

Tax Short Cuts

Current tax information
for Austria by EY

Energy Cost Subsidy II: Change of the beginning of period 2 settlement

Contents

- 01 Energy Cost Subsidy II:
Change of the beginning of
period 2 settlement
- 01 New minimum-CIT:
Reduction of CIT-
prepayments
- 02 BFG affirms ex-nunc
application of the triangular
transaction simplification

The period of settlement of period 2 of the Energy Cost Subsidy II (Energiekostenzuschuss II) from July to December 2023 will not be from 15 February 2024 to 6 June 2024 as stipulated in the guideline (point 11.1). According to the aws, the KSW and the Federal Ministry of Labour and Economy, the settlement is expected to begin in April (after Easter). The individual settlement periods will be announced to the companies separately by aws.

New minimum-CIT: Reduction of CIT-prepayments

The Start-Up Promotion Act ("Start-Up Förderungsgesetz") reduced the minimum-CIT for GmbHs and FlexCos to EUR 500 p.a. or EUR 125 per quarter. The Austrian tax authorities are currently still issuing CIT prepayment assessments in the amount of the old minimum-CIT.

There is no legal basis for an ex officio or retroactive automatic reduction of the prepayment assessments 2024 that were still issued in the amount of the old minimum-CIT. In these cases, an application for reduction must be submitted.

With each previous year assessment in the amount of minimum-CIT, the minimum-CIT for 2024 should be automatically set at EUR 500 p.a.

BFG affirms ex-nunc application of the triangular transaction simplification

Value Added Tax Act

In its decision of 7 December 2023, RV/6101039/2015 (official appeal lodged), the Austrian Federal Fiscal Court (BFG) affirms the ex-nunc applicability of the triangular transaction simplification in the event of the subsequent issue of a correct invoice within the meaning of Art 25 Austrian VAT Act, provided that the corrected invoices are actually received by the delivery recipient.

In the underlying case, the BFG had to deal with a failed triangular transaction from the years 2010 to 2014 (a separate decision was issued on this, BFG 7 December 2023, RV/6100547/2015), for which invoice corrections were made in 2015. According to the case law of the ECJ (8 December 2022, C-247/21, Luxury Trust Automobil GmbH), it has been clarified that invoice corrections for unsuccessful triangular transactions do not have retroactive effect. In the opinion of the BFG, however, the first issue of the required invoice must mean that the simplification rule for triangular transactions can also be applied from this point in time and thus when all the conditions for the simplification are met. A different interpretation would lead to an "invoice correction" being qualified as the first issue of an invoice required for the application of the simplification rule for triangular transactions (i.e. as a condition of the facts), but would not grant it any legal effect for the past, present or future. In the opinion of the BFG, this does not appear to be appropriate.

The decision of the Austrian Supreme Administrative Court on this issue remains to be seen.

Contact

Feedback

If you have any questions or suggestions or if you would like to be contacted please send an e-mail to: [Feedback](mailto:Feedback@ey.com)

Website

Get more information about our services, activities and events on our website: ey.com/at

Archive

Find our previous issues of this newsletter on our [website](https://ey.com/at) or send us an inquiry to newsletter@at.ey.com.

Unsubscribe

If you want to unsubscribe from this newsletter please send an e-mail that contains your name and your e-mail address to ey.crm@ey.com.

Business Tax

Markus Stefaner
+43 1 211 70 1283
markus.stefaner@at.ey.com

International Tax

Roland Rief
+43 1 211 70 1257
roland.rief@at.ey.com

Transfer Pricing

Andreas Stefaner
+43 1 211 70 1041
andreas.stefaner@at.ey.com

Indirect Tax

Ingrid Rattinger
+43 1 211 70 1251
ingrid.rattinger@at.ey.com

People Advisory Services

Regina Karner
+43 1 211 70 1296
regina.karner@at.ey.com

Global Compliance & Reporting

Maria Linzner-Strasser
+43 1 211 70 1247
maria.linzner-strasser@at.ey.com

Transaction Tax

Andreas Sauer
+43 1 211 70 1625
andreas.sauer@at.ey.com

Editor and owner of the medium:

Ernst & Young
Steuerberatungsgesellschaft
m.b.H. („EY“)
Wagramer Straße 19, IZD-Tower
1220 Vienna

Responsible Partner

Klaus Pflieger
+43 1 211 70 1179
klaus.pflieger@at.ey.com

EY | Building a better working world

EY exists to build a better working world, helping to create long-term value for clients, people and society and build trust in the capital markets.

Enabled by data and technology, diverse EY teams in over 150 countries provide trust through assurance and help clients grow, transform and operate.

Working across assurance, consulting, strategy, tax and transactions, EY teams ask better questions to find new answers for the complex issues facing our world today.

The integrated service portfolio of EY is complemented by comprehensive legal advisory services provided by the international network of EY Law, in Austria represented by Pelzmann Gall Größ Rechtsanwälte GmbH.

In this publication, “EY” and “we” refer to all Austrian member firms of Ernst & Young Global Limited. Each EYG member firm is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via ey.com/privacy. For more information about our organization, please visit ey.com.

Information according to § 25 Austrian Media Act (MedG) can be accessed here.

In Austria, EY has 4 locations.

© 2024 Ernst & Young
Steuerberatungsgesellschaft m.b.H.
All Rights Reserved.

**Ernst & Young
Steuerberatungsgesellschaft m.b.H.**
1220 Vienna, Wagramer Straße 19
4020 Linz, Blumauerstraße 46
5020 Salzburg, Sterneckstraße 33
9020 Klagenfurt, Eiskellerstraße 5

This publication has been prepared for general informational purposes only and is therefore not intended to be a substitute for detailed research or professional advice. No liability for correctness, completeness and/or currentness will be assumed. Neither Ernst & Young Steuerberatungsgesellschaft m.b.H. nor any other member of the global EY organization can accept any responsibility.

ey.com/at