LTA
LEGAL TAX AUDIT

NEWSLETTER
June 2025

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LEGAL - TAX – AUDIT - ACCOUNTING

YOUR SAFE HARBOUR

SIMPLIFICATION OF VAT REFUNDS ON BAD DEBTS

Although six months have passed since the effective date of the last amendment to the VAT Act, some changes are only now beginning to be reflected in practice. The reason is the opinion of the tax administration, not yet officially published, that the new legislation applies only to such debt where the date of the taxable the supply occurred after 1 January 2025.

What are the most important changes that will expedite and simplify VAT refunds on bad debts?

A relatively significant change is that the possibility to adjust the tax base has been extended to persons who paid output VAT in the past but are no longer VAT payers at the time of the adjustment of the tax base. When the tax base is adjusted by the creditor, neither the debtor nor the creditor need to be VAT payers.

Debts up to CZK 10,000 more than six months past due

Most significantly, the amendment will facilitate the adjustment of the tax base with respect to debts:

- that are under CZK 10,000 incl. VAT,
- that are more than six months past due, and
- whose total amount with respect to one debtor does not exceed CZK 20,000, incl. VAT, per calendar year.

For these debts, the creditor only needs to demand payment from the debtor twice in writing in order to be able to adjust the tax base. Although the demand letter should be made in writing, the creditor is not obliged to prove that the demand letter has been delivered to the debtor. It is sufficient that the creditor has made an effort to deliver it.

Enforcement and insolvency proceedings

Only one year, instead of the original two, will need to have passed from the issue of the first order in enforcement proceedings for the creditor to be able to adjust the tax base for the calculation of VAT.

If insolvency or enforcement proceedings have been initiated but have not been closed yet, it will be possible to correct the tax base after three years instead of the original five.

According to the explanatory memorandum to the amendment, the adjustment of the tax base should still be possible even if, at the moment the taxpayer decides to issue and send a credit note, the debtor is no longer subject to insolvency proceedings.

Unlike last year, it is now possible to adjust the tax base in situations foreseen by the law even if the claim has not been lodged in the insolvency or enforcement proceedings.

VAT deduction adjustment by debtor

The adjustment of the tax base by the creditor is also reflected in adjustments of the VAT deductions claimed by the debtor. The obligation to adjust the claimed deduction will apply to the debtor even if the debtor’s VAT registration has been cancelled.

Earlier this year, the General Financial Directorate promised to publish an explanatory document on the questions related to the adjustment of the tax base, but unfortunately the document has not been published yet. We will keep you informed about any further developments.

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CHANGES TO VAT IN REAL ESTATE TRANSACTIONS

Last year's amendment to the VAT Act introduced significant changes to the VAT levied on real estate transactions effective from 1 July 2025. With the effective date approaching, we would like to present a summary of the most significant changes. The changes mainly affect the conditions for exempting real estate transactions from VAT and the definitions of certain terms which determine which of the different VAT rates will apply. The new regulation's main goal is to align domestic legislation with CJEU case law.

VAT charged on constructions and construction works

The reduced VAT rate will continue to apply to construction and assembly works performed on completed buildings intended for housing or social housing. However, the definition of a building for housing will no longer be based on the definition provided in the Building Act but rather on the data recorded in the basic register of territorial identification, addresses, and real estate.

Similarly, the supply of social housing and the provision of construction or assembly work related to the construction of social housing will also remain subject to the reduced VAT rate. However, the definition of what constitutes social housing will change. In the case of an apartment building for social housing, it will be sufficient if more than half of the floor space is used for social housing. This is a major change, because until the amendment takes effect, a residential building is not considered social housing if it contains even a single housing unit exceeding 120 m2.

1 July 2025 is also the effective date of a ministerial regulation which defines the method of calculating floor area. One of the most important changes will be that the total floor area will not include the space under vertical structures (such as walls) located inside the living area.

Supply of real estate

The amendment introduces a completely new concept of VAT exemption for certain real estate transactions by abolishing the five-year time test and implementing a new principle of taxing only the first real estate transaction made by the end of the 23rd calendar month following the month in which the building was completed or substantially altered.

In contrast to the previous regulation, under which the definition of a substantial alteration was to be found only in an explanatory document published by the General Financial Directorate, the definition is now explicitly included in the law. The definition has also been changed. A substantial alteration will now mean any change to a completed property, the purpose of which is to change the use or the conditions of occupation of the property, if the costs of the alteration exceed 30% of the tax base at the time of the supply. Moreover, this threshold will now include only the costs incurred by the person supplying the property.

The supply of land that is not building land and does not form a functional unit with a structure will continue to be exempt from VAT. However, the amendment explicitly states that structures whose importance for the regular use of the land is negligible such as fences, wells or retaining walls) will not be considered as structures preventing the VAT exemption. It will also be explicitly stated in the law that land which is *de iure* developable but *de facto* cannot be built on (a building firmly attached to the ground cannot be erected on the land) or is highly unlikely to be built on will not be considered building land.

CHANGES TO VAT IN REAL ESTATE TRANSACTIONS

Real estate VAT is also affected by a new regulation applicable from 1 January 2025, according to which the tax base for the supply of real property from an employer to an employee or a person close to an employee is equal to the fair value of the property. This rule does however no longer apply to other supplies made to employees.

Recommendations about planned sales of real property

Given that the amendment is to take effect in about two weeks, we recommend paying extra attention to the determination of the date of the taxable supply in any planned sale, as the date of the taxable supply will decide whether the transaction will be subject to the new or the old regulation.

In case real estate transactions, the date of the taxable supply occurs on the date on which the property is handed over to the new owner for use or on the date of receipt of the notification that the change of title was registered in the land register, whichever of those two events occurs first. Should the new regulation work to your advantage, we recommend that you wait to sell the property so that the notification of change of title in the land register is not delivered before 1 July 2025 and that you delay the handover of the property until the new regulation takes effect.

Earlier this year, the General Financial Directorate promised to publish an explanatory document on the questions concerning VAT charged on real estate transactions, but unfortunately the document has not been published yet. We will keep you informed about any further developments.

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DEPRECIATION OF SOLAR POWER PLANTS

1 August 2025 will be the effective date of an amendment to the Income Tax Act which will change the method of depreciation of solar power plants (SPP). The General Financial Directorate (GFŘ) has issued a Notice on the new system of SPP tax depreciation following the repeal of Section 30b of the Income Tax Act (hereinafter the "Notice"). Please find the main points summarized below.

Until 31 December 2010

- Individual SPP components and structural parts were categorized, according to their type, location, and method of installation, into depreciation classes 2, 3, 4, 5, or 6.

After 1 January 2011

- Section § 30b of the Income Tax was adopted and introduced a special depreciation method for SPPs.
- Technological parts of SPPs (photovoltaic panels, inverters, switchboards) used for electricity generation have been depreciated evenly over a period of 240 months; accelerated rate of depreciation has not been possible.
- Structural parts of SPPs have been categorized, according to their type, location and method of installation, into depreciation classes 4, 5, or 6.

After 1 August 2025

- Act No. 87/2025 Sb. will repeal Section 30b of the Income Tax Act.
- Individual SPP elements and structural parts will be categorized, according to their type, location, and method of installation, into depreciation classes 2, 3, 4, 5, or 6 (for more details, please, refer to the chart on page 7).
- Both straight-line and accelerated depreciation will be possible, and it will also be possible to suspend depreciation.
- The amendment was published in the Collection of Laws on 31 March 2025 and will take effect on 1 August 2025.
- The transitional provisions are as follows:
  - For SPPs where depreciation began before 1 August 2025, Section 30b of the Income Tax Act effective until 1 August 2025 will apply.
  - For SPPs where depreciation began after 30 June 2024, the version of the Income Tax Act effective from 1 August 2025 may be used.

The Notice primarily deals with the categorization of SPP elements into depreciation classes defined in the Income Tax Act and the interpretation of the transitional provisions of the amendment (refer to the chart on page 7).

The Notice expressly states that, besides separate depreciation of individual elements of the technological parts of SPPs, it is possible to treat an SPP as a set of movable assets and depreciate it as a single asset. A set of movable assets is categorized into a depreciation class according to its main functional purpose (usually depreciation class 3, less commonly depreciation class 2).

According to the GFŘ, the division of a SPP into technological and construction parts does not apply if the SPP is the source of electricity for a specific building. In such a case, the SPP is depreciated as part of that building. However, the GFŘ does not specify whether the SPP must be the only source of electricity for the building or not. The question of when an SPP constitutes part of a building and when it can be depreciated separately from the building unfortunately remains unaddressed by the Notice.

DEPRECIATION OF SOLAR POWER PLANTS

Below is a summary of SPP tax depreciation options available to taxpayers depending on the start of the depreciation (assuming that financial year = calendar year):

SPP depreciation started between 1 January 2011 and 30 June 2024:

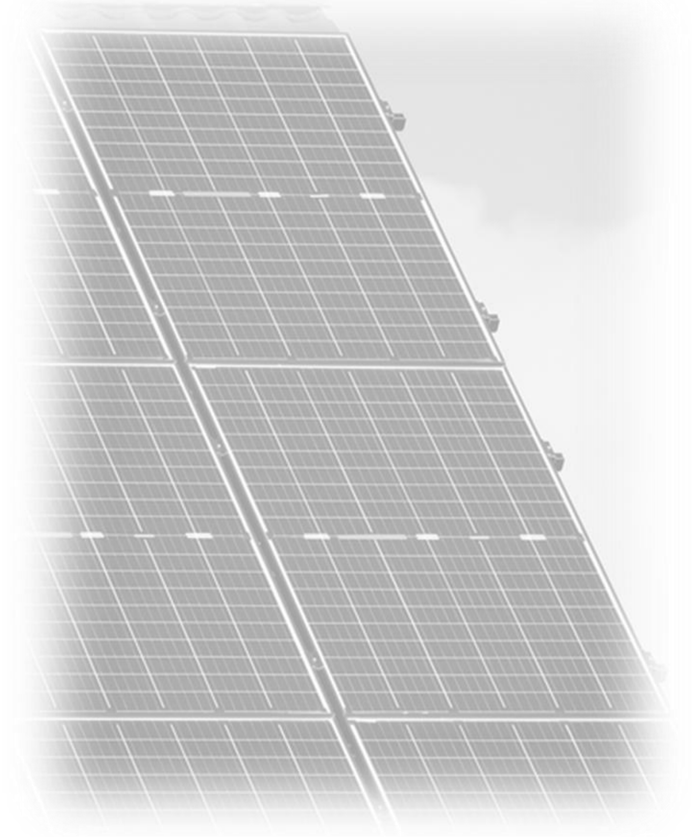
- Depreciation to be claimed on regular tax return in accordance with Section 30b of the Income Tax Act; adjustment of depreciation by additional tax return is not possible.

SPP depreciation started between 1 July 2024 and 31 July 2025:

- The taxpayer may decide whether to depreciate in accordance with Section 30b of the Income Tax Act or in accordance with the amended Income Tax Act:
  a. The taxpayer may claim depreciation on regular tax return for 2024 in accordance with Section 30b of the Income Tax Act and then file additional tax return after 1 August 2025 and claim depreciation in accordance with the amended Income Tax Act.
  b. The taxpayer may request that the deadline for filing regular tax return for 2024 be extended after 1 August 2025, file regular tax return after 1 August 2025 and claim depreciation in accordance with the amended Income Tax Act.
  c. If depreciation starts between 1 July 2025 and 31 July 2025, taxpayers may depreciate in accordance with Section 30b of the Income Tax Act or in accordance with the amended Income Tax Act and claim depreciation in accordance with their selected legislation on regular tax return for 2025.
- The option to choose a depreciation method also applies to recipients of investment incentives; the choice of a depreciation method will not be considered a violation of the special conditions for claiming a tax credit under Sections 35a and 35b of the Income Tax Act.

SPP depreciation started after 1 August 2025:

- The taxpayer will claim depreciation in accordance with the amended Income Tax Act on regular tax return for 2025.



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DEPRECIATION OF SOLAR POWER PLANTS – CLASSIFICATION CHART

SPP part	SPP element	Classification
Technological parts of SPPs	Photovoltaic panels, converters, inverters, rectifiers	Depreciation class 2
	Batteries and accumulators	Depreciation class 2
	Switchboards, distribution panels (voltage <= 1000 V)	Depreciation class 2
	Switchboards, distribution panels (voltage > 1000 V)	Depreciation class 3
Construction parts of SPPs	Greenfield construction	Depreciation class 4
	Constructions located on buildings (for example stabilized by concrete parts only)	Depreciation class 4
	Constructions permanently attached to buildings	Depreciation class 5 or 6 (technical improvement of buildings)
Special treatment	Temporary structures – SPP treated as a single asset	Time depreciation pursuant to Section 30(4) of the Income Tax Act
	SPP as a set of tangible movable assets pursuant to Section 26 of the Income Tax Act	Categorization into depreciation classes according to the main functional asset (depreciation class 2 or 3)

CASE LAW: RULES FOR EXERCISING LANDLORD'S LIEN

In its recent decision (No. 26 Cdo 2397/2024-417 of 25 February 2025), the Supreme Court dealt with the question under what conditions a landlord may retain a tenant's personal property located in the leased real property if the landlord has an outstanding claim against the tenant. The gist of the case was the interpretation of Section 2234 of the Civil Code (Act No. 89/2012 Sb.), which provides for a landlord's lien as follows: „A landlord has the right to retain a tenant’s personal property which is located on or in the real property to satisfy a claim against the tenant.“

In the case heard before the Supreme Court, the landlord, company A, exercised a landlord’s lien to a forklift truck located in a hall owned by company A leased to the tenant, company B. Company A took this step to secure payment for construction works, supply of materials and lease of an excavator, provided to company B under an oral agreement. Company A entered into an oral agreement with company B, under which company A agreed to provide company B with an excavator. After excavation works were performed by company B, company A was required to remove the excavated soil and deliver sand, gravel, crushed stone and concrete to the site. The price was not agreed, but it was clearly not the parties' intention to provide the services for free. In the absence of a price agreement, it was concluded that company B was obliged to pay company A the fair market value for these services.

The lease of the excavator and the removal/delivery of soil and construction materials was not in any way related to the lease of the hall by company A to company B.

A dispute arose between the parties as to the amount of remuneration due to company A for the lease of the excavator and the removal/delivery of materials, and company A decided to retain company B’s forklift truck located in the hall which it leased to company B to secure payment for these services from company B.

The court of first instance granted company A's claim in full, while the court of appeal granted the claim in part (company A had used the retained forklift truck, which it was not entitled to do, so the appellate court awarded company A only with the difference between the amount company A was awarded by the court of first instance and the unjust enrichment resulting from the unlawful use of the forklift truck) and ruled that company A exercised the landlord’s lien lawfully.

Company B disagreed with the ruling that the landlord’s lien to the forklift truck was exercised lawfully. It argued that, under Section 2234 of the Civil Code, a landlord may only exercise a landlord’s lien to secure claims which arose from the lease of the property in which the tenant’s personal property is located. The landlord cannot retain the tenant’s belongings to secure a claim arising from another legal relationship between them. However, the claim whose payment company A intended to secure by exercising the landlord’s lien to the forklift truck was not a lease claim. Company A was therefore not entitled to retain the forklift truck and doing so gave rise to an unjust enrichment claim on the part of company B, which should have been set off against company A’s claim against the tenant.

The Supreme Court stated that the landlord's lien under Section 2234 of the Civil Code can only be used to secure claims arising from the lease of the property in question. If the landlord's claim arose from another legal relationship with the tenant,

CASE LAW: RULES FOR EXERCISING LANDLORD'S LIEN

e.g. from the provision of services outside the lease (as was the case here), Section 2234 of the Civil Code does not apply. To rule the opposite would cause unjustified favourable treatment of the landlord in comparison to other creditors the tenant might have.

Thus, the key issue is whether the claim which is to be secured by exercising the landlord’s lien is related to the lease of the property in which the tenant’s belongings are located. If not, general conditions of the right to retain property must be met, in particular, the landlord must be in factual possession of the tenant‘s personal property and the landlord’s claim against the tenant must be due and payable.

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GENERAL MEETING AND APPROVAL OF FINANCIAL STATEMENTS

Traditionally, June is the time when general meetings approve the financial statements for the previous financial year. According to the Commercial Corporations Act, the general meeting must approve the financial statements no later than six months after the last day of the previous financial year, i.e. usually by 30 June of the following year.

What happens if financial statements are not approved on time?

If the general meeting does not approve the financial statements within the first six month of the following year, it does not mean that the financial statements are faulty nor is it a reason to render the decision of the general meeting to approve the financial statements invalid. However, there may be a breach of the duty of care on the part of the directors of the company, especially if they fail to ensure that the financial statements are drawn up and/or the general meeting is convened sufficiently in advance.

Distribution of profits – before the end of the following financial year

Profit distribution is only possible on the basis of financial statements approved by the general meeting. The distribution of profits (and other own resources) may only be approved until the end of the following financial year. For example, the profit for 2024 can be distributed until 31 December 2025.

Profits may be distributed only if the company's financial condition – which must be verified through the balance sheet test, the equity test and the insolvency test – allows it.

Recommendation for members of governing bodies

- **Convening the general meeting:** Ensure that the general meeting is convened to approve the financial statements by 30 June (if your company’s financial year is the calendar year). The general meeting may also decide on the distribution of profits.
- **Payment of distributed profits:** After the general meeting approves the distribution of profits, company director(s) decide on the payment of the share in profits to shareholders.
- **Publication of financial statements:** Do not forget that approved financial statements must be published in the collection of documents of the Commercial Register within 30 days of their approval.

If you have any questions regarding the preparation of your company’s annual general meeting, approval of your financial statements or distribution of profits, please do not hesitate to contact us. We will be happy to provide you with professional assistance and ensure that all your steps comply with applicable legislation and that you choose the optimal solution also from the tax and accounting perspective.

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AMENDMENT TO ACT ON RADIO AND TV LICENSE FEES

At the beginning of May, an amendment to Act No. 348/2005 Sb., the Radio and TV License Fees Act (hereinafter the „Act“) modified the duty to pay radio and TV license fees (hereinafter the „License Fees“).

Individuals who are not entrepreneurs are mostly affected by the increased rates of the License Fees and the new definition of devices which give rise to the duty to pay the License Fees. More importantly, the amendment introduces fundamental changes for entrepreneurs.

Calculation of License Fees

The first significant change for entrepreneurs is the new method of calculation of the License Fees. The amount of the License Fees an entrepreneur is obliged to pay now depends on the number of employees and is calculated as follows:

a) 5x the basic rate for entrepreneurs with 25 to 49 employees,

b) 10x the basic rate for entrepreneurs with 50 to 99 employees,

c) 20x the basic rate for entrepreneurs with 100 to 199 employees,

d) 30x the basic rate for entrepreneurs with 200 to 249 employees,

e) 70x the basic rate for entrepreneurs with 250 to 499 employees and

f) 100x the basic rate for entrepreneurs with more than 500 employees.

An entrepreneur with 24 or fewer employees is exempt from paying the License Fee.

Employees employed under flexible working arrangements (DPP or DPČ) are not included in the total number of employees. If the entrepreneur also employs part-time workers, their hours are converted into full-time hours (all part-time hours are added together and rounded up or down).

Example: An entrepreneur employs 25 full-time and 2 1/3 part-time employees, i.e., 25.6 full-time employees in total, after rounding up 26 full-time employees.

The basic rate of the License Fees (from which the actual fees are calculated is for radio licence CZK 55 a month and for TV license CZK 150 a month.

Entrepreneurs who rent out vehicles which have a radio or a television installed must, in addition to the above, also pay the License Fees for each such vehicle rented.

Reporting obligation

Legal entities who are entrepreneurs are required by law to notify the broadcaster of the following information: business name, legal form, registered office, registration number, number of employees.

Entrepreneurs are obliged to comply with the reporting obligation by the end of June 2025 and thereafter always within 15 days of any change to the information provided. A change in the number of employees must only be notified if it plays a role in the calculation of the License Fees (see the categories described above). The reporting obligation can be fulfilled by using the forms published by the Czech Radio and the Czech Television.

Until the end of June 2025, entrepreneurs will pay the License Fees as they were used to. Entrepreneurs will pay the License Fees in accordance with the new rules for the first time in July 2025.

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CHANGES TO STATUTORY TIME-OFF RIGHTS

On 1 June 2025, an amendment to the government decree no. 590/2006 Sb. came into force and brought several changes to the regulation of statutory time-off rights. The amendment accompanies the „flexi-amendment“ to the Labour Code and provides both employers and employees with more legal certainty as to employees' statutory time-off rights.

What's new?

One of the most important changes is the extension of statutory time-off rights in the case of death of an employee's close person. It will no longer be necessary to prove that the employee spent only a "strictly necessary time" at the funeral. Paid time off will be granted for one or more full days. In addition, it will be possible to take up to five days of unpaid time off in case of death of a close person, i.e. spouse, partner, child, parent, sibling, etc.

The amendment also brings significant changes to the rules concerning time off provided to employees looking for a new job. The reason for termination of the employment will play a role – employees who were dismissed for a breach of duties or unsatisfactory results on their part will be entitled to only half of the time off granted to other employees, i.e. to two days. The standard time off provided in order to look for a new job remains to be four days, and the time off will be paid if the employment was terminated for organisational or medical reasons. If the employee does not find a new job within this period, the employee may take up to two days (one day in the case of dismissal for reasons on the part of the employee) of unpaid leave for a visit to the Labour Office to use its counselling services.

The changes will also affect the time off granted in case of the employee's wedding. It will now clearly be stated in the law that the paid day off is granted for the day of the ceremony. This step removes previous ambiguities that have complicated taking time off for employees with irregular working hours. If the employee takes only one day off (for example, if the ceremony falls on a weekend), the employee will be entitled to paid time off for that single day.

Further clarifications concern the time off granted to employees who accompany a close person to a medical facility or to a school counselling centre - it will now be explicitly stated in the law that time off shall be granted also for accompanying the person back. The conditions are also more clearly defined for employees being absent from work due to "obstacles on the way to work", where the reasons for absence from work are extended to include natural disasters and emergencies (such as floods).

Equal interpretation

It is also worth noting that the amendment treats spouses and registered partners equally - where the regulation mentions a spouse or a marriage, it expressly includes a registered partner and a registered partnership under the Civil Code.

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ANNUAL LEAVE ENTITLEMENT AND DURATION OF LEAVE

Part-time employment = shorter annual leave entitlement is a common logical assumption. In practice, it is necessary to distinguish between the leave entitlement (the statutory minimum being four weeks) and the actual duration of leave which an employee may take.

Since the duration of leave started being counted in hours, the principle has been simple: the number of weeks of annual leave entitlement is multiplied by the statutory (or by the agreed shorter) weekly working hours and the result is the number of hours of leave that an employee can take. Where an employee is entitled to 28 days of leave, as was the practice under previously applicable legislation, the days must be converted into weeks (5.6 weeks).

The leave entitlement (in weeks) is therefore the same for both full-time and part-time employees. However, after making the above calculation, the actual duration of annual leave an employee may take varies depending, among other things, on the employee's weekly working hours.

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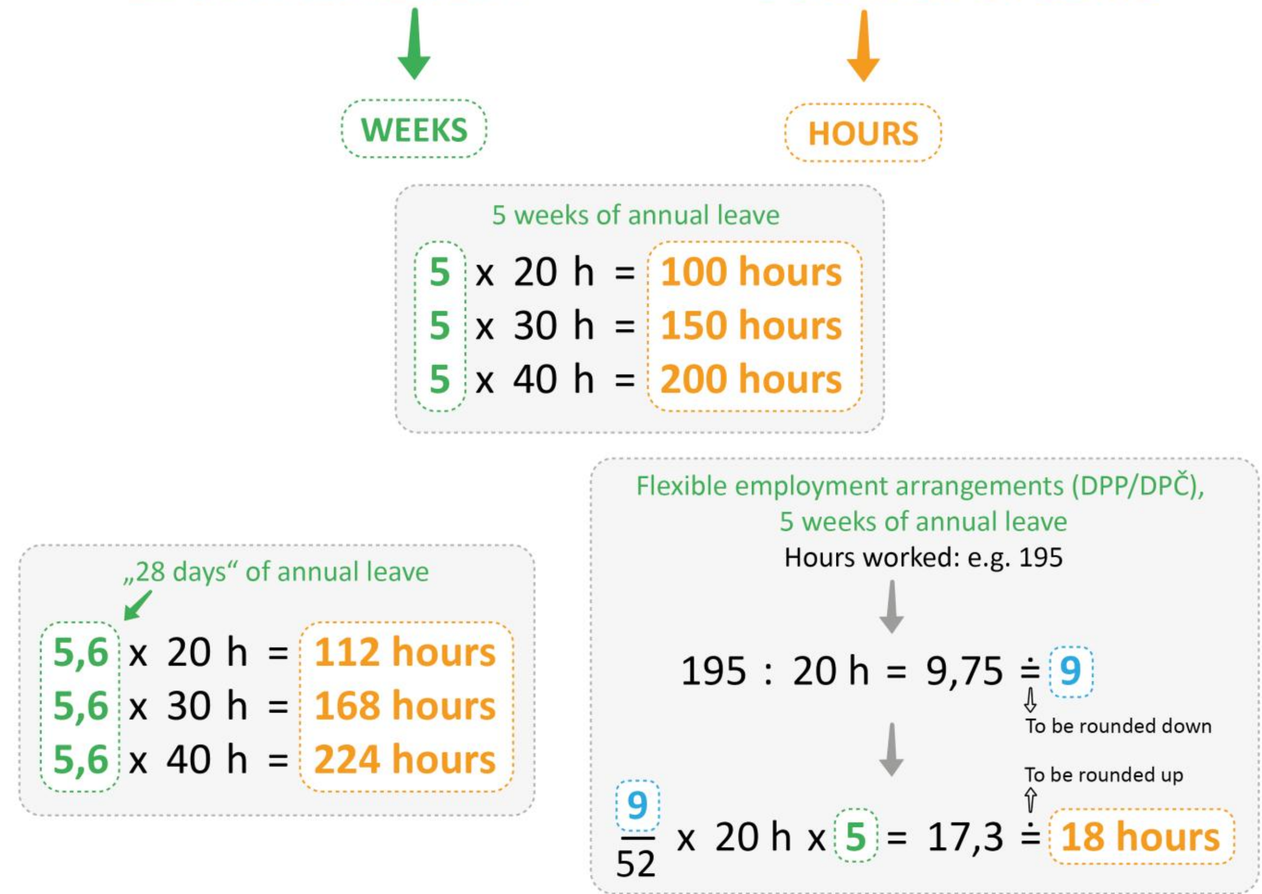

DID YOU KNOW, THAT..

- **the flexi-amendment to the Labour Code** took effect on 1 June 2025 and overview of the most important changes you can find in our specialized flexi-amendment newsletter?
- **the last day for individuals to file tax return** is also the last day for reporting exempt income exceeding CZK 5 million?
- tax offices are going to focus on **disguised agency employment** during tax audits?
- Slovakia **introduced a financial transaction tax on 1 April 2025**, which applies to all payments made from accounts?

LTA NEWS

Andrea Drhová, an experienced attorney with expertise in employment and corporate law has joined our legal team. Andrea's major area of focus is the relationship between companies and their governing bodies. Andrea also has extensive experience in personal data protection, intellectual property rights and unfair competition law.

The Law Firm Network annual conference

Alice Mlýnková, a partner in LTA, has had the opportunity to attend the annual conference of The Law Firm Network, which was held in the unique setting of Casa de Campo in the Dominican Republic. The focus of the conference titled Smart Investments in Challenging Times: The Promise of Growth in Latin America was the changing legal and business environment in the LATAM region.

Will you run with us?

The 7th annual charity race "Run of Good Will" organized by Olga Havel Foundation will take place on 9 September 2025 and we will be there. Last year, our LTA relay team won an amazing second place in the Corporate Run (4×2.5 km). Join us and enjoy the energizing atmosphere of the race in Hvězda park and help a good cause. If you don't have enough runners to nominate your own relay team and you don't want to compete in the individual category, you are very welcome to join our team. We are already looking forward!

LTA again elected auditor for the German-Czech Chamber of Industry and Commerce (DTIHK)

At the May 2025 DTIHK annual meeting, the majority of the members present re-elected LTA as DTIHK's auditor for 2025-2027. We are honoured and would like to thank all members of the DTIHK for their trust.

LTA was founded in 2011. Its uniqueness lies in its close cooperation across all service areas thanks to which it provides its clients with comprehensive solutions taking in account legal, tax and accounting aspects

We are a member of international networks:

MGI WORLDWIDE, one of the twenty biggest networks of tax, auditing, accounting and consultancy firms. It has over 9,000 specialists all over the world.

THE LAW FIRM NETWORK, a network with a 35-year history, bringing together member law firms worldwide. It has members in more than 50 countries and a network of cooperating law firms in almost 80 more.

The Law Firm Network

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