



# Tax & Legal

Legal  
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Special Edition

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## Legal

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Updated Antivirus Programme

## Taxes

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Compensation bonus for the self-employed and notice on exempted income

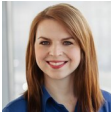
Repayment of loans at the time of the pandemic

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# Updated Antivirus Programme

The government approved changes to the Antivirus Programme on 31 March 2020. The originally proposed and published five types of support for employers from the Labour Office were eventually merged into two – regimes A and B.



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Based on the new version of the programme, the state will provide support in the following form:

## **Regime A – forced restriction of operation due to emergency measures and quarantine**

- employees under quarantine receive salary compensation in the amount of 60% of average reduced earnings (impediment to work on the employee's part);
- if a business is closed based on the government's regulation, employees receive 100% salary compensation (impediment to work on the employer's part).

In this regime, the state should reimburse the employers for 80% of the salary compensation paid including levies, but only up to CZK 39,000.

## **Regime B – related economic difficulties**

- impediments to work on the employer's part due to a quarantine order or care for children affecting a significant part of employees (at least 30%) – employees receive salary compensation equal to 100% of average earnings;
- unavailability of inputs (raw materials, products, services) necessary for business activities – employees receive salary compensation equal to 80% of average earnings;
- restriction of demand for services, products and other deliveries – employees receive salary compensation equal to 60% of average earnings.

In this regime, the state should reimburse the employers for 60% of the salary compensation paid including levies, but only up to CZK 29,000.

In both cases, the amount of compensation for employers is derived from the average super-gross salary including mandatory levies (CZK 48,400); 80% and 60% of the above amount will be compensated in regimes A and B, respectively.

The employers' entitlement to compensation is also conditional on meeting the following criteria, which have been approved and published by the government:

- the employer strictly complies with the Labour Code;
- compensation is not payable for employees who have been given notice, except for termination under Section 52 (g) and (h) of the Labour Code (notice on the grounds of breach of the employee's obligations);
- compensation applies to companies operating a business, with regular employees who participate in

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- sickness and pension insurance schemes;
- the employer must pay the salary (this probably means compensation for salary) and the associated levies.

According to information available on the website of the Ministry of Labour and Social Affairs, the Antivirus Programme should be launched on 1 April, and the web application for submitting applications on 6 April.

The contribution should be paid by the Labour Office within days of submitting the application. All applications for contributions will be submitted electronically.

Finally, we would like to point out that on 31 March 2020, the government approved the Targeted Employment Support Programme (the “Targeted Programme”), an estimate of its costs and a timetable for its utilisation. Based on the Targeted Programme, the eligibility of costs within the Antivirus Programme should end on 30 April 2020, with a possible extension. In view of the actual development of the COVID-19 pandemic, the Ministry of Labour and Social Affairs now anticipates that this period will be extended to also cover May 2020. The Antivirus Programme can be utilised to pay eligible costs incurred by employers after the state of emergency was declared on 12 March 2020. Extension of the Antivirus Programme is conditional on approval by the government.

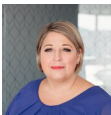
It cannot be ruled out that further requirements will be published with regard to the mentioned contributions, apart from the conditions which have already been approved and published. As a matter of fact, the Targeted Programme itself states that the Ministry of Labour and Social Affairs is authorised to set more detailed conditions for the provision of contributions by means an internal management act in accordance with the Antivirus Programme approved by the government.

We will inform you of the contents of the Targeted Programme in the coming days.

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# Compensation bonus for the self-employed and notice on exempted income

The government has approved a bill on a compensation bonus payable to self-employed people in connection with emergency coronavirus measures. The bill has yet to be enacted by the Parliament and signed by the President. This, however, can be expected by 12 April 2020 at the latest.



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The tax bonus should be used to compensate the negative consequences of emergency measures affecting the self-employed as they are unable to perform their activities, either fully or to a substantial extent.

This is a one-off allowance in the amount of CZK 500 for each calendar day of the relevant period (i.e. from 12 March to 30 April 2020). The total maximum amount of the tax bonus could thus reach CZK 25,000 (compared to the originally proposed CZK 15,000 per month).

To obtain the compensation bonus, the self-employed has to meet the following criteria:

- the inability to work was caused by the emergency measures, either fully or to a substantial extent;
- as a result of the emergency measures, gross income from self-employment over the period of three calendar months preceding the end of the bonus period was less than 90% of the income from similar self-employment in the same period of the preceding year, and
- gross income from self-employment for the preceding year equalled at least CZK 180,000.

If such self-employment did not exist during a part of the preceding year and it is thus not possible to assess the year-on-year decrease in income, the comparison should be made in respect of the first three calendar months of 2019 when the given person was self-employed.

If the gross annual income of the self-employed for 2019 was less than CZK 180,000 because the self-employment situation existed only for a part of the year, it is sufficient if the self-employed attained, in the preceding calendar year, at least an income equal to the product of the amount of CZK 15,000 and the number of calendar months in which the given person was self-employed.

The application for a compensation bonus must be submitted within 60 days of the end of the bonus period. If the application is not submitted by the above deadline, the entitlement to the compensation bonus expires. The application form should be published by 3 April 2020.

## **The deadline for submitting a notice on exempted income was 1 April**

Although the deadline for filing a personal income tax return for 2019 has been “de facto” moved from 1 April to 1 July 2020, it should be borne in mind that this does not apply to a notice on exempted income which the natural person received in the calendar year 2019.

Since the deadline for filing the tax return for 2019 has not been postponed “de iure”, default interest will only be

waived indiscriminately for late filing of a tax return and late payment of tax. This means that the latest date for submitting a notice on exempted income for 2019 (1 April 2020) has remained unchanged.

The deadline for filing a notice on exempted income may only be postponed if the tax return for 2019 is being prepared and will be filed by a tax advisor based on a power of attorney submitted to the tax administrator by 1 April 2020. But if you do not have a tax advisor or if you are even not obliged to file a personal income tax return for 2019 (e.g. if your employer has prepared an annual tax settlement for 2019 for you), the deadline for filing a notice on exempted income expired on 1 April 2020.

If the notice is submitted after this deadline, without the tax administrator expressly inviting you to do so, the administrator will charge a fine of 0.1% of the amount of your income exempted from tax.

# Repayment of loans at the time of the pandemic

The Chamber of Deputies will discuss certain measures related to repayment of loans during the COVID-19 pandemic. The relevant bill postpones repayment of both business and consumer loans generally until 31 October 2020.



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The above is subject to certain conditions and modifications. What is common for all credits (and loans, deferred payments and similar financial services) is that the lender must be an entrepreneur (typically banks or non-bank credit providers). The law should thus not apply to, e.g., intra-group liabilities.

The legislation should cover loans arranged and utilised before 26 March of this year. There is an exception for mortgages, which have to be arranged, but need not be utilised, before the proposed deadline. However, some types of loans are expressly excluded from the deferral of instalments: for example, yield on bonds and instalments on various credit facilities (i.e. credit cards or rollover loans) must be paid according to schedule.

In order to obtain a deferral, the borrower must pro-actively notify the lender. The protection period runs from the first day of the first calendar month following the date of delivery of the notice until 31 October 2020. At the same time, the lender is obliged to establish a remote communication channel enabling easy submission of such notifications. The lender has to confirm acceptance of a notification and inform the borrower of the date of commencement and end of the protection period, and of the amount, number and frequency of payments to be made by the borrower and the total amount to be paid by the borrower.

During the protection period, natural persons (we assume that not only consumers, but also natural persons operating a business) are relieved of the duty to pay both instalments on the principal and interest; legal persons need not make payments towards the principal amount. Moreover, lenders are not entitled to any other fees from consumers (such as various service and administrative fees for loan management and servicing) during the protection period, and the suspension of payments must not have a negative impact on the debtors (in payers' registers, etc.). We can only hope that credit providers will comply with this requirement and will not penalise the debtors in other ways, e.g. by reflecting the suspension of payments in future assessment of their solvency.

The maturity of the loan is to be extended by the protection period. Debtors who are natural persons will also not be subject to any penalties for delayed performance of their contractual obligations during the protection period (this does not apply to legal persons). The utilisation of the protection period and the related steps taken by the lenders (e.g. the communication requirements specified above) may not be subject to any fee.

The ball is in the legislator's court now. It is possible that the bill will be enacted in a different form but no fundamental changes are likely. It can be expected that banks with high capital reserves will be able to deal with this state intervention; however, the impact on the market for non-banking loan providers and brokers of financial products and services can be dramatic.

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