

Ministarstvo finansija („MF“) usvojilo je Pravilnik o kamatnim stopama za koje se smatra da su u skladu sa principom „van dohvata ruke“ za 2022. godinu („Pravilnik“). Pravilnik je objavljen u Službenom glasniku Srbije broj 139 od 16. decembra 2022. godine i stupa na snagu 24. decembra 2022. godine.

Implikacije Pravilnika na pripremu dokumentacije o transfernim cenama za 2022. godinu

Prema odredbama cl. 61. Zakona o porezu na dobit pravnih lica („Zakon“), za potrebe određivanja kamatne stope u skladu sa principom „van dohvata ruke“ poreski obveznici mogu:

1. koristiti kamatne stope propisane od strane MF ili
2. primeniti opšta pravila o transfernim cenama, predviđena Zakonom.

Poreski obveznici mogu izabrati samo jednu od navedene dve opcije. Izabrana metodologija se mora konzistentno primeniti na sve kredite/zajmove odobrene ili primljene od povezanih lica.

Propisane kamatne stope primenjuju se za potrebe obracuna prihoda/rashoda po osnovu kamata za 2022. godinu, nezavisno od perioda iz kog krediti/zajmovi poticu.

Za banke i davaoce finansijskog lizinga, za razliku od ostalih privrednih društava, propisane su jedinstvene kamatne stope nezavisno od ročnosti konkretnog kredita/zajma, osim za kredite/zajmove u RSD gde su propisane posebne stope za kratkorocne i dugorocne kredite/zajmove.

Kamatne stope „van dohvata ruke“ za 2022. godinu propisane od strane MF

Valuta kredita / zajma (uključujući i dinarske kredite indeksirane u drugoj valuti)	Banke i davaoci finansijskog lizinga		Druga privredna društva	
	Kratkoročni krediti	Dugoročni krediti	Kratkoročni krediti	Dugoročni krediti
RSD	0,50%	2,86%	3,12%	3,39%
EUR	2,75%		2,25%	2,73%
USD	3,91%		1,85%	3,54%
CHF	2,61%		6,94%	-
SEK	3,96%		-	-
GBP	1,88%		-	-
RUB	2,31%		-	-

Kakav to može da ima uticaj na vaše poslovanje?

U poredenju sa 2021. godinom, može se uociti generalni pad kamatnih stopa prema Pravilniku, uprkos porastu troškova zaduživanja u realnoj ekonomiji.

Neophodno je sagledati da li su nove kamatne stope za 2022. godinu uskladene sa kamatnim stopama koje primenjujete kod finansijskih instrumenata sa povezanim licima. Takode, kod privrednih subjekata koji su izloženi znacajnom / dugoročnom finansiranju od strane povezanih lica, primena opštih pravila o transfernim cenama može biti povoljnija i pružiti veci stepen izvesnosti u pogledu buduceg poreskog tretmana.

Uticaj Pravilnika na primenu povoljnijih stopa poreza po odbitku na kamatu u skladu sa ugovorima o izbegavanju dvostrukog oporezivanja takode zahteva detaljnu analizu.

Ukoliko imate bilo kakvih pitanja ili vam je potrebna podrška naših poreskih strucnjaka, slobodno nam se obratite na tax@kpmg.rs

Ministry of Finance (“MF”) has adopted the Rulebook on arm’s length interest rates for 2022 (“the Rulebook”). The Rulebook was published in the Official Gazette of Serbia No. 139 dated 16 December 2022 and is effective as of 24 December 2022.

Impact of the Rulebook to transfer pricing documentation for 2022

According to the provisions of Article 61 of the Corporate Income Tax Law (“the CIT Law”), in determining arm’s length interest expense/revenue, taxpayers can:

1. use interest rates as prescribed by the MF Rulebook or
2. apply general OECD based methods for assessment of arm’s length interest as prescribed by the CIT Law.

Taxpayers may opt only for one of the above options. Selected option needs to be consistently applied to all intercompany loans.

Prescribed interest rates should be applied to interest income/expense recognized during 2022 regardless of the period from which loan(s) originate.

The Rulebook prescribes separate interest rates for long-term and for short-term borrowings for all non-finance entities and a single interest rate for banks and finance leasing companies (except for RSD denominated loans where interest rate is prescribed separately for short term and long term loans).

Arm’s length interest rates for 2022 as prescribed by the MF

Credit / loan currency (including dinar loans denominated in another currency)	Banks and financial leasing companies		Other companies	
	Short term loans	Long term loans	Short term loans	Long term loans
RSD	0.50%	2.86%	3.12%	3.39%
EUR		2.75%	2.25%	2.73%
USD		3.91%	1.85%	3.54%
CHF		2.61%	6.94%	-
SEK		3.96%	-	-
GBP		1.88%	-	-
RUB		2.31%	-	-

What impact may this have on your business?

In general, decreasing trend of interest rates when compared to 2021 is present according to the Rulebook, despite increasing average borrowing costs in the economy.

It is necessary to review if new interest rates for 2022 are aligned with interest rates currently applied in your related party financial instruments. In addition, companies exposed to significant / long-term related party financing should consider applying general OECD based methods for assessment of arm’s length interest as prescribed by the CIT Law, as such approach may be more beneficial and provide increased level of certainty in relation to future tax treatment.

Impact of the Rulebook on the application of beneficial withholding tax rates on interest in accordance with double tax treaties requires detailed review.

If you have any questions or you need assistance of our tax professionals, please contact us at tax@kpmg.rs

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KPMG will continue to monitor all relevant developments in this complex area and inform you about possible impact of these events on business operations.

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