

International Tax Sweden Highlights 2017



Investment basics:

Currency – Swedish Krona (SEK)

Foreign exchange control – No

Accounting principles/financial statements – Principles applied are in accordance with the Annual Accounts Act, the Swedish Accounting Standards Board, the Swedish Financial Accounting Standards Council and the Swedish Institute of Authorized Public Accountants.

Principal business entities – These are the private/public limited liability company (AB), partnership (KB and HB), sole proprietorship and branch of a foreign company.

Corporate taxation:

Residence – A corporation is resident in Sweden if it is incorporated in accordance with the Companies Act.

Basis – Residents are taxed on worldwide income. Nonresidents are taxed on business income from real estate or a permanent establishment (PE) in Sweden, income derived from the disposal of a Swedish housing association and dividend income from shares in Swedish associations. A royalty payment made to a foreign recipient is deemed to constitute a PE for the foreign recipient and is taxed accordingly.

Taxable income – Corporation tax is imposed on a company's profit, which consists of all types of income. Expenses incurred in obtaining or safeguarding income subject to tax normally are deductible.

Taxation of dividends – Dividends received by a Swedish resident company from another Swedish company normally are exempt from tax, provided the shareholding is business-related. Dividends received from a nonresident company also may be exempt if the shareholding is business-related (see under "Participation

exemption"). Even if qualifying for the above exemption, dividends will not be exempt if the dividend payment is treated as a tax-deductible expense in the country of the payer company. Other dividends are included in business income and taxed at the corporate tax rate of 22%.

Capital gains – Capital gains derived from the sale of shares in a resident company normally are tax-exempt if the shareholding is business-related (see under "Participation exemption"). Shares in an EU resident company (including shares held as inventory) are considered business-related if the holding represents at least 10% of the capital. Shares in a non-EU resident company may be considered business-related, provided the features of the foreign entity are similar to those of a Swedish limited liability company or a Swedish economic association. Taxable capital gains are regarded as other business income and taxed at a rate of 22%.

Losses – Losses may be carried forward indefinitely. However, restrictions apply after a direct or an indirect change of ownership.

The carryback of losses is not permitted.

Rate – 22%

Surtax – No

Alternative minimum tax – No

Foreign tax credit – Foreign tax paid may be credited against the Swedish tax on foreign income.

Participation exemption – The participation exemption applies to dividends received by a Swedish resident company from another resident company and to capital gains derived from the sale of shares in a resident company, provided the shares qualify as business-related (shares held as inventory do not qualify). Unquoted shares constituting fixed business assets always are deemed to be business-related. Quoted shares that

constitute fixed business assets are deemed to be business-related if the participation is at least 10% of the company's voting rights or is considered necessary for conducting the business of the company whose shares are held. In addition, quoted shares must be held for at least one year. In certain cases, the participation exemption may be extended to dividends received and capital gains derived from the sale of shares in a nonresident company. An exemption also exists for partnerships or holdings in partnerships. Special rules apply to investment companies. Even if qualifying for the participation exemption, dividends will not be tax exempt if the dividend payment is treated as a tax-deductible expense in the country where the payer company is resident.

Holding company regime – No

Incentives – No

Withholding tax:

Dividends – Dividends paid to a nonresident company are subject to a 30% withholding tax unless the rate is reduced or an exemption applies under a tax treaty, Swedish domestic legislation or the EU parent-subsidiary directive. A specific anti-avoidance rule applies for withholding tax purposes.

Interest – Sweden does not levy withholding tax on interest payments.

Royalties – There is no withholding tax on royalty payments. However, a foreign recipient of Swedish-source royalties is deemed to have a Swedish PE and is subject to Swedish income tax on the royalties received.

Technical service fees – There is no withholding tax on technical service fees.

Branch remittance tax – No

Other taxes on corporations:

Capital duty – No

Payroll tax – No, but see under "Social security."

Real property tax – Real property tax generally is levied annually at rates ranging between 0.2% and 2.8% on the tax assessed value (as determined by the tax authorities) of all types of real estate. The tax is deductible in computing the corporate tax liability.

A real property fee (instead of property tax) must be paid to the municipality on dwellings (including duplex dwellings). The annual fee for dwellings is the lower of SEK 7,687 or 0.75% of the property's assessed value. For duplex dwellings, the fee is the lower of SEK 1,315 or 0.3% of the real property's assessed value.

No property tax or property fee is levied on certain types of real property.

Social security – The general aggregate contribution by an employer on behalf of an employee is 31.42%. For individuals born in 1937 or earlier, the rate is 6.15% and for individuals born from 1938 to 1950, the rate is 16.36%.

Stamp duty – Stamp duty is levied on the transfer of real estate and on mortgage loans. The standard rate for real estate is 4.25% on the higher of the acquisition value and the tax assessed value if the transferee is a legal entity. For mortgage loans, the rate is between 0.4% and 2%.

Transfer tax – No, although some transfers are subject to stamp duty.

Anti-avoidance rules:

Transfer pricing – Sweden adheres to the OECD transfer pricing guidelines and allows the following transfer pricing methods: comparable uncontrolled price, resale price, cost plus, profit split and transactional net margin method. Documentation requirements apply. Sweden allows bilateral and multilateral advance pricing agreements.

Thin capitalization – There are no formal thin capitalization rules, although substantial interest deduction restrictions apply on loans from affiliated persons. The main rule is that Swedish companies may not deduct interest expense on debts owed to affiliated persons, regardless of the purpose or origin of the loan. An exception applies if the corresponding interest income is taxed at a rate of at least 10% in the hands of the beneficial owner, provided the main reason for the loan is not for the group to obtain a substantial tax benefit. If the corresponding interest income is not taxed at a rate of at least 10%, an exception to the application of the thin capitalization rules will apply if the debt is based on predominantly sound business reasons.

Controlled foreign companies – A Swedish resident company (or individual) or a nonresident with a PE in Sweden that holds an interest in certain foreign legal entities is subject to immediate taxation on its proportionate share of the foreign legal entity's profits if the foreign entity is not taxed or if it is subject to taxation at a rate lower than 12.1% (i.e. 55% of the Swedish tax rate of 22%). The CFC regime stipulates a participating interest threshold, and a "white list" applies. A Swedish shareholder of a foreign legal person within the European Economic Area that is treated as a CFC is exempt from CFC taxation on income derived from the CFC if the

shareholder (taxpayer) can demonstrate that the foreign legal person actually is established in its home state and carries on genuine economic activities.

Disclosure requirements – No

Other – A transaction may be disregarded if it produces a substantial tax benefit, the tax benefit can be considered as the predominant reason for the transaction and an assessment based on the transaction would be contrary to the purpose of the legislation.

Compliance for corporations:

Tax year – Corporations normally use a financial year consisting of a 12-month period ending on 31 December, 30 April, 30 June or 31 August, but can use a 12-month period ending on the last day of any month of the year.

Consolidated returns – Consolidated tax returns are not allowed, but contributions between Swedish group companies are allowed under certain circumstances as a way to equalize profits and losses.

Filing requirements – There are four different dates for filing the annual corporate income tax return:

- For companies with a financial year ending between 31 January and 30 April, the return is due on 1 November (paper returns) or 1 December (electronic returns) of the calendar year in which the financial year ended.
- For companies with a financial year ending between 31 May and 30 June, the return is due on 15 December (paper returns) of the calendar year in which the financial year ended or by 15 January (electronic returns) of the calendar year after the calendar year in which the financial year ended.
- For companies with a financial year ending between 31 July and 31 August, the return is due on 1 March (paper returns) or 1 April (electronic returns) of the calendar year after the calendar year in which the financial year ended.
- For companies with a financial year ending between 30 September and 31 December, the return is due on 1 June (paper returns) or 1 August (electronic returns) of the calendar year after the calendar year in which the financial year ended.

A preliminary return must be filed no later than one month before the start of the tax year, and monthly estimated tax payments must be made during the year based on the preliminary return.

A final tax assessment is issued within six months from the tax return filing deadline, and either a refund will be granted or a final balance must be paid.

Penalties – A fee of SEK 6,250 is imposed for late filing, with additional fees up to SEK 18,750 if no return is submitted within five months from the filing deadline. A surcharge equal to 40% of the tax due is levied if the

taxpayer has omitted information or provided false information on the return. If filing is incomplete or no return is submitted, the tax authorities may estimate the tax payable. Interest is levied on outstanding taxes.

Rulings – Advance rulings may be issued by the Council for Advance Tax Rulings to a resident or nonresident company on corporate income tax, VAT, real estate tax and the application of the general anti-avoidance rule.

Personal taxation:

Basis – Swedish residents are taxed on worldwide income. Nonresidents are taxed only on Swedish-source income, including pensions and certain capital gains.

Residence – An individual living or regularly residing in Sweden is considered resident for tax purposes. An individual that previously lived in Sweden is deemed to be resident even after departure from Sweden if he/she retains essential ties with Sweden, such as a permanent home or family.

Filing status – Spouses and children are taxed separately for income tax purposes.

Taxable income – An individual's income is divided into three categories: business income, employment income and capital income. An individual may be subject to both national income tax and municipal income tax (the latter is imposed only on earned income).

Capital gains – Capital gains generally are included in capital income.

Deductions and allowances – Personal allowances adjusted in relation to the total amount of income are available. Expenses incurred for the purpose of acquiring or maintaining income are deductible against the same source of income. Other deductions from employment income include work-related travel expenses and increases in living expenses resulting from work-related travel or maintenance of more than one dwelling and alimony. A tax reduction equal to 50% of the labor costs relating to housekeeping is available, but the reduction is limited to SEK 25,000 per year. There also is a tax reduction equal to 30% of the labor cost relating to repair, maintenance and rebuilding of a private dwelling, limited to SEK 50,000 per year.

Rates – Employment income is taxed at national progressive rates of approximately 30% up to 57%. One time reimbursements are taxed at standard rates of maximum 58% and capital income (dividends, interest, capital gains) is taxed at 30%.

The average municipal tax rate is about 32% and is levied on total taxable employment income, less a personal

allowance. A basic national income tax of 20% is levied on taxable income exceeding SEK 438,900. A higher national tax of 25% is levied on taxable income exceeding SEK 638,500. In total, a maximum rate of approximately 58% may be levied. On rare occasions, depending on the municipal rate, the highest tax rate can be up to 61%. Business income is taxed at the same rate as employment income.

Other taxes on individuals:

Capital duty – No

Stamp duty – Stamp duty is levied on the transfer of real estate and is payable by the purchaser. The standard rate is 1.5% of the market/transfer value of the property if the purchaser is an individual. Stamp duty of 2% is levied on the value of a real estate mortgage.

Capital acquisitions tax – No

Real property tax – Individuals are liable for a municipal fee at a maximum of SEK 7,687 on real property owned in Sweden.

Inheritance/estate tax – No

Net wealth/net worth tax – No

Social security – Social security contributions of 31.42% for employed individuals are paid by the employer, except for the pension insurance fee of 7% on employment income up to SEK 496,000. The maximum charge is SEK 34,700 and may be fully credited against other income taxes.

Contributions made by the self-employed amount to 28.97%, plus a pension insurance fee of 7% (on employment income up to SEK 496,000). The rate is reduced for individuals born in 1951 or earlier.

Compliance for individuals:

Tax year – Calendar year

Filing and payment – Individuals with taxable employment income of at least SEK 18,900 during the tax year must file a tax return and submit it to the tax office by 2 May of the year following the tax year.

Penalties – An initial late fee of SEK 1,250 is levied for filing a late return, with additional penalties applying if the failure continues. A surcharge of 40% of the tax due is levied if false/insufficient information is provided (which may be reduced under certain circumstances). If filing is incomplete or the taxpayer fails to file a return, the tax authorities may estimate the tax payable. Interest is levied on outstanding taxes.

Value added tax:

Taxable transactions – Swedish VAT is levied on the supply of goods and services in Sweden unless the goods or services are exempt or zero rated. The rules to determine whether a supply is made in Sweden differs depending on whether the supply is for goods or services, and whether the supply is to a business or individual consumer. Sweden generally follows the place of supply rules in the EU VAT directive. Swedish VAT also is levied on the purchase of goods by Swedish businesses from other EU member states (i.e. intra-Community acquisitions), purchases of services from foreign suppliers (intra-EU and non-EU) and the import of goods into Sweden from outside the EU. The party liable to Swedish VAT in relation to cross-border purchases of goods or services typically is the purchasing Swedish business. The importer is liable for VAT on imports.

Rates – The standard rate is 25%, with reduced rates of 12% (e.g. for foodstuffs and certain tourism services) and 6% (e.g. for newspapers, periodicals and domestic passenger transport). Certain medicines and financial services supplied to customers outside the EU are zero rated, i.e. no VAT is charged but input VAT may be recovered.

Exemptions mainly apply to transactions involving immovable property, financial services, healthcare and education. Several exemptions covering a variety of goods and services also applies. A transfer of a business, or an independent part of a business can fall outside the scope of VAT.

Registration – A company that is liable to VAT in Sweden must register for VAT purposes. Further, a transfer of own goods into Sweden from another EU country, exports from Sweden and a supply of goods or services to another EU member state (which are not taxable in Sweden) also trigger a VAT registration obligation. In certain circumstances, a foreign company may register voluntarily for VAT in Sweden.

Filing and payment – VAT returns must be filed and tax must be paid on a monthly, quarterly or an annual basis. If a company's VAT taxable turnover exceeds SEK 40 million, the VAT return must be filed and VAT paid on a monthly basis. If the turnover does not exceed SEK 40 million, but is between SEK 1 and SEK 40 million, the VAT return must be filed and VAT paid on a quarterly basis (May, August, November and February), although monthly reporting may be elected. Finally, if the turnover does not exceed SEK 1 million, the VAT return must be

filed and VAT paid on an annual basis. Penalties apply for failure to comply.

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

Tax treaties: Sweden has concluded over 80 income tax treaties

Tax authorities: Swedish Tax Agency

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