

To the

Notice of receipt

☐ **Tax Office Austria**, P.O. Box 260, A-1000 Vienna☐ **Tax Office for Large Companies**, P.O. Box 251, A-1000 Vienna

2021

Please fill out in CAPITAL LETTERS and only in black or blue colour. Enter amounts in euros and cents (right-justified).

Fields with a bold frame must be filled in at any rate.

Tax number

10-digit Austrian Social Security Number according to e-card

Date of birth (If there is **no** social security number, to be filled in **at any rate**)

SURNAME

FIRST NAME

TITLE

Supplement to income tax return E 1 for income from rental and leasing of developed and undeveloped land for 2021

If reference is made to statutory provisions without further specification, this is to be understood as meaning the Austrian Income Tax Act 1988 (EStG 1988).

Please fill in one supplement per source of income!

Note: In case of letting cooperatives (house partnerships), please use Form E 6b!

Please tick as applicable.

Estate			
Postcode		City	
Street, square			
House No	Staircase	Door No	Country ¹⁾
<input type="checkbox"/> Developed property		Standard value file reference (Einheitswert-Aktenzeichen, EWAZ) 1	
<input type="checkbox"/> Undeveloped property			
<input type="checkbox"/> Lessor is owner (under civil law)			
<input type="checkbox"/> Lessor is entitled to usufruct			
<input type="checkbox"/> Lessor is other beneficial owner			

<input type="checkbox"/> VAT gross system 2	<input type="checkbox"/> VAT net system 2
<input type="checkbox"/> Relief from double taxation on the basis of the Ordinance BGBl. II No 474/2002 is claimed 3	
Amount of surplus or loss to be excluded	4 9030

In the reporting year, a previously unlet property was let for the first time		5
<input type="checkbox"/> The let property was not subject to tax as of 31-MAR-2012 ("legacy asset", § 30 IV)	Amount of the notional acquisition cost of the building ²⁾	6 9407
<input type="checkbox"/> The let property was tax intermittent as of 31-MAR-2012 ("new assets") or was subsequently acquired for a consideration	Amount of the total actual acquisition costs (real estate and buildings)	7 9409
a) The share of the total acquisition costs attributable to the building was determined in accordance with the Austrian Real Estate Share Ordinance 2016 (GrundanteileV 2016) and amounts to 8	<input type="checkbox"/> 60% <input type="checkbox"/> 70% <input type="checkbox"/> 80%	
b) The share of the total acquisition costs attributable to the building was determined according to a different distribution ratio. This is in percent:	<input type="text"/>	
Of the total acquisition costs, the building (excluding land) accounts for		9410

¹⁾ Only if the property is not located in Austria, please indicate the motor vehicle nationality plate symbol of the state.²⁾ If a period of more than ten years elapses between the termination of the letting by the legal predecessor or the termination of the lease in the course of a gratuitous acquisition and the renewed commencement of the letting by the taxpayer, the notional acquisition costs may be used as the tax assessment base for the depreciation for wear (Rz 6432 Austrian Income Tax Guidelines 2000).

In the reporting year, the letting of a property already let before was continued or resumed**a) Continuation of a letting of the legal predecessor without interruption**

☐ The let property was acquired gratuitously in the reporting year. The depreciation for wear of the legal predecessor is to be continued (continued depreciation, § 16 I 8 b)

☐ One-tenths/one-fifteenths deductions of the legal predecessor were taken over 9

b) Resumption of letting after interruption

☐ The letting was resumed in the reporting year after an interruption.

The depreciation for wear is continued (continued depreciation)

The original tax assessment base is as follows 10

9416

☐ The original tax assessment base for the depreciation for wear was the actual acquisition or production costs, and the interruption took place before 01-JAN-2016. The depreciation for wear was adjusted due to a change in the share of the total acquisition costs attributable to the building (§ 16 I 8 in conjunction with § 124b CCLXXXIV): 11 ☐ yes ☐ no

In the reporting year, the first letting took place after a withdrawal from business assets

☐ The property was withdrawn from business assets and let as a private asset for the first time in the reporting year

Amount of the withdrawal value (tax assessment base for the depreciation for wear) 12

9417**In the reporting year, the source of income was transferred or the letting ended**

☐ The source of income was transferred wholly or partly gratuitously

☐ The source of income was sold wholly or partly

☐ The letting was terminated without the source of income being sold or transferred gratuitously

Expenses pursuant to § 28 II, III or IV accrued in the reporting year:

☐ I submit an application for the apportionment of expenses pursuant to § 28 II
Amount of the total expenses to be apportioned pursuant to § 28 II, which are to be considered by application or according to mandatory allocation 13

9430

☐ I submit an application for the apportionment of expenses in accordance with § 28 III
Amount of the total production expenses to be apportioned 14

9440

Allocation period (minimum 10 years, maximum 15 years)

Number of years

☐ I submit an application for the apportionment of expenses in accordance with § 28 IV
Amount of the total expenses to be apportioned in accordance with § 10 Tenancy Act (Mietrechtsgesetz) 15

9450**Determination of income 16****Revenue**17**9460****Income-related expenses**

Expenses to be taken into account in the year of assessment in accordance with § 28 II 13

9470

Expenses to be taken into account in the year of assessment in accordance with § 28 III 14

9480

Expenses to be taken into account in the year of assessment in accordance with § 28 IV 15

9490

Depreciation for wear unless to be entered in code **9134** and/or **9135** 18

9500

Declining-balance depreciation for wear (§ 16 I 8 in conjunction with § 7 Ia) 19

9134

Accelerated depreciation of buildings (§ 16 I 8 e) 20

9135

Payment for substance settlement in case of reserved usufruct 21

9505

Borrowing costs 22

9510

Immediately deducted maintenance and/or repair costs 23

9520

Other income-related expenses 24

9530



Total income-related expenses (does not have to be filled in)		
Surcharge/reduction pursuant to § 28 VII	23	9414
Income surplus or income-related expenses surplus (loss) [Please enter this amount in Form E 1 for the income type of rentals and leasing (Item 18.1)]		

IMPORTANT NOTE: Please do not send **any original documents**, as all documents arriving at the tax office will be destroyed after electronic recording in accordance with the data protection regulations! However, retain these for at least **7 years** for a possible inspection.

Records and documents relating to real estate within the meaning of § 6 I 9 a of the Austrian Value Added Tax Act 1994 are to be kept for twenty-two years (§ 18 X of the Austrian Value Added Tax Act 1994).

You can submit this declaration even more easily electronically at bmf.gv.at (FinanzOnline). FinanzOnline is available to you free of charge around the clock and requires no special software.

Tax representation (name, address, phone N°)

Date, signature

Explanations

1 If the source of income consists of a single plot of land (e.g. condominium, residential property for letting), please include the standard value file reference (*Einheitswert-Aktenzeichen*, EAWZ), postcode and location address. If several plots of land are let as part of a single source of income (e.g. letting of several condominiums in the same building to one tenant), it is sufficient to indicate a single plot of land. In this case, please always list the same property in the following years if the circumstances remain unchanged.

2 In the case of the **VAT gross system**, revenue and expenditure leading to income-related expenses is to be recognised including VAT. In the case of expenses to be deducted by way of depreciation for wear, the deductible input tax is immediately deductible as income-related expenses. The acquisition (production) costs excluding VAT are to be used as the basis for depreciation. The sum of the VAT charges paid in the assessment year is to be allocated to the other income-related expenses in code 9530, the sum of any VAT credits to the revenue in code 9460. If both VAT payment charges and VAT credits result, a balancing must be carried out; if there is a credit excess, this is to be entered in code **9460**; if there is a payment charge excess, this is to be entered in code **9530**. In the **VAT net system**, VAT is treated as a transitory item and is not recognised on the revenue nor the income-related cost side. All revenue and expenditure eligible for input tax deduction that lead to income-related expenses are therefore recognised net only. The net system is permitted only for those taxpayers for whom the VAT can as a rule be of a transitory nature. Net settlement is therefore not possible in cases in which an entrepreneur makes turnover that is VAT-exempt without input tax relief (e.g. letting of business premises without an option for VAT liability, small entrepreneurs as defined in the Austrian Value Added Tax Act 1994 with annual sales of less than € 30,000).

3 Ordinance BGBl. II N° 2002/474 provides for relief from double taxation in the absence of a double-taxation agreement under the specified conditions by means of tax exemption or crediting of foreign taxes. If such relief has been claimed, please indicate this by ticking the appropriate box.

4 In particular, those surplus/loss portions are to be entered in this code that, in cases of **gratuitous transfer of the source of income**, are attributable to the legal successor or predecessor on the basis of an aliquot delimitation of income (see Rz 109 of the Austrian Income Tax Guidelines 2000). In such cases, both the legal predecessor and the legal successor must fill in a complete Supplement E 1b; in the case of the legal predecessor, the share attributable to the legal successor must be excluded in code **9030**, and the legal successor must exclude the share attributable to the legal predecessor in code **9030**.

5 An **initial letting** is present only if the building has not already been let before – even with an interruption of several years – and if the building has not been leased for the **first time** for attainment of operating or non-operating income.

6 The depreciation for wear is to be measured from the **notional acquisition costs** at the time of the start of letting if a building belonging to the **legacy assets** (30 IV) is leased for the first time. Legacy assets exist regularly if the building was acquired before 31-MAR-2002.

The **notional acquisition costs** include the amount that would have had to be spent to acquire the building. It is to be determined by estimation on the basis of a property valuation. The costs associated with the property valuation are immediately deductible income-related expenses. See also Rz 6441 of the Austrian Income Tax Guidelines 2000 for the calculation of notional acquisition costs.

If a period of more than ten years elapses between the termination of the letting by the legal predecessor or the termination of the lease in the course of a gratuitous acquisition and the renewed commencement of the letting by the taxpayer, the notional acquisition costs may be used as the tax assessment base for the depreciation for wear (Rz 6432 Austrian Income Tax Guidelines 2000).

7 The depreciation for wear is to be measured from the **actual acquisition cost** if a building acquired immediately before the start of the letting is let for the first time (see Rz 6433c). The same applies if a building belonging to the **new assets** that was not acquired immediately before the lease commenced is let for the first time. New assets regularly exist if the building was acquired after 31-MAR-2002.

8 In the **Austrian Real Estate Share Ordinance 2016**, the share of land in the total acquisition costs was fixed at a flat rate in order to take account of differing local or structural conditions. Accordingly, the proportion attributable to real estate is:

- 20% in municipalities with less than 100,000 inhabitants where the average price per square metre for land ready for construction is less than € 400;
- 30% in municipalities with at least 100,000 inhabitants and in municipalities in which the average price per square metre for land ready for construction amounts to at least € 400, if the building comprises more than 10 residential or commercial units;
- 40% in municipalities with at least 100,000 inhabitants and in municipalities in which the average price per square metre for land ready for construction amounts to at least € 400, if the building comprises up to 10 residential or commercial units;

Accordingly, the share of the building is **60%** (Item c), **70%** (Item b) or **80%** (Item a). If you make use of this apportionment, please tick the applicable percentage (share of the building in the total acquisition costs).



The proportion of the real estate can also be determined according to a **different distribution ratio**,

- if the actual circumstances manifestly differ significantly from those of the values of the Ordinance, or
- if its accuracy is proven.

The proof can be furnished, for example, by an expert opinion. A submitted expert opinion is subject to free consideration of evidence. If the share of the building was determined according to a different distribution ratio, please enter this percentage.

9 In particular, **gratuitous acquisition** exists in case of acquisition by way of donation, in return for a maintenance pension, by inheritance, legacy, gift on death and as compensation for a claim to a compulsory portion. In the case of a "mixed donation", gratuitous acquisition is to be assumed if the purchase price of the building does not amount to at least half of its market value. In the case of a gratuitous acquisition, the depreciation for wear of the legal predecessor is to be continued. See in particular Rz 6434 et seq of the Austrian Income Tax Guidelines 2000.

10 If you have already let the building once and resume the letting in the reporting year, please enter the original tax assessment base for the depreciation for wear in code **9416**. In this case, the depreciation for wear is to be continued (see Rz 6433e of the Austrian Income Tax Guidelines 2000).

11 If the most recent letting was terminated before 01-JAN-2016, the depreciation for wear is to be adjusted in the event of continuation or resumption of the letting if the legal situation applicable from 2016 (see Note 8) stipulates a different distribution ratio of real estate to building. Specify whether the depreciation for wear has been adjusted or not.

12 If a building withdrawn from the business assets is let, the withdrawal value (going-concern value, in the case of discontinuation of a business: fair market value) replaces the acquisition or production costs (§ 6 IV).

13 In accordance with § 28 II, expenses for **maintenance work** that is not carried out regularly each year, deductions for **extraordinary technical or economic depreciation** and related expenses as well as **extraordinary expenses** that are not maintenance, repair or production expenses may, **upon application**, be considered uniformly apportioned over a period of fifteen years.

Maintenance expenses are incurred when only insignificant parts of a building are replaced, or when there is no significant increase in value in use or useful life (cf. Rz 6467 et seq of the Austrian Income Tax Guidelines 2000).

Repair expenses are to be apportioned for residential buildings (after any reduction for tax-free subsidies from public funds). In the case of buildings that are not used for residential purposes (e.g. buildings used for business purposes), non-regular repair expenses can be deducted either immediately or bases on apportionment. Repair expenses are those expenses that are not part of the acquisition or production costs and that, alone or together with production expenses, significantly increase the use value of the building or significantly extend its useful life (see also Note 6450 et seq of the Austrian Income Tax Guidelines 2000).

In the case of apportionment, the **total amount** of the apportioned expenses incurred in the respective assessment year must be stated in code **9430**. In code **9470**, all partial amounts attributable to the assessment year are to be recognised, thus also those from an application for apportionment made in previous years. Immediately deducted maintenance expenses or repair expenses (other than for residential buildings) are to be entered in code **9520**.

14 Pursuant to § 28 III, the following expenses, if and insofar as they constitute production costs (cf. Rz 6476 of the Austrian Income Tax Guidelines 2000), are to be apportioned evenly over **fifteen** years upon application:

- Expenses within the meaning of §§ 3 to 5 of the Austrian Tenancy Act in buildings subject to the provisions of the Tenancy Act on the use of the main rent interest.

- Expenses for renovation measures, if a commitment for a subsidy under the Austrian Housing Renovation Act (*Wohnhaussanierungsgesetz*), the First Apartment Act (*Startwohnungsgesetz*) or the state regulations on the promotion of housing renovation is on hand.
- Expenses on the basis of the Austrian Act on the Protection of Historical Monuments (*Denkmalschutzgesetz*).

If statutory rent increases are made for funding of these production costs, the production expenses (after possible reduction by correspondingly dedicated tax-free subsidies from public funds) can be apportioned uniformly over the term of the increased rents, but at least uniformly over ten years. Please specify the allocation period. In the case of an application for apportionment, the **total amount** of the production costs accrued in the respective assessment year is to be indicated in code **9440**. In code **9480**, all partial amounts to be considered in the respective assessment year are to be entered. If no apportionment is applied for, production expenses pursuant to § 28 III are to be deducted over the remaining useful life and taken into account within the framework of depreciation for wear in code **9500**.

15 Pursuant to § 28 IV, the reimbursement of expenses pursuant to **§ 10 of the Austrian Tenancy Act** may be apportioned evenly over ten years by application. In the case of an application for apportionment, the total amount of expenses accrued in the respective assessment year is to be entered in code **9450**. In code **9490**, all one-tenths attributable to the assessment year are to be entered, thus also those from an application made in previous years.

16 Specify revenue and income-related expenses without leading signs. Revenue repayments are to be reported in code **9530**, income-related expenditure repayments in code **9460**.

17 With the exception of a possible surcharge pursuant to § 28 VII, all revenue from the source of income must be reported as a total in code **9460**.

18 In code **9500**, the amount of depreciation for wear (depreciation for wear of buildings and facilities) attributable to the assessment year is to be entered that does not concern declining depreciation for wear or accelerated depreciation of buildings.

19 For assets acquired or manufactured after 30-JUN-2020, the depreciation for wear can be made in decreasing annual amounts according to an immutable percentage of no more than 30% (**declining depreciation for wear**). This percentage rate is applied to the respective book value (net book value) and results in the respective annual depreciation for wear. Certain assets, in particular buildings, are excluded from declining depreciation for wear (see § 7 I a 1).

20 Without evidence of the useful life, the depreciation for wear for **buildings** acquired or manufactured after 30-JUN-2020 is a maximum of **4,5%** in the year of initial recognition – this is three times the statutory rate of depreciation for wear of 1.5%. The rule on semi-annual depreciation for wear is not applicable.

21 If you, as the lessor, make payments for substance settlement on the basis of a **conditional usufruct** (see Rz 114 et seq of the Austrian Income Tax Guidelines 2000) to the amount of the previously asserted depreciation for wear, these are to be entered in code **9505**. See also Rz 113a of the Austrian Income Tax Guidelines 2000.

22 The deductible borrowing costs (in particular interest, credit charges) attributable to the assessment year are to be entered in code **9510**. Loan repayments (annuities) do not constitute income-related expenses.

23 Pursuant to § 4 II 2 in conjunction with § 28 VII, inter-period errors whose origin was in the year 2003 or a later year can be corrected by a surcharge or deduction in the first year not barred by the statute of limitations if and insofar as they relate to time-barred periods and the error may have an effect on a period not time-barred. In particular, this can affect errors in the context of the depreciation for wear (depreciation). For further details see Rz 6516 in conjunction with Rz 650 et seq of the Austrian Income Tax Guidelines 2000.

