a 35% rate on income earned from Finnish sources.

Other taxes on individuals:

Capital duty – See below under “Transfer tax.”

Stamp duty – No

Capital acquisitions tax – No

Real property tax – The municipal authorities levy a real property tax ranging between 0.41% and 6%. Rates vary by municipality and by type of real property (e.g. land, permanent residence, second homes).

Inheritance/estate tax – Inheritance tax is levied at progressive rates up to 33%, depending on the family connection between the deceased and the inheritor.

Net wealth/net worth tax – No

Social security – The employer is required to withhold 6.15% of an employee's gross salary for pension insurance contributions (7.65% for employees aged 53 to 62) and 1.60% for unemployment insurance contributions. If an employee's annual earned income is at least EUR 14,000, a health insurance premium of 1.58% also is payable by the employee, which is included in the individual's personal tax withholding percentage.

Other – A 1.6% tax is levied on transfers of Finnish securities, and a 4% tax is levied on transfers of Finnish real property and certain leasing rights to Finnish real property. Transfers of shares in real estate-rich companies or holding companies of real-estate-rich companies are subject to a transfer tax of 2%. Some exemptions are available.

Compliance for individuals:

Tax year – Calendar year

Filing and payment – Each individual receives a pre-filled in tax return from the tax authorities. If the return is incomplete or the individual does not agree with the return, it must be amended within a specific period. The tax return filing due dates are 9 and 16 May for tax residents and 16 May for nonresidents (although nonresidents usually are not required to file a return). Tax on employment income is withheld by the employer for each pay period. A taxpayer can make a prepayment to cover the final tax.

Penalties – Penalties apply for noncompliance (e.g. late filing) at amounts ranging from EUR 150 up to a progressive rate of the income not declared. The penalties are at the discretion of the tax authorities, within established limits.

Value added tax:

Taxable transactions – VAT is levied on the sale of goods, the provision of services and certain other transactions.

Rates – The standard rate is 24%, with reduced rates of 14%, 10% and 0% applying in certain cases.

Registration – If the turnover of the business activities in a certain financial year does not exceed EUR 10,000, VAT registration usually is not required and no VAT is levied (although this threshold does not apply to foreign entrepreneurs that do not have a fixed establishment in Finland). If the financial year is not 12 months, turnover of the financial year is proportioned for 12 months. If the turnover of the taxable person in a particular financial year is less than EUR 30,000, the taxable entity may be entitled to partial VAT relief.

In certain cases, the purchaser, rather than the seller, is liable for VAT under the reverse charge mechanism,

although the seller may have reporting obligations. The reverse charge applies if the purchase is made from a foreign supplier that does not have a fixed establishment that intervenes in the supply in Finland, or that has not applied for voluntary VAT registration in Finland. The reverse charge also applies to certain sales of construction services and trade on emission rights under certain conditions, and to certain sales of scrap and waste and investment gold.

Filing and payment – VAT returns and payments generally are due on a monthly basis. Quarterly or annual reporting and payments are available in certain cases.

According to the tax reporting and payment scheme, each VAT-taxable person has a tax account through which returns and payments are administered. Electronic returns are mandatory as from 1 January 2017; hard copies of returns will be allowed only in special cases, such as where technical obstacles prevent electronic filing.

The VAT return and payment is due by the 12th day of the second month following the VAT period. European Sales Listings (ESL) must be filed on a monthly basis by the 20th day of the month following the relevant VAT period. Penalties apply for late reporting and payment.

As from 1 January 2017, VAT payers with a maximum of EUR 500,000 revenue in 12 months may account for their VAT on a cash basis. The cash basis VAT applies only to supplies that take place in Finland; imports, exports, and intra-community supplies and acquisitions are outside the scope of this rule.

Source of tax law: Income Tax Act, Business Income Tax Act, Value Added Tax Act, Tax Assessment Act

Tax treaties: Finland has concluded around 70 tax treaties.

Tax authorities: Ministry of Finance, National Board of Taxes and tax offices

Contact:

Mikko Jantunen (mikko.jantunen@deloitte.fi)

Hanna Viilo (hanna.viilo@deloitte.fi)

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee (“DTTL”), its network of member firms, and their related entities. DTTL and each of its member firms are legally separate and independent entities. DTTL (also referred to as “Deloitte Global”) does not provide services to clients. Please see <https://www.deloitte.com/about> to learn more about our global network of member firms.

Deloitte provides audit, consulting, financial advisory, risk management, tax and related services to public and private clients spanning multiple industries. Deloitte serves four out of five Fortune Global 500® companies through a globally connected network of member firms in more than 150 countries and territories bringing world-class capabilities, insights, and high-quality service to address clients’ most complex business challenges. To learn more about how Deloitte’s approximately 225,000 professionals make an impact that matters, please connect with us on [Facebook](#), [LinkedIn](#), or [Twitter](#).

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited, its member firms, or their related entities (collectively, the “Deloitte Network”) is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser. No entity in the Deloitte Network shall be responsible for any loss whatsoever sustained by any person who relies on this communication.