

# Deloitte News

March 2017, Deloitte in Slovakia

## Direct Taxes:

- **Country-by-Country Report**

Under an amendment to Act No. 442/2012 Coll. on international assistance and cooperation in tax administration, as amended, (the "International Cooperation Act") residents of the Slovak Republic that are members of a multinational group of companies with a consolidated group turnover of more than EUR 750,000,000 have a reporting duty to be made by the deadline for filing a tax return. An electronic reporting form was published on the website of the Financial Administration of the Slovak Republic in the section – Tax and Customs Forms.

- **National Project Financial Administration Electronic Services – Tax**

The implementation of the national project Financial Administration Electronic Services – Tax has been completed. The services introduced under the project facilitate two-way electronic communication between taxable persons and the Financial Administration.

- **Agreement on Directive on Hybrid Mismatches with Third Countries – ATAD2**

At a meeting of the Economic and Financial Affairs Council (ECOFIN), the Member States agreed on the ATAD2 Directive to prevent international companies avoiding fair taxation.

- **Agreement between the Slovak Republic and Malaysia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income**

The Slovak government and Malaysia have signed an Agreement on the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Income Taxes (the "DTAA"), which becomes effective on 1 January 2017.

- **Judgement of the Court of Justice of the European Union in Case C-464/14**

The Court of Justice of the European Union issued a judgement concerning the free movement of capital in the EU internal market.

- **Judgement of the Supreme Court of the Czech Republic No. 9 Afs 144/2016 – 51**

The Supreme Court of the Czech Republic issued a judgement concerning the deduction of R&D costs.

- **Judgement of the Court of Justice of the European Union in Case C-283/15 on the Request for a Preliminary Ruling under Article 267 TFEU Filed by a Decision of the Supreme Court of the Netherlands.**

A motion was filed as part of a dispute between the State Secretary for Finance and Mr. X concerning the refusal of the Dutch tax authorities to deduct “negative income” from a residence located in Spain owned by Mr. X.

- **Methodological Instruction for the Calculation of the Tax Base under Article 5(8) of Act No. 595/2003 Coll. on Income Tax, as Amended.**

The Financial Directorate of the Slovak Republic has updated the methodological instruction for the calculation of the tax base under Article 5(8) of Act No. 595/2003 Coll. on income tax, as amended, in relation to amendments effective from 1 January 2017.

## Indirect Taxes:

- **Court of Justice of the European Union – VAT**

### *C - 21/16 Euro Tyre – Failure to register in the VIES*

Engaging in marketing in a Member State via a distributor who at the time of the sales was registered as a taxable person for VAT purposes in the given Member State, but who was not yet registered in the VIES system, does not prevent supplies being VAT-exempt, provided the material conditions for an exemption were met.

### *C - 344/15 National Roads Authority – Existence of Actual or Potential Competition*

A purely hypothetical possibility of a private operator entering a market cannot be considered to be the existence of competition. A body governed by public law which provides access to a road on payment of a toll is not in competition with private operators who collect tolls on other toll roads, so this activity of a public body is not subject to VAT.

- **Supreme Court of the Slovak Republic – VAT**

### *8 Sžf 26/2014 – VAT Deduction*

For a VAT deduction, an executed taxable supply declared on an accounting document, i.e. an invoice which meets all legal requirements, must be materially substantiated. For a tax deduction claim, the VAT Act also requires the fulfilment of material and formal conditions, i.e. the taxable person must document that invoices, based on which the VAT deduction is claimed, are identical with the actual transactions.

## Legal:

- **Regulation Laying Down Details Concerning the Alternative Authenticator**

The regulation lays down details concerning the alternative authenticator for access to an electronic mailbox.

- **Act on Local Development Fee**

The act introduces a local development fee to cover the capital expenditure of towns and villages.

## Others:

- **Agreement between the Slovak Republic and Japan on Social Security**  
The Ministry of Labour, Social Affairs and Family reported the signing of an Agreement between the Slovak Republic and Japan on Social Security.
- **Information of the Social Insurance Agency on Notification of Exclusion of Duty to Pay Contribution**  
The Social Insurance Agency released information under which an employer is not obliged to notify the Social Insurance Agency of the fact or the period during which its employee is not obliged to pay a contribution.

## Deloitte News:

- **taxCube™**  
smart tax thinking

taxCube™ is a dedicated software developed by Deloitte to substantially increase the efficiency of the preparation of regular and additional VAT returns, VAT transactions statements and EC sales lists. taxCube™ simplifies and automates the preparation of VAT reports, reduces costs the risk of errors, and shortens the time needed for the preparation of VAT reports from days to hours.

taxCube™ performs a wide range of checks on imported data. taxCube™ is compatible with the IT environment and accounting procedures and methods that you use (use of exchange rates and credit notes, setup of tax codes, etc). Deloitte professionals will tailor the software to your needs.

More informations at [www.taxcube.sk](http://www.taxcube.sk).

- **Deloitte VAT Analytics**

Deloitte has developed a tool enabling an aggregated review of the entire set of documents that are reflected in the VAT return, EC Sales List and VAT Transactions Statement. An input for VAT Analytics is a data file from an accounting system containing detailed information about accounting documents.

A Deloitte team of VAT specialists has prepared more than 70 tests which after uploading a data file check whether VAT rules have been applied correctly and identify specific accounting documents that could be incorrect.

For more informations, please contact **Ján Skorka** at [jskorka@deloittece.com](mailto:jskorka@deloittece.com).

- **Events of Deloitte in Slovakia - April, May 2017 (<http://kalendar.deloitte.sk/>)**

- **Labour Law in 2017**

4. April, 2017

Bratislava, Radisson Blu Carlton Hotel, Hviezdoslavovo nám. 3

[Find out more](#) | [Register](#)

- **Austrian - Slovak Chamber of Commerce**

4. April, 2017

Bratislava, Einsteinova 23

[Find out more](#)

- **Summit Digital Hospital 2017**

11. April 2017

Bratislava, Hotel NH Gate One, Ambrušova 7

[Find out more](#) | [Register](#)

- **Banking and Insurance Forum 2017 - PSD 2: Big Bang in Financial Services**

27. April 2017

Bratislava, Sheraton Bratislava Hotel, Pribinova 12

[Register](#)

- **Deloitte Vat Academy 2017 - 5 moduls**

5., 12., 19., 22. and 26. May 2017

Bratislava, Einsteinova 23

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- **Deloitte Legal Dbriefs**

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