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SAC decisions on the interest deduction limitations special exemption



On February 23, 2015, the Swedish Supreme Administrative Court (SAC) issued decisions quashing five appealed advance tax rulings concerning the interest deduction restrictions and dismissing the applications. All the appealed advance rulings concerned the special exemption (ventilen). Two of the cases also concerned the restrictions adherence with EU Law.

SAC dismissed the applications, holding that the questions posed by the applicants were not suitable for advance tax rulings. SAC stated that the rules applicable from January 1, 2013 require that several circumstances are considered, whereof many are outside the tax payer's control. Therefore, the advance tax ruling regime is not suitable for responding to the questions posed. The wording of the five decisions only show some minor differences and also correspond to the corresponding decisions issued by SAC on December 23, 2014.

These new decisions from SAC can be seen as further indication that many of the unclear matters concerning the interest deduction restrictions may have to be tested in ordinary proceedings as it seems difficult to clarify the application of the rules through advance tax rulings.

Please do not hesitate to contact us for further information.



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