

# International Tax

## Slovakia Highlights

In Plain English



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## Investment basics:

**Currency** – Euro (EUR)

**Foreign exchange control** – No restrictions are imposed on the import or export of capital, and repatriation payments may be made in any currency. Both residents and nonresidents can hold bank accounts in any currency.

### **Accounting principles/financial statements**

– Slovak Accounting Standards/IFRS apply for large companies, banks and insurance companies. Financial statements must be prepared annually.

**Principal business entities** – These are the limited liability company, joint stock company, general partnership, limited partnership, cooperative, sole proprietorship and branch of a foreign corporation.

## Corporate taxation:

**Residence** – A company is resident if its seat or place of effective management is in Slovakia.

**Basis** – Residents are taxed on worldwide income; nonresidents are taxed only on Slovak-source income. Foreign-source income derived by residents is subject to corporate income tax in the same way as Slovak-source income. Branches are taxed in the same way as subsidiaries.

**Taxable income** – Corporate income tax is imposed on a company's accounting profits adjusted for deductible, nondeductible and nontaxable items. Normal business expenses may be deducted in computing the tax base.

**Taxation of dividends** – Dividends distributed out of profits generated as from 2004 generally are not subject to tax to the extent they have not been deducted by the payer of the dividends (i.e. hybrid financial instruments). However, dividends distributed out of profits generated as from 2017 and received from a resident of a state

with which Slovakia has not concluded a tax treaty or an agreement on the exchange of information for tax purposes (i.e. a noncontracting state) are taxable at a 35% rate.

**Capital gains** – Capital gains are taxed at rate of 21%. In some cases, capital losses are nondeductible.

**Losses** – Tax losses declared after 1 January 2014 may be carried forward and deducted from the tax base in equal amounts over four years. The carryback of losses is not permitted.

**Rate** – 21%

**Surtax** – No

**Alternative minimum tax** – No, the alternative minimum tax (AMT) applied only from 2014 to 2017 for calendar-year taxpayers; for taxpayers with a tax period other than the calendar year, the last tax period for which the AMT applied was the period ending during the 2018 calendar year.

**Foreign tax credit** – Foreign tax paid may be credited against Slovak tax on the same profits, but the credit is limited to the amount of Slovak tax payable on the foreign income under an applicable tax treaty. Some of Slovakia's treaties eliminate double taxation by the exemption method, meaning that income taxed abroad is excluded from Slovak taxation.

**Participation exemption** – Income from the sale of shares and ownership interests (participations) in Slovak and foreign companies is exempt from tax in Slovakia if (i) the income from the sale of the participation arises no earlier than 24 months after the acquisition date of at least a 10% direct interest in the registered capital; and (ii) a taxable person carries out significant functions in the Slovak Republic, manages and bears the risks associated with the participation ownership and has the personnel and material equipment required to carry out such functions.

**Holding company regime** – No

**Incentives** – Investment incentives may be available for the production, expansion or modernization of shared services centers or research and development (R&D) centers. These incentives are subject to special rules in the State Aid Act and can be provided either in the form of cash or tax relief. Furthermore, the taxpayer may deduct 100% of R&D expenses incurred in the relevant tax period, plus the year-over-year increase in such expenses (calculated as the amount by which the average amount of R&D costs incurred in the current and previous tax periods exceed the average R&D costs incurred in the two previous tax periods).

**Other** – An exit tax is imposed when a taxpayer moves its assets and/or business activities (fully or partially) and/or tax residence out of Slovakia. The exit tax rate is 21% and applies on the economic value of the gains generated in Slovakia. The exit tax may be paid in installments over a five-year period, provided the assets are transferred to a country in which the effective collection of the tax is assured; otherwise, the exit tax payment is due by the deadline for filling the tax return.

#### **Withholding tax:**

**Dividends** – Dividends distributed out of profits generated as from 2017 and paid to an entity or individual resident in a country that has not concluded a tax treaty with Slovakia are subject to a 35% withholding tax. Dividends distributed by a Slovak-resident entity out of profits generated as from 2017 to an entity resident in a country that has concluded a tax treaty with Slovakia are exempt from withholding tax. Dividends distributed by a Slovak-resident entity out of profits generated as from 2017 to individuals resident in Slovakia or a country that has concluded a treaty with Slovakia are subject to a 7% withholding tax. The withholding tax rate may be reduced under a tax treaty.

**Interest** – Interest paid to a nonresident is subject to a 19% withholding tax, unless the rate is reduced under a tax treaty or an exemption applies under the EU interest and royalties directive. A 35% rate applies where the payment is made to a resident of a non-treaty state.

**Royalties** – Royalties paid to a nonresident are subject to a 19% withholding tax, unless the rate is reduced under a tax treaty or an exemption applies under the EU interest and royalties directive. A 35% rate applies where the payment is made to a resident of a non-treaty state.

**Technical service fees** – No

**Branch remittance tax** – No

#### **Other taxes on corporations:**

**Capital duty** – No

**Payroll tax** – Payroll tax is payable by an employer at the time remuneration is paid to an employee.

**Real property tax** – The municipal authorities levy rates on the ownership/ occupation of real property. Rates are deductible in calculating the corporate income tax liability.

**Social security** – The employer is required to make pay-related insurance contributions at 35.2% of an employee's gross salary. Part of the contributions are capped.

**Stamp duty** – Fees are imposed, but usually are insignificant.

**Transfer tax** – No

#### **Anti-avoidance rules:**

**Transfer pricing** – Slovakia's transfer pricing rules generally follow the OECD guidelines. The transfer pricing rules apply to transactions between domestic related parties, as well as those between a Slovak

resident and a nonresident related party. Taxpayers must prepare contemporaneous documentation to substantiate the transfer pricing methodology used in determining transfer prices in related party transactions.

Country-by-country (CbC) reporting applies to Slovak entities that are members of a multinational enterprise (MNE) group with annual consolidated group revenue exceeding EUR 750 million. The CbC report is due by the deadline for submission of the corporate income tax return, or by the deadline for an extended period for filing a tax return if one has been granted.

**Thin capitalization** – Thin capitalization rules restrict the maximum amount of tax-deductible interest on related party (foreign and domestic) loans (new and old) to 25% of the taxpayer's EBITDA.

**Controlled foreign companies** – Slovakia implemented CFC rules following “model B” of the EU Anti-Tax Avoidance Directive as from 1 January 2019, i.e. a resident taxpayer's tax base includes CFC income that is undistributed income arising from non-genuine arrangements that have been put in place for the essential purpose of obtaining a tax advantage.

A CFC generally is defined as an entity or a permanent establishment whose profits are not subject to tax or are exempt in the taxpayer's member state of residence, if:

- The taxpayer holds, individually or together with affiliates, a direct or indirect “stake” of more than 50% in the entity; and
- The actual corporate income tax paid by the entity or permanent establishment is effectively lower than half of the corporate income tax that would have been due in the taxpayer's member state of residence.

**Disclosure requirements** – CbC reporting applies, see under “Transfer pricing,” above.

### **Compliance for corporations:**

**Tax year** – The tax year generally coincides with the calendar year, although the taxpayer can elect a different fiscal year. The tax period may be shorter, for example, if the company moves from a calendar year to a fiscal year.

**Consolidated returns** – Consolidated tax returns are not permitted; each company must file a separate return.

**Filing requirements** – Slovakia operates a self-assessment regime. Advance payments of corporate income tax generally are due in monthly or quarterly installments. Income tax is assessed on the basis of annual returns, which must be filed within three months following the end of the tax period. The deadline for filing can be extended by three or six months in some instances, provided certain requirements are met. The taxpayer must pay any tax due within the statutory period and/or by the announced extended filing date.

An additional tax return may be filed after the commencement of a tax audit (within 15 days).

**Penalties** – Penalties for noncompliance with the tax law fall into two main categories: (1) late payment interest on outstanding tax liabilities, which is calculated as an annual percentage on the outstanding amount; and (2) fines, usually up to EUR 32,000 or calculated as a percentage of the underpaid tax. The penalties for noncompliance depend on the length of time that has elapsed since the tax return was filed. The percentage of the fine depends on the form of the assessment of the additional tax (e.g. whether the additional tax is levied during a tax audit or is the result of the filing of an additional tax return).

**Rulings** – Advance pricing agreements are possible only in limited cases (i.e. in respect of a transfer pricing methodology and the method for determining the tax base for a permanent establishment). Agreements are

valid for up to five tax years. Binding rulings are issued only in limited cases.

### **Personal taxation:**

**Basis** – Slovak residents are taxed on worldwide income; nonresidents are taxed only on Slovak-source income.

**Residence** – An individual is resident if he/she has a permanent address or home available in Slovakia or spends more than 183 days during a calendar year in the country.

**Filing status** – Individuals must file separate tax returns; joint filing is not permitted.

**Taxable income** – Employment income, including most employment benefits, is taxable. Profits derived from the carrying on of a trade or profession generally are taxed in the same way as profits derived by companies. Investment income in the form of dividends distributed out of profits generated in 2017 and thereafter is subject to tax.

**Capital gains** – Capital gains generally are included in aggregate income, although gains from the sale of assets used to generate income or to carry on a business or independent profession are treated as business and independent professional income.

**Deductions and allowances** – Subject to certain restrictions, deductions are granted for compulsory health and social contributions, up to specific limits. Personal allowances are available to the taxpayer and his/her spouse, children and dependents if certain requirements are met. An allowance for interest paid on mortgage loans, up to EUR 400 per annum, is available if specific conditions are met.

**Rates** – The individual income tax rate is 19% up to a tax base of EUR 36,367.76 (adjusted on an annual basis), and 25% on the excess.

Capital gains from the sale of shares traded on regulated markets within the EU and that are held for at least one year are not subject to tax in Slovakia. If the shares are not held for at least one year, the capital gains are considered taxable income taxed at the general progressive rates (19% and 25%). Capital gains that do not exceed EUR 500 are not taxable. A 19% withholding tax is levied on interest income.

Dividends are taxed at a 7% rate. Dividends distributed to Slovak residents by a company with its registered seat in a non-treaty state are subject to a 35% tax rate.

### **Other taxes on individuals:**

**Capital duty** – No

**Stamp duty** – Fees are levied on the transfer of real estate, but are not significant.

**Capital acquisitions tax** – No

**Real property tax** – Tax is levied by the municipal authorities on the ownership and occupation of real property.

**Inheritance/estate tax** – No

**Net wealth/net worth tax** – No

**Social security** – The social security system consists of social security and health insurance contributions. If an individual is on a Slovak payroll, the employer withholds social security on a monthly basis. A self-employed individual also must make pay-related insurance contributions, with the amount based on the individual's salary.

### **Compliance for individuals:**

**Tax year** – Calendar year

**Filing and payment** – Tax on employment income is withheld by the employer and remitted to the tax authorities. In general, income other than employment income is self-assessed. Individuals must file a

tax return and make monthly or quarterly prepayments of tax during the calendar year.

**Penalties** – Penalties apply for failure to comply with filing and/or payment obligations. The percentage of the fine depends on the form of assessment of the additional tax (e.g. whether the additional tax is levied during a tax audit or due to the filing of an additional tax return).

### **Value added tax:**

**Taxable transactions** – VAT is imposed on the supply of goods and the provision of services, and on imports.

**Rates** – The standard rate is 20%, with a reduced rate of 10% applying to certain pharmaceutical and medical products, certain foods and accommodations. Certain supplies (e.g. financial and insurance services) are exempt.

**Registration** – All individuals or legal entities that carry out economic activities in Slovakia are regarded as taxable persons. The registration threshold for VAT purposes is taxable turnover of EUR 49,790 within the preceding 12 consecutive calendar months. Taxable persons below the threshold can apply for voluntary registration. Nonresidents that make taxable supplies of goods or services in Slovakia must register before the supply is made, unless the reverse-charge mechanism is applied by the recipient of the supply.

**Filing and payment** – The standard assessment period is the calendar month. A registered person can apply for a calendar-quarter assessment period if its turnover is less than EUR 100,000 in the preceding 12 consecutive months and the person has been registered for VAT for at least one calendar year.

The VAT return must be submitted by the 25th day of the month following the relevant tax period. When the return is submitted monthly or quarterly, payment in full must accompany the return, i.e. VAT for a relevant tax period is payable by the 25th day of the following month.

A VAT transaction statement must be submitted by the due date of the VAT return (i.e. by the 25th day of the month following the relevant tax period). For services with a place of supply outside Slovakia and in respect of intra-community supplies of goods, European Community sales lists should be submitted.

**Source of tax law:** Income Tax Act, VAT Act, Administration Taxes Act, Municipality Taxes Act

**Tax treaties:** Slovakia has concluded 68 income tax treaties. The OECD multilateral instrument (MLI) entered into force for Slovakia on 1 January 2019.

**Tax authorities:** Slovak Tax Directorate

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