

# Help to fill out the declaration of determination (E 6) 2024 and the attachments to the declaration of determination (E 6a, E 6a-1, E 6b, E 6c) for 2024

Quotations from the law without further description refer to the Income Tax Act 1988 (Income Tax Act 1988) in the version applicable for 2024. For detailed tax information, please refer to the Austrian Income Tax Guidelines 2000 (EStR 2000) at [bmf.gv.at/Findok](https://bmf.gv.at/Findok).

## A) Explanatory notes on the declaration of determination (E 6) for 2024

### When must a declaration of income from partnerships/joint partnerships (declaration of determination) be submitted?

The determination of earnings requires (according to section 188 para. 1 FFC) that several people are involved in the income

- agriculture and forestry,
- self-employed work (e.g. law practice),
- commercial enterprise (e.g. general partnerships under Austrian law, limited partnership under Austrian law and other partnerships)
- Renting and leasing of immovable property (e.g. property communities).

Whether such a type of income exists depends on the provisions of the Austrian Income Tax Act 1988. **Parties** are not only natural or legal entities, but also associations of persons (groups of persons) without their own legal personality can receive joint income.

A determination procedure takes place, for example, in the case of an general partnerships under Austrian law (OHG), limited partnership (under Austrian law), partnership under Austrian civil law, joint ownership community or a non-genuine (atypical) dormant partnership.

The uniform determination of earnings presupposes that the parties **achieve the same type of income**. Therefore, for example, in the determination of earnings from renting and leasing, parts of the income that belong to a party's business assets and therefore lead to business income may not be included. If necessary, only those parties whose income can be assigned to the same type of earnings are to be included in the determination procedure. If several parties achieve income of the same type of earnings, several assessment procedures must be carried out (cf. margin note 6024 Austrian Income Tax Guidelines 2000).

### What happens when the earnings are determined (section 188 para. 1 FFC)?

The earnings are determined for each individual party in a separate procedure. A notification of the determination of the earnings is sent to the tax office responsible for the income or corporation tax assessment. The responsible tax office is bound by the notification of the determination. The reported earnings are taken into account when assessing income or corporate income tax. If a tax assessment notice has already been issued and the assessment does not match the profit/loss share taken into account, an amended assessment must be issued in accordance with section 295 para. 1 FFC.

Any appeal regarding the determination is against the **determination notice** (basic assessment notice) and **not** against the tax assessment notice (income or corporation tax notice, so-called derived decision).

The statement of the notice of assessment includes:

- type of earnings,
- amount of joint income,
- determination period as well
- names of the parties and the amount of their shares.

If amounts to be taken into account in the determination procedure (e.g. special business expenses) are not recorded in the determination notice, **they can no longer be taken into account** in derived decision.

In the decision on the determination of earnings, among other things, it must also be agreed

- that shares of losses cannot be carried forward,
- that shares of losses (e.g. according to section 2 para. 2a Austrian Income Tax Act 1988) cannot be offset, as well as that
- the use of "waiting losses" and whether
- preferential tax rates (e.g. pursuant to section 37 Austrian Income Tax Act 1988) are applicable to income components.

**If** such a determination is not made, the circumstances in question are to be discussed in the **derived** decisions .

### Creation and maintenance of those involved

When the tax number is assigned, the parties involved are also announced for the first time in the form **Verf 16**. **In addition to the participation percentage, it is also necessary to state the tax office and tax number (mandatory fields).**

**Before submitting** the **annual declaration** (E 6) including the necessary attachments (E 6a, E 6a-1, E 6b, E 6c, E 6i), it is recommended to **check** the accuracy of the data of the parties; in any case, it must be ensured that the percentage of parties in the partnership/association is **100%**.

Party maintenance is required **only** when changing the noted participations. The **Verf 60** form should be used for this purpose.

The following input fields - based on the respective assessment year - are available:

- tax office/tax number of the party
- shareholding in %,
- involved from / to ,
- validity for subsequent years,
- general information about the taxpayer

### What does the declaration for determining earnings (declaration of determination) consist of?

The following forms are available:

- E 6 – declaration of determination
- E 6a - attachment to the declaration of determination of earnings

- E 6a-1 – attachment to form E 6a
- E 6b – attachment to the statement of earnings from renting and leasing
- E 6c - attachment to the statement of assessment for flat-rate earnings from agriculture and forestry
- E 61 - attachment to the declaration of determination (in the case of participation in another association) ⇒

⇒ The tax return for assessment includes the assessment declaration (E 6) with the required attachments. Form E 6 and all of the required attachments must therefore always be submitted.

The following attachments can be submitted with the declaration of assessment (E 6):

Earnings from			
Agriculture Forestry	Self-employed work	Business income	Rental and leasing
E 6a, E 6a-1, E 61 or E 6c	E 6a, E 6a-1, E 61	E 6a, E 6a-1, E 61	E 6b, E 61

**1 Losses cannot be offset** pursuant to section 2 para. 2a Austrian Income Tax Act may not be separated from the income and must be included under codes **341, 342** or **371**. Losses that can be offset pursuant to section 2 para. 2a of the Austrian Income Tax Act from previous years may not reduce the earnings and need to be entered under the codes **332, 346** or **372**.

**2** If the result (surplus/loss) from a further participation must be distributed among the parties according to the **noted participation ratio** this should be shown in point 4b. In this case, the participation result ⇒

⇒ may not be included in point 4a; a separate attachment E 6b, which only relates to the investment result, must not be completed.

If the investment result (surplus/loss) must **not** be distributed among the parties according to the participation ratio noted, this should be stated in attachment E 61 (check box for code **370**). In this case, the result from attachment(s) E 61 (code **370**) shall **not** be shown in point 4b, but it should be transferred to attachment(s) E 6b (code **9540**) and included in point 4a as part of the result of attachment E 6b.

## B) Explanations for attachment E 6a

Passages with a grey background only affect the accounting and are therefore irrelevant for partnerships with a revenue-expenditure calculator. If reference is made to legal provisions without further specification, this means the Austrian Income Tax Act 1988 (Income Tax Act 1988).

### When should attachment E 6a be completed?

The attachment **E 6a** must be completed by partnerships/communities for profit determination within the scope of income from

- agriculture and forestry (section 21),
- self-employed work (section 22) or
- commercial operation (section 23)

to be used when profit (loss) is determined by:

- **Accounting**
- **Complete cash-basis accounting**
- **Partial consolidation into a lump sum** according to section 17, provided that they do not include the country - and forestry (e.g. the statutory lump sum deduction, small business lump sum deduction, hospitality lump sum deduction, commercial agent lump sum deduction, artist/writer lump sum deduction, chemists lump sum deduction or the lump sum deduction according to the ordinance concerning non-accounting traders)
- **Full consolidation into a lump sum** for **Grocery retailers and merchandise retailers**.

### In which cases should attachment E 6a not be completed?

Attachment E 6a **may not** be completed for

- partnerships that generate agricultural and forestry income (partial and/or full) lump-sum taxation. In such cases, the attachment **E 6c** should be used.

### How many E 6a attachments should be submitted?

Since a partnership, even if it carries out different activities, has always only one business (cf. margin note 5832 Austrian Income Tax Guidelines 2000), only one attachment E 6a (E 6a-1) can be filled out for each declaration of determination E 6. Attachment E6a must always record the result of the entire operation. If the paper submission is not sufficient with the intended number of six parties, a further attachment E 6a must be submitted, in which in **only** in **point 8** the **remaining parties** should be listed. Attachment E 6a must also be completed for foreign companies. Foreign permanent establishment results of a domestic company are to be included in attachment E 6a.

### Under what conditions must only one attachment E 6a be submitted with the declaration of determination (E6) (no additional submission of attachment E6a-1 required)?

The submission of **attachment E 6a** is sufficient and no further attachment E 6a-1 is required under the following conditions:

1. No capitalist co-entrepreneur within the meaning of section 23a is involved in the company (see point 2 on E 6a-1) and
2. the profit/loss from attachment E6a must be distributed among the parties according to the **noted participation ratio** and
3. a tax-free profit allowance is **not** claimed or a tax-free profit allowance must **not** be post-taxed and
4. in the calendar year only **one business year** ends and
5. the profit/loss does not include any capital gain relating to **business premises** to which the special tax rate is applicable and
6. there is no sale of shares.
7. The **small business flat rate** is not used.

If one of the above requirements is not met, an **attachment E 6a-1** must be submitted (in addition to attachment E 6a).

**1** The **Small entrepreneurs flat rate** is applicable for income from self-employment or from commercial operations with the exception of income from an activity as a managing partner, a member of the supervisory board or a member of the board of trustees. The prerequisite is that the VAT exemption pursuant to section 6 para. 1 item 27 Austrian Value Added Tax Act 1994 is applicable for small entrepreneurs or is only not applicable because sales were also made that lead to earnings from the flat-rate are not affected (e.g. turnover from a rental that leads to earnings from renting and leasing) or because the application of the VAT exemption pursuant to section 6 para. 3 Austrian Value Added Tax Act 1994 was waived. The consolidation into a lump sum can also be applied if its conditions would be met, but the VAT exemption pursuant to section 6 para. 1 item 27 Austrian Value Added Tax Act 1994 does not actually apply because another VAT exemption pursuant to section 6 para. 1 Austrian Value Added Tax Act 1994, associated with the exclusion of input tax deduction, takes precedence. Profit is the difference between the operating income (excluding value added tax, must be recorded under code **9027**) and the flat-rate operating expenses (to be recorded in code **9039**). The flat rate is 45% of the operating income. Deviating from this, it is 20% of the operating income for a service company.

The applicable flat rate is regulated in the Service Companies Ordinance, Federal Law Gazette II No. 615/2020.

In addition to the flat-rate business expenses, the values specified in section 17 para. 3a item 3 lit. a (including compulsory insurance contributions, to be recorded in code **9926** of attachment E 6a-1) and the basic tax-free amount (to be recorded in code **9271** of attachment E 6a-1) must be taken into account.

For travel and commuting costs, which are offset by a reimbursement of costs in the same amount to be recorded as operating income, it is legally guaranteed by recording them as additional operating expenses that they do not affect profit (economic pass-through); they must not be taken into account when determining the flat rate.

**2** In case of profit determination by **accounting** (business asset comparison), a copy of the statement of assets (annual financial statements, balance sheet) and the profit and loss statement must be submitted to the tax office.

The profit must be determined pursuant to **section 5** if according to section 189 of the Austrian Commercial Code (UGB) or other federal regulations there is an accounting obligation and earnings from commercial operations (section 23) are generated. If the requirements for accounting pursuant to section 5 Austrian Income Tax Act 1988 are not met, the accounting is carried out pursuant to **section 4 para. 1**.

**3** Profit determined by **complete cash-basis accounting** means that no lump sum is used and the operating expenses are fully recorded. The operating income is in accordance with codes **9040** to **9093** and the operating expenses in accordance with codes **9100** to **9233**. The code **9259** (flat-rate operating expenses) must not be filled out.

**4** The choice between "gross VAT system" or "net VAT system" must always be specified for cash-basis accounting or for a lump-sum taxation that systematically corresponds to cash-based accounting (see also note 16.3 and 16.4). If all turnover is non-genuinely VAT exempt (e.g. **small entrepreneur**), check "Gross system".

**5** When using the **lump sum deduction** the operating income is fully recorded, but the operating expenses are recorded as a flat rate with **12%** or **6%** of the turnover deducted.

In addition to the lump sum, only the following may be deducted:

- expenditure on goods, raw materials, semi-finished products, auxiliary materials and ingredients,
- wage expenses (including non-wage labour costs),
- expenditure on third-party wages, insofar as these go directly into benefits that business purpose of the company (e.g. made-to-order production of goods),
- social security contributions and contributions to self-employed pension scheme,
- the workplace flat rate,
- 50% of the expenses for a weekly, monthly or annual pass for a mass conveyance and
- travel expenses, insofar as they are offset by a reimbursement of costs in the same amount; these travel and commuting expenses reduce the turnover relevant for the assessment of the lump sum.

All other operating expenses are covered by the operating expenses flat rate, which is to be recorded in code **9259** (see note 44).

**6** The **hospitality lump sum** can be used by licensed hospitality businesses. The **basic lump sum (15%** of sales, at least 6,000 euros) includes all operating expenses with the exception of

- those covered by the other two packages and
- those that are to be considered separately in any case, even in the case of lump sums.

The **mobility lump sum (2% to 6%** of turnover) includes

- all motor vehicle costs and operational costs for use of other means of transport as well as
- travel expenses.

The **energy and space lump sum (8%** of turnover) includes all costs related to the use of premises. The (entire) lump sum must be entered in code **9259**.

In addition, the basic allowance and certain operating expenses remain fully deductible: Cost of goods, wages and non-wage labour costs, social security amounts, training and further education of employees, depreciation for wear, maintenance and repair, rent and lease of real estate, borrowing costs. More information can be found in the Austrian Income Tax Guidelines 2000, margin notes 4287 et seq.).

**7** The **chemists lump sum** corresponds to the basic lump sum deduction in terms of content, see Note 5.

**8** According to the **artist/writer consolidation into a lump sum ordinance** certain operating expenses can be taken into account as a flat rate of **12%** of the turnover, up to a maximum of 8,725 euros under code **9259**.

The flat rate includes: Expenses for common technical aids (especially computers, sound recordings including recording

and playback devices); expenses for telephone and office supplies; expenses for specialist literature and entrance fees; operational expenses for clothing, cosmetics and other expenses related to appearance; per diem allowance; Expenses for rooms located in the apartment complex (especially study, studio, recording studio, rehearsal rooms); expenses for entertaining business associates; usually non-verifiable operating expenses. The expenses not covered by the flat rate are to be entered in the respective codes.

**9** According to the **sales representative consolidation into a lump sum** certain operating expenses can be taken into account at a flat rate of **12%** of the turnover, up to a maximum of 5,825 euros under code **9259**.

The flat rate includes: per diem allowance; Expenses for rooms located in the apartment complex (especially storage and office space); expenses for entertaining business associates; operating expenses that usually cannot be documented, such as tips. The expenses not covered by the flat rate are to be entered in the respective codes.

**10** Under the **ordinance on the consolidation into a lump sum for athletes** internationally active athletes who are subject to unlimited tax liability in Austria (on the basis of their domicile or habitual residence) and who, in the calendar year, predominantly perform in the context of sporting events (competitions, tournaments) abroad, may, upon application, have their income from sporting activities, including advertising activities, taxable in Austria assessed at 33% of all (domestic and foreign) such income. However, the earnings excluded from the tax base (67%) must be taken into account when determining the tax for the remaining earnings (entry under code **440** in Form E 1). A crediting of foreign taxes from the lump-sum earnings is excluded.

When using the consolidation into a lump sum, only 33% of the operating income and operating expenses are to be recorded in the respective codes; the 67% to eliminate may not be entered in code **9259**.

**11** The lump sum ordinance for **non-accounting traders**, Federal Law Gazette No. 55/1990, provides for a total of 54 trades in each case an industry-specific flat rate for operating expenses. In addition, the following operating expenses can be taken into account:

Purchase of goods, raw materials, auxiliary materials, semi-finished products and ingredients (according to the goods receipt book); wage expenses (according to the wage account), employer's contribution to statutory social security, housing subsidies, employer's contribution to the family burden equalisation fund; depreciation; expenses for rent or lease, energy, heating, post and telephone; VAT paid (excluding VAT on self-supply) and VAT (input VAT) for expenses that must be capitalised; Contributions to compulsory insurance in the statutory health, accident and pension insurance as well as the basic allowance.

**12** Please enter the type of activity here in the form of a three-digit **industry code (BKZ)**. The following applies to **mixed farms**: A mixed operation exists if at least 20% of the operational turnover cannot be assigned to the specified industry code. In this case, the industry code of the majority of earnings and the existence of a mixed operation must be specified.

The industry indicators (BKZ) were derived from ÖNACE 2008 (Austrian version of NACE = European classification of economic activities).

The three-digit industry code corresponds to the first three digits (with a leading zero) of ÖNACE. As a rule, this can be seen from the notification from the Federal Statistics Office in Austria, so that it can be easily assigned.

In the 2nd column (ECONOMIC ACTIVITIES) of the following table you will find the corresponding text of the economic activity assigned to this three-digit industry code.

If, exceptionally, there is no notification from Statistics Austria, a specific assignment of an activity to the industry code can be found on [www.statistic.at](http://www.statistic.at) in the area "Classifications - Classification database - Economic sectors - ÖNACE 2008 - display" possible.

The display can be searched using the ÖNACE structure.

An alphabetical table is available for download under "Downloads". Under "Search" you will find all of ÖNACE's economic activities (occupations) in a directory containing around 29,000 terms. The code found in this way, consisting of a combination of letters and numbers, enables assignment to the correct industry code.

Example: "Freshwater fishing" – ÖNACE code "A 03.12" corresponds to BKZ 031 (fishing) or "chimney sweeps" – ÖNACE code "N 81.22-1" corresponds to BKZ 812 (cleaning of buildings, streets and means of transport).

Economic activities are divided into sections in the table below.

<b>BKZ</b>	<b>ECONOMIC ACTIVITIES</b>
<b>A</b>	<b>Agriculture and forestry, fisheries</b>
011	Cultivation of annual plants
012	Cultivation of perennial plants
013	Operation of tree nurseries and cultivation of plants for propagation purposes
014	Livestock farming
015	Mixed Farming
016	Provision of agricultural services
017	Hunting, trapping and related activities
021	and forestry
022	logging
023	Collecting wild products (excluding wood)
024	Provision of forestry and logging services
031	Fisheries
032	Aquaculture
<b>B</b>	<b>Mining and quarrying of stone and earth</b>
051	Coal mining
052	Lignite mining
061	Extraction of petroleum
062	Extraction of natural gas
071	Iron ore mining
072	Non-ferrous metal ore mining
081	Extraction of natural stones, gravel, sand, clay and kaolin
089	Other mining; Quarrying of stone and earth (not otherwise specified)
091	Provision of services for the extraction of oil and natural gas
099	Provision of services for other mining and quarrying
<b>C</b>	<b>Manufacture of goods</b>
101	Slaughtering and meat processing
102	Fish processing
103	Fruit and vegetable processing
104	Manufacture of vegetable and animal oils and fats
105	Milk processing
106	Grinding and hulling mills, manufacture of starch and starch products
107	Production of baked goods and pasta
108	Manufacture of other foods
109	Production of animal feed
110	Beverage production
120	Tobacco processing
131	Textile processing and spinning
132	Weaving
133	Finishing of textiles and clothing
139	Manufacture of other textile goods



<b>BKZ</b>	<b>ECONOMIC ACTIVITIES</b>
141	Manufacture of clothing (excluding fur garments)
142	Manufacture of fur garments
143	Manufacture of clothing from knitted and crocheted fabrics
151	Manufacture of leather and leather goods (excluding manufacture of leather clothing)
152	Manufacture of shoes
161	Sawmills, planers and wood impregnation plants
162	Manufacture of other wood, cork, wicker and wicker products (excluding furniture)
171	Production of wood and pulp, paper, cardboard and paper board
172	Manufacture of goods from paper, cardboard and cardboard
181	Production of printed matter
182	Duplication of pre-recorded sound, image and data carriers
191	Coking plant
192	Petroleum processing
201	Manufacturer of chem. raw materials, fertilisers and nitrogen compounds; Plastic and synthetic rubber in primary moulds
202	Manufacture of pesticides, plant protection and disinfectants
203	Manufacture of paints, printing inks and putties
204	Manufacture of soaps, detergents, cleaning and body care products and fragrances
205	Manufacture of other chemical products
206	Manufacturing of chemical fibres
211	Manufacture of pharmaceutical raw materials
212	Manufacture of pharmaceutical specialities and other pharmaceutical products
221	Manufacture of rubber goods
222	Manufacture of plastic goods
231	Manufacture of glass and glassware
232	Manufacture of refractory ceramic materials and goods
233	Manufacture of ceramic building materials
234	Manufacture of other porcelain and ceramic products
235	Manufacture of cement, lime and fired plaster
236	Manufacture of products from concrete, cement and plaster
237	Machining and processing of natural stones and stones (not mentioned elsewhere)
241	Production of hot metal, steel and ferro-alloys
242	Manufacture of steel pipes, pipe fittings, pipe plugs and pipe connectors made of steel
243	Other first processing of iron and steel
239	Manufacture of abrasives and coated abrasives and other non-metallic mineral products (not mentioned elsewhere)
244	Production and initial processing of non-ferrous metals
245	Foundries
251	Steel and light metal construction
252	Manufacture of metal tanks and containers; Manufacture of radiators and boilers for central heating
253	Manufacture of steam boilers (excluding central heating boilers)
254	Manufacture of weapons and ammunition
255	Manufacture of forged, pressed, drawn and stamped parts, rolled rings and powder metallurgy products
256	Surface finishing and heat treatment; Mechanics (not mentioned elsewhere)
257	Manufacture of cutlery, tools, locks and fittings of base metal
259	Manufacture of other metal goods
261	Manufacture of electronic components and printed circuit boards
262	Manufacture of data processing equipment and peripheral equipment
263	Manufacture of devices and equipment for telecommunications technology
264	Manufacture of consumer electronics devices
265	Manufacture of measuring, control, navigation and similar instruments and devices; Manufacture of clocks
266	Manufacture of radiation and electrotherapy devices and electromedical devices
267	Manufacture of optical and photographic instruments and devices
268	Manufacture of magnetic and optical data carriers
271	Manufacture of electric motors, generators, transformers, electricity distribution and switching equipment
272	Manufacture of batteries and accumulators
273	Manufacture of cables and electrical installation material
274	Manufacture of electric lamps and lights
275	Manufacture of household appliances
279	Manufacture of other electrical equipment and devices (not mentioned elsewhere)
281	Manufacture of non-sector-specific machines
282	Manufacture of other non-sector-specific machines
283	Manufacture of agricultural and forestry machinery
284	Manufacture of machine tools
289	Manufacture of machines for other specific industries

<b>BKZ</b>	<b>ECONOMIC ACTIVITIES</b>
291	Manufacture of automobiles and automobile engines
292	Manufacture of bodies, superstructures and trailers
293	Manufacture of parts and accessories for motor vehicles
301	Ship and boat building
302	Rail vehicles construction
303	Aerospace engineering
304	Manufacture of military combat vehicles
309	Manufacture of vehicles (not mentioned elsewhere)
310	Manufacture of furniture
321	Production of coins, jewellery and similar products
322	Manufacture of musical instruments
323	Manufacture of sports equipment
324	Manufacture of toys
325	Manufacture of medical and dental apparatus and materials
329	Manufacture of products (not mentioned elsewhere)
331	Repair of metal products, machines and equipment
332	Installation of machinery and equipment (not mentioned elsewhere)
<b>D</b>	<b>Power supply</b>
351	Electricity supply
352	Gas supply
353	Heat and cooling supply
<b>E</b>	<b>Water supply; Sewage and waste disposal and clean-up of environmental pollution</b>
360	Water supply
370	Sanitation
381	Collection of waste
382	Waste treatment and disposal
383	Recovery
390	Clean-up of environmental pollution and other waste disposal
<b>F</b>	<b>Construction</b>
411	Property development; Property developer
412	Construction of buildings
421	Construction of roads and railway lines
422	Civil engineering and sewage treatment plant construction
429	Other civil engineering
431	Demolition work and preparatory site work
432	Construction installation
433	Other expansions
439	Other specialised construction activities
<b>G</b>	<b>Trade; Maintenance and repair of motor vehicles</b>
451	Trading in motor vehicles
452	Maintenance and repair of motor vehicles
453	Trading in motor vehicle parts and accessories
454	Trading in motorcycles, motorcycle parts and accessories; Maintenance and repair of motorcycles
461	Commercial mediation
462	Wholesale of agricultural commodities and live animals
463	Wholesale of food, beverages and tobacco products
464	Wholesale trade in consumer goods
465	Wholesale of information and communication technology equipment
466	Wholesale of other machines, equipment and accessories
467	Other wholesale
469	Wholesale without a distinct focus
471	Retail sale of goods of various kinds (in sales rooms)
472	Retail sale of food, beverages and tobacco products (in sales rooms)
473	Motor fuel retail (petrol stations)
474	Retail sale of information and communication technology devices (in sales rooms)
475	Retail sale of other household appliances, textiles, do-it-yourself and furnishing needs (in showrooms)
476	Retail of publishing products, sports equipment and toys (in store)
477	Retail sale of other goods (in sales rooms)
478	Retailing at stalls and markets
479	Retail, not in sales rooms, stalls or markets
<b>H</b>	<b>Transportation and storage</b>
491	Long-distance passenger transport
492	Goods carriage by rail
493	Other land passenger transport

<b>BKZ</b>	<b>ECONOMIC ACTIVITIES</b>
494	Road transport of goods, removal transport
495	Transport in long-distance pipelines
501	Passenger transport in sea and coastal shipping
502	Goods transport in sea and coastal shipping
503	Passenger transport in inland waterways
504	Goods transport in inland waterways
511	Passenger transport in aviation
512	Cargo transportation in aviation and space transport
521	Storage
522	Provision of other transport services
531	Postal services provided by universal service providers
532	Other postal, courier and express services
<b>I</b>	<b>Accommodation and gastronomy</b>
551	Hotels, inns and guest-houses
552	Holiday dwellings and similar accommodation facilities
553	Camp-sites
559	Other accommodation facilities
561	Restaurants, pubs, snack bars, cafés, ice cream parlours, etc.
562	Caterer and provision of other catering services
563	Dispensing of drinks
<b>Y</b>	<b>Information and communication</b>
581	Publishing of books and magazines; Other publishing (without software)
582	Publishing of software
591	Production of films and television programs, their rental and distribution, cinemas
592	Recording studios; Production of radio contributions; Laying of pre-recorded sound carriers and music
601	Radio broadcaster
602	Broadcaster
611	Wired Telecommunications
612	Wireless telecommunications
613	Satellite telecommunications
619	Other telecommunications
620	Provision of information technology services
631	Data processing, hosting and related activities; Web portals
639	Provision of other information services
<b>K</b>	<b>Provision of financial and insurance services</b>
641	Central banks and credit institutions
642	Holding companies
643	Trusts and other funds and similar financial institutions
649	Other financing institutions
651	Insurances
652	Reinsurance
653	Pension funds and pension funds
661	Activities related to financial services
662	Activities related to insurance services and pension funds
663	Fund management
<b>L</b>	<b>Real estate and housing</b>
681	Purchase and sale of own land, buildings and apartments
682	Rental, leasing of own or leased land, buildings and apartments
683	Brokerage and management of land, buildings and apartments, for others
<b>M</b>	<b>Provision of freelance, scientific and technical services</b>
691	Legal advice
692	Auditing and tax advice; Accounting
701	Administration and management of companies and businesses
702	Public relations and business consulting
711	Architectural and engineering offices
712	Technical, physical and chemical analysis
721	Research and development in the field of natural sciences, engineering, agricultural sciences and medicine
731	Advertising
732	Market and Opinion Research
722	Research and development in the field of law, economics, social sciences, linguistics, cultural studies and art
741	Textile, jewellery, graphic and similar design studios Design
742	Photography and Photo Laboratories
743	Translation and interpreting



<b>BKZ</b>	<b>ECONOMIC ACTIVITIES</b>
749	Activities not elsewhere classified
750	Veterinary
<b>N</b>	<b>Provision of other economic services</b>
771	Rental of motor vehicles
772	Rental of consumer goods
773	Rental of machines, devices and other movable property
774	Leasing of non-financial intangible assets (without copyrights)
781	Labour recruitment
782	Temporary leasing of workers
783	Other leasing of workers
791	Travel agencies and tour operators
799	Provision of other reservation services
801	Private guard and security services
802	Security services using surveillance and alarm systems
803	Detective agencies
811	Janitorial services
812	Cleaning of buildings, streets and means of transport
813	Gardening and landscaping and the provision of other horticultural services
821	Secretarial and typing services, copy shops
822	Call centres
823	Trade fair, exhibition and congress organisers
829	Provision of other economic services for companies and individuals
<b>O</b>	<b>Public Administration, Defence; Social security coverage</b>
841	Public Administration, Defence;
842	Foreign Affairs, Defence, Justice, Public Security and Order
843	Social security coverage
<b>P</b>	<b>Education and teaching</b>
851	Kindergartens and preschools
852	Elementary schools
853	Further training
854	Tertiary and post-secondary non-tertiary education
855	Other lessons
856	Provision of teaching services
<b>Q</b>	<b>Health and social care</b>
861	Hospitals
862	Medical and dental practices
869	Healthcare not elsewhere mentioned
871	Nursing homes
872	In-patient facilities for psychosocial care, combating addiction, etc.
873	Retirement homes; Homes for the elderly and disabled
879	Other homes (excluding convalescent homes and holiday homes)
881	Social care for the elderly and disabled
889	Other social affairs (without homes)
<b>R</b>	<b>Arts, Entertainment and Recreation</b>
900	Creative, artistic and entertainment activities
910	Libraries, archives, museums, botanical and zoological gardens
920	Gaming, betting and lottery services
931	Provision of sports services
932	Provision of other entertainment and recreation services
<b>S</b>	<b>Provision of Other Services</b>
941	Business and employer associations, professional organisations
942	Workers' associations
949	Church associations; Political parties and other interest groups and associations not elsewhere mentioned
951	Repair of data processing and telecommunications equipment
952	Repair of consumer goods
960	Provision of other predominantly personal services
<b>T</b>	<b>Private households, activities by private households</b>
970	Private households with domestic staff
981	Manufacture of goods by private households for their own use without a distinct focus
982	Provision of services by private households for their own use without a distinct focus
<b>U</b>	<b>Extraterritorial Organisations and Bodies</b>
990	Extraterritorial Organisations and Bodies

**13** Tax payers who are **no longer subject to the obligation to prepare accounts** because they fall below the turnover limits of section 189 of the Austrian Commercial Code (UGB) and who receive income from trade or business (section 23) can apply to continue the determination of profits in accordance with section 5 Austrian Income Tax Act 1988. The application must be submitted for the year in which the business year ends for which no accounting obligation exists for the first time. The application binds the taxpayer until revoked; in this case, the relevant box must be ticked. It expires automatically by re-entering the accounting obligation according to section 189 of the Austrian Commercial Code (UGB).

**14** The determination of profits within the framework of a determination procedure takes place for a **business year**. Therefore, please state the exact beginning and end of the business year. Only if a second business year ends in the same calendar year do you also state the start and end of the second business year. In this case, the **attachment E6a-1** must be filled out and the profit/loss for each business year must be stated in this.

## 15 to "Determination of Profit"

**15.1** For **balanced partnerships** with determination of profit according to **section 5**, the earnings and expenses to be entered here must correspond to the estimates of the profit and loss account according to the company balance sheet. Any corrections are listed under "4. Corrections and additions to the profit/loss (tax increase/decrease calculation)".

**15.2** For **balanced partnerships** with determination of profit according to **section 4 para. 1**, earnings and expenses to be entered here can correspond to the figures in the profit and loss statement of a company balance sheet. Any corrections are in this case under "4. Corrections and additions to the profit/loss (tax increase/decrease calculation)". However, all earnings and expenses can also be stated here with the relevant tax values. In this case, no further corrections need to be made in this regard.

**15.3** For partnerships with **cash-basis accounting** the following two options for entry under "3. Profit determination" are available:

**15.3.1** As a rule, the operating income and operating expenses to be entered here must be entered with the **tax** relevant values. Corrections under 4. Corrections and additions to the profit/loss (tax increase/decrease calculation)" are not required.

**15.3.2** If the operating income and operating expenses to be entered here are not entered with the tax-relevant values in the cash-basis accounting, the necessary corrections must then be made under "4. Corrections and additions to the profit/loss (tax increase/decrease calculation)".

**15.4** **Balanced partnerships** shall take into account, insofar as accounts of the **Austrian standard chart of accounts (EKR)** are addressed, only the expenses/income or balance sheet items to be recorded in the expressly designated accounts under the corresponding ratios. Income that is not to be recorded in the special codes provided for this purpose must be entered under code **9090**. Expenses that are not to be recorded under the special codes provided for this purpose are to be entered under code **9230**.

**15.5** Partnerships with **cash-basis accounting** must enter operating income that is not to be recorded under the special codes provided for this purpose under code **9090**. Operating expenses that are not recorded under the special codes provided for this purpose must be entered under code **9230**.

**15.6** Earnings/operating income and expenses/operating expenses must always be entered **unsigned**. This means that income/operating income is recorded as positive values and expenses/operating expenses as negative values. If there is a negative value under income/operating income or expenses/operating expenses for a code (e.g. for expense/revenue adjustments), a negative sign ("-") must be entered for the corresponding code.

## To "Earnings/income"

**16** **Code 9040: Revenues (proceeds from goods/services) without section 109a Austrian Income Tax Act 1988 - EKR 40 - 44 - including self-supply (withdrawal value of current assets)**

**16.1** Enter under code **9040** revenues generated by **accounting co-partnerships** (excluding sales tax, EKR 400 - 439, see Note 16.5) after deduction of sales deductions (EKR 440 - 449, see Note 16.5). 16.6). Domestic revenues that are recorded in a notification according to section 109a must only be entered under code **9050**.

**16.2** In case of **cash-basis accounting**, domestic (accrued) revenues (see Note 16.5) after deduction of sales deductions (see Note 16.6) must be entered here. Domestic revenues that are recorded in a notification according to section 109a must only be entered under code **9050**. Cash basis accountants can choose the gross or net method with regard to value added tax (cf. in particular margin notes 744 to 762 of the Austrian Income Tax Guidelines 2000).

**16.3** Under the **gross VAT system** the VAT invoiced by an input-tax amount must be treated as business income at the time of receipt and as operating expenses at the time of payment to the tax office. The input tax amounts charged to the income-expenditure accountant by its pre-suppliers are operating expenses at the time of payment and operating income at the time of offsetting with the tax office. Operating income and operating expenses are therefore to be stated including value added tax (**gross VAT representation**, see below). When acquiring (manufacturing) assets that must be capitalised, the deductible input taxes are to be separated from the acquisition (manufacturing) costs, which are to be deducted through depreciation. The sum of the VAT payment charges paid in the assessment year is an operating expense (to be entered under code **9230**), the sum of any VAT credits under code **9090** represents the operating income to be entered. If there are both VAT payment charges and VAT credits, they must be netted; in the case of a credit overhang, this must be entered under code **9090**, in the case of a payment charge overhang, this must be entered under code **9230**. In the case of the VAT gross system, there are **two** options for presentation, namely the

- **gross presentation** (see above) and the
- **net presentation** of operating income/expenses with separate VAT ID (see Note 22).

**16.4** With the **net VAT system**, the value added tax, which is treated as a transitory item (section 4 para. 3 third sentence), is not taken into account on the revenue side as well as on the expenditure side. All revenue and deductible expenses are therefore only stated net. The net system is only permitted for those taxpayers for whom the sales tax can generally have a transitory character. Net settlement is therefore not possible:

- In cases in which an entrepreneur makes non-genuine tax-exempt sales that are related to non-deductible input VAT (e.g. small entrepreneurs with an annual turnover of less than 35,000 euros, section 6 para. 1 item 27 Austrian Value Added Tax Act 1994).
- In cases of claiming an input VAT consolidation into a lump sum, except if the input VAT consolidation into a lump sum according to section 14 para. 1 item 1 Austrian Value Added Tax Act 1994 is claimed and at the same time the consolidation into a lump sum according to section 17 para. 1 to 3 Austrian Income Tax Act 1988 (code **9230**) is applied.

Ancillary sales tax fees, such as late payment surcharges and deferral interest, remain deductible as operating expenses even with the net method.

If the input VAT is deductible, capital goods are to be included with the net values in the list of investments (section 7 para. 3). If the input VAT is not deductible, it should be treated as part of the acquisition (manufacturing) costs. Operating expenses only represent the net amounts spent, the value added tax for circulating goods is not included. If the value added tax does not have a pass-through character (e.g. in connection with cars), it must be deducted as an operating expense when it is spent. All income and expenditure items resulting from sales tax offsetting with the tax office are not taken into account: Sales tax credits are not operating income, and payments made to the tax office are not operating expenses. As with the gross system, withdrawals are to be stated net. It is not necessary to correct the payment charge for the self-supply value added tax contained therein.

**16.5 Turnovers** are the typical proceeds from the usual business activities of the entrepreneur from the sale and the transfer of use of products and goods as well as from services. In addition, this includes, in particular, income from the typical sale of scrap, waste products, raw materials and supplies that are no longer required and income from participation in joint ventures (e.g. construction industry). Rental and lease income, licenses and commissions should only be recorded here if they are typical of the business. If the revenue is occasional and small in volume, it is entered under code **9090**.

**16.6 Sales reductions** are, in particular, customer discounts, sales commissions, quantity discounts, bonuses, loyalty bonuses, reimbursed fees for returned goods and defects.

## **17 Code 9050: Operating income/earnings for which a notification according to section 109a Austrian Income Tax Act 1988 was issued, EKR 40 - 44**

Income/operating income to be recorded for the respective assessment, for which a notification according to section 109a was issued, must be entered here. The separate identification results from section 4 of the Ordinance Federal Law Gazette II No. 417/2001 issued for section 109a. For information on the notification obligation pursuant to section 109a Austrian Income Tax Act 1988, please refer to margin notes 8300 et seq. of the Austrian Income Tax Guidelines 2000 and the "tax book" (to be found at <https://www.bmf.gv.at/services/publikationen>).

## **18 Code 9060: Fixed income/withdrawal values of fixed assets, EKR 460 - 462 before any resolution to 463 - 465 or 783**

**18.1** Here, **accounting partnerships** have to enter proceeds from the disposal of fixed assets (EKR 460 - 462), excluding financial assets, before any dissolution on EKR 463 - 465 or EKR 783.

**18.2** In case of **cash-basis accounting**, operating income from the disposal (sale, withdrawal) of fixed assets must be entered here.

**18.3** The code **9060** only includes proceeds from the **sale** or the **withdrawal** of fixed assets. Insurance compensation must be entered under code **9090**.

**18.4 Withdrawals** of assets must be recognised at the relevant removal value. The withdrawal value under company law can differ from the tax value. If the tax-relevant value is not already recorded here, any corrections must be made under point 4.

## **19 Code 9070: Internally produced and capitalised assets, EKR 458 - 459**

**19.1** This code must only be filled out by **balance sheet accountants**. Internally produced and capitalised assets for self-produced fixed assets and for starting and expanding a company should be entered here.

**19.2** In case of **cash-basis accounting**, self-produced fixed assets must be included in the list of fixed assets (section 7 para. 3) with the production costs, unless - in the case of low-value assets (section 13, see code **9130** and margin note 3893 of the Austrian Income Tax Guidelines 2000) - the possibility of immediate withdrawal is exercised. The operating expenses for codes **9100** to **9230** must be corrected according to the production costs. In the case of depreciable fixed assets, the production costs must be deducted by way of the depreciation for wear (Depreciation for Wear, section 7). The depreciation for wear must be recorded under code **9130**.

## **20 Code 9080: Inventory changes, EKR 450 - 457**

**20.1** This code must **only** be filled out by **accounting partnerships**. These have to record changes in the inventory of finished and unfinished goods and services that cannot yet be billed. Increase in stocks must be entered without a sign, decreases in stocks with a negative sign.

**20.2** Changes in value due to unusual depreciation (cf. section 231 para. 2 item 7 litera b of the Austrian Commercial Code (UGB), to be recorded under code **9140**) and changes in inventories of an extraordinary nature (cf. section 233 of the Austrian Commercial Code (UGB), to be recorded under code **9090** as "extraordinary income" or under code **9230** as "extraordinary expenses") must **not** be recorded here.

**20.3 Cash basis accountants** do not have to record inventory changes.

## **21 Code 9090: Other income/operating income (including financial income)**

**21.1 Accounting partnerships** must enter here the total of all income generated in the business year with the

exception of codes **9040** to **9080**. This includes, in particular, income from the write-up of fixed assets (EKR 466 - 467, 820), income from the reversal of provisions (EKR 470 - 479), other operating income (EKR 480 - 499) and all financial income (EKR 8). All income not booked in account groups 40 - 47 is to be recorded as other operating income (EKR 480 - 499), such as in particular income from transactions that may not be reported as sales, incoming payments on claims previously written off, debt reductions, income from the reversal of bad debt allowances, exchange rate gains from foreign currency transactions, income from social institutions, income from non-business-typical transactions and services (e.g. income from apartment rentals and from non-business-typical lease and license agreements), reimbursement of expenses and damages, de recognition of unpaid and statute-barred liabilities, grants from public funds, insofar as they are not deductible from the acquisition or production costs in the case of investments.

**21.2 Cash basis accountants** must enter here the sum of all operating income (accrued in the calendar year) with the exception of the operating income that must be entered under codes **9040**, **9050** and **9060**. For the treatment of value added tax, see Notes 16.3 and 16.4.

**21.3** Final taxable domestic **capital yields** as well as foreign investment income, which can be taxed with the special tax rate, must be recorded under code **9090**. The same applies to realised increases in the value of business capital assets and income from derivatives to which the special tax rate applies.

**21.4** Capital gains/losses relating to **business real estate**, which can be taxed at the special tax rate, must be included in the profit/loss of the partnership to be determined. In such a case, attachment E 6a-1 must also be used.

## 22 Code 9093: VAT collected with VAT gross system

This code may only be filled out for cash-basis accounting with a gross VAT system if use is made of the **net representation** of the operating income/expenses with a separate VAT ID (see note 16.3). In this case, the operating income and operating expenses are stated net (without VAT) under the relevant codes. The VAT received is entered in code **9093**, the spent (deductible or non-deductible) VAT in code **9233**. The VAT payment charge is entered in code **9230**, any VAT receivable is entered in code **9090**.

## To "Expenses/Operating expenses"

### 23 Code 9100: Goods, raw materials, auxiliary materials EKR 500 - 539, 580

**23.1 Balancing partnerships** have to include here:

- cost of goods sold (EKR 500 - 509),
- consumption of raw materials (EKR 510 - 519),
- consumption of purchased finished and individual parts (EKR 520 - 529),
- consumption of auxiliary materials (EKR 530 - 539),
- after deducting cash discounts on cost of materials (EKR 580).

**23.2** For **cash-basis accounting**, must be entered here:

- expenditure on the purchase of goods,
- expenditure on raw materials,
- expenditure for finished and individual parts,
- expenditure on auxiliary materials,
- after deducting cash discounts on the purchase of material.

These expenses can be deducted separately within the framework of the statutory basic lump sum deduction (section 17 para. 1).

Insofar as the ban on deducting current assets pursuant to section 4 para. 3 applies, no entry may be made.

**23.3** Consumption (purchase) of supplies (EKR 540-549), consumption (purchase) of tools and other production aids (EKR 550-559) and the consumption (purchase) of combustibles and fuels, energy and water (EKR 560-569) must be recorded under code **9230**.

### 24 Code 9110: Provided human resources (external human resources), EKR 570 - 579, 581, 750 - 753

**24.1 Accounting partnerships** must enter here expenses that are on the accounts "Other purchased manufacturing services" (EKR 570 - 579, see Note 23.3) after deducting cash discounts on other related manufacturing services (EKR 81) and "Expenses for provided human resources" (EKR 750 - 753).

**24.2** For **cash-basis accounting**, expenses for external human resources must be entered here. Notes 24.3 and 24.4 apply accordingly. Not to be entered are those expenses for external human resources that must be "capitalised" (included in the list of fixed assets pursuant to section 7 para. 3) as production costs of fixed assets.

**24.3 "Other purchased manufacturing services"** (for balance sheet accountants: EKR 570 - 579) are all other related manufacturing services such as in particular expenses/expenses for material processing, material finishing, other work services and the provision of personnel in the manufacturing area.

**24.4 "Expenditure for staff provided"** (for balance sheet accountants: EKR 750 - 753) includes expenses of the account 750 EKR. Commissions to third parties (for balance sheet accountants: EKR 754 - 757) must be recorded under code **9190**.

### 25 Code 9120: Personal expenses („own staff”), EKR 60 - 68

**25.1 Accounting partnerships** and **cash-basis accountants** must enter here expenses/expenditure for wages and salaries as well as non-wage labour costs, namely:

- wages (for balance sheet accountants: EKR 600 - 619, see note 25.2),
- salaries (for balance sheet accountants: EKR 620 - 639, see Note 25.3),
- expenses for severance payments (for balance sheet accountants: EKR 640 - 644, see Note 25.4),
- retirement benefit expenses (for balance sheet accountants: EKR 645 - 649, see note 25.4),
- statutory social security costs for workers (for balance sheet accountants: EKR 650 - 655, see note 25.5),
- statutory social security expenses for employees (for balance sheet accountants: EKR 656 - 659, see note 25.5),
- wage-related taxes and compulsory contributions (for balance sheet accountants: EKR 660 - 665, see note 25.6),
- salary-related taxes and compulsory contributions (for balance sheet accountants: EKR 666 - 669, see note 25.6) and
- other social security expenses (for balance sheet accountants: EKR 670 - 689, see note 25.7).



**25.2 As "wages"** (for balance sheet accountants: EKR 600 - 619) are basic wages (production wages, auxiliary wages, remuneration for temporarily employed workers), allowances for wage earners (overtime bonuses, holiday wages, sick pay, other absence wages, leave and Christmas remunerations and other special payments). Wage tax and social security contributions on wages that are exceptionally not withheld by employees (e.g. additional claims due to payroll tax audits that cannot be passed on to the employee) must also be recorded here. Contributions to an employee provident fund should also be listed here.

**25.3 As "salary"** (for balance sheet accountants: EKR 620 - 639) basic salaries, overtime bonuses, holiday pay, bonuses and commissions, 13. and 14. salary and other special payments must be recorded. The same applies to anniversary expenses, voluntary travel and meal allowances and benefits in kind. Tax amounts withheld on salaries that are exceptionally not deducted from employees (e.g., demands arising from payroll tax audits that cannot be passed on to the employee) are also to be recorded here. Contributions to an employee provision fund should also be listed here. Wages and salaries do not include reimbursement of travel expenses and daily and overnight accommodation allowances that are paid to compensate for expenses incurred by the employee on business trips. These must be recorded under code **9160**.

**25.4 As "Expenses for severance payments "** (for balance sheet accountants: EKR 640 - 644) or **"Retirement benefit expenses"** (for balance sheet accountants: EKR 645 - 649) both severance payments and pension payments as well as the change in severance payment provisions and - only for balance sheet accountants - the change in pension provisions, must be recorded; the same applies to contributions to pension funds and other contributions to employee pension schemes.

**25.5 As "statutory social security workers"** (for balance sheet accountants: EKR 650 - 655) and **"Statutory social security employees"** (for balance sheet accountants: EKR 656 - 659) all social expenses to be paid to the social security agency (employer's share) including the contribution under the Continued Pay Act and the contribution to housing subsidies must be recorded.

**25.6 As "Wage-related taxes and compulsory contributions "** (for balance sheet accountants: EKR 660 - 665) and **"Salary-related taxes and compulsory contributions"** (for balance sheet accountants: EKR 666 - 669) all other charges and compulsory contributions dependent on remuneration must be recorded. These include, above all, the employer's contribution to the equalization fund for family allowances, the surcharge on the employer's contribution, the municipal tax and the Vienna employer's tax (subway tax).

If the municipal tax and the Viennese employer tax (subway tax) of accounting partnerships are recorded under "other taxes" (EKR 710 - 719), they must be entered under code **9230**.

**25.7 As "Other social security expenses"** (for balance sheet accountants: EKR 670 - 689) voluntary social expenses that are not attributable to the individual employee as a component of remuneration, such as contributions to the works council fund and to support funds (not pension

funds), expenses for company outings, for Christmas gifts to employees and for various company events for the benefit of the workforce, must be recorded. Expenses caused by social institutions must be recorded under the codes assigned to the corresponding expense types (e.g. the material consumption of the company kitchen under code **9100**, the maintenance of the kitchen facilities under code **9150**).

## **26 Code 9130: Depreciation on fixed assets (e.g. depreciation for wear, low-value assets), EKR 700 - 708, insofar they are not recorded under code 9134 and/or 9135**

**26.1 Balance sheet accountants** should enter here (scheduled and unscheduled) depreciation on fixed assets, except financial assets (EKR 701 - 708), not to be recorded under code **9134** and/or **9135**. Furthermore, write-downs on capitalised expenses for the start-up and expansion of an operation (EKR 700) must also be entered here. Both the allocation to and the release of a valuation reserve (e.g. low-value assets, investment grants, transfer of section 12 reserve to valuation reserve) are to be taken into account under code **9130**.

**26.2** In case of **cash-basis accounting**, depreciation of fixed assets (sections 7, 8) including early and accelerated depreciation as well as immediately deducted low-value fixed assets (section 13) must be entered here. Low-value assets are those whose acquisition or production costs do not exceed 800 euros on a case by case basis. They can either be deducted via the depreciation for wear or written off immediately (right to choose).

## **27 Declining depreciation for wear (section 7 para. 1a)**

The depreciation for wear can also be made in declining annual amounts according to an unchangeable percentage of a maximum of 30% (**digressive depreciation for wear**). This percentage is to be applied to the respective book value (residual book value) and results in the respective depreciation annual amount. Certain assets (e.g. buildings, non-emission-free motor vehicles, used assets, installations that serve to extract, transport or store fossil fuels and installations that use fossil fuels directly, see section 7 para. 1 a item 1) are exempt from declining balance depreciation. Any corrections must be made under code **9268**.

## **28 Accelerated building depreciation (section 8 para. 1a)**

Without proof of useful life, the deduction for wear for **buildings** that were purchased or manufactured after 30.06.2020 is:

- In the year of first consideration, no more than **7.5%**. Deviating from this, the depreciation for wear for buildings used for residential purposes is set to a maximum of **4.5%**.
- In the following year, the depreciation amounts to a maximum of **5%** and for buildings used for residential purposes to a maximum of **3%**.

The regulation on the half-year depreciation for wear does not apply. If use is made of the extension of accelerated depreciation for residential buildings completed in the years 2024 to 2026 (section 124b item 451 Austrian Income Tax Act 1988), the depreciation must also be entered here. Any corrections must be made under code **9269**.



## **29 Code 9140: Depreciation from current assets, insofar as these exceed the usual depreciation in the company - EKR 709 - and allowances for receivables**

This code must **only** to be filled out by **accounting partnerships**. They have to enter here the depreciation of current assets - both for accounting pursuant to section 5 and accounting pursuant to section 4 para. 1 - insofar as these exceed the usual depreciation in the company (EKR 709, section 231 para. 2 item 7 of the Austrian Commercial Code (UGB)). Allocations to allowances for receivables (EKR 208, 209, 213, 214, 218, 219, 223, 224, 228, 229, 248, 249) should also be entered here. Dissolutions must be entered under code **9090**. To correct the entry see code **9250**.

## **30 Code 9142: Allocation/dissolution of flat-rate value adjustments to receivables.**

For business years beginning after 31.12.2020, a flat-rate value adjustment of receivables is permitted in accordance with section 6 item 2 litera a of the Austrian Income Tax Act 1988 under the conditions of section 201 para. 2 item 7 of the Austrian Commercial Code (UGB). Accordingly, **the determination of a value**, which is only possible on the basis of estimates, must be based on prudent judgement (principle of reliable estimates). If there are statistically determinable empirical values from similar circumstances, these must be taken into account in the prudent assessment pursuant to section 201 para. 2 item 7 of the Austrian Commercial Code (UGB) (e.g. statistically determined probabilities of default), i.e. they must be included in the estimate in this case.

## **31 Code 9150: Maintenance (maintenance expenditure) for buildings, EKR 72**

**31.1** For **accounting partnerships** and for **cash-basis accounting**, expenses/expenditures for maintenance are included here (see note 27.2), as far as these **buildings** are concerned. Maintenance of other assets and expenses for cleaning by third parties, disposal and lighting must not be entered here.

**31.2 "Maintenance"** includes all expenses (expenditure) for maintaining the usability of a building (maintenance expenses) and that do not lead to a change in the character of the building (in this case, production expenses would have to be capitalised). Maintenance expenses must be entered here without distinction between "maintenance expenses in the narrower sense" and "repair expenses" (cf. the term section 4 para. 7). Repair expenses pursuant to section 4 para. 7 must be recorded with the fifteenth amount for the business year. (see margin note 1398 and margin note 6460 et seq. of the Austrian Income Tax Guidelines 2000).

## **32 Code 9160: Travel and commuting expenses including mileage allowance and allowances (without actual motor vehicle costs), EKR 734 - 737**

**32.1** For **Accounting** and **cash basis accounting**, travel expenses (when accounting: EKR 734 - 735), daily and accommodation allowances (when accounting: EKR 736 - 737) and mileage allowance (for cars: 0.42 euros per kilometre) must be entered here. Actual motor vehicle costs must be entered under code **9170**.

**32.2** In case of travel expenses (when accounting: EKR 734 - 735), in addition to the expenses paid directly to travel companies, also include travel expenses (per diem and accommodation allowances) and reimbursement of travel

expenses, insofar as they represent compensation for actual expenses (e.g. mileage allowance).

**32.3** Travel expenses include the flat-rate additional meal expenses (per diem allowance: 26.40 euros per day, less than 12 hours 2.20 euros per hour started if the journey lasts more than 3 hours) as well as the costs for overnight stays, which are either a flat rate (15 euros per overnight stay including the costs for breakfast) or in the amount to be proven (section 4 para. 5 in conjunction with section 26 item 4).

**32.4** When using the basic lump sum, travel expenses are deductible separately, provided they are offset by reimbursement of the same amount.

## **33 Code 9165: Flat rate of 50% of the costs one week, month or annual mass transit pass**

If it can be credibly demonstrated that the card was also used for business trips during the fiscal year, 50% of the expenses for a non-transferable weekly, monthly or annual ticket for public transport can be taken into account as business expenses.

## **34 Code 9170: Motor vehicle costs (without depreciation for wear, leasing and mileage allowance), EKR 732 - 733**

In case of **balance sheet accounting** and **cash-basis accounting**, the **actual** motor vehicle costs (in case of balance sheet accounting: EKR 732 - 733) must be entered here. If the motor vehicle costs are claimed via the mileage allowance (see margin note 1612f Income Tax Guidelines 2000), this must be entered under code **9160**. Actual motor vehicle costs include maintenance expenses relating to the vehicle, operating materials, repair and service costs, insurance premiums and taxes. This does not include depreciation (to enter under code **9130**) and leasing expenses/expenses (to enter under code **9180**).

## **35 Code 9180: Rental and lease expenses, Leasing, EKR 740 - 743, 744 - 747**

For **balance sheet accounting** and **cash-basis accounting**, here are the expenses or expenses for rent and lease (for balance sheet accountants: EKR 740 - 743) and leasing (for balance sheet accountants: EKR 744 - 747). Expenditure/expenses for heating, lighting, for cleaning rented rooms and operating costs must not be entered here. It should be noted that, pursuant to section 4, para. 6, advance payments of rental costs from cash-basis accountants must be distributed evenly over the period of the advance payment if they do not only relate to the current and the following calendar year (cf. margin notes 1381 et seq. Austrian Income Tax Guidelines 2000). In such cases, the annual amount for the business year must be recorded here.

## **36 Code 9190: Commissions to third parties, licence fees, EKR 754 - 757, 748 - 749**

In case of **balance sheet accounting** and **cash-basis accounting**, expenses/expenditures for commissions to third parties must be included here (for balance sheet accountants: EKR 754 - 757) as well as licence fees (EKR 748 - 749).

## **37 Code 9200: Corrections to advertising and representation expenses, donations, tips (EKR 765 - 769)**

In case of **balance sheet accounting** and **cash-basis accounting**, expenses/expenditures for advertising and representation must included here (for balance sheet

accounting: EKR 765 - 768) as well as donations and tips (for balance sheet accounting: EKR 769). If the corporate law approach or the entry in this code does not correspond to the value permitted for tax purposes (e.g. section 20 para. 1 item 3, see margin note 4808 Austrian Income Tax Guidelines 2000), the corrections must be entered under code **9280**.

### **38 Code 9210: Book value of disposed assets, EKR 782**

In case of **balance sheet accounting** and **cash-basis accounting**, the sum of the book values of assets disposed of in the business year, with the exception of financial assets (for balance sheet accounting EKR 782) must be entered. Unscheduled or extraordinary depreciation (e.g. as a result of the destruction of an asset, cf. section 8 para. 4) must be entered under code **9130**.

### **39 Code 9220: Interest and similar expenses, EKR 828 - 834**

**39.1** For **Accounting** purposes, the following should be recorded here: Interest on business bank loans, loans, mortgage loans, allocation and commitment commissions for a loan or credit line, overdraft commissions, freight deferral fees, write-offs on the capitalised discount, money procurement costs, discounts on bills of exchange, provided these are not offset by offsettable discount income, and separately invoiced interest on supplier credits. If a discount (damnum) was not capitalised (section 198 para. 7 of the Austrian Commercial Code (UGB)) or if the money procurement costs were immediately deducted under company law, the procedure (correction) corresponding to section 6 item 3 must be carried out under code **9290**.

**39.2** In case of **cash-basis accounting** expenses for external human resources must be entered here. It should be noted that, pursuant to section 4, para. 6, prepayments of borrowing costs are to be distributed evenly over the period of the prepayment if they do not only relate to the current and the following calendar year (on this, margin notes 1381 et seq. Austrian Income Tax Guidelines 2000). In such cases, the annual amount for the business year should be entered here. A discount (damnum) is subject to section 4 para. 6 for cash-basis accounting accountant. If only financing costs are incurred that exceed the threshold of 900 euros (margin note 2464 Austrian Income Tax Guidelines 2000), section 6 item 3 must also be applied for the cash-based accountant (mandatory distribution over the term of the loan, margin note 2463 Austrian Income Tax Guidelines 2000). In such cases, the annual amount for the business year must also be entered here.

**40** Enter here the profit shares of genuine silent partners to be considered as operating expenses, which must be recorded for the recipient as income from capital assets (code **856** of attachment E 1kv) or - if it is a business participation - they must be entered under code **9090**.

### **41 Code 9243, 9244, 9245, 9246, 9206, 9207, 9208, 9209 (company donations)**

Enter here donations, which are made from business assets to the two donation recipients mentioned in the respective codes have been made.

**42** Code **9261** includes donations to the assets of a charitable foundation (section 4b).

**43** Under code **9262** enter donations to the Innovations Foundation for Education and its sub-foundations (section 4 c).

### **44 Code 9230: Miscellaneous expenses/operating expenses (excluding flat-rate operating expenses), changes in capital - balance**

**44.1** In case of **balance sheet accounting** and **cash-basis accounting**, enter here the sum of all operating expenses incurred or paid in the calendar year with the exception of those that must be recorded under the special codes. In the case of a **partial flat rate**, the flat-rate amount used for operating expenses must not be recorded here, but under code **9259**.

### **45 Code 9233: Paid VAT for supplies and services under the VAT gross system**

See explanations for Note 21.

### **46 Code 9259: Flat rate Operating Expenses**

If a consolidation into a lump sum is used, the lump sum for operating expenses must be entered here. **No** entry is required here in cases where an **agricultural and forestry flat rate** is claimed. In such cases, attachment E 1c (individual entrepreneur) should be used. **No** entry is also required here in case when the **commercial full flat rate** for food retail and general goods trade is claimed; in this case, only point 6 of the declaration needs to be completed.

Cash-basis accountants that make use of the **lump sum deduction** option according to section 17 para. 1 must enter here the flat-rate operating expenses of 6% or 12%.

The lump sum deduction is applicable if the turnover in the previous year was not more than 220,000 euros. When applying the consolidation into a lump sum, the operating income is recorded in full, but the operating expenses are deducted at a flat rate of 12% of the turnover. For the following earnings, the flat rate is only 6% of turnover: Freelance or commercial income from commercial or technical consulting, an activity within the meaning of section 22 item 2 (e.g. managing directors of limited liability companies with a significant shareholding, supervisory board members) as well as income from writing, lecturing, scientific, teaching or educational activity.

In addition to the lump sum, only the following may be deducted:

- Expenses for the receipt of goods, raw materials, semi-finished products, auxiliary materials and ingredients (to be entered under code **9100**),
- Expenditure on wages (including non-wage labour costs, must be entered under code **9120**),
- Expenses for third-party wages, insofar as these go directly into services that form the business of the company (e.g. made-to-order production of goods, must be entered in code **9110**),
- social security contributions (must be recorded under code **9225**) and
- contributions to the self-employed provision (must be recorded under code **9225**),
- the workplace flat rate (must be recorded in the attachment **E 6a-1**)
- 50% of the cost of a weekly, monthly and annual ticket for mass transport (must be recorded under code **9165**)
- travel expenses, insofar as they are compensated for in the same amount (code **9160**); these travel and travel expenses reduce the sales relevant for the assessment of the flat rate.

All other operating expenses are covered by the operating expenses flat rate. This applies, for example, to depreciation

(sections 7, 8 and 13), residual book values of disposed assets, borrowing costs, rent and lease, post and telephone, supplies (combustible fuels), energy and water, advertising, legal and consulting costs, commissions (except quantity-dependent purchase commissions - see margin note 4117 Austrian Income Tax Guidelines 2000), office expenses, premiums for company insurance, company taxes, maintenance, cleaning by third parties, vehicle costs, travel expenses (including daily and accommodation allowances) or tips.

If the **net VAT system** is selected (see note 15.4 above), neither the VAT owed on the basis of supply of goods or other services nor the sales tax paid to other entrepreneurs is included value added tax (input VAT) nor a VAT payment charge. The operating expenses flat rate is to be valued as a net amount. Irrespective of whether an input VAT flat rate has been selected for the VAT in accordance with section 14 para. 1 item 1 Austrian Value Added Tax Act 1994 or whether the actual input taxes have been applied, no VAT may be deducted from the operating expenses flat rate.

In case the **gross VAT system** was selected (see note 16.3) both the VAT owed on the basis of the supply of goods or other services (under code **9040** or **9050** or – in case of net VAT representation – under code **9093**) as well as the input VAT paid to other entrepreneurs (under code **9100** and with regard to third-party services, if applicable under code **9110** or – in case of net VAT representation – under code **9233**) must be taken into account. A VAT payment charge must be entered under code **9230** or a VAT credit under code **9090**. Since the operating expenses allowance must be regarded as a net amount,

- the input VAT attributable to operating expenses" deducted for income tax purposes,
- and in the case of claiming the input tax allowance according to section 14 para. 1 item 1 of the Austrian Value Added Tax Act 1994 the input tax allowance as well
- the input tax attributable to asset acquisitions

must be shown separately as operating expenses under code **9230**.

When using the athlete consolidation into a lump sum, the income that should not be recorded (67%) must not be separated using code **9259**. See Note 9.

#### **47 Profit/Loss** (unless attachment E 6a is attached)

If **no attachment E 6a-1** is required, the determined profit/loss - taking into account changes pursuant to point 4 - must be transferred to form E 6 in points 1b, 2b or 3b.

If the **attachment E 6a-1** is required, the value for determining the taxable profit/loss on the attachment E 6a-1 must be allocated to parties involved in the line "Share of profit/loss before considering the following ratios" (line before code **9915**); the distribution can be **deviating from the noted participation ratio**.

### **48 Corrections and additions to the current profit/loss (tax-related adjustments)**

**48.1** In case of **balance sheet accounting** according to **section 5** enter here the corrections to the company-law approaches and other changes required to determine the correct taxable profit.

**Special operating income and expenses must not be taken into account here, but rather in attachment E 6a-1.**

Please note that deviating distributions of revenue and expenses (income and expenses), which must not be recorded as special business income or special business expenses in attachment E 6a-1, may **not** be entered under code **9290**. **The deviating distribution must be made exclusively via the "Share in profit/loss before consideration of the following codes" in attachment E 6a-1.**

**48.2** In case of **balance sheet accounting** according to **section 4 para. 1** and **cash-basis accounting** corrections necessary to determine the correct profit for tax purposes are to be made here if the entries made in "3. Profit determination" do not correspond to the values relevant for tax purposes. **Special operating income and expenses must not be taken into account here, but rather in attachment E 6a-1.**

Please note that deviating distributions of revenue and expenses (income and expenses), which must not be recorded as special business income or special business expenses in attachment E 6a-1, may **not** be entered under code **9290**. **The deviating distribution must be made exclusively via the "Share in profit/loss before considering the following codes" in attachment E 6a-1.**

#### **49 Code 9276: Investment allowance (10%)**

When purchasing or producing depreciable fixed assets, an **investment tax exempt amount** (section 11) can be claimed to reduce profits (see also margin note 3801 et seq. Austrian Income Tax Guidelines 2000). In general, it amounts to **10%** and for assets that can be attributed to the area of environmentalisation, **15%**. The investment allowance (IFB) can only be claimed for a total of a maximum of 1 million euros in acquisition or production costs in the fiscal year.

Assets that have a normal useful life of at least four years and are attributable to domestic companies or domestic permanent establishments are eligible. Certain assets are excluded, e.g. assets that are used to cover an investment-related tax-free profit allowance, buildings, used or low-value assets.

The **10%** investment allowance of the acquisition or production costs must be entered under code **9276**.

#### **50 Code 9277: Investment allowance (15%)**

The **15%** investment allowance of the acquisition or production costs for assets that are attributable to the field of environmentalisation, must be entered under code **9277**. The content and procedural requirements for this are regulated in the Eco-IFB Regulation, Federal Law Gazette II No. 155/2023 (see also margin note 3808 et seq. Austrian Income Tax Guidelines 2000).

#### **51 Code 9337: Investment allowance subject to subsequent taxation**

If assets for which an investment allowance has been claimed are removed from the business assets before the end of four years or if they are transferred abroad, the investment allowance must be retaxed in the year of removal or transfer and recognised as an increase in income in code 9337. Subsequent taxation does not apply in the event of withdrawal due to force majeure or official intervention or if the asset is transferred to a member state of the European Union or a state of the EEA for consideration.



## **52 Code number 9338: Eco-surcharge:**

In the case of buildings used for residential purposes, an eco-surcharge of 15% can be recognised as an operating expense for expenses incurred in the assessment year for thermal-energy renovations or for the replacement of a fossil heating system with a climate-friendly heating system.

## **53 Code 9240: Corrections to depreciation of fixed assets (e.g. depreciation, low-value assets, EKR 700 - 708) - code 9130**

In particular, enter here those corrections made that result from section 8 (e.g. mandatory minimum tax law period of use for buildings and motor vehicles) and - with regard to the depreciation - from section 20 para. 1 item 2 litera b ("Luxury tangent" in motor vehicles). Depreciation for wear adjustments related to accelerated building depreciation must be made under code 9269. Depreciation for wear corrections relating to motor vehicles must be made under code 9260. Allocations to a leasing asset pursuant to section 8 para. 6 item 2 must be entered under code **9270**.

## **54 Code 9273: Value adjustment fifth amount ("old receivables")**

For business years that start before 1st January 2021, flat-rate bad debt allowances may also be made; the value adjustment amounts to be taken into account must be distributed evenly over the business year that begins after 31 December 2020 and the following four business years.

## **55 Code 9274: Reservation fifth amount ("old amounts")**

For business years that start before 1st January 2021, lump sum provisions may also be formed; the reserve amounts to be taken into account must be distributed evenly over the business year beginning after 31 December 2020 and the following four business years.

## **56 Code 9260: Corrections to motor vehicle expenses**

All corrections made with regard to motor vehicles are to be entered here, in particular depreciation corrections resulting from the application of the useful life of eight years, under tax law, corrections resulting from the application of the so-called „luxury tangent“ for motor vehicles and corrections resulting from the consideration of a leasing asset.

## **57 Code 9270: Corrections to rental and lease expenses, leasing (EKR 740 - 743, 744 - 747) - code 9180**

Any corrections from the private use of rented/leased or leased assets are to be entered here. Corrections in relation to motor vehicles (allocations to a leasing asset item in accordance with section 8 para. 6 item 2) must be entered under code **9260**.

## **58 Code 9280: Corrections to advertising and representation expenses, donations, tips (EKR 765 - 769) - Code 9200**

In particular, those corrections made that result from section 20 para. 1 item 3 (cf. margin note 4808 et seq. Austrian Income Tax Guidelines 2000) must be entered here.

## **59 Code 9257: Corrections regarding remuneration for work and work services**

From section 20 para. 1 item 7 and 8, it follows that wages, certain personnel costs, pensions and pension severance payments as well as voluntary severance payments are no longer fully deductible. If the deduction restriction applies, please enter the non-deductible amount to correct the value under code **9120** or **9110** code **9257**.

**60** Earnings from realised increases in value of capital assets, from derivatives and realised increases in value of cryptocurrencies generally to be taxed at the special tax rate, unless the party in form E 1 exercises the standard taxation option pursuant to point 8.1.

section 6 item 2 litera c provides for offsetting if capital gains and losses coincide. A loss overhang may only be compensated for half with the other operating income. Codes **9305** (see note 57) and **9289** (see note 58) are used to implement this taxation sequence.

**61** Under code **9305** any corrections resulting from correct determination of capital gains/losses relating to capital assets for which the special tax rate is applicable shall be made. This may be necessary, for example, if the capital gain under company law recorded in point 3 differs from the tax due to differences in the contribution valuation (fair value on the one hand or limitation with the acquisition costs pursuant to section 6, item 5 on the other). The result regarding substance gains/losses, which may have to be adapted here, is subsequently decisive (see note 58).

**62** Code **9289** is used to correct the (potentially corrected through code **9305**) corporate law result from point 3, with regard to the offsetting provision of section 6 item 2 lit. c. According to this, losses from the sale, redemption and other breakdown of assets and derivatives, to the income of which the special tax rate is applicable, are to be offset primarily against positive income from realized increases in value of such assets and derivatives as well as with write-ups of such assets. A remaining negative overhang may only be offset up to 55%.

The capital yields and capital losses are to be recorded in the pre-columns and the balance is to be formed from them. If this is negative, only 55% of this may be offset against the other earnings of the business. In this case, 45% of the negative balance must be entered under the code **9289**. This means that 45% of the loss is added and the result from point 3 (possibly corrected using the code **9305**) is corrected in accordance with section 6 item 2 litera c. If the balance of the capital yields and capital losses is positive, it can be taxed in the income tax assessment of those involved at the special tax rate or - if the standard taxation option is exercised pursuant to point 8.1 of form E 1 - at the normal rate. A positive balance may not reduce the income to be determined and shall - if no attachment E 6a-1 is provided - be shown in item 5 of this attachment under code **9045**, otherwise under codes **9763/7763** of attachment E 6a-1.

### 63 Code 9010: Transitional gain/loss

Enter under code **9010** a transitional **profit** or **loss** to be recorded in the respective assessment resulting from the change in the determination of profits of the partnership. Transitional profits/losses from the sale of a partnership share must **not** be entered here, but only under code **9935** of attachment E 6a-1. Transitional losses to be taken into account and are spread over seven years, must not be entered here, but under code **9242** (see also note 60).

### 64 Code 9242: Sevenths amounts of a transitional loss of the current year and/or of a previous year

If a transition profit/transition loss must be recorded for the co-entrepreneurship itself (not for a party), the following applies: A transition profit must be entered under code **9010**. A transition loss, which is to be recorded in seven annual amounts, must always be entered under code **9242** with the annual amount attributable to the respective business year. The seventh part of a loss from a previous year's transitional loss must therefore also be recorded there. A transitional loss must only be entered in full under code **9010** if it is not distributed over seven years (e.g. sale of a business).

### 65 Code 9290: Other changes - balance

Other changes must be entered under code **9290**. In particular, the corrections resulting from section 9 para. 5 and section 14 must be recorded here. Special operating income and expenses are not to be taken into account here, but rather in attachment E 6a-1. Please note that different distributions of income and expenses (income and expenses) that are not listed as special business income or special business expenses in attachment E 6a-1 (codes **9915** and **9925**) may **not** be recorded under code **9290**. The deviating distribution must be made exclusively via the "Share in profit/loss" field in attachment E 6a-1 (see Note 5 to E 6a-1).

### 66 Code 9020: Capital Gain/Capital Loss

This code is used if the business or a part of the business **of the partnership** is sold or transferred. In this case, a capital gain or capital loss must be entered in full, regardless of tax benefits. If a **co-entrepreneur** sells or gives up his/her share, **only** the codes **9930**, **9935** and **9940** of form E 6a-1 must be filled in.

### 67 Code 9030: Profit/Loss to be distributed

This code is important for foreign companies or permanent establishments:

- a) In cases in which a profit (determined according to the provisions of Austrian tax law) is earned from the foreign business/permanent establishment and Austria has **no right of taxation** for this profit (e.g. in the case of double taxation agreements with an exemption method), the tax-exempt profit must also be entered under code **9030** and is thus excluded. If Austria is entitled to a progression proviso, the foreign profit must also be entered in form E 6 under code **440**. In the case of the shareholder, the proportionate profit must be entered in the income tax return (Form E 1) under code **440** in order to assert the progression proviso.
- b) In cases in which a **loss** (calculated according to the provisions of Austrian tax law) is generated from the foreign business/permanent establishment, which

must be taken into account pursuant to section 2 para. 8 of the Austrian Income Tax Act 1988, code **9030** should not be filled out. In such cases, the foreign loss, insofar as it is attributable to the shareholder, is also included under code **746** in the **income tax return** of the shareholder (Form E 1). An entry of the loss (with a negative sign) under code **9030** is only necessary if the foreign loss must not be offset against domestic income (cf. margin note 210 of the Austrian Income Tax Guidelines 2000).

- c) in cases in which the income (calculated according to the provisions of Austrian tax law) from the foreign business/permanent establishment in Austria **is taxable** (e.g. in the case of double taxation agreements with a credit method), code **9030** should not be filled out. The foreign income and any foreign tax to be offset must be entered in the declaration of assessment (Form E 6) under codes **395**, **396**. For the shareholder, the proportionate foreign income and a proportionate foreign tax to be credited must be entered in the **income tax return** (Form E 1) under codes **395**, **396** (if necessary also **786**, **787**).

## To "balance sheet items (ONLY for balance sheet accountants pursuant to sections 4 para. 1 or 5)"

### 68 Code 9300: Private withdrawals (less Private deposits), EKR 96

Here is the total of private withdrawals recorded on accounts EKR 960 - 969 ("Private and clearing accounts for sole proprietorships and partnerships") must entered after deduction of private contributions. If private deposits exceed private withdrawals, the surplus should be entered with a negative sign.

### 69 Code 9310: Real estate (EKR 020 - 022)

Here is the sum of values on accounts EKR 020 („agricultural real property“), 021 („developed real property“) and 022 („equivalent rights“). The accounts EKR 031 - 039 must not be recorded.

### 70 Code 9320: Building on own property (EKR 030, 031)

Here is the value must be recorded on the account EKR 030 („Business and commercial building on own property“) and EKR 031 ("Residential and social buildings on own property"). The accounts EKR 032 - 039 must not be recorded. If indirect depreciation is chosen, the acquisition or production costs or the partial value must be shown in this code; if direct depreciation is chosen, the respective residual book value must be shown. Once the depreciation method has been chosen, it should be retained.

### 71 Code 9330: Financial assets (EKR 08 - 09)

Enter here the sum of the values on accounts EKR 08 - 09. Specifically, this affects the accounts: 080 ("Shares in affiliated companies"), 081 ("Shares in joint ventures"), 082 ("Participations in affiliated [associated] companies", 083 ("Other investments"), 084 ("Loans to affiliated companies"), 085 ("Loans to affiliated companies"), 086 („Other loans“), 087 („Shares in non-participating corporations“), 088 („Shares in non-participating partnerships“), 090 ("Cooperative shares without holding character"), 091 ("Proportion e to investment funds"), 092 - 093 ("Fixed-interest securities",



094 - 097 ("Other financial assets, book-entry securities"), 098 ("Prepayments made") and 099 ("Accumulated depreciation").

## 72 Code 9340: Stocks (EKR 100 - 199)

Enter here the sum of the values on accounts EKR 100 - 199. Specifically, this affects the accounts: 100 - 109 ("Remuneration calculation"), 110 - 119 ("Raw Materials"), 120 - 129 ("Related Parts"), 130 - 134 ("Excipients"), 135 - 139 ("Consumables"), 140 - 149 ("Work in progress"), 150 - 159 ("Finished products"), 160 - 169 ("Goods"), 170 - 179 ("Services not yet billable"), 180 ("Prepayments made") and 190 - 199 ("Value adjustments").

## 73 Code 9350: Receivables from supply of goods and services (EKR 20 - 21)

Enter here the sum of the values on accounts EKR 20 - 21. Specifically, this regards the accounts: 200 - 207 ("Receivables from domestic supply of goods and services"), 208 ("Individual allowances for receivables from domestic supply of goods and services"), 209 ("General value adjustment for receivables from domestic supply of goods and services"), 210 - 212 ("Receivables from supply of goods and services within the currency union"), 213 ("Individual allowances for receivables from supply of goods and services within the currency union"), 214 ("General value adjustment for receivables from supply of goods and services within the currency union"), 215 - 217 ("Receivables from supply of goods and services to other foreign countries"), 218 ("Individual general value adjustments for receivables from supply of goods and services to other foreign countries") and 219 ("General value adjustment for receivables from supply of goods and services within the currency union to other foreign countries").

## 74 Code 9360: Other provisions (excluding provisions for severance payments, pensions and taxes) EKR 304 - 309

Enter the sum of the values on the accounts EKR 304 - 309 ("Other provisions").

## 75 Code 9363: General provisions for other contingent liabilities

For business years beginning after 31 December 2020, flat-rate provisions are also permissible for tax purposes under the conditions of section 201 para. 2 item 7 of the Austrian Commercial Code (UGB).

## 76 Code 9370: Liabilities to credit institutions and financial institutions EKR 311 - 319

Enter here the sum of the values on accounts EKR 311 - 319. Specifically, this affects accounts 311 - 317 ("Liabilities to credit institutions") and 318 - 319 ("Liabilities to financial institutions").

## 77 Income from commercial full flat rate for grocery retailers or general store traders

If income is generated from the **commercial full consolidation into a lump sum** for grocery retailers/general goods retailers, the flat-rate calculated profit must be entered under code **9006**. Where applicable, the metrics are **9010** (transition gain/loss), **9242**, and **9020** (Capital gain/loss) to be completed and the other information to be filled in. The earnings from the flat-rate operation must be included in point 3b of Form E 6.

If there are additional special business income or expenses and/or sales of shares in the case of a full consolidation into a lump sum (for establishments in the restaurant and lodging industry as well as for grocery retailers and general goods retailers), attachment E 6a-1 must also be filled out. The result of a sale of shares according to attachment E 6a-1 must be included in point 3b of E 6. With regard to the procedure for special business income and expenses, see margin note 4286 Austrian Income Tax Guidelines 2000.

## 78 Findings on the assessment of parties involved

Point 8 of the attachment is intended for certain determinations concerning the parties involved. Entries must be recorded here for each party **only** if there is **no** attachment **E 6a-1**. If, in the case of a paper submission, the planned number of six participants is not sufficient, an additional Annex E 6a is to be submitted (as an exception), in which, however, the **remaining parties** must be listed **only** in point 8.

## 79 Property withdrawn at book value

If a property was withdrawn from the business assets at book value, it must be recognised here with the data provided. In the case of undeveloped land, the book value attributable to the building is not stated. If more than three properties have been removed, please indicate this with the number of properties removed. If the option pursuant to section 24 para. 6 is exercised, no entries are to be made here for the property concerned.

## 80 Attachment E 6a-1 Yes/No

In order to correctly apportion the profit/loss determined on a uniform basis, the selection is **absolutely** necessary.

1. An attachment E 6a-1 is **not annexed**. For this the following requirements must be met:
  - a. no capitalist co-entrepreneur (section 23a) is involved,
  - b. the profit/loss from attachment E 6a must be distributed among the parties according to the **noted participation ratio** and
  - c. a tax-free profit allowance is **not** claimed or a tax-free profit allowance or an invested profits allowance must **not** be re-taxed and
  - d. only one **business year** ends in the calendar year and
  - e. there is no capital gain relating to a **business property** to which the special tax rate is applicable and
  - f. there was no sale of shares,
  - g. the **small business flat rate** is not used.

In this case, the joint income (codes **310**, **320** or **330** of the form **E 6**) is distributed among the participants according to the noted participation ratio. Please note that the income is always split according to the **noted participation ratio**, and is therefore independent of the information under point 8 of the form (split of profit/loss for information purposes). **Should there be any changes in the ownership ratio, the noted ownership ratio must be changed using Form Verf 60 (see also under "Creation and maintenance of the participants").**

### Example:

*A, B each have a 30% share and C a 40% share in the commercial ABC-partnership under Austrian civil law. The company achieves a taxable profit of 20,000 euros, which is to be distributed among the parties involved according to the noted participation ratio.*

*A declaration of determination (E 6) and an attachment (E 6a) must be submitted.*

The result from point 3 of Enclosure E 6a is to be transferred to point 3b and the code number **330** of the declaration of determination (E 6). The profit is distributed to the parties (according to the noted participation ratio) as follows in the declaration of determination issued:

Party A 30%	Party B 30%	Party C 40%
6,000	6,000	8,000

Any entries in point 8 of attachment E 6a are for information purposes only and will not be taken into account.

2. An attachment **E 6a-1** is **annexed** - the income is not divided according to the noted participation ratio, but **according to this attachment**:

An attachment E 6a-1 is required in the following cases:

- a. The profit/loss from attachment E 6a must **not** be distributed to the parties according to the **noted participation ratio**, or
- b. a tax-free profit allowance is claimed or a tax-free profit allowance is subject to subsequent taxation, or
- c. a capitalist co-entrepreneur within the meaning of section 23a has a stake in the company, or
- d. a **second business year** ended in calendar year 2024, or
- e. the profit includes capital gains relating to business premises to which the special tax rate of 25% applies, or
- f. there is a sale of shares,
- g. the **small business flat rate** is used.

## C) Explanations to attachment E 6a-1

- 1 This attachment must be completed if
  - a capitalist co-entrepreneur within the meaning of section 23a has a stake in the company, or
  - the profit/loss from attachment E 6a must **not** be distributed among the parties according to the noted participation ratio or
  - a **tax-free profit allowance** is claimed or a profit allowance is subject to subsequent taxation or
  - a **second business year** ends in the calendar year or
  - there is a capital gain relating to a **business property** to which the special tax rate is applicable or
  - a sale of shares has taken place.

In this case, the share in the result of the co-entrepreneurship (current profit/loss, transitional profit/loss, gain/loss on disposal) as well as any results from a co-entrepreneurial participation held for business purposes (attachment E 61) must first be stated for each participant in the line before code **9915**. Changes in this proportionate result due to special operating income, special operating expenses, a profit allowance, a sale of shares or the addition of a loss by a capitalist co-entrepreneur to the carryforward (section 23a) must be taken into account. The value determined in this way for each party represents their (his/her) taxable share of the result. The sum of all result shares results in the codes **310**, **320** or **330** of the declaration E 6.

- 2 Pursuant to section 23a losses of a **capitalist co-entrepreneur** are not included in this respect in the case of natural persons, may not be offset or carried forward (losses carryforward) to the extent that this results in or increases a negative tax capital account. This does not apply if the losses arise from an overhang of special operating expenses. A shareholder is to be regarded as a capitalist co-entrepreneur if he is not or only partially liable to third parties and does not develop any pronounced co-entrepreneur initiative.

- 3 If a partnership (parent company) is involved in the company in question (subsidiary company), the carryforward regulation of the section 23a applies to the parent company if **all participants** of the parent company are affected by section 23a. This would be the case, for example, if the

parent company has a capitalist interest in the sub-company and only natural persons have a stake in the parent company. If it is clear that section 23a does not apply to everyone involved in the parent company because everyone involved is a corporation, section 23a does not apply. Regarding the share of results attributable to the parent company, section 23a is not uniformly applicable concerning the shareholders of the parent company. If both natural persons and a corporation are involved, no consideration should be given in the determination process of the subsidiary. See also margin note 6049a Austrian Income Tax Guidelines 2000.

It must be stated whether or not section 23a will be taken into account for a participating co-entrepreneur within the scope of the determination procedure in question (subsidiary company).

### 4 Properties of the special operating assets withdrawn at book value

If a property of the special business assets was withdrawn at book value, it must be recognised here with the data provided. In the case of undeveloped land, the book value attributable to the building is not stated. If more than three properties have been removed, please indicate this with the number of properties removed. If the option pursuant to section 24 para. 6 is exercised, no entries are to be made here for the property concerned.

### 5 Code 9926: Deductible operating expenses

Enter here **all** additional business expenses as a single total. The codes for workplace allowance (9215, 9217) and ergonomically suitable furniture (9216) must not be filled out.

### 6 Share of profit/loss (before taking into account the following codes)

The pro rata profit/loss resulting from attachment E 6a is to be recorded in this field. **This can be divided among the parties in deviation from the noted participation ratio.**

Please note that the sum of the entries in this line (sum line for item 3 or 4 in E 6a), must **correspond** to the results from attachment E 6a.

Deviations in the distribution of the profit/loss that do not result from special operating income or expenses or the sale of shares must be taken into account in the profit/loss share of the parties involved.

**Example:**

*D, E each hold 40% and F 20% of the commercial DEF-partnership under Austrian civil law. The company makes a profit (item 3 of attachment E 6a) of EUR 40,000. E has received an advance profit of 10,000 euros granted under the articles of association. There are no special operating income or expenses.*

*A statement of assessment (E 6), an attachment E 6a and an additional attachment E 6a-1 must be submitted. The result from Item 3 of attachment E 6a (EUR 40,000 – advance profit not yet taken into account) must first be reduced (in an additional calculation) by the advance profit (the advance profit is not specified on the form):*

Profit from E 6a	40,000
- Pre-profit	- 10,000
Profit to be distributed proportionately	<u>30,000</u>

*D receives 40% of 30,000 euros, E also receives 40% of 30,000 euros plus 10,000 euros in advance, F receives 20% of 30,000 euros.*

	<b>D 40%</b>	<b>E 40%</b>	<b>F 20%</b>
Share of profit/loss (to enter in E 6a-1 in the line above code <b>9915</b> )	12,000	22,000	6,000
Tax share of earnings	12,000	22,000	6,000
Profit of the DEF partnership under Austrian civil law (total sum of taxable profit shares according to E 6a-1)	<b>40,000</b>		

*The amount of EUR 40,000 must be entered in item 3b of form E 6 and transferred to code **330**.*

## 7 Code 9915: Special operating income

All special operating income (e.g. activity remuneration, rent or interest) must be taken into account here. Preliminary profits are not to be taken into account here, but in the "share of profit/loss before considering the following codes" (see note 5).

## 8 Code 9275: Study room

Expenses for a study set up in the private home, including furnishings, are generally not deductible. Deductible expenses are only present if the office is used (almost) exclusively for business purposes and is the focus of all business activities. This is the case, for example, with writers, painters, composers or experts.

Operating expenses in connection with a study come into consideration in particular proportionate rental costs, operating costs (heating, lighting, insurance, etc.), depreciation and financing costs. You can find more information about the office in the wage tax guidelines, margin notes 324 et seq.

## 9 Code 9215: Small workplace flat rate

The workplace flat rate is due if no other room is available to carry out the operational activity. The consideration of a study excludes the workplace flat rate. The small workplace flat rate is 300 euros for a full business year if other income from active employment of more than 12,816 euros were achieved, for which another room is available outside the

apartment. In addition to the small workplace allowance, only expenses for ergonomically suitable furniture are deductible (code 9216). The amount of 300 euros must be aliquoted if necessary (25 euros per month). If there are several companies, the workplace allowance is only payable once and must be divided according to the ratio of company income.

## 10 Code 9216: Expenditure on ergonomically suitable furniture

Expenses for ergonomically suitable furniture for a workplace set up in the apartment can be taken into account as operating expenses up to a maximum of 300 euros. Any maximum amount overrun from a previous year must also be recognised here within the maximum amount of EUR 300 (not automatically taken into account).

## 11 Code 9217: Large workplace allowance

The workplace flat rate is due if no other room is available to carry out the operational activity. The consideration of a study excludes the workplace flat rate. The large workplace flat rate amounts to 1,200 euros for a full fiscal year if no other income from active employment of more than 12,816 euros was achieved in the calendar year for which another room outside the home is available. With the workplace flat rate, all expenses arising from the operational use of the apartment are taken into account. The amount of 1,200 euros must be aliquoted if necessary (100 euros per month). If there are several companies, the workplace allowance is only payable once and is to be divided according to the ratio of company income.

## 12 Code 9338: Eco-surcharge

In the case of buildings held as special business assets for residential purposes, an eco-surcharge of 15% can be recognised as an operating expense for expenses incurred in the assessment year for thermal-energy renovations or for the replacement of a fossil heating system with a climate-friendly heating system.

## 13 Code 9925: Other special operating expenses

All other special operating expenses must be taken into account in one sum.

## 14 Code 9387: Corrections to sales/withdrawals/write-ups and depreciation of business premises

All corrections must be made here that result from the off-setting provision of section 6 item 2 litera d, from the book value removal of land or from the fact that income from realized increases in value of company properties deviates from the general profit determination regulations are to be determined (e.g. general determination pursuant to section 30 para. 4. Profits contained in the income relating to business premises to which the special tax rate can be applied (in the income tax assessment of those involved) are to be shown in code **9764/7764**.

**15** When using supplement E 6a-1, shareholder-related, enter **donations** that have been made from business assets to the recipients of the donations named in the respective codes. In this case, the codes **9243, 9244, 9245, 9246, 9206, 9207, 9208 and 9209** of attachment E 6a must not be filled out.



**16** When using attachment E 6a-1 shareholder-related **contributions** to the assets of a non-profit **foundation** must be entered here (section 4a), which have been made from business assets. In this case, the code **9261** of attachment E 6a must not be filled out.

**17** If attachment E 6a-1 is used, shareholder-related contributions to the Innovation Foundation for Education and its sub-foundations (section 4 c) that have been made from business assets must be entered in code **9462**. In this case, the code 9261 of attachment E 6a must not be filled out.

**18** In case of **capital gains** on business **capital assets** and business real estate, which **are taxed at a special tax rate** for the party, note the following:

In this case, the tax-free profit allowance, insofar as it is attributable to these profits, is to be deducted from this income and must not reduce the participation income subject to tariff tax in this respect. Under codes **9221**, **9227** and **9229** of form E 6a-1, the entire tax-free profit allowance must always be deducted for each party without allocation, since profits treated as preferential are included in the result to be determined. In form **E 11** points 4 and 5, the eligible capital yields/capital gains must then be eliminated. If the party is not subject to regular taxation (no exercise of the regular taxation option pursuant to item 8.1 or 8.2 of form E 1), a necessary correction (allocation) of the profit allowance must also be made in form E 11 in items 4 or 5, as the case may be, in such a way that in form E 1 in items 9/10/11b or under the codes provided for the special tax rates the values are entered which are reduced by the correctly allocated tax-free profit allowance.

**Example:**

*The profit pursuant to section 23 Austrian Income Tax Act 1988 of the ABC-partnership under Austrian civil law (A, B each 25%, C 50%) amounts to 2,000 without taking into account a property sale. A profit of 18,000 is made from the sale of the property, which is taxed at 30% for all parties involved. The tax-free profit allowance must be determined as follows:*

*The tax base for the tax-free profit allowance is the (total) proportionate operating profit, which is 5,000 for A and B and 10,000 for C. The tax-free profit allowance (basic allowance) is therefore 650 for A and B and 1,300 for C. 10% of the tax-free profit allowance is to be allocated to the profit that is subject to profit tax.*

*Under code **9221**, enter 650 for A and B and 1,300 for C (total tax-free profit allowance). The pro rata participation income determined in the assessment procedure is therefore 4,350 for A and B and 8,700 for C.*

*In form E 11 of parties A and B, the pro rata profit of 4,350 in point 5 must be reduced by 3,915. This amount results from the proportionate real property gain (4,500) as a deduction and 9/10 of the tax-free profit allowance taken into account as a surcharge (585), because this part is attributable to the real property gains taxed at the special tax rate, so that only 1/10 of the tax-free profit allowance is taken into account in the result for the investment income subject to rate tax. The income from the participation (subject to tax) to be transferred from E 11 to form E 1 in item 11b is therefore 435 euros for A and B, and 3,915 euros each are to be transferred to code **963**. The same applies to C.*

**19** Please note that a tax-free profit allowance **cannot** be claimed under the assessment procedure if the participation is part of the **business assets of a company**.

**20 Code 9221: Basic allowance**

A basic allowance of 15% of the profit (excluding capital gains), but no more than EUR 4,950. The co-entrepreneurs are entitled to the basic allowance proportionately according to their profit sharing.

**21 Code 9227: Investment-Related Profit Allowance - Tangible Assets**

Insofar as the profit (excluding capital gains) exceeds the assessment basis of the basic tax-free allowance, an investment-related tax-free profit allowance can be claimed insofar as this is covered by the acquisition or manufacture of certain tangible assets (see margin note 3828 of the Austrian Income Tax Guidelines 2000). The co-entrepreneurs are entitled to the investment-related tax-free profit allowance proportionately according to their profit participation. The percentage of the tax-free profit allowance is staggered (section 10 para. 1).

In code **9227**, enter the amount that is to be taken into account as an exemption pursuant to section 10.

**22 Code 9229: Investment-related tax-exempt amount - securities**

Insofar as the profit (excluding capital gains) exceeds the assessment basis of the basic tax-free allowance, an investment-related tax-free profit allowance can be claimed insofar as this is covered by the purchase of securities (section 14 para. 7 item 4).

The percentage of the tax-free profit allowance is staggered (section 10 para. 1). In code **9229**, enter the amount that is to be taken into account as an exemption pursuant to section 10.

**23 Code 9234: Post tax-free profit allowance (section 10)**

Enter a tax-free profit allowance that is subject to subsequent taxation (see in particular margin note 3715 of the Austrian Income Tax Guidelines 2000).

**24 Code 9930, 9931, 9932: Share sold (percentage)**

If the **share in the partnership** was sold, the extent of the sale of the shareholding must be given here as a percentage. If the whole share was sold, the entry is therefore "100", e.g. if a quarter of the share was sold, the entry is "25". When selling a share in a partnership, this **must not** be entered in Form E 6a (the code **9020** in E 6a relates to the sale / task of a company or part of the company of the partnership).

**25 Code 9935, 9936, 9937: Transition profit/loss**

A transitional profit/loss to be determined on the occasion of the sale (abandonment) of a co-entrepreneur share must be entered here, which is thus recorded in the taxable share of the result. When selling the share in a partnership, **no** entry may be made in form E 6a (code **9010** in E 6a relates to the change the profit determination of the partnership, code **9020** in E 6a to the sale/cessation of a business or part of the business of the partnership).

## 26 Code 9940, 9941, 9942: Capital profit (before any tax-exempt amount)/capital loss

A profit/loss on sale to be determined on the occasion of the sale (abandonment) of a co-entrepreneur share must be entered here, which is then recorded in the tax result share. When selling the share in a partnership, this **must not** be entered in Form E 6 (code **9010** in E 6a relates to the change the profit determination of the co-entrepreneurship, code **9020** in E 6a to the sale/cessation of a business or part of the business of the co-entrepreneurship).

## 27 Code 9022, 9023, 9024: Tax-exempt amount for capital gains pursuant to section 24 para. 4

If the tax-exempt amount is used, the use of the half tax rate or the three-year distribution (E 1) is excluded.

## 28 Losses must be entered under code 9025, which pursuant to section 23a must be put on hold.

Pursuant to section 23a, losses of a capitalist co-entrepreneur cannot be offset or carried forward (losses carryforward) in the case of natural persons, as this results in a negative tax capital account or increases. This does not apply if the losses arise from an overhang of special operating expenses. A shareholder is to be regarded as a capitalist co-entrepreneur if he is not or only partially liable to third parties and does not develop any pronounced co-entrepreneurial initiative. Economic goods belonging to the special business assets and special business income/special business expenses, including their withdrawal or contribution, must not be taken into account for the tax capital account.

Losses carryforward

- must be offset against profits from later business years (including transitional profits and capital gains) or
- become offsettable and deductible losses in the amount of the contributions made in a subsequent business year, insofar as they exceed the withdrawals. If the capitalist co-entrepreneur is held liable, this is considered a contribution for tax purposes. If the capitalist co-entrepreneur becomes a partner with unlimited liability pursuant to section 128 of the Austrian Commercial Code (UGB), all losses carryforward from this assessment year become losses that can be offset and carried forward. The development of the tax capital account (codes **9397/7397**, **9398/7398**, **9399/7399** and **9400/7400**) and the loss carryforward (**9401/7401**, **9402/7402** and **9406/7406**) must be shown in the assessment return for each capitalist co-entrepreneur in relation to the business year.

**29** Enter the losses carryforward of a previous year, which are associated with a win of the relevant year are to be offset. The settlement can only be made up to the amount of the profit before consideration of section 23a.

## 30 Total sum of taxable profit shares

The total of the taxable profit shares of all participants results in the income of the partnership, which must be entered in form E 6 in points 1b, 2b or 3b and under codes **310**, **320** or **330** must be adopted.

### Example:

A, B each hold 40% and C 20% of the commercial ABC-partnership. The company makes a profit (item 3 of attachment E 6a) of EUR 40,000. A rented a building to the company, for which the company paid him

6,000 euros in rent and a depreciation of 150 euros. C gave the company a personal loan and received 120 euros in interest from the company. A declaration of determination (E 6), an enclosure E 6a and an additional attachment E 6a-1 must be submitted.

The result from Item 3 of Supplement E 6a (40,000 euros, including expenses of 6,000 euros in rent and 120 euros in interest) is to be distributed among the participants in attachment E 6a-1, then the special operating income is in D and F (rent, interest) and record the special operating expense depreciation for wear for D.

	A 40%	B 40%	C 20%
Profit share (according to E 6a)	16,000	16,000	8,000
Rent (Code <b>9915</b> )	6,000		
Interest (code <b>9915</b> )			120
Depreciation for wear (code <b>9925</b> )	-150		
Total	21,850	16,000	8,120
Profit	<b>45,970</b>		

The amount of EUR 45,970 must be entered in point 3b of form E 6 and transferred to code **330**.

**31** An apportionment shall **only** be made if **two business years end** in the relevant calendar year. Since the operating income must be determined for each financial year, the profit/loss (total of the taxable profit shares, see Note 24) and the taxable profit shares for each participant are to be divided between the two business years. For each participant, the balance from the results of business years 1 and 2 must correspond to the tax portion of the result (note 24); the same applies to the total of the taxable profit shares.

## 32 Findings on the assessment of parties involved

Entries must be made here for the determinations concerning the parties involved. The entries have no effect on the amount of income to be determined, they are used for the determination by official decision.

**33** Capital yields relating to **business premises** must be applied to the joint income even if it can be taxed at the special tax rate for the parties. The option of taxation at the special tax rate or - when exercising the standard taxation option pursuant to point 8.2 of form E 1 - at the normal rate must be exercised by the party concerned in the income tax return. In Form E 11 (attachment to the income tax return for participation income), the income without favoured capital yields relating to business premises must be stated for the participants.

**34** The capital gain is always to be determined in the assessment procedure by applying the prohibition of deductions pursuant to section 20 para. 2 (e.g. for contract preparation costs, consultancy costs, brokerage costs, costs for advertising or for valuation reports); this value must be transferred to code **9764/7764**. The expenses affected by section 20/2 and not taken into account when determining the value of code **9764/7764** must be entered under code **9771/7771**. Only in the case of standard taxation in form E 1 under code **500/501/502** the value from code **9764/7764** must be reduced by the value of code **9771**, with the result that the expenses not initially taken into account are deducted.



D) Explanations for attachment E 6a

General information on attachment E 6b

In any case, it is necessary to submit the declaration of assessment (E 6) and **one** attachment E 6b **for each** source of income. If necessary – if you are involved in another rental association – attachment E 61 should also be used.

With regard to the entry options, the attachment essentially corresponds to supplement E 1b (attachment to the income tax return for income from renting and leasing). In addition, it contains a "total column" and columns for the respective parties. Attachment E 6b represents the **standardised surplus calculation**, no further transmission of a surplus calculation is required.

1 VAT gross system/VAT net system

In the case of the **gross VAT system**, income and expenses leading to income-related expenses are to be stated including VAT. In the case of expenses that are to be deducted by way of depreciation for wear, the deductible input VAT can be deducted immediately as income-related expenses. The acquisition (manufacturing) costs without VAT are to be used as the basis for depreciation. The total of the VAT payment charges paid in the assessment year must be entered under code **9530**, the total of any VAT credits under code **9460**. If there are both VAT payment charges and VAT credits, they must be netted; in the case of a credit note surplus, this must be entered under code **9460**, in the case of a payment burden surplus, this must be entered under code **9530**. In the **net VAT system**, VAT is treated as a transitory item and is not included on the income or income-related expenses side. All income and pre-tax-deductible expenses leading to income-related expenses are therefore only stated net. The net system is only permitted for those taxpayers for whom the sales tax can generally have a transitory character. Net offsetting is therefore not possible in cases in which an entrepreneur makes non-genuine tax-exempt turnover.

2 Unit value file number (EWAZ)

If the source of income consists of a single property (e.g. condominium, rental property), please enter the assessed value file number (EWAZ), postal code and location address. If several properties are rented out as part of a single source of income (e.g. renting several condominiums in the same building to a tenant), it is sufficient to state a single property. In this case, please always state the same property in the following years if the circumstances have not changed.

3 To "A: General"

A **sum column** and a **party column** for each party are provided for the entries. Entries must be made in the **total column** if they **affect all parties equally**, so that the individual party can be determined from the noted participation ratio. Entries in a column of parties may not be made. Applications submitted by all parties must **only** be submitted in the totals column. Entries in a column of parties may not be made.

**Example 1:**  
G, H and I have bought a house that they are renting out. The depreciation for wear of the building is based on

the acquisition costs attributable to the building. In the **sum column**, enter the total acquisition costs under code **9409** and the part of the total acquisition costs attributable to the building under code **9410**. Further entries are not required.

	Total column	G	H	I
Amount of acquisition costs (real estate and buildings) <b>9409</b>				
The building (excluding land) accounts for the total acquisition costs <b>9410</b>				

Applications that do not affect all parties must be equally entered in the **sum column**, and **additionally** in the **corresponding column of the party concerned**.

**Example 2:**  
J, K, and L are third-party owners of a house that they rent out together. There are maintenance costs (section 28 para. 2 Austrian Income Tax Act 1988) amounting to 18,000 euros, which J deducts in full in the year in question, while K and L spread them over 10 years.  
Entries under point A:  
K and L must enter the value (EUR 6,000) that is attributable to them in their participant column in the code **9430** and submit the application for distribution by ticking the party column. No entries are to be made in the column of parties of J. Enter the sum of the maintenance costs spread over 10 years (EUR 12,000) in the totals column.

	Total column	Y	K	L
Application pursuant to section 28 para. 2	X		X	X
Expenses to be distributed <b>9430</b>	12,000		6,000	6,000

**4** A building is only rented out for the **first** time if it has not been used previously - even if with an interruption of several years - to generate business or non-business income.

**5** The depreciation for wear is based on the **fictitious acquisition costs** at the time of the beginning of the letting if a building of the **old assets** (30 para. 4) is let for the first time. Old assets are regularly present if the building was purchased before 31.03.2002.

The **fictitious acquisition cost** includes the amount that would have had to be spent to acquire the building. It is to be determined in the estimation way on the basis of a real estate appraisal. The costs associated with the property appraisal are immediately deductible income-related expenses. See also margin note 6441 Austrian Income Tax Guidelines 2000 for the determination of the fictitious acquisition costs.  
If, in the case of a gratuitous acquisition, there is a period of more than ten years between the termination of the lease by the legal predecessor or the termination of the tenancy in the course of a gratuitous acquisition and the renewed start of the lease by the taxpayer, the fictitious acquisition costs can be used (margin note 6432 Austrian Income Tax Guidelines 2000).

**6** The depreciation for wear is based on the **actual acquisition costs** if a building acquired immediately before the start of the leasing period is let for the first time (see margin note 6433c). The same applies if a building of the **new assets** that was not purchased immediately before the start of the rental period is rented out for the first time. New assets are regularly present if the building was purchased after 31.03.2002.

**7** With the **Land Share Ordinance 2016**, the share of the land in the total acquisition costs is determined as a lump sum to take into account different local or structural conditions. According to this, the proportion attributable to soil is:

- a) 20% in municipalities with less than 100,000 inhabitants, where the average price per square meter for ready land is less than 400 euros;
- b) 30% in municipalities with at least 100,000 inhabitants and in municipalities where the average square meter price for development land is at least EUR 400 if the building has more than 10 residential or commercial units;
- c) 40% in municipalities with at least 100,000 inhabitants and in municipalities where the average square meter price for development land is at least 400 euro if the building contains up to 10 residential or commercial units.

Accordingly, the building share is **60%** (point c), **70%** (point b) or **80%** (point a). If this apportionment is used, please tick the appropriate percentage (building's share of total acquisition cost).

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

- if the actual conditions obviously deviate significantly from the values in the regulation, or
- if its accuracy is proven.

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

**8 Acquisition free of charge** exists in particular in the case of acquisition by gift, in return for a maintenance annuity, by inheritance, legacy, gift on death and as compensation for a claim to a compulsory portion. In the case of a "mixed gift" it can be assumed that the purchase was free of charge if the purchase price of the building is not at least half of its market value. In the case of a gratuitous purchase, the depreciation for wear of the legal predecessor must be continued. See in particular margin notes 6434 et seq. Austrian Income Tax Guidelines 2000.

**9** If the building has already been rented out before and will it be rented again in the year of declaration, please enter the original depreciation basis under code **9416**. In this case, the depreciation for wear must be continued (see margin note 6433e Austrian Income Tax Guidelines 2000).

**10** If the last rental period ended before 1.1.2016, the depreciation must be adjusted in the event of a continuation or resumption of the letting if, according to the legal situation applicable as of 2016 (see Note 7), a different apportionment ratio of land to building is decisive. Please indicate whether the depreciation for wear has been adjusted or not.

**11** If a building taken out from business assets is rented, the withdrawal value (partial value, in the case of cessation of business: fair value) takes place instead of the acquisition or production costs (section 6 item 4).

**12** Pursuant to section 28 para. 2, it is possible to make an **application** for expenses for **maintenance work** that does not occur regularly every year, for deductions for **extraordinary technical expenses or economic wear and tear** and associated expenses as well as **extraordinary expenses** that are not maintenance, repair or production expenses, that are going to be evenly distributed over fifteen years.

**Maintenance costs** exist if only insignificant parts of the building are replaced or if there is no significant increase in the utility value or the useful life (cf. margin notes 6467 et seq. Austrian Income Tax Guidelines 2000).

**Repair expenses** (after any reduction by correspondingly dedicated tax-free subsidies from public funds) must be distributed in the case of residential buildings. In the case of buildings that are not used for residential purposes (e.g. buildings used for business purposes), irregular repair costs can be deducted either immediately or distributed. Repair expenses are those expenses that are not part of the acquisition or production costs and, alone or together with production costs, significantly increase the value in use of the building or significantly extend its useful life (see also margin notes 6450 et seq. Austrian Income Tax Guidelines 2000).

In the case of a distribution, the **total amount** of the expenses incurred in the respective assessment year that are to be taken into account must be specified under code **9430**. Under code **9470**, enter all partial amounts attributable to the assessment year, including those from an application for distribution made in previous years. Immediately deducted maintenance expenses or repair expenses (other than residential buildings) must be entered under code **9520**.

**13** Pursuant to section 28 para. 3, the following expenses, insofar as they are manufacturing expenses (cf. margin note 6476 of the Austrian Income Tax Guidelines 2000), can be deducted evenly over **fifteen** years:

- expenses within the meaning of sections 3 to 5 of the Austrian Tenancy Act in buildings that comply with the provisions of the Austrian Tenancy Act on the use of the main rent.
- expenses for renovation measures if the approval for a subsidy according to the House Renovation Act, the Start-up Housing Act or the provincial regulations on the funding of residential building renovation is available.
- Expenses due to the Austrian Act on the Protection of Historical Monuments.

If statutory rent increases are made to finance these production expenses, the production expenses (after any reduction by appropriately dedicated tax-free subsidies from public funds) can be distributed evenly over the term of the increased rents, but at least evenly over ten years. Please indicate the distribution period. When submitting an application for distribution, the **total amount** of the production expenses incurred in the respective assessment year must be specified under code **9440**. All partial amounts to be taken into account in the respective assessment year must be entered under code **9480**. If no distribution is

requested, production expenses are to be deducted over the remaining useful life pursuant to section 28 para. 3 and taken into account in the depreciation under code **9500**.

**14** Pursuant to § 28 para. 4, the reimbursement of expenses according to **section 10 of the Austrian Tenancy Act** can be distributed evenly over ten years upon application. When submitting an application for distribution, the total amount of expenses incurred in the respective assessment year must be entered under code **9450**. Under code **9490**, enter all tenths of the assessment year, including those from an application made in previous years.

**15 To "B: Income determination"**

Enter income and income-related expenses without a sign. Income repayments are to be indicated under code **9530**,

repayments of income-related expenses under code **9460**. The **sum column** contains the sums of the values for the individual codes for the parties.

Note that **only** the **total column** needs to be filled out and the columns for the parties **do not have to be filled out** if the value for the corresponding codes **is the same** for all parties. In this case, the value attributable to the individual party(ies) from the noted participation ratio is determined from the total value. The distribution of the value from the totals column to the parties according to the noted shareholding ratio occurs **automatically** to determine the income share of the respective party.

If there are **different values** for individual codes for the parties (e.g. different depreciation), the values that apply to them must be entered in the parties columns and then transferred in total to the totals column.

**Example 3 (continuation of example 2 in point 3):**

J, K, and L are third-party owners of a house that they rent out together. There are maintenance costs (section 28 para. 2 Austrian Income Tax Act 1988) in the amount of 18,000 euros, which J deducts in full in the year in which they are incurred, while K and L spread them over 10 years. The rental income (33,000 euros), depreciation for wear 2,400 euros, financing costs (600 euros) and other income-related expenses (3,600 euros) are to be distributed according to the noted participation ratio.

		Total column	Y	K	L
Revenue	9460	33,000			
Expenses according to section 28	9470	1,200		600	600
Depreciation for wear	9500	2,400			
Financing costs	9510	600			
Immediately deducted	9520	6,000	6,000		
Other income-related expenses	9530	3,600			
Total		19,200			

**16 Revenue - Code 9460**

Under code 9460, all income from the source of income must be listed in one sum. Income includes, in particular, redemptions, rent advance payments or charged operating costs (these can also be treated as transitory items in the case of rent-protected properties that are subject to the offsetting obligation under section 21 of the Tenancy Act, cf. margin notes 6401 et seq. Austrian Income Tax Guidelines 2000).

**17 Depreciation for wear - code 9500 if not recorded under code 9134 and/or 9135**

Under code 9500, enter the amount of deduction for wear and tear (depreciation for wear for buildings and furnishings) for the assessment year. For the depreciation for wear assessment basis and the depreciation for wear rate, see section 16 para. 1 item 8 and margin notes 6422 et seq. Austrian Income Tax Guidelines 2000.

**18 Digressive depreciation for wear**

For assets that were purchased or manufactured after 30.06.2022, the deduction for wear and tear can be made in decreasing annual amounts according to an unchangeable percentage of a maximum of 30% (**digressive depreciation**

**for wear**) . This percentage is to be applied to the respective book value (residual book value) and results in the respective depreciation annual amount. Certain assets, in particular buildings, are exempt from the degressive depreciation (see section 7 para. 1a item 1).

**19 Accelerated Building Depreciation**

Without proof of useful life, the depreciation for wear for buildings that were purchased or developed after 30.6.2020, in the year of the first consideration at most 4.5% - that is three times the statutory planned depreciation rate of 1.5%. In the following year, the depreciation amounts to a maximum of 3%. The regulation on the half-year depreciation for wear does not apply. If use is made of the extension of accelerated depreciation for residential buildings completed in the years 2024 to 2026 (section 124b item 451 Austrian Income Tax Act 1988), the depreciation must also be entered here.

**20** If on the basis of **reserved usufruct rights** (see margin notes 114 et seq. Austrian Income Tax Guidelines 2000) payments for substance compensation are made in the amount of the previously claimed depreciation, these must be entered under code **9505**. See margin note 113a Austrian Income Tax Guidelines 2000.

## 21 Financing costs - Code 9510

The deductible external financing costs (in particular interest, loan fees) attributable to the assessment year are to be entered under code **9510**. Loan repayments (annuities) do not represent income-related expenses.

## 22 Eco-surcharge

In the case of buildings let for residential purposes, an eco-surcharge of 15% can be taken into account for expenses incurred in the year of assessment for thermal-energy refurbishments or for the replacement of a fossil-fuelled heating system with a climate-friendly heating system.

The eco-surcharge amounting to 15% of the **total expenses** must be entered in code **9521** if the underlying expenses are not distributed or must be distributed or if, in the event of distribution, the option is exercised to immediately take the eco-surcharge into account in full.

In code **9522**, the eco-surcharge of 15% of the portion of **expenses attributable to the assessment year** must

be entered if the option to take the eco-surcharge into account in accordance with the distribution of expenses is exercised.

## 23 Income from participations that are not to be distributed according to the noted participation ratio - code 9540

The code **9540** is intended for cases of participation in another rental association. It must **only** be filled out if the income from the participation (E 61) is **not** divided according to the noted participation ratio (Verf 60). Please note that with this code, the **sum column** and **at least one party column** must **always** be filled out.

## 24 Surplus/Loss

This line **does not** have to be filled out. **The official determination of the income of the parties is based on the entry under the codes 9460 to 9540.**

# E) Explanations to attachment E 6c

## General information on attachment E 6c

In the case of agriculture and forestry operated by a majority of people, the attachment **E 6c** must be completed with the declaration of determination E 6 if the income is determined on the basis of the LuF Flat-rate Ordinance 2015. In the case of determining agricultural and forestry income outside of this ordinance (regular cash basis accounting, balancing), attachment E 6c **not** may be used; in this case, attachment E 6a (and, if necessary, attachment E 6a-1) must be used. In terms of content, attachment E 6c largely corresponds to attachment E 1c.

Due to the flat-rate determination of profit, the regular legal transactions and processes are taken into account.

In the case of agricultural and forestry **full flat rate**, which is based on the assessed value or area-dependent average rates (in the case of horticultural production for resellers), the actual operating income and operating expenses are basically irrelevant. However, extraordinary income must be recorded separately, certain expenses (e.g. paid rent, interest on debt relating to agriculture and forestry, expenses incurred and social security contributions paid) are deductible separately as operating expenses.

The agricultural and forestry **partial flat rate** is considered as cash-basis accounting, whereby lump-sum expenses are deducted from the actual revenue.

The application of the lump-sum ordinance to just individual branches of business or individual business sub-activities is inadmissible.

If you voluntarily switch from the flat-rate determination of profit to the balance sheet or complete cash-basis accounting, a renewed application of the consolidation into a lump sum calculation is only permitted after five years.

## 1 Reference number of the assessment notice

Please enter the file number of the notice of assessment for the flat-rate operation. If (in exceptional cases) there is more than one unit value file number for the flat-rate company, please only state the unit value file number of the principal place of the business. Please note that in such a case, all unit values must be summarised as part of the flat rate.

**2 "Large" contribution basis option** pursuant to section 23 para. 1a Austrian Farmers' Social Insurance Act means, that the locally responsible social security institution (SVA) of the self-employed applies for the social security contributions to be assessed on the basis of the income from agriculture and forestry shown in the income tax assessment instead of the insurance value derived from the assessed value.

The taxable income from agriculture and forestry may then only be determined by means of accounting, complete cash basis accounting or partial flat rates (section 9 to 13 LuF Flat-rate Ordinance 2015). It is pointed out that the option can only be exercised at the Farmers' Social Insurance Agency and not at the Tax Office.

## 3 Application for partial flat-rate payment

If the application for a partial lump-sum assessment is filed, this application is binding for the following four calendar years. A new determination of the profit by means of a full flat rate is only permissible after five calendar years have elapsed after the year in which the application was made for the first time. For the four years following the application, no further application for partial lump-sum assessment may be submitted and full lump-sum assessment is not permitted. After five years have elapsed after the year in which the application was first submitted, the profit can be assessed



again by means of full lump-sum assessment or partial lump-sum assessment can be continued in accordance with the application. If the partial consolidation into a lump sum payment is to be continued, please tick that the application was made in a previous year.

**4** The partial flat rate on application is for the application year and it is binding for the following four calendar years. Therefore, no further application for a partial flat-rate can be submitted for the four years following the application and full flat-rate is not permissible. After 5 years have elapsed after the year in which the application was first submitted, the profit can be determined again using the full flat-rate or the partial flat-rate can be continued in accordance with the application. In this case, please tick that the application was submitted in a previous year.

**5** The relevant assessed value results from own possession plus additional leases (including those of other land leased for use) minus leases (including land leased to others for use). The relevant unit value also includes the unit value surcharges pursuant to section 35 of the Austrian Valuation Act for direct payments of the "first pillar" and pursuant to section 40 of the Austrian Valuation Act (e.g. above-average animal husbandry, fruit growing, special crops). In case of additionally leased properties, the hectare rate of the lessee is decisive, in the case of leasing the hectare rate of the lessor is decisive. The additionally leased or let areas (hectares) are therefore to be multiplied by the rate per hectare of the respective agricultural and forestry branch. The appraisal surcharges on the additional leases and/or leases pursuant to section 40 of the Austrian Valuation Act must be added accordingly. The result determined in this way must be recorded under code **9620** for all additional leases and under code **9630** for all leases. With regard to the attribution of an additionally leased or let property, it is not a specific point in time that matters, but the management during the assessment period. In case of doubt, the rule "those who have the harvest, get the addition" applies. If the standard value for the (full) consolidation into a lump sum is exceeded as of 31 December of a year due to purchases during the year or free acquisitions, the partial flat rate is to be applied from the following year.

**6** The **full flat rate** requires that the total unit value of the self-cultivated area does not exceed the amount of **75,000 euros**. If these conditions are met, the full flat-rate is still not permitted if the "large" contribution base option has been exercised with the SVA for the assessment year or an application for partial flat-rate is made or already in been asked in the last four years (see notes 3 and 4).

**7** The **basic amount** is used to determine the income from agriculture, forestry, alpine farming, viticulture (only up to 60 ares), orchards as well as fish and bee-keeping for fully flat-rate companies. It is 42% of the relevant unit value.

**Example:**

Agricultural assessed value:	14,000 euros
Forestry assessed value:	2,000 euros
Total unit value:	16,000 euros

The basic amount is 42% of 16,000 euros, that is 6,720 euros.

**8** The **partial flat rate** requires that the total unit value of the self-cultivated area does not exceed the amount of **75,000 euros**. In addition, the partial flat rate is used if the "large" contribution basis option was exercised with the SVA for the assessment year (see note 2) or an application for partial flat rate is made or in the last four years (see notes 3 and 4).

**9** In the case of partially flat-rate companies, 30% of all public funds (not just those from the "first pillar") are included under code **9690**.

**10** In case of income from **processing activities** (keeping of pigs, cattle, sheep, goats and poultry) the operating expenses associated with these activities - deviating from the general flat rate of 70% - are set at 80% of the operating income attributable to these activities, so that the income from them amounts to 20% of the operating income.

**11** Enter here the **income from forestry**, which are to be determined by partial flat-rate)(in the case of full flat-rate, the income from forestry is included in the basic amount).

The partial lump-sum assessment is mandatory for businesses whose forest has an assessed tax value exceeding 15,000 euros or which do not meet the conditions for full lump-sum assessment (see note 6). In the case of a partial flat-rate, the profit is derived from the operating income (including VAT) minus the following flat-rate operating expenses:

- For self-logging
  - 70% of the operating income (reduction number 1-61 or recovery situation 3)
  - 60% of the operating income (reduction number 62-68 or recovery situation 2)
  - 50% of the operating income (reduction number 69-100 or recovery situation 1)
- for wood sales on the stock
  - 30% of the operating income (reduction number 1-63 or recovery situation 3)
  - 20% of the operating income (reduction number 64-100 or recovery situation 1 or 2)

If these lump sums are taken into account, these percentages increase by 20 percentage points for determining income from forest use as a result of force majeure (section 37 para. 6).

**12** In case of consolidation into a lump sum, **income from forest sales** must be reported separately in addition to the current profit. If the total amount from all sales transactions in the calendar year does not exceed EUR 250,000, the proportion of taxable standing timber (including hunting rights) can be assumed to be 35% of the sales proceeds. The 35% also covers any book values of the standing timber and selling costs. Not included in the flat rate of 35% are hidden reserves that do not relate to standing wood or hunting rights (e.g. land, buildings). The sales proceeds attributable to the land can be set at 50% of the total sales proceeds (cf. margin note 4195b and margin note 4195c of the income tax guidelines 2000, Austrian Income Tax Guidelines 2000). Income from commercial real estate sales must be recorded under code **9746** when exercising the standard taxation option.



The income from forest sales can also be determined in the amount actually received. Expert opinions on the share of the sale proceeds attributable to the standing timber are subject to free assessment of the evidence.

If the proceeds from forest sales exceed 250,000 euros per calendar year, the flat rate (35%) mentioned above cannot be claimed.

**13** Please note that in case of **capital yields** taxable with final capital yields tax (for example, distributions from agricultural communities) or **capital profits** concerning business capital assets (e.g. from the sale of agricultural community shares) or concerning **business premises**, which can be taxed at the special tax rate:

Operating income treated as tax-privileged must always be recorded in the profit/loss (share) to be determined. Accordingly, they must be included under code **9745** or **9746**. The right to choose whether such income should be subject to tariff taxation or the special tax rate is made by the party involved in his or her income tax procedure.

Since the type of taxation is a decision that is made outside of the assessment procedure, form **E 11** provides that such preferentially treated parts of business income from the profit/loss share can be reported via form E 11 are to be eliminated and the investment result is to be transferred to item 10b of Form E 1 (initially) without such income components. In the income tax return (E 1), the decision must be made as to whether the capital income/real estate gains included in the determined result are subject to tariff taxation (exercise of the standard taxation option in point 8.1 or 8.2 of form E 1 and entry under code **780** or **500**) or not (e.g. for properties by entering code **961/551** in form E 1).

**14** In the case of income from the non-agricultural use of land (e.g. ski slopes), only the taxable portion must be stated.

Income subject to withholding tax that has been obtained from an infrastructure operator in the fields of electricity, gas, oil and district heating for the granting of a **management right** (section 107), cannot be recorded here. If the standard taxation option is exercised (item 8.3 of Form E 1), the proportionate income must be entered in attachment E 11 (K 11) for the respective participant.

**15** A transitional profit/loss must only be determined if there is a change from the full flat-rate to the full cash-basis accounting (and vice versa) or switching from partial flat rate calculation to balancing (and vice versa). Within the consolidation into a lump sum, no transitional profit/loss must be determined when changing from full to partial flat rate (and vice versa).

Transitional losses are generally to be taken into account over a period of seven years. The respective one-seventh amount is to be entered in classification no. **9242**. Transfer profits must be entered under code **9010**. Transition losses must only be entered (in full) under code **9010** if no seventh distribution has to be made (e.g. in the case of a sale or abandonment of the business); in this case, no entry may be made under code **9242**.

**16** When using the agricultural and forestry flat rate, the tax-free profit allowance is only available in the form of the **basic allowance**. It is 15% of the basis of assessment, but no more than 4,950 euros.

With regard to the **tax base** for the basic allowance, the following applies:

- The lump-sum determined profit without taking into account capital gain or gain on relinquishment.
- Operating **capital yields** (capital crops, e.g. distributions of an agricultural community) must only be taken into account in the tax base for the basic allowance if they are taxed at the standard rate on the basis of a standard taxation option pursuant to point 8.1 of form E 1 and in this case they must be recorded under code **9745** and taken into account within the framework of the flat-rate determination of profits.
- **Capital gains** on business **capital assets** (e.g. from the sale of a share in an agricultural community) must be taken into account in the assessment basis for the basic allowance, regardless of whether they are taxed at the standard rate on the basis of a standard taxation option pursuant to point 8.1 of form E 1 (and in this case must be recorded under code **9745** and taken into account within the framework of the flat-rate determination of profits) or whether they are taxed at 27.5% and must be recorded in form E 1 under code **946**.
- **Capital yields on business real estate** (e.g. from the sale of a property from the agricultural and forestry business assets) must be taken into account in the assessment basis for the basis tax allowance in the same way as capital yields on business capital assets regardless of whether they are taxed at a standard tax rate on the basis of a standard taxation option pursuant to point 8.2 of form E 1 (and in this case they must be recorded under code **9746** and taken into account within the framework of the flat-rate determination of profits) or whether they - without exercising the standard taxation option pursuant to point 8.2 of form E 1 - they are taxed at the special tax rate and must be recorded in form E 1 under the relevant code for capital gains from business real estate.

In case of **capital yields** on operational **capital assets** and on **business premises** if they are taxed at the special tax rate, note the following:

In this case, the base exempt amount, if applied to this profit, must be deducted from this income and must not reduce the income subject to the standard tax rate to this extent. In this case, only the base tax-exempt amount attributable to the income, which subject to the standard tax rate, may be considered in classification no. **9221**. The part of the base exempt amount that relates to asset value gains treated as tax-privileged are to be considered in the assessment of the value that is to be entered in the relevant classification numbers of Form E 1.

*Example:*

*The flat-rate profit is 2,000 without taking into account a property sale. A profit of 18,000 is made from the sale of the property, which is taxed at 30%. The basic tax-exempt amount must be determined as follows: The assessment basis for the basic allowance is the (entire) operating profit, which is 20,000. The base exempt amount is therefore 3,000. 10% of this is to be allocated to the profit of 2,000 euro, which is subject to the standard tax rate. Therefore, 300 is to be entered in classification no. 9221. The income from*

*agriculture and forestry resulting from Attachment E 1c is therefore 1,700. In form E 1, the profit from the sale of the property must be entered under code 961 with 15,300 (18,000 euros less 2,700, that is 90% of the assigned basic allowance).*

If capital yields are subject to tariff tax (entry in code **9745** or **9746**), there is no allocation of the basic tax-free amount. If the lump-sum profit without tax-privileged asset value gains is 0, the base exempt amount applies in full to the tax-privileged asset value gains.

**17** Profits from the **sale** (cessation) of the entire business or part of it and profits from the sale of a co-entrepreneur share are not covered by the flat rate.

**18** If the entire business is sold or given up, an allowance of up to EUR 7,300 (or a pro rata allowance if the part of the business is sold ) must be recorded under code **9021**. The tax-exempt amount may not be higher than the capital gain pursuant to code 9020.

**19 The allocation of the flat-rate income is made according to the noted participation ratio and, when**

**determining the share of profit/loss, no income from commercial real estate for business purposes was taken into account to which the special tax rate applies**

If this check box is ticked, the flat-rate profit is distributed to the participants according to the **noted participation ratio** in accordance with the declaration.

**If the shareholdings have changed, the changes must be stated using Form Verf 60.**

**20 The apportionment of the flat-rate income is not based on the noted participation ratio and/or when determining the share of profit/loss, income from commercial real estate sales was taken into account to which the special tax rate applies**

If this check box is ticked, the flat-rate profit is distributed to the parties involved in the notification issued pursuant to the **information provided here**. Please note that the flat-rate income must always be split separately if the profit includes income from **real estate sales** to which the special tax rate applies. The relevant taxation at the special tax rate or at the tariff (due to a standard taxation option pursuant to point 8.2 of form E 1) takes place in the income tax assessment.