

19. December 2019

LOSS OF SHAREHOLDER LOANS - TAX-RELEVANT OR NOT?

THE TAX RECOGNITION OF LOSSES FROM SHAREHOLDER LOANS HAS SIGNIFICANTLY CHANGED OVER THE PAST FEW YEARS. WHILE THE FEDERAL COURT OF FINANCE [*BUNDESFINANZHOF* - *BFH*] INITIALLY ASSUMED THAT SUCH LOSSES COULD BE PARTIALLY DEDUCTED AS SUBSEQUENT ACQUISITION COSTS IF CERTAIN CONDITIONS WERE MET, IT ALLOWED FULL DEDUCTION FROM CAPITAL INCOME IN 2017 WITH TWO JUDGMENTS. THE LEGISLATOR NOW WANTS TO CHANGE THIS. HOWEVER, IT IS GOOD FOR THE TAXPAYER THAT THE BFH HAS GIVEN CONSENT TO SOME LEGAL STRUCTURINGS SURROUNDING SHAREHOLDER LOANS. ([more...](#))