

2026

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Taxpayers' obligations in relation to the top-up tax in 2026



INTRODUCTION

In 2026, companies in the Slovak Republic will file a **top-up tax return** for the first time and fulfil other obligations towards the tax authorities arising from Act No. 507/2023 Coll. on Top-up Tax to ensure a minimum level of taxation for multinational enterprise groups and large-scale domestic groups and amending Act No. 563/2009 Coll. on Tax Administration (Tax Code) and amending certain Acts, as amended (hereinafter referred to as the "Act on the Top-up Tax").

The following overview summarizes which companies are subject to the top-up tax, what obligations arise from this, and what needs to be prepared in advance.

Scope of application

The Act on the Top-up Tax applies to so-called constituent entities (legal entities or legal arrangements) located in the Slovak Republic if they are members of a group whose revenues in the consolidated financial statements of the ultimate parent entity reach at least EUR 750 million in at least two of the four fiscal years immediately preceding the tested fiscal year. The scope of the Act also includes joint ventures and their affiliated entities established in the Slovak Republic, if they are part of such a group.

The ultimate parent entity of the group is an entity that has a (direct or indirect) controlling interest in another entity and in which no other entity has a (direct or indirect) controlling interest. Given that a permanent establishment is considered a separate constituent entity for the purposes of the top-up tax, a group may also be formed by an entity (main entity) that is not a member of any other group if it has one or more permanent establishments. In this case, the main entity is also the ultimate parent entity.

Tax period/ fiscal year

The tax period and the fiscal year for the purposes of the top-up tax is the accounting period for which the ultimate parent entity of a multinational group of companies or a large-scale domestic group prepares consolidated financial statements.

Application of rules at the jurisdiction level

A key element in the application of the rules for the top-up tax, including any exemptions, is the calculation at the jurisdiction level. This approach means that the effective tax rate and the top-up tax are not calculated individually for each entity in the group, but jointly for all entities in the group located in the Slovak Republic.

If a group has more than one entity in the Slovak Republic, it is necessary to ensure coordination of joint calculations. If the effective tax rate calculated in accordance with the provisions of the Act on the Top-up Tax does not reach the minimum level of 15%, the entities will be obliged to "top up" the difference and will incur a tax liability for top-up tax.

Application of exemptions from the calculation of the top-up tax

The Act on the Top-up Tax stipulates exemptions, upon fulfilment of which the tax liability of entities to the top-up tax is considered zero. The purpose of these exemptions is to reduce the administrative burden in cases where, based on financial indicators (*de minimis exclusion*) or data provided in the country-by-country report (*CbCR*) submitted by the group, it can be assumed that the entity will not incur a tax liability for the top-up tax. However, the application of exemptions is subject to the fulfilment of precisely defined conditions and, in some cases, also to decisions made in previous tax periods.

Submissions and deadlines

Every taxpayer within the scope of the Act on the Top-up Tax is required to submit to the tax authorities within **15 months** of the end of the tax period (or *within 18 months of the end of the tax period in which the constituent entities first fall within the scope of the Act on the Top-up Tax*) two submissions:

a) a top-up tax information return ("GloBE report"), except in cases where:

- entities in the Slovak Republic authorize only one of them (a designated local entity) to submit it,
- the return is submitted for the entire group by the ultimate parent entity or another authorized member of the group (designated filing entity) in a country with which the Slovak Republic participates in the exchange of tax information,

b) a top-up tax return, even if the entity's top-up tax is zero or is considered zero due to the application of exemptions from the calculation of the top-up tax.

From 1 January 2026, all EU Member States will be involved in the exchange of GloBE reports. The list of third countries involved in the exchange of information is regularly updated at this [link](#).

Please note that when filing a GloBE report centrally abroad, the taxpayer is **required to notify the tax administrator of this fact**. The deadline for submitting this notification coincides with the deadline for submitting the GloBE report and the tax top-up tax return.

Given that the tax period for the top-up tax corresponds to the fiscal year for which the parent entity of the group prepares its consolidated financial statements, the statutory deadlines for filing with the tax authorities are not tied to the fiscal year of the entity in the Slovak Republic.

Example: If the ultimate parent entity prepared consolidated financial statements for an fiscal year corresponding to the calendar year 2024, the deadline for all filings relating to the top-up tax for the first tax period is 30 June 2026 (i.e. 18 months after 31 December 2024).

Accounting for top-up tax

Entities that use double-entry accounting are required to account for top-up tax in the same way as income tax in the period to which it relates in terms of time and substance. In certain cases, information on top-up tax is also disclosed in the notes to the financial statements.

Example: If the fiscal year for which the top-up tax is calculated ended on 31 December 2025 and the constituent entity incurred a tax liability, it will account for the top-up tax as income tax payable in the 2025 fiscal year, i.e. not in the period in which it will file its tax return.

If you have any further questions or need assistance with filing with the tax authorities, please contact us.

If you have any further questions or need additional information, feel free to contact us at the following email address

tax@bpsgroup.sk →

* **Please note that the above information is of a general and informative nature and should be interpreted within a broader legislative context.** For specific cases, we recommend requesting an individual opinion. We do not accept responsibility for any actions taken based on the information provided.