

## Legislative novelties for German flat rate withholding tax 2013

### German Annual Tax Act („Jahressteuergesetz“) 2013

The German Annual Tax Act 2013 is the yearly revision of several tax laws and should be approved by the German federal council on November 23<sup>rd</sup> 2013. Due to discussions about the scope final publishing of this law will probably not take place before December. One of the most important issues regarding the taxation of investment funds is the implementation of the “AIFM-Directive“, which will be transformed into German law.

### The new version of the final guidelines for the German flat rate withholding Tax

On October 9<sup>th</sup> 2012 a new version of the final guidelines for the German flat rate withholding Tax were released. This document replaces the publications from December 22<sup>nd</sup> 2009 and November 16<sup>th</sup> 2010. It is accepted, if the new rules are applied from April 1<sup>st</sup>, 2013 onwards.

The new guidelines can be downloaded from the following homepage:

<http://www.bundesfinanzministerium.de/Web/DE/Themen/Steuern/Steuerarten/Abgeltungssteuer/abgeltungssteuer.html>

### Reporting procedure

The fiscal authority published the first drafts of the following new reporting procedures:

- Reporting of Deliveries free of charge as defined by article 43 paragraph 1 sections 5 und 6 EStG
- Reporting of tax exempted earnings as defined by article 43 paragraph 2 section 3 number 2 EStG

It is uncertain by when the final versions will be available as well as by when the new procedures must be implemented.

### New treatment for church tax charging

The fiscal authority planned the implementation of charging church tax for the year 2014. Due to technical problems the Federal Central Tax Office will not meet this deadline. Therefore it is unlikely that the new treatment will be rolled out before 2015.

### Revision of the designs for the Tax Statements 2012

The new design of the Tax Certificates for the tax year 2012 is still in discussion. Until now the ministry of tax published several drafts. The details for accumulating and intransparent funds and the creditable source tax will be probably extended.

Please do not hesitate to contact us for further questions.

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