

Tax Alert

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This Tax Alert is produced by PricewaterhouseCoopers Slovenia Tax Department.

Amendment of the Value Added Tax Act

On 30 April 2009 the Act Amending the Value Added Tax Act (VAT-1A), which amends article 73 of the Act, was published in the Official Gazette of the Republic of Slovenia (no. 33/09).

The effect of the amendment to VAT-1A is that the deadline for the refund of the overpaid VAT is reduced from 60 to 21 days after the submission of a VAT return.

In addition the third paragraph of article 73 has been withdrawn, so a taxable person who predominantly exports within the Community and whose subsequent VAT returns show an excess of VAT paid and who requests a VAT repayment, shall also have the VAT refunded within 21 days after submission of the VAT return.



The previous paragraph 4, which becomes the new paragraph 3, has been amended as follows: "A taxable person who does not receive the VAT repayment within the time limit stipulated in paragraph 2 of this Article shall be entitled to penalty interest at a rate laid down by the Act governing tax procedure from the first day after the expiry of a 21 day period after the VAT return has been submitted."

The amendment entered into force on 1 May 2009 and applies to VAT returns for tax periods after 31 December 2009.

For further information please contact Tamara Šerdoner.

Mandatory health insurance for owners of legal entities who are not subject to mandatory insurance on any other basis

As of 14 February 2009 amendments to the Mandatory health insurance regulations (Official Gazette of RS, 7/09) came into force. The conditions for mandatory health insurance have changed for self-employed individuals and owners of legal entities.

New insurance base 103 applies to individuals, owners of legal entities and institutes¹ which are not subject to mandatory health insurance on any other basis (Article 15.1.6 of the Health Care and Health Insurance Act) and are thus only liable to pay mandatory health insurance contributions (no obligatory pension, unemployment contributions etc.). The latter provision also enables the following two categories of persons to become eligible for mandatory health insurance:

- owners of legal entities and institutes who are not also members of the management board and
- owners of legal entities and institutes who are also members of the management board but do not fulfil conditions to become subject of compulsory pension and disability insurance because they are in education.



The features of insurance base 103 are that:

- the person liable to register for mandatory health insurance and the payment of health insurance contributions is the individual himself, i.e. owner of a legal entity/institute
- enables insurance term for a full time/40 working hours per week

Compulsory health insurance provides the following rights:

- the right to receive healthcare services,
- the right to supplement salary payment,
- reimbursement of travelling expenses related to receiving health care services,
- funeral and death allowances.

Contributions are calculated and paid monthly from the chosen insurance base, which may not be lower than the minimum pension base. An individual taxpayer's base for insurance contributions is determined on the basis of the income they receive in 2009.

Returns in respect of these contributions need to be submitted to the Tax Authority on form OPSVL² not later than 15th day of the month for the previous month.

For further information please contact Sonja Omerza or Evelina Bračič.

¹ The liability for individual shall take effect on the date on which he/she is entered in the Court Register.

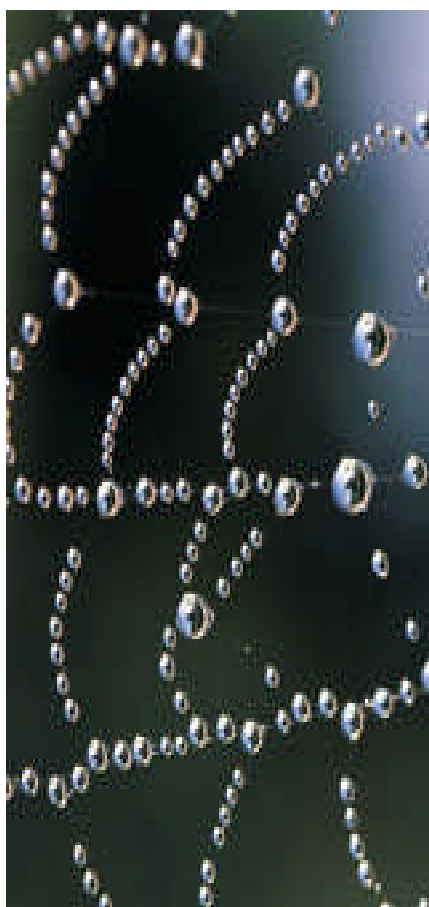
² Enclosure 2, Rules relating to the forms of calculations of social security contributions (Official Gazette of the RS 138/06 and 126/08)

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Key deadlines for the coming month

- 29.05** VAT return for April 2009
- 31.05** Last day for the issue of pre-calculated personal income tax returns
- 10.06** Corporate income tax payment on account
- 15.06** Intrastat report for May 2009
- 20.06** Bank of Slovenia reporting of foreign bank account details and foreign current and correspondent accounts (for financial service companies)
- 30.06** VAT return for May 2009
- 30.06** Last day for submission of personal income tax return

Recently published professional articles by members of our tax team

Aleksander Ferk and Anka Pogačnik, "**Branch or subsidiary**", in *Revija Kapital*, No. 460 (19. January 2009)

Oliver Currie, "**Comparison of the taxation of derivative financial instruments in Slovenia and the UK**", in *Davčno Finančna Praksa*, No. 3 (March 2009)

Črtomir Borec, "**VAT as an instrument of economic policy during the global economic crisis – and measures which companies must take to protect their position**", in *Davčna Finančna Praksa*, No. 4 (April 2009)

Marijana Ristevski, "**Tax warehouses and VAT**", in *Davčna Finančna Praksa*, No. 4 (April 2009)

Tina Klemenc, "**Transfer pricing during the recession**", in *Denar*, No. 8 (May 2009)



*The articles cited above were written by the individuals in a personal and may not represent the views of *PricewaterhouseCoopers*, its partners and staff.

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