


Taxes in a Nutshell 2024

Effective 1 January 2024



for Estonia,
Latvia, Lithuania
and Belarus

SORAINEN



Basic tax facts

	ESTONIA	LATVIA	LITHUANIA	BELARUS
Corporate income tax				
CIT system	Deferred (until profit distributions)	Deferred (until profit distributions)	Traditional (annual)	Traditional (annual)
Standard CIT rate	20% (gross distribution)	20% (gross distribution)	15% (from profits)	20%
Special rates and regimes	<p>14% (gross distribution) for regular profit distributions</p> <p>14% advance CIT payments for credit institutions</p> <p>Tonnage tax for shipping companies</p> <p>Income tax regime for common investment funds and public limited funds</p>	<p>Capital gains from sale of shares exempt if 3-year holding period met</p> <p>Special CIT regime for banks and non-bank lenders entailing advance payments of CIT of a total of 20% of the previous year's profit.</p>	<p>5% or 0% for micro companies (reduced rate's application is subject to other conditions). Additional 5% corporate income tax rate applies to banks and credit unions when earnings exceed EUR 2 million</p>	<p>10% - income from self-produced high-technology goods</p> <p>10% - science and technology parks and their residents, technology transfer centres</p> <p>12% - dividends</p> <p>25% - companies with CIT tax base exceeding BYN 25 million (approx. EUR 7.37 million).</p> <p>25% - banks, insurance companies, forex companies</p> <p>30% - microfinance organisations, certain telecom operators</p>
Loss carry forward	Not relevant for taxes	Not relevant for taxes	Unlimited/5 years (subject to exemptions)	5 years
Reporting	Monthly (10 th day)	Monthly (20 th day)	Annual (15 th day of the 6 th month of the following tax period), unless advance reports are also due	Quarterly (general rule), monthly (for dividends accrued by a Belarusian company)
Profit distributions				
WHT on divided payments to non-resident parent company	No WHT	No WHT	No WHT if $\geq 10\%$ voting shares in subsidiary for 12 months; otherwise 15% WHT	15% WHT (general rule)
Pass-through dividends	Exemption if $\geq 10\%$ holding	Exemption with no holding limitations	Exemption if $\geq 10\%$ holding for 12 months	15% WHT (general rule)
Corporate financing and taxes				
WHT on interest payments to non-resident companies	No WHT	No WHT, unless recipient in low-tax territory	No WHT if the recipient is an EEA/DTT company; otherwise 10% WHT	10% WHT (general rule)
Thin capitalisation rule	Only for financing costs in excess of EUR 3,000,000 and EBITDA 30%; subject to specific exemptions	Annual financing costs in excess of EUR 3,000,000 and EBITDA 30%; subject to specific exemptions; or debt-equity ratio of 4:1	Annual financing costs in excess of EUR 3,000,000 and EBITDA 30%; subject to specific exemptions; or debt-equity ratio of 4:1	Debt-to-equity ratio of 3:1 (1:1 for Belarusian companies producing excisable goods)
Transfer pricing documentation threshold	Starting from 250 employees, a turnover of EUR 50 million, or a consolidated balance sheet of EUR 43 million.	Tax authorities can request local file from transaction amount of EUR 250 k, master file can become mandatory from EUR 5 million	Local file if revenue exceeds EUR 3 million (threshold is not applicable for financial institutions, insurance companies and credit unions), master file from EUR 15 million	From total sales/purchases with a counterparty of BYN 400,000, or 2 million for large taxpayers (approx. EUR 118,000 and EUR 590,000 respectively)

Basic tax facts

	ESTONIA	LATVIA	LITHUANIA	BELARUS
Personal income tax				
Standard tax rate	20%	<p>Progressive tax rates:</p> <p>20% on annual income below EUR 20,004</p> <p>23% on annual income from EUR 20,004 to EUR 78,100</p> <p>31% on annual income over EUR 78,100</p>	<p>Progressive tax rates:</p> <p>15% on annual income (not relating to employment relations) part below 120 state average monthly salaries</p> <p>20% on exceeding annual income (not relating to employment relations) part higher than 120 state average monthly salaries</p>	<p>Progressive tax rates:</p> <p>13% - general</p> <p>25% on annual income over BYN 200,000 (approx. EUR 59,000) received from sources within Belarus in the form of dividends, under employment contracts, or under civil contracts (for work performed, services provided, intellectual property objects created). 25% PIT is paid only on the excess amount.</p>
Special tax rates	20% or 40% (final tax on business income under a simplified regime)	10% on forest disposals, sale of scrap metal and lease of own property	<p>15% on profit distributions</p> <p>5% on income from the sale of waste (other than income from individual waste purchase and sale activities) not exceeding the threshold of 120 state average monthly salaries</p>	30%, 26%, 20%, 10%, 6%, 4%, 0% (fixed amounts)
Employment income				
Withheld from gross salary	<ul style="list-style-type: none"> ○ Income tax (WHT) - 20% ○ Employee's unemployment insurance premiums (WHT) - 1.6% ○ Pension insurance (WHT) - 2% or 0% 	<ul style="list-style-type: none"> ○ Personal Income Tax (WHT) - 20% (of monthly salaries up to 1667 EUR) or 23% (of monthly salaries over 1667 EUR) ○ Social security contributions - 10.5% 	<ul style="list-style-type: none"> ○ Personal Income Tax (WHT) - 20% or 32% (on exceeding annual income higher than 60 state average monthly salaries) ○ Social security contributions - 12.52% ○ Compulsory health insurance - 6.98% ○ Pension insurance (WHT) - 0% or 3% 	<p>Personal Income Tax (WHT) 13%</p> <p>Social security contributions (WHT) 1%</p>
On top of gross salary	<ul style="list-style-type: none"> ○ Social tax - 33% ○ Employer's unemployment insurance premiums - 0.8% 	<ul style="list-style-type: none"> ○ Social security contributions - 23.59% 	<ul style="list-style-type: none"> ○ Social security tax - 1.77%. An additional 0.72% for a fixed-term employment contract (2.49% in total) 	<p>Social security contributions - 34%</p> <p>Contributions against accidents at work and occupational diseases - 0.6% (general rule)</p>
Fringe benefits	<p>CIT 20%</p> <p>Social tax 33%</p>	The same as the taxes applicable to salary	The same as the taxes applicable to salary	The same as the taxes applicable to salary, unless a special exemption is established by law
Share options – grant and vesting	Not subject to tax	Not subject to tax	Not subject to tax	Not subject to tax (general rule)
Share options – exercise	Exercise before 3y from grant is subject to fringe benefit taxes; exercise after 3y from grant is exempt from fringe benefit taxes	Exercise before 1y from grant is subject to payroll taxes; exercise after 1y from grant is exempt from payroll taxes	Exercise before 3y from grant is subject to payroll taxes; exercise after 3y from grant is exempt from payroll taxes (subject to other conditions for the share option plan)	Not subject to tax, if shares are provided for any real payment (current practice)

Basic tax facts

	ESTONIA	LATVIA	LITHUANIA	BELARUS
Value added tax				
Standard tax rate	22%	21%	21%	20%
Special tax rates	9%/5%/0%	12%/5%/0%	9%/5%/0%	25%/10%/0%
VAT threshold – general	EUR 40,000	EUR 50,000	EUR 45,000	-
VAT threshold – distance sale	EUR 10,000	EUR 10,000	EUR 10,000	-
Reporting	Monthly (20 th day)	Monthly, quarterly	Monthly (VAT report – 25 th day, invoice registers – 20 th day of following month)	Monthly, quarterly
Real estate tax				
Standard tax rate	0.1%-2.5% (of the cadastral value of land excluding buildings)	0.2%-3% (of the cadastral value)	0.5%- 3% of the property value (subject to exemptions)	1% for companies (0.1%, 0.2%, 0.4%, 0.6%, 0.8% in specific cases), 0.1% for individuals (all rates are subject to coefficients)
Tax compliance				
Limitation periods	3 years or 5 years (if intentional non-payment)	3 years or 5 years (for transfer pricing)	3 years and the ongoing tax period (with certain exceptions)	5 years (with certain exceptions)
Binding preliminary ruling	Yes	Yes	Yes	No
Advanced pricing agreement (APA)	No	Yes	Yes	Yes

* CIT means corporate income tax

* WHT means tax which is withheld by the payer

* EEA means European Economic Area

* DTT means bilateral treaty on the prevention of double taxation on income and capital taxes

* PIT means personal income tax



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ESTONIA



ESTONIA

GENERAL OVERVIEW OF TAX SYSTEM

Estonia has a two-level tax system, comprising state taxes and local taxes. State taxes include the following:

- *Income tax*, which covers both personal and corporate income tax. While personal income tax applies on income received or capital gains earned by natural persons, corporate income tax applies on a deferred basis upon distributing the profits of corporate taxpayers. Non-residents pay income tax only on specific Estonia-sourced income, mostly related to active income or real estate income.
- *Simplified tax on the business income of natural persons*, which enables natural persons to apply a lower tax rate to their business income and which includes the automated exchange of tax information between banks and the tax authority.
- *Social tax* is levied on the active income of natural persons and on fringe benefits. In addition to social tax, unemployment insurance premiums and funded pension insurance premiums are applied on certain kinds of active income.
- *Land tax* is levied on the value of land plots.
- *Heavy goods vehicle tax* is applied on certain trucks as a property tax, applicable in addition to road tolls for trucks. There is no tax for passenger cars.
- *Gambling tax* is applied on gambling activities as a special consumption tax.
- *Value-added tax (VAT)*, *customs duties* and *excise duties* follow EU law in their respective areas. Excise duties are levied on alcohol, tobacco, fuel, electricity and packaging.

Local taxes are applied by each local government if so decided. The following tax bases are available under the law: advertisements, road and street closures, motor vehicles, animals, entertainment and parking.

State taxes are administered by the Estonian Tax and Customs Board (ETCB). All tax compliance can be done electronically through the e-Tax Board web page, accessible with an Estonian ID card (issued to Estonian residents and e-residents).

CORPORATE INCOME TAX (CIT)

Estonia is a great destination for entrepreneurs who are aiming to reinvest or retain corporate profits. Namely, there is no CIT due upon receiving, retaining or reinvesting profits, either successfully or unsuccessfully. This applies to all types of active and passive corporate income. Resident companies pay CIT on a **deferred basis**, meaning CIT is due only upon making profit distributions (dividends, capital reductions in excess of capital payments) or deemed profit distributions (i.e. paying non-business expenses, conferring fringe benefits and giving gifts). Similar tax treatment applies to permanent establishments of foreign entities (including branches), which are in principle treated the same as local corporate taxpayers.

When distributing corporate profits, a deferred CIT of 20% (from the gross distribution) applies. This will increase to 22% from 1 January 2025. As an incentive to distribute profits once every three years, the part of the profit distribution corresponding to one-third of the taxable profit distributions made within the last three years (i.e. the **regular profit distribution**) is subject to a reduced CIT rate of 14%. It is therefore common for a profit distribution to consist of profits which fall under two different tax rates. Note that 14% CIT is the effective tax rate only if regular profits are distributed to corporate entities; 7% withholding tax applies in addition to this when making regular profit distributions to natural persons, so levelling off the tax incentive.

This system of regular profit distributions will be in force until 31 December 2024 so any profit distributions seeking to take advantage of the reduced CIT rate should be carried out before 2025.

Pass-through dividends fall under a participation exemption if the 10% shareholding requirement is met. Namely, dividends received by a company can be distributed further without CIT or withholding tax liability, provided the company passing through the dividends holds a minimum of 10% of the shares in the subsidiary company. As an additional requirement, dividends received outside of the EU must have been subject to tax.

Loan financing of Estonian entities by non-residents is rather advantageous for the financier in terms of taxes paid. There is no withholding tax on interest payments to resident corporate lenders or non-resident lenders (either corporate or private). Interest paid to related parties in excess of the arm's length rate is subject to CIT for the borrower. As there is no traditional thin capitalisation rule for loan cost, Estonia enables extensive loan liabilities even if a company has little capital. However, as a result of the harmonisation of the Anti-Tax Avoidance Directive, the law provides an interest limitation rule under which excessive interest payments are subject to CIT, provided three cumulative criteria are met: 1) exceeding borrowing costs exceed EUR 3,000,000, 2) exceeding borrowing costs exceed 30% of EBITDA, and 3) the interest-paying company is profitable. Some exceptions apply to this, such as to costs for financing certain infrastructure projects, group-equity-rule and world-wide group-ratation rule based on earnings. Credit institutions are not taxed under this rule.

A special regime applies to credit institutions, which are subject to quarterly advance CIT payments on corporate profits at a rate of 14%. Additionally, shipping companies are subject to a tonnage tax.

ESTONIA

PROFIT DISTRIBUTIONS

Estonia applies **no withholding tax on profit distributions** to resident or non-resident shareholders (with the exception of regular profit distributions to resident and non-resident natural persons, to which a 7% withholding tax applies). Therefore, the final Estonian tax on profit distributions to foreign companies is either 20% CIT or 14% CIT. Note that in specific cases capital reductions not subject to CIT at the level of the company reducing its capital may lead to taxation for the shareholder (i.e. in excess of the acquisition cost of the shares based on which the capital reductions are made).

TRANSFER PRICING

As for transfer pricing, Estonian law recommends following the OECD Guidelines. Transfer pricing methods in use include comparable uncontrolled price, resale price, cost plus, profit split, transactional net margin and other sufficiently substantiated methods. Other methods can be used when justified. Transfer pricing adjustments are subject to 20% CIT (on gross adjustment). The threshold for mandatory documentation is having 250 employees, a turnover of EUR 50 million or a consolidated balance sheet of EUR 43 million.

INCOME TAX FOR NON-RESIDENTS

Non-residents pay income tax only on certain kinds of income sourced from Estonia. As already referred to above, the **dividends** received from Estonian companies by non-residents are not subject to additional dividend withholding tax (with the exception of natural persons receiving regular profit distributions). **Loan interest payments** to non-residents are not subject to withholding tax, while royalties are generally subject to a 10% withholding tax.

Capital gains derived by a non-resident from the sale of Estonian real estate or shares in and liquidation proceeds from “real estate companies” (at least 50% of the assets at some point within the last two years) are subject to 20% income tax in Estonia. No tax is applied on capital gains in Estonia if a non-resident sells a shareholding in a company which is not a Estonian real estate company.

Active income earned from Estonia (either as a salary or business income through an Estonian permanent establishment) is subject to income tax in Estonia.



ESTONIA

PERSONAL INCOME TAX (PIT)

Income and capital gains are subject to a flat PIT rate of 20%. The tax base includes, among other things, active income, interest, royalties, capital gains and dividends (however as an exception, rather than a rule), as well as income of a tax haven company attributed to a private person.

Dividends received from an Estonian company are not taxed on a personal level, except with a 7% personal income tax when falling under a special regime for regular dividend payments.

Income tax liability on capital gains on a personal level can be postponed by making a non-monetary contribution to the equity of the company and sale of the asset by the company. Profits earned by a holding company are not taxed on receipt of income.

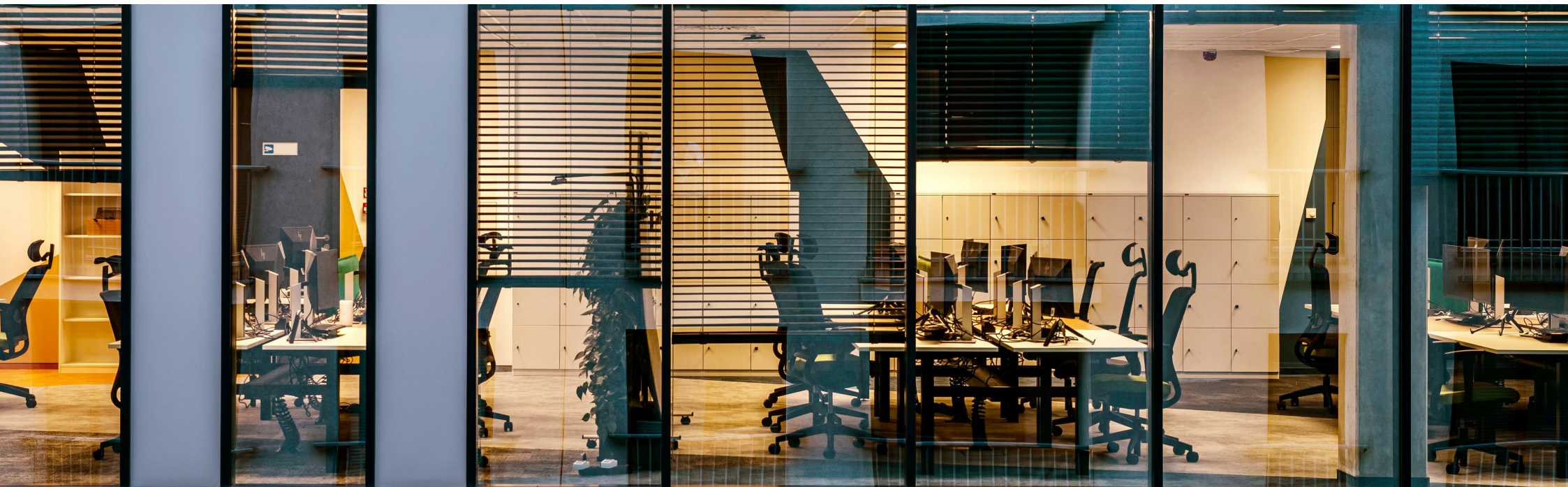
When using a registered business account (bank account), business income is subject to a 20% tax (if sales < EUR 25,000) or 40% (if sales > EUR 25,000), including income tax, social tax and pension payments. This provides a more advantageous tax treatment for P2P services.

VALUE ADDED TAX (VAT)

Special regimes apply to travel services, immovables, scrap metal, precious metal and metal products, resale of second-hand goods, original works of art, collectors' items and antiques, electronic communication services and electronically supplied services as well as cash accounting.

FIVE TAX REASONS TO LOOK AT ESTONIA

- Deferred CIT on all corporate profits, while regular profit distributions can enjoy deferred CIT at the lowered rate of 14% until 2025. A deferred CIT system also brings lower tax compliance costs;
- Good loan financing environment as no withholding tax on interest payments to non-residents
- Equity incentives to Estonian employees are exempt from payroll/fringe taxes, provided 3 years pass between grant and exercise or full exits take place;
- Shipping companies can enjoy tonnage tax and certain kinds of ship crew income is exempt from income taxes;
- Online reporting and good client support from the tax authority.



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LATVIA



LATVIA

GENERAL OVERVIEW OF TAX SYSTEM

The Latvian tax system includes corporate and personal income taxes, social security contributions, solidarity tax, micro-enterprise tax, value-added tax, and excise tax, as well as other taxes on specific objects or activities (real estate, natural resources, transport, gambling etc.). All the taxes and duties are administered by the State Revenue Service, except from the real estate tax which is administered by local municipalities.

CORPORATE INCOME TAX (CIT)

Resident companies pay a 0% CIT rate on reinvested profit – CIT is payable only when a company pays dividends, deemed dividends and/or expenses comparable to dividends with the aim of actual profit distribution. Reinvested profit is not CIT-taxable. Business income earned (including interest, royalties and inbound dividends) is not taxed on receipt. Similar tax treatment applies to permanent establishments of foreign entities.

Companies can use accrued CIT losses till end of 2022, but only 15% of those losses for up to 5 years. Losses can be used to decrease the CIT payable on dividends, but not more than 50% of CIT payable on dividends.

Share disposals are exempt from CIT if the shares are held for at least 36 months.

CIT does not apply to representation expenses or costs of personnel sustainability events not exceeding 5% of total gross salaries calculated in the pre-taxation year and on which SSC has been paid.

CIT discounts are available for operations in special economic zones.

A special tonnage tax regime for Latvian shipping companies and tax relief for sailors are available.

Pass-through dividends

Dividends received by a company can be distributed without further tax liability if CIT is paid in the country of origin. There is no minimum shareholding requirement.

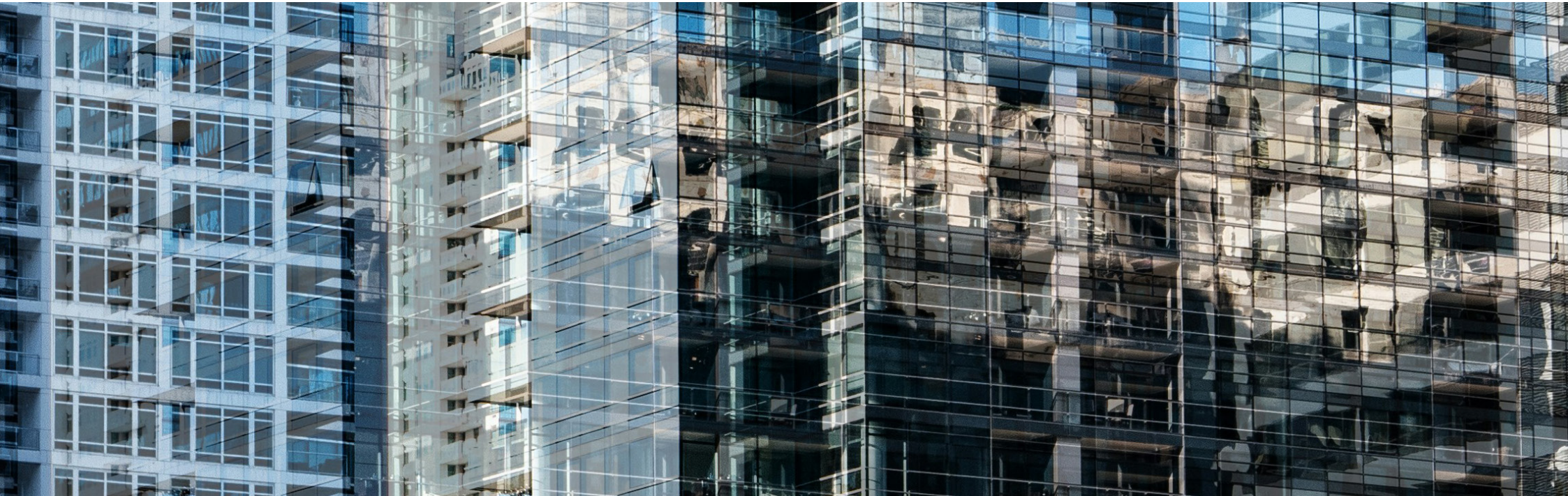
Loan financing

Latvia has introduced two thin capitalisation rules (subject to specific exemptions):

1) debt-equity ratio of 4:1; and

1) annual borrowed financing costs in excess of EUR 3,000,000 and EBITDA 30%.

Interest expenses exceeding the thin capitalisation limitations are subject to CIT.



LATVIA

PROFIT DISTRIBUTIONS

Latvia applies **no withholding tax on profit distributions** to resident or non-resident shareholders.

TRANSFER PRICING

Latvian transfer pricing regulations follow the OECD standard.

Transfer pricing methods in use: comparable uncontrolled price, resale price, cost plus, profit split and transactional net margin method.

Mandatory TP documentation is required upon meeting the revenue and transaction volume criteria:

Transaction party	When is a Master File required?	When is a Local File required?	Submission deadlines to tax authorities
Foreign related party or blacklisted jurisdiction company	If the transaction amount > EUR 15 m; or if turnover > EUR 50 m and the transaction amount > EUR 5 m.	If the transaction amount > EUR 5 m	Mandatory submission within 12 months after the end of taxation year.
	If turnover is < EUR 50 m and the related party transaction amount is from EUR 5 m to EUR 15 m.	If the transaction amount is from EUR 250 k to EUR 5 m.	Prepared within 12 months after the end of taxation year and submitted to the tax authorities within 1 month upon request.
Latvian related party (only if transactions take place within one supply chain with a foreign related party)	N/A	If the transaction amount > EUR 250 k	Should be prepared only if required by tax authorities. Submission within 90 days after receiving a request (may be extended by 30 days).

Advance pricing agreements (**APA**) for transfer pricing are available for transactions over EUR 1.43 million per annum (for a charge of EUR 7,114).

INCOME TAX FOR NON-RESIDENTS

Withholding taxes:

- management and consulting fees – 20% (may be eliminated if the recipient is resident in a country with which Latvia has a double tax treaty);
- sale price of real estate located in Latvia or shares in real estate companies – 3%;
- 20% on payments and dividends paid to black-listed low-tax jurisdictions (except purchase of goods and purchase of EU/EEA public securities if carried out at arm's-length prices);
- 5% on payments to non-residents for use of property located in Latvia (may be eliminated if the recipient is resident in a country with which Latvia has a double tax treaty).





LATVIA

PERSONAL INCOME TAX (PIT)

Dividends received by Latvian tax residents are tax-exempt (with certain preconditions). As of 2018, Latvia operates a progressive personal income tax system. That is, income below EUR 20,004 a year is subject to a PIT rate of 20%. Income from EUR 20,004 to EUR 78,100 a year is subject to a rate of 23%. Income exceeding EUR 78,100 a year is subject to a PIT rate of 31%.

PIT-deductible expenses, education, medical costs, donations and other items up to EUR 600 a year but not exceeding 50% of gross taxable income.

Rate on income from capital – 20%; rate on income from forest disposals and lease of own property – 10%.

VALUE ADDED TAX (VAT)

The standard rate is 21%. Special tax rates: 12% e.g. on accommodation, medicines, baby food. As of 2024, a reduced tax rate of 12% applies on the supply of fresh fruits, berries and vegetables.

Special regimes apply for the supply of construction services, including those provided separately; game console deliveries; metal and related services; timber and related services; scrap metal and related services; construction services; mobile phones, laptops, tablets and integrated circuit devices; cereal and technical crops; unprocessed precious metals, precious metal alloys and precious metal clad with metals.

FIVE TAX REASONS TO LOOK AT LATVIA

- No CIT on reinvested profit; CIT applies at the moment of profit distribution. Pass-through dividends are exempt from Latvian CIT, provided that CIT is paid in the country of origin (no minimum shareholding requirement);
- Share disposals are exempt from CIT if the shares are held for at least 36 months;
- No WHT on royalty payments to non-residents;
- Dividends received by Latvian tax residents are tax-exempt (with certain preconditions);

Share options granted to employees (possible for joint-stock companies, as well as limited liability companies) are exempt from payroll taxes, provided that a 1-year vesting period is met.

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LITHUANIA



LITHUANIA

GENERAL OVERVIEW OF TAX SYSTEM

Lithuania's tax system includes the following taxes:

- *Corporate income tax (CIT)*, which applies to Lithuanian companies on their worldwide income. CIT also applies to Lithuanian branches or permanent establishments of companies incorporated in foreign countries. Non-resident companies in Lithuania are subject to profit tax on their Lithuanian-sourced income.
- *Personal income tax*, which applies on income, capital gains or dividends received by natural persons. Non-residents pay income tax only on specific Lithuanian sourced income such as interest income, real estate income, etc.
- *Social tax* is levied on employment relations and business income. In addition to social tax, unemployment insurance premiums and funded pension insurance premiums are applied on some kind of active income.
- *Value-added tax (VAT)*, customs duties and excise duties follow the EU law in respective areas. Excise duties are levied on alcohol, tobacco, electronic cigarette liquids fuel, electricity and energy products.
- *Land tax*: 0.01%-4% of the market value of land. The exact rate(s) of land tax are set by municipalities.
- *Real estate tax* (on real estate other than land): 0.5%-3% of property value. Exact real estate tax rate(s) are set by municipalities. Residential real estate with a total value exceeding EUR 150,000 is subject to a progressive tax rate from 0.5% to 3% applied on excess value.
- *Natural resources tax*: imposed on the use of natural resources, use of hydrocarbon resources and environmental pollution (including, but not limited to packaging materials).

Most state taxes are administered by the State Tax Inspectorate of Lithuania (STI). All tax compliance can be done electronically through the E-Tax system <https://deklaravimas.vmi.lt/> webpage, which is accessible via Smart ID, E-signature or E-Government. Social tax is administered by the State Social Insurance Fund Board. Social tax compliance can be done electronically through the self-portal system <https://sodra.lt/> Custom duties are administered by Customs of the Republic of Lithuania. Custom duties compliance can be done electronically through the self-portal system <https://lrmuitine.lt>

CORPORATE INCOME TAX (CIT)

A general flat rate of 15%. A **reduced rate** of 5% applies to small companies (with annual income not exceeding EUR 300,000; no more than 10 employees; shareholders in a small company own no more than 50% of the shares in other companies). Newly established small companies, owned by natural persons, are exempt from paying CIT for their first year. The reduced CIT rate is not applicable if relevant small companies meet at least one of the following conditions: i) the total average number of employees at the small company exceeds 10; ii) and/or the total income for the tax period exceeds EUR 300 000.

An additional 5% CIT rate applies to profit shares of banks and credit unions exceeding the threshold of EUR 2 million.

Unlimited carry forward of losses, except losses from transfer of securities and derivative financial instruments, which may only be carried forward for 5 years. Intra-group transfer of losses permitted (subject to specific requirements). Losses carried forward cannot exceed 70% of profit during a fiscal year. Small companies which are entitled to a reduced CIT rate of 5% may carry forward full losses incurred in previous years during a fiscal year.

Fixed assets depreciated using straight-line method; for some groups of fixed assets, the double-declining method may also be used; the production method is used in very limited cases. Interest limitation rules: Companies will be able to deduct only interest expenses that:

- do not exceed interest income;
- and exceed interest income but the excess does not exceed the following thresholds:
 - 30% unit EBITDA (profit before interest, taxes, depreciation and amortisation); or
 - EUR 3 000 000.
- Companies whose financial statements are included in group-consolidated financial statements and whose equity-to-total-assets ratio is not more than 2% lower than the corresponding group of companies' ratio as determined by the consolidated financial statements of the group, will be able without restriction to deduct all interest expenses exceeding interest income.
- debt-to-equity ratio 4:1. Interest-free loans not included in controlled debt.



LITHUANIA

PROFIT DISTRIBUTIONS

Profit distributions are generally subject to participation exemption (if $\geq 10\%$ voting shares in subsidiary for 12 months); otherwise 15% WHT.

TRANSFER PRICING

With regard to transfer pricing, Lithuanian law recommends following the OECD Guidelines. Transfer pricing methods in use: comparable uncontrolled price, resale price and cost-plus, transaction net margin and profit split methods. Threshold for mandatory documentation – turnover of EUR 3 million. The threshold does not apply for financial/credit institutions and insurance companies.

Lithuanian entities must prepare the following:

- A return reporting transactions entered into with associated parties, together with their profit tax returns if the value of one or the total value of the transactions with one party exceeds EUR 90,000;
- A local file, if revenues exceed EUR 3 million for the tax year preceding the tax year during which transactions exceeding EUR 90,000 with related parties are undertaken;
- A master file, if revenues exceed EUR 15 million for the tax year preceding the tax year during which transactions exceeding EUR 90,000 with related parties are undertaken.

It is noteworthy that:

- A simplified approach for low value-adding group services was introduced in Lithuania, by allowing taxpayers to apply a mark-up of 5% of the allocated costs without the need to perform a benchmarking study.
- there are simplified tax administration processes with regard to controlled transactions related to hard-to-value intangibles and provisions allowing tax administrator to retroactively adjust the price of the controlled transaction on the basis of information received after the transaction.

- there are simplified procedures for documenting controlled transactions with the elimination of a requirement to prepare transfer pricing documentation for transactions between Lithuanian taxpayers. Nevertheless, evidence confirming the market value price is yet required.

It should be noted though, that the updated requirements relating to documentation of low value-adding intra-group services and transactions between Lithuanian taxpayers were introduced only as of 2020. Therefore, they apply with regard to the calculation of corporate income tax for 2020 and for subsequent tax periods.

From a practical point of view, it is also noteworthy that the Lithuanian tax authorities have announced there will be increased focus on controlled international transactions, with special attention to financing and services transactions.

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INCOME TAX FOR NON-RESIDENTS

Withholding taxes:

- dividends – 0%, if recipient owns no less than 10% of voting shares for 12 months and is not established in a black-listed country, otherwise – 15%;
- interest – 0%, if paid to EU entities or DTT tax residents, otherwise – 10%;
- royalties – 0% if paid to EU entities qualifying under the EU Interests and Royalties Directive; otherwise – 10%.



LITHUANIA

PERSONAL INCOME TAX

Employment and employment-related (e.g. remuneration to board members) income is taxed with PIT at a rate of 20% of annual income (i.e. employment income or other employment-related income) not exceeding 60 state monthly average salaries (SAMS), while the excess is subject to a PIT rate of 32%.

Annual income not relating to employment or substantially equivalent relations is taxed with PIT at a rate of 15% or 20%, depending on whether the threshold of 120 SAMS has been reached.

Employee stock options are exempt from personal income tax, thus allowing the non-taxation of employee benefits from stock options if certain requirements are satisfied.

Life insurance contributions, additional (voluntary) health insurance contributions and pension contributions paid by an employer on behalf of an employee are not considered taxable benefits if certain conditions are met, provided that the total amount of such contributions does not exceed 25% of the employee's annual employment-related income and the recipient of such contributions is resident in an EEA country.

VALUE ADDED TAX (VAT)

Standard rate – 21%. A **reduced rate of 9%** applies to heating energy supplied for the heating of living premises, for printed and electronic books and non-periodical information publications, firewood and wood products intended for heating and purchased by household energy consumers and passenger transportation services (on scheduled routes), some types of accommodation, visiting all types of artistic and cultural institutions, art and culture events (if they are not VAT exempt).

As of 30 June 2023, the reduced tax rate of 9% is no longer applicable to sports clubs and sports events (if they are not VAT-exempt) as well as services provided by performers. In addition, from 31 December 2023, the reduced rate of 9% is no longer applicable to catering and takeaway services provided by restaurants, cafes and similar establishments.

A **reduced rate of 5%** applies to certain compensated pharmaceuticals, means of medical aid, food products for special medical purposes, when the costs of purchasing these goods are fully or partially reimbursed by the state, and technical assistance equipment for disabled individuals, also to printed and / or electronic newspapers, magazines and other periodicals. A reduced rate of 0% applies to certain supplies of goods and services. General VAT payer registration threshold – EUR 45,000 (except for foreign taxable persons performing VAT taxable activities in Lithuania).

FIVE TAX REASONS TO LOOK AT LITHUANIA

- Lowest rate of CIT in Baltic states. Also, intra-group transfer of losses permitted (subject to specific requirements).
- Companies established in Free Economic Zones (FEZ) after 31 December 2017 that satisfy investment requirements enjoy a CIT rate of 0% for the first 10 tax periods and for the next 6 tax periods a 50% reduction in the CIT rate.
- For entities running technology investment projects (under defined conditions) taxable profit is reduced up to 100%.
- Companies carrying out Research and Development (R&D) are granted triple deduction of expenses incurred during these activities. As of 1 January 2018 a reduced CIT rate of 5% applies to profit deriving from the use, sale or other transfer of assets created while executing R&D activity.
- Large project relief. An entity carrying out a large investment project may be exempt from CIT for a period of 20 years. The entity should meet certain requirements for relief to be applied.



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BELARUS

GENERAL OVERVIEW OF TAX SYSTEM

Belarus has a general two-level tax system, comprising republican and local taxes. Besides a general tax system, Belarus provides for special tax regimes for companies and individuals (incl. individual entrepreneurs).

CORPORATE INCOME TAX (CIT)

General flat rate – 20%; income from self-produced high-technology goods – 10%; science and technology parks and their residents, technology transfer centres – 10%; dividends – 12%; 25% – companies with CIT tax base exceeding BYN 25 million (approx. EUR 7.37 million); banks, insurance companies, forex companies – 25%; microfinance organisations, certain telecom operators – 30%.

Thin capitalisation rules: a debt-to-equity ratio of 3:1 (1:1 for Belarusian companies producing excisable goods).

Investment deduction of up to 20% of the initial value of buildings and constructions and up to 40% of the initial value of machines and equipment used in entrepreneurial activity may be applied to decrease the CIT tax base. Investment deduction applies once, together with the start of charging of amortisation on the respective objects. Deduction of certain expenses is limited to 1% of revenue.

Fixed assets are subject to amortisation at the discretion of the company according to 1 of 3 methods: the straight-line method, reducing balance method (direct or indirect sum-of-the-years' digits or declining balance method) or productive method.

PROFIT DISTRIBUTIONS

Distribution of dividends is subject to a CIT rate of 6% if shareholders did not distribute dividends for 3 years, but rather reinvested the profits. If shareholders did not distribute dividends for 5 years and reinvested the profits, a CIT rate of 0% applies to dividends. There is no such withholding tax incentive for foreign companies.

INCOME TAX FOR NON-RESIDENTS

In general: withholding taxes on income of foreign legal entities from Belarusian sources: dividends and income from sale of shares – 15%; royalties – 15%; interest – 10%; freight forwarding services – 6%; other income (e.g. sale of real estate, services (e.g. intermediary, consulting, audit, management, insurance, advertising), contractual penalties) – 15%.

TRANSFER PRICING

In general, the transfer pricing threshold (i.e. the sum of all sales to one party net of indirect taxes or the sum of all purchases from one party net of indirect taxes and the sum of all given/taken loans) for transactions with one related party or an off-shore zone resident is BYN 400,000 (approx. EUR 118,000) per year, and for large taxpayers is BYN 2,000,000 (approx. EUR 590,000) per year, net of indirect taxes. Transfer pricing methods in use: comparable uncontrolled price, resale price, cost plus, transactional net margin profit and profit split method.

BELARUS

PERSONAL INCOME TAX

General rate – 13% (including dividends).

25% on annual income over BYN 200,000 (approx. EUR 59,000) received from sources in Belarus in the form of dividends, under employment contracts, or under civil contracts (for work performed, services provided, intellectual property objects created). 25% PIT is paid only on the excess amount.

Other rates apply to specific sources of income: 30% for individual entrepreneurs whose income from entrepreneurial activity in the current tax period exceeds BYN 500,000 (approx. EUR 147,000) on an accrual basis since the beginning of the calendar year; 26% in case of revealed non-withholding of PIT or in case of revealed excess of expenses over the income of the individual, 20% on income from entrepreneurial, and private notarial activity; 4% on income in the form of gains (returned unplayed entries) received from Belarusian legal entities that organise gambling games.

Distribution of dividends is subject to a PIT rate of 6% if shareholders did not distribute dividends for 3 years, but rather reinvested the profits. If shareholders did not distribute dividends for 5 years and reinvested the profits, a PIT rate of 0% applies to dividends. These benefits apply only to the individual shareholders who are Belarusian tax residents.

VALUE ADDED TAX (VAT)

Standard rate – 20%. Other rates – 0%, 10%, 25%. Generally, a single registration applies for all taxes so there is no special VAT registration except for foreign companies paying digital VAT.

GAAR

In 2019, a general anti-abuse rule (GAAR) was for the first time introduced into the Belarus Tax Code (article 33). According to the GAAR, the controlling authorities are allowed to correct the taxes payable and tax base on the following grounds:

- distortion of information about the facts of the performing business operations performed or about the objects of taxation;
- performance of business operations with the main aim of tax avoidance;
- lack of real performance of a business operation.

FIVE TAX REASONS TO LOOK FOR AT BELARUS

- Six Free Economic Zones. Generally a company must invest EUR 1 million. Exemption from some taxes and duties.
- High Technology Park. Residents are exempt from almost all taxes and duties.
- China-Belarus Industrial Park. Residents – a wide range of tax benefits.
- Beneficial tax regime if a production business operates in rural areas and small town centres.
- Simplified Taxation System for legal entities. Unified 6% tax imposed on gross revenue. The law establishes thresholds for personnel numbers and gross revenues for the application of the Simplified Taxation System.



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