

**Dear customers and business partners,**

**We are pleased to provide you with the July 2021 edition of our newsletter, which informs you about recent changes in tax law, finance, accounting and auditing. Furthermore, it is always worthwhile visiting our homepage, where we continuously publish professional service news and provide you with additional helpful information ([www.brag.ch](http://www.brag.ch)).**

### **Coronavirus: Period of validity of the Corona income replacement will be extended**

The legal basis for the Corona income replacement is now valid until 31 December 2021 instead of 30 June. The registration deadline for receiving benefits has been set to 31 March 2022. Furthermore, as of 1 July 2021, the amounts of future compensation under the Corona income replacement scheme can be calculated on the basis of the income according to the 2019 tax assessment. *(Source: Federal Social Insurance Office)*

### **Rental income taxable even without cash flow**

The shareholder of a limited liability company had to answer to the Federal Supreme Court. His limited liability company rented a property owned by him and paid a rent of around CHF 60,000 per year. Although no money flowed and the rent was offset against a shareholder account, the shareholder must pay tax on the amount as income from immovable assets. *(Source: BGE 2C\_886/2020 of 23.11.2020)*

### **Equal pay: The Confederation expands its analysis tool for smaller companies**

With immediate effect, the Confederation is providing an online analysis tool for smaller companies and organisations free of charge to check equal pay. With Logib Module 2, employers with fewer than 50 employees can easily and independently check their wage practices. In this way, the Confederation is creating the basis for all Swiss employers to implement the constitutional right to equal pay for work of equal value. *(Source: Federal Office for Gender Equality)*

### **What if the share register is wrong?**

In a judgement, the Commercial Register Zurich decided that the entry in the share register has no independent significance and that the entry only reflects a decision that has been made. This means that the entry or non-entry of a person in the share register is not necessarily decisive for the answer to the question of whom the company should treat as a shareholder.

If an acquirer can identify himself as a shareholder with a purchase agreement or a certificate, even if he is not entered in the share register, he must be treated as a shareholder. Since the share register is a private register, it is not possible for a shareholder to obtain registration by means of an action. If the non-registered shareholder, who should be registered, has not been treated as a shareholder, he can defend himself against this and, for example, challenge a resolution of the general meeting.

### **Liability of the Board of Directors for misuse of Covid-19 credits**

Companies that have taken out a COVID-19 loan are prohibited from engaging in the following transactions:

- Distributions of dividends and bonuses: This includes "arbitrary" bonus payments to employee-owners. Bonuses that were already agreed in the employment contract before the loan was taken out are permitted.
- Reimbursement of capital contributions.
- Granting of asset loans or refinancing of personal and shareholder loans structured as asset loans. Only loans that were already contractually agreed before the COVID-19 loan was taken out may be granted.
- Capital reduction with cash outflow.
- Transfer of secured credit limits to affiliated companies domiciled abroad.

If one or more of these transactions have occurred, they must be reversed immediately. The Board of Directors is personally and jointly liable for the damage. In addition, a fine of up to 100,000 Swiss francs shall be imposed on anyone who intentionally obtains a loan with false information or uses the loan improperly.

Kind regards,

Your BRAG / Contrast Team