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ASPI System - version of 04/03/2019 for the portion 25/2019 Coll. - RA1352

213/2018 Coll. - on insurance tax - latest version

**213/2018 Coll.**

**ACT**

of 20 June 2018

**on insurance tax and amending and supplementing certain acts**

Change: 213/2018 Coll.

The National Council of the Slovak Republic has adopted the following Act:

SECTION I

Article 1

**Subject Matter**

This Act regulates the insurance tax (the "tax").

Article 2

**Fundamental Provisions**

For the purposes of this Act

a) insurer means

1. insurance company,1) insurance company from other member state2) of the European Union or from a member state of the European Free Trade Agreement that signed the Agreement on the European Economic Area (the "member state"), branch of a foreign insurance company 3) and a foreign insurance company;4)

2. Slovak Insurers' Bureau (*Slovenská kancelária poisťovateľov*);5)

3. Export-Import Bank of the Slovak Republic (*Exportno-importná banka Slovenskej republiky*);6)

b) policy holder means an individual who entered into an insurance policy with the insurer;

c) habitual residence means the place where an individual habitually resides and where he or she develops personal and professional relations;

d) transferred cost of insurance means the premium, or a part thereof, paid to a foreign insurance company which does not have a branch in the territory of the Slovak Republic (the "Slovak Republic"), and which is requested from a legal entity or allocated to a legal entity by the policy holder or a person other than the policy holder.

Article 3

**Object of Taxation**

(1) The object of taxation covers insurance in the sectors of non-life insurance listed in Annex 1, where the insurance risk is located in the Slovak Republic.

(2) Insurance risk is located in the Slovak Republic, where

a) the insured real estates, their parts, accessories and articles situated therein, except the goods within commercial transport, are located in the Slovak Republic;

b) the insurance applies to any means of transport which is, or is to be, registered in the relevant register kept in the Slovak Republic;

c) policy holder executed in the Slovak Republic an insurance policy with the term of no more than four months, which policy covers insurance risks associated with travelling or vacation irrespective of the insurance sectors listed in Annex 1;

d) it concerns events other than the events listed under a) through c), and

1. policy holder habitually resides in the Slovak Republic;

2. policy holder or the person to which the cost of insurance is transferred is a legal entity and the registered office or establishment covered by the insurance policy is located in the Slovak Republic.

(3) The object of taxation does not include assurance.

Article 4

**Person Obliged to Pay Tax to Tax Administration**

(1) The person which is obliged to pay tax to the tax administration (the "payer") is the insurer, unless paragraph 2 provides otherwise.

(2) Payer also is

a) the policy holder who paid premium to a foreign insurance company which does not have a branch in the Slovak Republic; where the policy holder transfers the premium to a legal person defined under b), he or she shall be deemed to be the payer to the extent of the premium not transferred to such person;

b) legal person which is transferred the costs of insurance which apply to the insurance risk located in the Slovak Republic.

(3) Where the insurance policy is entered into by and between the policy holder and multiple insurance companies, insurance companies from other member state or branches of foreign insurance companies (the "co-insurer"), payer shall be the co-insurer that is designated as the person to pay the entire tax under the agreement entered into between co-insurers. Where the agreement entered into by co-insurers does not designate the co-insurer that should pay the entire tax, each co-insurer shall be deemed to be payer proportionately to its share in the premium as provided under the insurance policy.

Article 5

**Tax Point Date**

(1) Tax point shall occur for the payer defined under Article 4(1) on the date of

a) receipt of premium, to the extent of the payment received;

b) booking the prescript of premiums receivable; or

c) premium maturity date.

(2) A payer defined under Article 4(1) is obligated to choose tax point determination as referred to under paragraph 1(a), (b), or (c), and to apply the tax point determination method selected during at least eight consecutive calendar quarters. Payer shall communicate in the tax return the tax point determination method selected by the payer.

(3) Tax point shall occur with regard to the payer defined under Article 4(2)(a) on the date of premiums payment; if the payer pays a part of the premiums, the tax point shall occur to the extent of the part of the premiums paid.

(4) Tax point shall occur with regard to the payer defined under Article 4(2)(b) on the 30th day from the end of a calendar month in which the costs of insurance were transferred to the payer.

(5) Where the payer that applies the tax point in accordance with paragraph 1(a) decides for the tax point as referred to in paragraph 1(b) or (c), the payment of premiums received by the payer after the change of the tax point determination method shall be governed by the tax point in accordance with paragraph 1(a), if the premiums were prescribed or due before the change of the tax point determination and the payment of premiums had not been received until that date.

(6) Where the payer that applies the tax point determination method in accordance with paragraph 1(b) or (c) decides to apply tax point determined in accordance with paragraph 1(a), the prescript of premiums receivable or requesting payment of premiums after the change of the tax point determination method shall be governed by the tax point determination method in accordance with paragraph 1(b) or (c), if the payment of premiums, or a part thereof, was received by the payer before the date of such change.

(7) The date of receipt of premium in accordance with paragraph 1(a) means the date when the payment of premiums receivable is credited to the account. The date of payment of premiums, or a part thereof, in accordance with paragraph 3 means the day when the payment is debited from the payer's account or the day when the payer's obligation ceased to exist in other manner.

Article 6

**Tax Base**

(1) Where the tax point occurs as referred to in Article 5(1)(a), the tax base corresponds to the amount of the premiums received less the tax; where the premiums are paid in instalments, the tax base corresponds to the amount of the instalment of premiums received less the tax.

(2) Where the tax point occurs as referred to in Article 5(1)(b), the tax base corresponds to the amount prescribed within the premiums receivable less the tax.

(3) Where the tax point occurs as referred to in Article 5(1)(c), the tax base corresponds to the amount of the premiums due less the tax.

(4) Where the tax point occurs as referred to in Article 5(3), the tax base corresponds to the amount of the premiums paid.

(5) Where the tax point occurs as referred to in Article 5(4), the tax base corresponds to the amount of the transferred costs of insurance.

Article 7

**Tax Base and Tax Corrections**

(1) A payer defined under Article 4(1) or (2)(a) shall correct the tax base and the tax, if the premium, or a part thereof, is increased, reduced, or the insurance is cancelled after the end of the tax period in which the tax point occurred.

(2) A payer defined under Article 4(2)(b) shall correct the tax base and the tax, if the amount of transferred costs of insurance are increased or reduced after the end of the tax period in which the tax point occurred.

(3) Tax base and tax corrections shall be entered in the tax return for the tax period in which the event under paragraph 1 or 2 occurred.

Article 8

**Tax Rate**

The tax rate imposed on the tax base amounts to

a) 8% applicable to the insurance specified in Annex 1, except of the tax rate applicable to the insurance under b);

b) 0% applicable to the insurance specified in letter a) of point ten of Annex 1.

Article 9

**Conversions and Rounding**

(1) Where the premiums are paid in a currency other than the Euro, the premiums shall be, for the purposes of tax base calculation, converted to Euro applying the referential exchange rate determined and announced by the European Central Bank or by the National Bank of Slovakia7) valid on

a) the last day of the tax period or on the next day, where such rate is not determined and announced on the last day of the tax period; or

b) on the day as referred to in special regulation.8)

(2) Payer may choose to apply the premiums conversion in accordance with the paragraph 1(a) or (b); such choice shall remain binding during the entire calendar year.

(3) In the event of tax base and tax corrections as referred to in Article 7, the rate used at the tax point date shall be used.

(4) The tax calculated shall be rounded down to the nearest cent for amounts up to EUR 0.005 and up for amount equal to or higher than EUR 0.005.

Article 10

**Tax Period, Tax Return, and Due Date**

(1) The tax period is a calendar quarter.

(2) Payer is obligated to file a tax return by the end of the calendar month after the end of the tax period. Payer is not obligated to file a tax return, if it did not become obliged during the tax period to pay due tax or if the obligation referred to in Article 7(1) and (2) was not incurred.

(3) Payer is obliged to file a tax return by electronic means in a manner set forth in a special regulation.9)

(4) Payer that becomes obligated to file a tax return and that was not allocated a tax registration number shall register for tax no later than in five days after the end of the tax period for which tax return is to be filed. The tax authority shall issue a certificate of tax registration to the payer, allocate a tax registration number, and inform the payer thereof along with the account number of the tax administration in ten days from filing the application for registration.

(5) If the insurance company or an insurance company from other member state has a branch or several branches in the Slovak Republic or in other member state, the payer shall also include in the tax return the data concerning the tax liability in the Slovak Republic which concern such branches.

(6) The data in the tax return shall be rounded down to the nearest cent for amounts up to EUR 0.005 and up for amount equal to or higher than EUR 0.005.

(7) The tax shall be due and payable until the end of the calendar month after the end of the tax period.

Article 11

**Record Keeping and Archiving**

(1) Payer is obligated to keep records by individual tax periods to the extent necessary for correct tax assessment. The records particularly contain

a) policy holder's name, surname and the address of habitual residence, or trade name and address of the registered office or establishment;

b) insurer's trade name and address of the registered office or branch;

c) insurance policy number;

d) premium amount;

e) tax base;

f) amount of tax;

g) tax rate;

h) information about location of the insurance risk in the Slovak Republic.

(2) Payer is obligated to archive the records under paragraph 1 at least until expiry of the right to assess tax in accordance with special regulation.10)

(3) At the request by tax administration, Payer is obligated to deliver the records referred to in paragraph 1 by electronic means in a manner as provided in special regulation.9)

Article 12

Tax administration shall be governed by the provisions of special regulation,11) save as otherwise provided in Article 10(3) and Article 11(3) hereunder.

**Transitional and Final Provisions**

Article 13

(1) The tax shall be applied if the insurance term starts after 31 December 2018 and

a) the payment of premium, or a part thereof, is received by the payer after 31 December 2018 at the earliest, where the tax liability arises in accordance with Article 5(1)(a);

b) the premium is prescribed after 31 December 2018 and the payment of the premium, or a part thereof, is received after 31 December 2018, where the payer chooses to apply tax point in accordance with Article 5(1)(b);

c) the premium is due and payable after 31 December 2018 and the payment of the premium, or a part thereof, is received after 31 December 2018, where the payer chooses to apply tax point in accordance with Article 5(1)(c);

d) payment of the premium, or a part thereof, is made by the payer in accordance with Article 4(2)(a) after 31 December 2018 at the earliest;

e) the transferred costs of insurance are transferred to the payer in accordance with Article 4(2)(b) after 31 December 2018 at the earliest.

(2) For the purposes of paragraph 1, insurance period means the period to which the payment of premiums, or a part thereof, applies.

(3) Insurer that has become obligated to deduct a part of premiums from non-life insurance sectors shall become a tax entity registered for tax effective as of the effective date of this Act. Where the insurer referred to in the first sentence does not have a tax registration number, the tax authority shall issue a certificate of tax registration for such insurer, assign to, and inform, the insurer of the tax registration number no later than on 28 February 2019.

Article 14

This Act transposes legal acts of the European Union listed in Annex 2.

Section II

Act No. 40/1964 Coll. Civil Code as amended by Act No. 35/1965 Coll., Act No. 58/1969 Coll., Act No. 131/1982 Coll., Act No. 94/1988 Coll., Act No. 188/1988 Coll., Act No. 87/1990 Coll., Act No. 105/1990 Coll., Act No. 116/1990 Coll., Act No. 87/1991 Coll., Act No. 509/1991 Coll., Act No. 264/1992 Coll., Act No. 278/1993 Coll. of the National Council of the Slovak Republic, Act No. 249/1994 Coll. of the National Council of the Slovak Republic, Act No. 153/1997 Coll., Act No. 211/1997 Coll., Act No. 252/1999 Coll., Act No. 218/2000 Coll., Act No. 261/2001 Coll., Act No. 281/2001 Coll., Act No. 23/2002 Coll., Act No. 34/2002 Coll., Act No. 95/2002 Coll., Act No. 184/2002 Coll., Act No. 215/2002 Coll., Act No. 526/2002 Coll., Act No. 504/2003 Coll., Act No. 515/2003 Coll., Act No. 150/2004 Coll., Act No. 404/2004 Coll., Act No. 635/2004 Coll., Act No. 171/2005 Coll., Act No. 266/2005 Coll., Act No. 336/2005 Coll., Act No. 118/2006 Coll., Act No. 188/2006 Coll., Act No. 84/2007 Coll., Act No. 335/2007 Coll., Act No. 568/2007 Coll., Act No. 214/2008 Coll., Act No. 379/2008 Coll., Act No. 477/2008 Coll., Act No. 186/2009 Coll., Act No. 575/2009 Coll., Act No. 129/2010 Coll., Act No. 546/2010 Coll., Act No. 130/2011 Coll., Act No. 161/2011 Coll., Act No. 69/2012 Coll., Act No. 180/2013 Coll., Act No. 102/2014 Coll., Act No. 106/2014 Coll., Act No. 335/2014 Coll., Act No. 39/2015 Coll., Act No. 117/2015 Coll., Act No. 239/2015 Coll., Act No. 273/2015 Coll., Act No. 438/2015 Coll., Act No. 91/2016 Coll., Act No. 125/2016 Coll. and by Act No. 170/2018 Coll. shall be amended and supplemented as follows:

1. The Article 797 shall be amended to include a paragraph 4 which shall read as follows:

"(4) Where insurer refused to pay, even if partially, the insurer must give the reasons for such refusal or reduction of payment, and the insurer may not thereafter change such reason.".

2. The following sentence shall be inserted at the end of paragraph 3 of Article 799: "During the term of the insurance contract, insurer may not reduce the benefit out of the insurance contract due to the reason that the premium was not paid in a proper and timely manner.".

3. The following sentence shall be inserted at the end of paragraph 1 of Article 800: "Where the amount of premium was changed and the insurer failed to advise the amount of premium to the person who concluded the insurance contract with the insurer no later than ten weeks before expiry of the insurance period, the period under the first sentence shall not be applied.".

4. The following sentences shall be inserted at the end of paragraph 2 of Article 801: "Insurer is requested to serve the call referred to in the first sentence in one month from the premium due date. If the call referred to in the previous sentence is not served, the insurance shall cease to exist, if the premium was not paid in three months from the due date.".

5. The following sentence shall be inserted at the end of paragraph 1 of Article 803: "Where the insurance ceased to exist for reason referred to in Article 801(1) or Article 801(2), the amount of premium that the insurer is entitled to receive shall be determined based on the premium for the previous period.".

6. Head Twenty Three shall be inserted after Head Twenty Two as follows:

"HEAD TWENTY THREE

TRANSITIONAL PROVISIONS TO THE REGULATIONS EFFECTIVE AS OF 1 OCTOBER 2018

Article 879u

The provisions of Article 797(4), Article 799(3), Article 800(1), Article 801(2) and Article 803(1) in version effective as of 1 October 2018 shall be applied for the first time as of 1 October 2018.".

Section III

Act No. 431/2002 Coll. on accounting as amended by Act No. 562/2003 Coll., Act No. 561/2004 Coll., Act No. 518/2005 Coll., Act No. 688/2006 Coll., Act No. 198/2007 Coll., Act No. 540/2007 Coll., Act No. 621/2007 Coll., Act No. 378/2008 Coll., Act No. 465/2008 Coll., Act No. 567/2008 Coll., Act No. 61/2009 Coll., Act No. 492/2009 Coll., Act No. 504/2009 Coll., Act No. 486/2010 Coll., Act No. 547/2011 Coll., Act No. 440/2012 Coll., Act No. 352/2013 Coll., Act No. 463/2013 Coll., Act No. 333/2014 Coll., Act No. 130/2015 Coll., Act No. 423/2015 Coll., Act No. 125/2016 Coll., Act No. 264/2017 Coll. and by Act No. 275/2017 Coll. shall be amended and supplemented as follows:

1. Article 24 shall be amended to include a new paragraph 10 as follows:

"(10) Virtual currency shall be converted by the accounting entity to Euro on the date of accounting transaction implementation in accordance with Article 25(1)(h). Article 4(7) shall apply *mutatis mutandis* to the virtual currency.".

2. Paragraph 1 of Article 25 shall be amended to include a new letter h) as follows:

"h) assets and liabilities appraised at real value pursuant to Article 27(13) include:

1. virtual currency gained for consideration;

2. virtual currency gained by mining on the date of exchange for other asset or service;

3. service and an asset acquired in exchange for virtual currency, with the exception of funds and duty stamps appraised with face values;

4. virtual currency gained in exchange for other virtual currency.".

3. The words "virtual currency" shall be inserted behind the word "being" in the first sentence of Article 25(5).

4. Article 27 shall be amended to include a new paragraph 13 as follows:

"(13) Real value of virtual currency means the market value on the date of appraisal in accordance with Article 24(1)(a) determined in a manner selected by the accounting entity from the selected public market with virtual currency. Throughout the accounting period, the accounting entity shall apply the same method of real value determination to the relevant virtual currency.".

5. Article 39q shall be shall be inserted behind Art. 39p as follows:

"Article 39q

**Transitional Provision to the Regulations Effective as of 1 October 2018**

The provisions of Article 24(10), Article 25(1)(h) and Article 27(13) shall be applied for the first time to the appraisal of assets and liabilities at the time of financial statement compilation for the accounting period ended on 1 October 2018.".

Section IV

Act No. 595/2003 Coll. on income tax as amended by Act No. 43/2004 Coll., Act No. 177/2004 Coll., Act No. 191/2004 Coll., Act No. 391/2004 Coll., Act No. 538/2004 Coll., Act No. 539/2004 Coll., Act No. 659/2004 Coll., Act No. 68/2005 Coll., Act No. 314/2005 Coll., Act No. 534/2005 Coll., Act No. 660/2005 Coll., Act No. 688/2006 Coll., Act No. 76/2007 Coll., Act No. 209/2007 Coll., Act No. 519/2007 Coll., Act No. 530/2007 Coll., Act No. 561/2007 Coll., Act No. 621/2007 Coll., Act No. 653/2007 Coll., Act No. 168/2008 Coll., Act No. 465/2008 Coll., Act No. 514/2008 Coll., Act No. 563/2008 Coll., Act No. 567/2008 Coll., Act No. 60/2009 Coll., Act No. 184/2009 Coll., Act No. 185/2009 Coll., Act No. 504/2009 Coll., Act No. 563/2009 Coll., Act No. 374/2010 Coll., Act No. 548/2010 Coll., Act No. 129/2011 Coll., Act No. 231/2011 Coll., Act No. 250/2011 Coll., Act No. 331/2011 Coll., Act No. 362/2011 Coll., Act No. 406/2011 Coll., Act No. 547/2011 Coll., Act No. 548/2011 Coll., Act No. 69/2012 Coll., Resolution No. 188/2012 Coll.of the Constitutional Court of the Slovak Republic, Act No. 189/2012 Coll., Act No. 252/2012 Coll., Act No. 288/2012 Coll., Act No. 395/2012 Coll., Act No. 70/2013 Coll., Act No. 135/2013 Coll., Act No. 318/2013 Coll., Act No. 463/2013 Coll., Act No. 180/2014 Coll., Act No. 183/2014 Coll., Act No. 333/2014 Coll., Act No. 364/2014 Coll., Act No. 371/2014 Coll., Act No. 25/2015 Coll., Act No. 61/2015 Coll., Act No. 62/2015 Coll., Act No. 79/2015 Coll., Act No. 140/2015 Coll., Act No. 176/2015 Coll., Act No. 253/2015 Coll., Act No. 361/2015 Coll., Act No. 375/2015 Coll., Act No. 378/2015 Coll., Act No. 389/2015 Coll., Act No. 437/2015 Coll., Act No. 440/2015 Coll., Act No. 341/2016 Coll., Act No. 264/2017 Coll., Act No. 279/2017 Coll., Act No. 335/2017 Coll., Act No. 344/2017 Coll., Act No. 57/2018 Coll., Act No. 63/2018 Coll., Act No. 112/2018 Coll. and by Act No. 209/2018 Coll. shall be amended and supplemented as follows:

1. Section 2 shall be amended to include letter ai) as follows:

"ai) the term "sale of virtual currency" shall mean the exchange of virtual currency for an asset, exchange of virtual currency for other virtual currency, exchange of virtual currency for provision of a service or transfer of virtual currency for consideration.".

2. Paragraph 1 of Section 8 shall be amended to include a new letter t) as follows:

"t) income from the sale of virtual currency.".

3. Section 8 shall be amended to include a new paragraph 17 as follows:

"(17) Income referred to in paragraph 1(t) from the sale of virtual currency gained by mining shall be included in the tax base (partial tax base) in the tax period when such virtual currency was sold. The tax base (partial tax base) includes income from the sale of virtual currency earned at the exchange of virtual currency for an asset, at the exchange of virtual currency for other virtual currency, or at the exchange of virtual currency for a service applying the appraisal method referred to in Section 17(43). Where the asset giving rise to the income referred to in paragraphs 1 and 2 is acquired by exchange for virtual currency, the method applied to the appraisal of the expenses used to earn such income shall be as referred to in Section 25d(1).".

4. Paragraph 3 of Section 17 shall be amended to include new letters n) and o) as follows:

"n) income (yield) from virtual currency gained by mining in the tax period when it was mined; such income (yield) shall be included in the tax base in the tax period when the virtual currency was sold;

o) amount equalling the difference between the real value77ba) and the input price referred to in Section 25b(1)(a) at the virtual currency obtained by purchase.".

The footnote 77ba shall read as follows:

"77ba) Section 25(1)(h) Point One and Section 27(13) of Act No. 431/2002 Coll. as amended by Act No. 213/2018 Coll.".

5. Paragraph 19 of Section 17 shall be amended to include a new letter j) as follows:

"j) insurance tax paid by the policy holder and insurance tax on the transferred costs of insurance pursuant to special regulation. 79e)".

The footnote 79e shall read as follows:

“79e) Act No. 213/2018 Coll. on insurance tax and on amendments and supplements to certain acts.”.

6. Section 17 shall be amended to include a new paragraph 43 as follows:

"(43) The tax base includes the income from the sale of virtual currency earned at the exchange of virtual currency for an asset, at the exchange of virtual currency for other virtual currency, or at the exchange of virtual currency for a service in the tax period in which such exchange occurs, applying the appraisal method for the virtual currency based on the real value80acc) on the date of exchange.".

The footnote 80acc shall read as follows:

"80acc) Section 27(13) Act No. 431/2002 Coll., as amended by No. 213/2018 Coll.".

7. Paragraph 2 of Section 19 shall be amended to include a new letter v) as follows:

"v) expenses (costs) equal to the aggregate of input values of virtual currencies under Section 25b in the tax period, in which they are sold, up to the aggregate proceeds from the sale thereof.".

8. A new Article 25b shall be inserted behind Article 25a as follows:

Article 25b

(1) Input value of virtual currency means

a) acquisition price118) where the virtual currency is acquired by purchase;

b) real value119b) where the virtual currency is acquired in exchange for other virtual currency.

(2) Input value of an asset and a service acquired by exchange for virtual currency on the date of such exchange is the real value119) of the virtual currency.".

The footnotes to references 119b and 119c read as follows:

"119b) Section 25(1)(h) Point Four and Section 27(13) of Act No. 431/2002 Coll. as amended by Act No. 213/2018 Coll.

119c) Section 25(1)(h) Point Three and Section 27(13) of Act No. 431/2002 Coll. as amended by Act No. 213/2018 Coll."

9. A new Section 52zs shall be inserted behind Section 52zr as follows:

"Section 52zn

**Transitional Provision to the Regulations Effective as of 1 October 2018**

The provisions of Article 2(ai), Article 8(1)(t) and (17), Article 17(3)(n) and (o) and (43), Article 19(2)(v) and Article 25b shall be applied for the first time at filing a tax return after 30 September 2018.".

SECTION V

Act No. 563/2009 Coll. on tax administration (Tax Procedure Code) and on amendments and supplements to certain acts as amended by Act No. 331/2011 Coll., Act No. 332/2011 Coll., Act No. 384/2011 Coll., Act No. 546/2011 Coll., Act No. 69/2012 Coll., Act No. 91/2012 Coll., Act No. 235/2012 Coll., Act No. 246/2012 Coll., Act No. 440/2012 Coll., Act No. 218/2013 Coll., Act No. 435/2013 Coll., Act No. 213/2014 Coll., Act No. 218/2014 Coll., Act No. 333/2014 Coll., Act No. 361/2014 Coll., Act No. 130/2015 Coll., Act No. 176/2015 Coll., Act No. 252/2015 Coll., Act No. 269/2015 Coll., Act No. 393/2015 Coll., Act No. 447/2015 Coll., Act No. 125/2016 Coll., Act No. 298/2016 Coll., Act No. 339/2016 Coll., Act No. 267/2017 Coll., Act No. 344/2017 Coll. and by Act No. 177/2018 Coll. shall be amended and supplemented as follows:

The following citation shall be added at the end of the footnote to the reference 1: “Act No. 213/2018 Coll. on insurance tax and on amendments and supplements to certain acts.”.

Section V

Act No. 39/2015 Coll. on insurance and on amendments and supplements to certain acts as amended by Act No. 359/2015 Coll., Act No. 437/2015 Coll., Act No. 125/2016 Coll., Act No. 292/2016 Coll., Act No. 339/2016 Coll., Act No. 282/2017 Coll., Act No. 18/2018 Coll., Act No. 109/2018 Coll. and by Act No. 177/2018 Coll. shall be amended and supplemented as follows:

1. Article 68 shall be deleted.

2. A new Article 205a shall be inserted behind Article 205 as follows:

"Article 205a

**Transitional Provisions to the Regulations Effective as of 1 January 2019**

(1) Insurance company, insurance company from other member state and a branch of a foreign insurance company are, effective as of 31 January 2019, requested to deduct a part of the premium from non-life insurance sectors referred to in Article 68a(1) in version effective until 31 December 2018 for December 2018 to a special revenue account of the Tax Authority for the selected tax entities; provisions of Article 68a(2) through (4) in version effective until 31 December 2018 shall be applied equally.

(2) Insurance company, insurance company from other member state and a branch of a foreign insurance company are requested to deduct, from insurance contracts the insurance period of which started running before 1 January 2019 and which contracts were subject to the obligation to deduct a part of premium from non-life insurance sectors referred to in Article 68a in version effective until 31 December 2018, a part of premium from non-life insurance sectors referred to in Article 68a in version effective until 31 December 2018 until the beginning of the next insurance period.

Section VII

This Act shall enter into force on 1 October 2018, with the exception of Section I, paragraph five of Section IV, Section V and Section VI which shall enter into force on 1 January 2019.

**Andrej Kiska, signed by his own hand**

**Andrej Danko, signed by his own hand**

**Peter Pellegrini, signed by his own hand**

**ANNEX 1**

**INSURANCE SECTORS OF NON-LIFE INSURANCE**

1. Accident insurance (including industrial accidents and industrial diseases)

a) fixed monetary indemnity;

b) with benefit with the nature of damages;

c) with combined benefit;

d) for travellers;

e) individual health insurance.

2. Disease insurance

a) fixed monetary indemnity;

b) with benefit with the nature of damages;

c) with combined benefit;

d) individual health insurance.

3. Insurance of damages to means of land transport other than rail transport

a) motor transport vehicles;

b) non-motor transport vehicles.

4. Insurance of damages to means of rail transport.

5. Insurance of damages to air planes.

6. Insurance of damages to means of water transport.

a) means of river and channel transport;

b) means of lake transport;

c) means of sea transport;

7. Insurance of goods in transport including luggage and other assets irrespective of the transport means used.

8. Insurance of damages to property other than the property listed under points three through seven, caused by

a) fire;

b) explosion;

c) wind storm;

d) natural elements other than wind storm;

e) nuclear energy;

f) land slide and subsidence.

9. Insurance of other damages to other property than the property listed under points three through seven, caused by hailstorm or frost, or by other causes, such as theft, unless included in point eight.

10. Liability insurance

a) for damage caused by operation of a motor vehicle;

b) of a carrier.

11. Liability insurance for damage caused by operation of an air plane including carrier's liability.

12. Liability insurance for damage caused by operation of a means of river, channel, lake or sea transport including carrier's liability.

13. General liability insurance for damage other than those listed under points 10 through 12.

14. Loan insurance

a) general insolvency;

b) export loan;

c) instalment loan;

d) mortgage loan;

e) agricultural loan.

15. Insurance of guarantee

a) direct guarantees;

b) indirect guarantees.

16. Insurance of various financial losses resulting from

a) occupation;

b) insufficient income;

c) bad weather conditions;

d) loss of profit;

e) permanent general costs;

f) unexpected commercial costs;

g) value at risk;

h) loss of source of regular income;

i) other indirect commercial financial loss;

j) other financial losses, other than the commercial ones;

k) other financial losses.

17. Legal expenses insurance.

18. Assistance services.

**ANNEX 2**

**LIST OF TRANSPOSED BINDING LEGAL ACTS OF THE EUROPEAN UNION**

Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (recast) (OJ L 335, 17.12.2009) as amended by Directive 2011/89/EU of the European Parliament and of the Council of 16 November 2011 (OJ L 326, 8.12.2011), as amended by Directive 2012/23/EU of the European Parliament and of the Council of 12 September 2012 (OJ L 249, 14.9.2012), as amended by Directive 2013/23/EU of the Council of 13 May 2013 (OJ L 158, 10.6.2013), as amended by Directive 2013/58/EU of the European Parliament and of the Council of 11 December 2013 (OJ L 341, 18.12.2013), as amended by Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 (OJ L 153, 22.5.2014), as amended by Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 (OJ L 354, 23.12.2016).

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1) Article 4(1) and (2) of Act No. 39/2015 Coll. on insurance and on amendments and supplements of certain acts.

2) Article 4(3) and (4) of Act No. 39/2015 Coll.

3) Article 4(6) of Act No. 39/2015 Coll.

4) Article 4(5) of Act No. 39/2015 Coll.

5) Article 20(1) of Act No. 381/2001 Coll. on compulsory contractual motor vehicle third party liability insurance and on amendments to certain acts.

6) Article 1(1) of Act No. 80/1997 Coll. on the Export-Import Bank of the Slovak Republic

7) Article 219(1) through (3) of the Treaty on the Functioning of the European Union (OJ C 202, 7.6.2016) as amended.

Article 12(12.1) of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank (OJ C 202, 7.6.2016) as amended.

Article 28(2) of the Act No. 566/1992 Coll. of the Slovak National Council on the National Bank of Slovakia as amended by Act No. 659/2007 Coll.

8) Article 24(2)(a) of Act No. 431/2002 Coll. on accounting as amended.

9) Article 13(5) of Act No. 563/2009 Coll. on tax administration (Tax Procedure Code) and on amendments and supplements to certain acts.

10) Article 69 of Act No. 563/2009 Coll. as amended by Act No. 440/2012 Coll.

11) Act No. 563/2009 Coll. as amended.