

JULY, 2021

Your reference for tax news in Croata





Monthly Newsletter

Confida Croatia has created the Confida Monthly Newsletter with the aim of providing both local and international businesses with answers to key questions regarding tax regulations in Croatia.

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I. NEW DEFAULT INTEREST RATE FROM JULY 1, 2021

The Croatian National Bank published the average interest rate on loans granted for a period longer than one year to non-financial corporations calculated for the reference period from 1 July 2021 to 31 December 2021. The stated average interest rate is 2.61%.

The Law on Obligations determines the interest rate by increasing the stated average interest rate by 5 percentage points on relations from trade contracts and contracts between a trader and a public entity, and in other relations by 3 percentage points.

The following is an overview of default interest rates for the second half of 2021:

RELATION	DEFAULT INTEREST RATE AS OF JULY 1, 2021.
Contracts between traders	7,61 % (2,61+5 p.p.)
Contracts between traders and public law entities	7,61 % (2,61+5 p.p.)
Other relations	5,61 % (2,61+3 p.p.)



II. NEW CORPORATE TAXATION PROGRAM FOR PANDEMIC RECOVERY ADOPTED BY EUROPEAN COMMISSION

Given the pandemic time of COVID-19 and the new challenges – both in private and business areas – the European Commission has adopted a Communication on Business Taxation for the 21st Century, which is extremely important for companies in the European Union whose context of tax policy is radically changed. The vision of supporting Europe's recovery and securing competent public revenues in the coming period is emphasized.

It is about promoting a taxation system that is strong, efficient, and fair. The main goal of this program is to encourage sustainable growth, strengthen open strategic autonomy, but also create jobs in the European Union.

Every year, billions of euros are lost in the European Union due to tax fraud, evasion, and payment evasion. Therefore, the tax system needs to be modernized to better influence current and future economic and social development.

EU member states' budgets rely heavily on labor taxes, including social security contributions that provide more than 50% of total EU tax revenue. VAT as such accounts for more than 15% of total tax revenues, and other tax bases, such as environmental tax, are 6%, property tax 5%, and, for example, profit tax 7%, which contributes very little to total tax revenue.

The total tax revenues of the European Union have been relatively stable over the last two decades, but large and influential trends such as climate change and the digital transformation of the labor market are likely to affect the change in the tax business.

The Commission will set out a new framework for the taxation of EU companies by 2023, which it plans to reduce the burden on the administration by removing tax obstacles and creating an environment that is more favorable for doing business in the market.

Such a framework, entitled "Business in Europe: Framework for Income Taxation", abbreviated BEFIT, will adopt uniform tax rules that will more fairly distribute tax rights that apply to members of the European Union..

The main features of BEFIT are:

- reducing the alignment of costs and bureaucracy;**
- reducing the possibility of tax evasion;**
- job creation; and**
- investing in the EU single market.**

It is important to say that the existing proposal for a common consolidated corporate tax base will be withdrawn and replaced by the new, mentioned, BEFIT. The new program sets out a tax program for the next two years that includes measures on productive investment and entrepreneurship as well as better income protection at the national level, but also support for green and digital transition.

The measures relate to greater public transparency with a proposal for individual EU companies to publish real tax rates, which will contribute to combating tax evasion and combating the abuse of fictitious companies.

Also, the measures include recovery with changes in preferential treatment of debt in the current corporate taxation systems – corporate financing by borrowing is more tax-friendly, and the goal is to encourage companies to finance their operations with equity rather than debt.

It is extremely important to remove cross-border tax obstacles as well as to ensure the effective collection of tax revenues, which is crucial for financing quality public services. All this would contribute to a level playing field for all companies, thus improving their competitiveness.

In addition to new measures, the Recommendation on National Treatment of Loss was adopted. The members of the European Union are encouraged to transfer losses to companies in the previous period, at least for the previous year. Simpler – companies that were profitable in the period before the pandemic would be able to compensate for the losses from 2020 and 2021 with taxes they paid before the pandemic, before 2020.

According to the current Income Tax Act, corporate taxpayers who made a loss last year and made a tax loss (accounting adjusted for items that reduce and/or increase the tax base) are entitled to a reduction in the tax base in the next five years (until 2025. years) unless otherwise provided by law.

Whether the tax loss can be consumed “today” instead of the right to reduce future tax liabilities, the Ministry of Finance has no information yet. Minister Zdravko Marić says that “solutions are still being worked on” which means that we will have to wait for more concrete information for some time.

Communication on taxation and measures are part of a more complex European Union's tax reform agenda.

In addition to tax reforms, the European Commission will present measures related to fair taxation in the growing digital economy. A digital fee has been announced, which will be used as a source of EU own resources, as well as a revision of the Energy Taxation Directive and a mechanism for adjusting carbon emissions at borders.

All the above contributes to the modern and current development of companies in the European Union as well as progress in the field of taxation, which is an integral part of every business activity.



A white ceramic cup filled with a golden-brown liquid, likely coffee, sits on a white surface. To the left of the cup, a portion of a newspaper is visible, showing some text and a small image. The background is a plain, light-colored wall.

III. NEW GRANT MEASURE FOR THE PRESERVATION OF JOBS FOR JULY 2021

By the decision of the CES Management Board, new grant measure for the preservation of jobs in the activities of reduced economic activity for July 2021 were adopted.

The measures are intended for employers from the sector of reduced economic activity, and their goal is to retain workers whose economic activity has been disrupted due to special circumstances.

All employers who have registered their activity and registered with the HZMO system of insured persons by 28 February 2021 can use the measure for July for workers employed by 30 June 2021 at the latest.

Applications for support for July can be submitted from July 26, 2021, to August 25, 2021.

To receive the grant, employers will need to prove that by August 25, 2021, 70 percent or more of the workers for whom the employer seeks support have an EU digital COVID certificate or have obtained the conditions for obtaining it following the rules on issuing EU digital COVID certificates in the Republic of Croatia.

Exceptionally, if on 25 August 2021 less than 70% of the workers for whom the employer seeks the grant possess or have qualified for the EU digital COVID certificate, the percentage of aid is granted by the percentage of workers who have qualified or have the EU digital COVID certificate from the total amount of grant for all workers for whom the employer seeks the grant.

The employer can receive the grant in proportion to or equal to a percentage of the share of EU COVID certificates of the total amount of the certificate for less than 70 percent of COVID certificates.

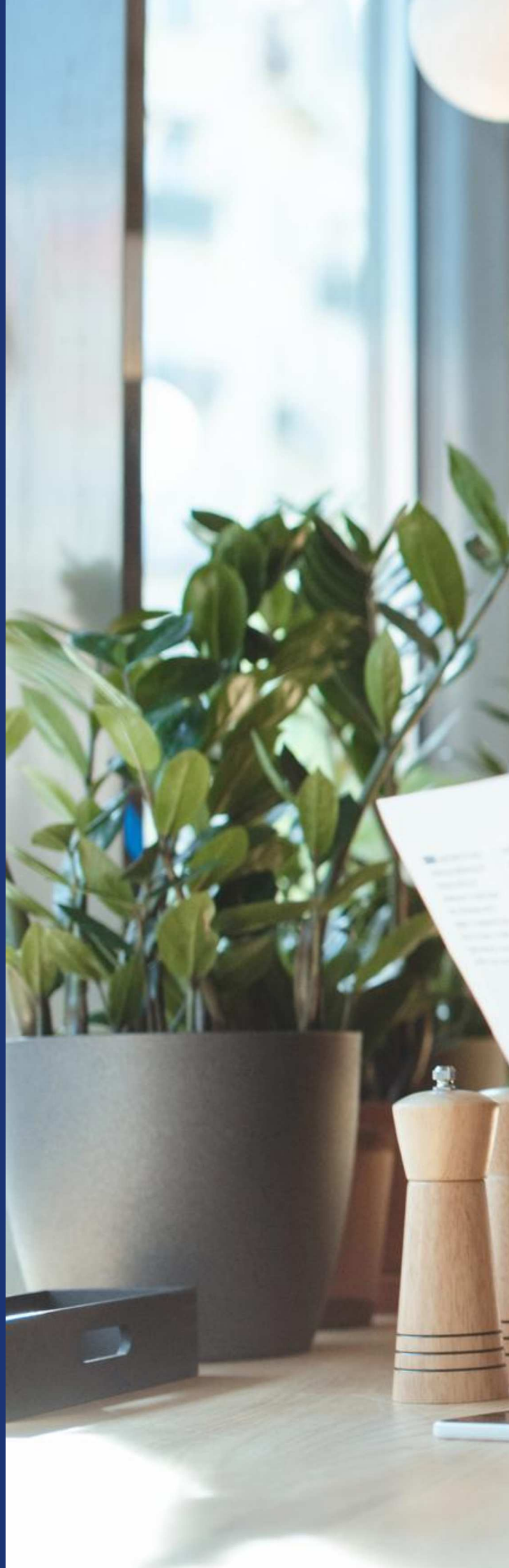
The authorities, in cooperation with the CES, will exchange data on the possession of the EU digital COVID certificate (or acquired conditions for possession) and verify the veracity of the data.

We note that the Croatian Employment Service, following the General Provision on Data Protection, will not have access to the personal data of employees, but will exchange and process them as statistical data.

The Croatian Employment Service will thus receive only a percentage of workers with an EU digital COVID certificate, or those who have acquired the conditions for it, from the competent institutions.

To receive support, employers will need to provide proof of a decrease in income/receipts in the prescribed comparative periods.

Exceptions are employers from the Sisak-Moslavina, Zagreb, and Karlovac counties who were affected by the earthquake. They do not have to prove that they had a drop in income/receipts but will declare under material and criminal liability that the circumstances from the eligibility criteria.





I. NOVA STOPA ZATEZNE KAMATE OD 1. SRPNJA 2021. GODINE

Hrvatska narodna banka objavila je prosječnu kamatnu stopu na stanja kredita odobrenih na razdoblje dulje od godinu dana nefinancijskim trgovačkim društvima izračunatu za referentno razdoblje od 1. srpnja 2021. do 31. prosinca 2021. godine. Navedena prosječna kamatna stopa iznosi 2,61 %.

Zakonom o obveznim odnosima visina kamatne stope utvrđuje se uvećanjem navedene prosječne kamatne stope za 5 postotnih poena na odnose iz trgovačkih ugovora i ugovora između trgovca i osobe javnog prava, a u ostalim odnosima za 3 postotna poena.

U nastavku je pregled stopa zateznih kamata za drugo polugodište 2021. godine:

ODNOS	STOPA ZATEZNE KAMATE OD 1. SRPNJA 2021.
Ugovori između trgovaca	7,61 % (2,61+5 p.p.)
Ugovori između trgovaca i osoba javnog prava	7,61 % (2,61+5 p.p.)
Ostali odnosi	5,61 % (2,61+3 p.p.)



II. ZA OPORAVAK OD PANDEMIJE EUROPSKA KOMISIJA DONIJELA NOVI PROGRAM OPOREZIVANJA PODUZEĆA

S obzirom na pandemijsko vrijeme COVID-19 i novih izazova – kako u privatnim, tako i u poslovnim područjima života – Europska komisija donijela je Komunikaciju o oporezivanju poduzeća za 21. stoljeće koja je iznimno važna upravo za poduzeća u Europskoj uniji čiji se kontekst politike oporezivanja radikalno promijenio. Ističe se vizija potpore oporavku Europe i osiguranja kompetentnih javnih prihoda u nadolazećem razdoblju.

Radi se o promicanju sustava oporezivanja koje je snažno, učinkovito i pravedno. Glavni cilj ovog programa jest poticanje održivog rasta, jačanje otvorene strateške autonomije, ali i otvaranje radnih mjesta u Europskoj uniji.

Svake godine se u Europskoj uniji izgube milijarde eura radi poreznih prijevара, utaja i izbjegavanja plaćanja. Zbog toga se porezni sustav mora modernizirati kako bi se bolje moglo utjecati na trenutni i budući gospodarski i društveni razvoj.

U velikoj se mjeri proračuni država članica EU-a oslanjaju na poreze na rad što uključuje i socijalne doprinose koji osiguravaju više od 50% ukupnog poreznog prihoda u EU. PDV kao takav čini više od 15% ukupnih prihoda od poreza, a ostale porezne osnovice, poput poreza na okoliš iznose 6%, poreza na imovinu 5% i, primjerice, poreza na dobit 7% što vrlo malo doprinosi ukupnom poreznom prihodu.

Ukupni porezni prihodi Europske unije relativno su stabilni posljednja dva desetljeća, no veliki i utjecajni trendovi poput klimatskih promjena i digitalne transformacije tržišta rada vjerojatno će utjecati na promjenu poreznog poslovanja.

Novi okvir za oporezivanje poduzeća EU-a Komisija će izložiti do 2023. godine kojim planira smanjiti opterećenja u administraciji uklanjajući prepreke vezane uz porez te napraviti okruženje koje će biti povoljnije za poslovanje na tržištu.

Takav okvir, koji nosi naziv „Business in Europe: Framework for Income Taxation“, skraćeno BEFIT, donijet će jedinstvena porezna pravila koja će pravednije raspodijeliti prava oporezivanja koja će se odnositi na članice Europske unije.

Glavne značajke BEFIT-a su:

- **smanjenje usklađivanja troškova i birokracije;**
- **smanjenje mogućnosti za izbjegavanje plaćanja poreza;**
- **otvaranje radnih mjesta; i**
- **ulaganja na jedinstvenom tržištu EU-a.**

Važno je naglasiti kako će postojeći prijedlog o zajedničkoj konsolidiranoj osnovici poreza na dobit biti povučen te će ga zamijeniti novi, spomenuti, BEFIT.

U novom programu postavljen je porezni program za naredne dvije godine koji sadrži mjere o produktivnim ulaganjima i poduzetništvu kao i o boljoj zaštiti prihoda na nacionalnoj razini, ali i potpori zelenoj i digitalnoj tranziciji.

Mjere se odnose na veću javnu transparentnost s prijedlogom da pojedina poduzeća EU-a objavljuju stvarne porezne stope što će pridonijeti borbi protiv izbjegavanja plaćanja poreza i suzbijanju zloupotrebe fiktivnih poduzeća.

Također, mjere podrazumijevaju oporavak uz izmjene povlaštenog tretmana duga u trenutnim sustavima oporezivanja poduzeća – financiranje poduzeća zaduživanjem povoljnije se porezno tretira, a cilj je poticanje poduzeća da vlastita poslovanja financiraju vlasničkim kapitalom, a ne dugom.

Izuzetno je važno uklanjanje prekograničnih poreznih zapreka kao i osiguravanje djelotvorne naplate poreznih prihoda što je presudno za financiranje kvalitetnih javnih usluga. Sve to bi pridonosilo jednakim uvjetima za sva poduzeća, samim time poboljšavajući konkurentnost istih.

Osim novih mjera donesena je i Preporuka o nacionalnom tretmanu gubitka. Članice Europske unije potiču se na mogućnost prenošenja gubitaka poduzećima u prethodno razdoblje i to barem za prethodnu godinu. Jednostavnije – poduzećima koja su bila profitabilna u razdoblju prije pandemije bilo bi omogućeno da gubitke iz 2020. i 2021. godine nadomjeste porezima koje su platili prije pandemije, odnosno prije 2020. godine.

Prema važećem Zakonu o porezu na dobit, obveznici poreza na dobit koji su lani poslovali s gubitkom i ostvarili porezni gubitak (računovodstveni korigiran za stavke koje umanjuju i/li povećavaju poreznu osnovicu) imaju pravo na umanjenje porezne osnovice u sljedećih pet godina (do 2025.godine), ako Zakon ne određuje drugačije.

Hoće li se umjesto prava na umanjenje budućih poreznih obveza porezni gubitak moći konzumirati "danas", iz Ministarstva financija zasad nema informacija. Resorni ministar Zdravko Marić kaže kako se "još radi na rješenjima", što znači da ćemo konkretnije informacije morati sačekati još neko vrijeme.

Komunikacija o oporezivanju i mjere u sklopu su kompleksnijeg programa poreznih reformi Europske unije.

Uz reforme poreza, Europska komisija predstaviti će i mjere koje se tiču pravednog oporezivanja i to u digitalnom gospodarstvu koje se sve više razvija. U najavi je digitalna pristojba, koja će se upotrebljavati kao izvor vlastitih sredstava EU-a, kao i revizija Direktive o oporezivanju energije i mehanizma za prilagodbu emisija ugljika na granicama.

Sve navedeno doprinosi modernom i aktualnom razvoju poduzeća u Europskoj uniji kao i napretku po pitanju oporezivanja koje je sastavni dio svakog poslovnog djelovanja.





III. NOVE MJERE OČUVANJA RADNIH MJESTA ZA SRPANJ 2021.

Odlukom Upravnog vijeća HZZ-a, usvojene su nove mjere očuvanja radnih mjesta u djelatnostima smanjene gospodarske aktivnosti za srpanj 2021. godine.

Mjere su namijenjene poslodavcima iz sektora smanjene gospodarske aktivnosti, a cilj im je zadržavanje radnika kojima je zbog posebnih okolnosti narušena gospodarska aktivnost.

Svi poslodavci koji su registrirali djelatnost i izvršili prijavu u sustav osiguranika HZMO-a do 28. veljače 2021. godine mogu koristiti mjeru za srpanj i to za radnike zaposlene najkasnije do 30. lipnja 2021. godine.

Zahtjevi za potporu za srpanj zaprimat će se od 26. srpnja 2021. godine do zaključno 25. kolovoza 2021. godine.

Kako bi ostvarili potporu, poslodavci će trebati dokazati da do zaključno 25. kolovoza 2021. godine 70 i više posto radnika za koje poslodavac traži potporu posjeduje EU digitalnu COVID potvrdu ili su stekli uvjete za dobivanje iste sukladno pravilima o izdavanju EU digitalnih COVID potvrda u Republici Hrvatskoj.

Iznimno, ako 25. kolovoza 2021. godine manje od 70 posto radnika za koje poslodavac traži potporu posjeduje, ili su stekli uvjete za EU digitalnu COVID potvrdu, postotak potpora se odobrava sukladno postotku udjela radnika koji su stekli uvjete ili imaju EU digitalnu COVID potvrdu i to od ukupnog iznosa potpore za sve radnike za koje poslodavac traži potporu.

Poslodavac može ostvariti potpore proporcionalno, odnosno jednako postotku udjela EU COVID potvrda od ukupnog iznosa potvrde za manje od 70 posto COVID potvrda.

Nadležna tijela će u suradnji s HZZ-om razmijeniti podatke o posjedovanju EU digitalne COVID potvrde (ili stečenim uvjetima za posjedovanje) i na taj način provjeriti istinitost podataka.

Napominjemo kako Hrvatski zavod za zapošljavanje, sukladno Općoj odredbi o zaštiti podataka neće imati uvid u osobne podatke radnika, već će ih razmijeniti i obrađivati kao statističke podatke.

Hrvatski zavod za zapošljavanje će tako zaprimati samo postotak radnika s EU digitalnom COVID potvrdom, odnosno onima koji imaju stečene uvjete za istu, od nadležnih institucija.

Kako bi ostvarili potporu poslodavci će trebati dostaviti dokaz o padu prihoda/primitaka u propisanim usporednim razdobljima.

Izuzetak su poslodavci s područja Sisačko-moslavačke, Zagrebačke i Karlovačke županije koji su pogođeni potresom pa tako ne moraju dokazivati da su imali pad prihoda/primitaka, već će kod podnošenja zahtjeva izjaviti pod materijalnom i kaznenom odgovornošću da su nastupile okolnosti iz kriterija za dobivanje potpore.





CONTACTS

Confida – Revizija d.o.o.

Poljička ul. 5/V
10000, Zagreb
+385 1 4606 900

www.confida.hr

Christian Braunig
Managing Partner
e-mail

Frane Garma
Director
e-mail

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