

# TAX HIGHLIGHTS



NOVI ZAKON O FISKALIZACIJI ..... 2

NEW FISCALIZATION LAW ..... 2

## NOVI ZAKON O FISKALIZACIJI

Skupština Republika Srbija usvojila je novi Zakon o fiskalizaciji („Zakon“) dana 17. decembra 2020. godine, a koji je stupio na snagu 29. decembra 2020. godine. Zakon će početi da se primenjuje od 1. novembra 2021. godine, sa prelaznim periodom do 30. aprila 2022. godine.

U toku prelaznog perioda, svi obveznici fiskalizacije, su u obavezi da uvedu nova hardverska i/ili softverska rešenja, u pogledu Elektronskih fiskalnih uređaja, preko kog obveznik fiskalizacije izdaje fiskalni račun i prenosi relevantne podatke u Sistem za upravljanje fiskalizacijom Poreske uprave („SUF“).

Novim zakonom je definisano da su obveznici fiskalizacije:

- svi obveznici poreza na dobit pravnih lica koji vrše promet na malo (pravna lica, udruženja koja ostvaruju prihode od prodaje dobara i usluga na tržištu i dr.)
- svi obveznici poreza na prihod od samostalne delatnosti koji vrši promet na malo.

Predmet fiskalizacije prema novom Zakonu je:

- promet dobara i usluga na malo
- primljeni avans za promet na malo

Obaveza evidentiranja prometa preko fiskalne kase, ne postoji za:

- promet drugim pravnim licima i preduzetnicima, osim ako se promet vrši u maloprodajnom objektu;
- promet fizičkom licu u PDV i fizičkom licu koje je nosilac porodičnog poljoprivrednog gazdinstva a koje se opredelilo da vodi poslovne knjige, osim ako se promet vrši u maloprodajnom objektu.

## NEW FISCALIZATION LAW

The Assembly of the Republic of Serbia has adopted a new Law on Fiscalization ("the Law") on December 17, 2020, which was published in the "Official Gazette of the Republic of Serbia no. 153/2020" on December 21, 2020 and which entered into force on December 29, 2020. The law will be applied from November 1, 2021, with a transitional period until April 30, 2022.

During the transitional period, all taxpayers of fiscalization, are obliged to introduce new hardware and/or software solutions, in terms of Electronic Fiscal Devices, through whom the taxpayer issues a fiscal receipt and transfers the relevant data to the Tax Administration Fiscalization Management System (FMS).

New Law defines persons which fall under fiscalization:

- all corporate income tax payers which perform retail sale (legal entities, associations which acquire income from sale of goods and services on the market etc.)
- all personal income tax taxpayers on income acquired from retail sale

Subject of fiscalization according to the new Law is:

- retail turnover of goods and services
- received retail advance payment

Obligation for evidencing of retail turnover through a fiscal cash register does not exist for:

- turnover made towards other legal entities, unless performed in retail sale business unit
- turnover made towards physical person registered for VAT and physical person holder of the agriculture economy which keeps business books, unless for turnover performed in retail sale business premise.

Obim delatnosti koje potpadaju pod fiskalizaciju je proširen dok su neke delatnosti i dalje izuzete od evidentiranja prometa na malo preko fiskalnog uređaja. Pregled ovih delatnosti dat je u tabeli na kraju dokumenta.

Kao pomoć za prelazak na novi sistem, Vlada Republike Srbije će odobriti subvencije u ukupnom iznosu od RSD 6 milijardi, odnosno u iznosu od EUR 100 po prodajnom objektu i EUR 100 po fiskalnom uređaju.

U nastavku je pregled datuma vezanih za postupak prelaska na novi sistem u skladu Zakonom:

- od 1. oktobra 2021. godine, poreski obveznik je u obavezi da prijavi svoje poslovne jedinice/prodajne objekte u kojima je neophodno posedovati elektronski fiskalni uređaj, putem portala Poreske Uprave, ePorezi i prijavi se na servis eFiskalizacije.
- od 15. oktobra. 2021 do kraja Januara 2022. poreski obveznici će moći da se prijave za subvenciju države, odnosno novčanu pomoć za prelazak na novi sistem i to za svaku poslovnu jedinicu/prodajni objekat i za svaki uređaj.
- od 1. novembra 2021. godine počinje tranzicioni period, kako bi obveznici mogli da postepeno prelaze na novi model fiskalizacije. Rok za potpuni prelazak je 30.april 2022.

Lista delatnosti koja je oslobođena od evidentiranja prometa na malo preko fiskalne kase:

49.31	Gradski i prigradski kopneni prevoz putnika
49.32	Taksi prevoz
52.21	Uslužene delatnosti u kopnenom saobraćaju
53.10	Poštanske aktivnosti javnog sektora
61	Telekomunikacije
64	Finansijske usluge, osim osiguranja i penzijskih fondova

List of activities which fall under fiscalization is extended while some activities are still exempted from evidencing of retail turnover through a fiscal cash register. Overview of these activities is presented in a table at the end of this document.

As assistance for the transition to the new system, the Government of the Republic of Serbia will approve subsidies in the total amount of RSD 6 billion, i.e. in the amount of EUR 100 per sales facility/retail store and EUR 100 per fiscal device.

Below is an overview of the dates related to the process of transition to the new system in accordance with the Law:

- from October 1, 2021, the taxpayer is obliged to report his business units/sales facilities, where is necessary to have fiscal device, through the portal of the Tax Administration, eTaxes and apply for the eFiscalization service;
- from October 15, 2021 until the end of January 2022. Taxpayers will be able to apply for a state subsidy, i.e. financial assistance for the transition to the new system, for each business unit / sale of the facility and for each device;
- from November 1, 2021, the transition period begins, so that taxpayers can gradually move to a new model of fiscalization. The deadline for full transition is April 30, 2022.

List of activities which are exempted from evidencing of retail turnover through a fiscal cash register:

49.31	City and suburban ground transport of passengers
49.32	Taxi
52.21	Services related to ground transport
53.10	Post office activities of public sector
61	Telecommunications
64	Financial services, except insurance and pension funds

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65	Osiguranje, reosiguranje i penzijski fondovi, osim obaveznog socijalnog osiguranja	65	Insurance, reinsurance and pension funds, except mandatory social insurance
66	Pomoćne delatnosti u pružanju finansijskih usluga i osiguranju	66	Auxiliary activities in providing of financial services and insurance
69.10	Pravni poslovi izuzev aktivnosti javnih beležnika i izvršitelja	69.10	Legal jobs except notary public and public enforcement agent
75.00	Veterinarske delatnosti	75.00	Veterinary activities
84.30	Obavezno socijalno osiguranje	84.30	Mandatory social insurance
85	Obrazovanje, osim delatnosti iz grane 85.5 - Ostalo obrazovanje	85	Education, except activities from 85.5 - Other education
86	Zdravstvene delatnosti - zdravstvene usluge koje se obezbeđuju iz sredstava obaveznog zdravstvenog osiguranja	86	Health activities - health services provided from mandatory social insurance funds
87	Socijalna zaštita sa smeštajem	87	Social protection with accommodation
88	Socijalna zaštita bez smeštaja	88	Social protection without accommodation
94.91	Delatnost verskih organizacija	94.91	Activities of religious organizations



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