

Measures to combat the coronavirus pandemic in the field of tax law

Abstract

On March 11, 2020, the World Health Organization declared a pandemic in relation to the worldwide spread of SARS-CoV-2, a member of the coronavirus family. A few days later, the Czech Republic responded to the situation by declaring an emergency status. Throughout the duration of the coronavirus pandemic, a number of measures were taken in diverse areas of law to influence or mitigate the effects of the coronavirus pandemic. One of these areas was the field of tax law. Therefore, the subject of this thesis is the measures to combat the coronavirus pandemic in the field of tax law. With regard to the number of measures adopted, I am focusing on two selected measures that have been adopted under Act No. 609/2020 Coll. amending certain tax law and certain other laws („the tax package“), namely the introduction of a progressive tax rate and the abolition of super-gross salary as a partial base of the employment income tax.

The aim of this thesis is to describe the most important measures in the field of tax law and to critically assess whether the introduction of a progressive tax rate and the abolition of super-gross salary as the partial base of the employment income tax are measures to combat the coronavirus pandemic in the field of tax law in material terms.

The thesis consists of three sections. In the first section of my paper, I look at the theoretical delineation of the fundamental terms – coronavirus pandemic, measures and tax law. Based on the findings learned, I am defining the concept of measures to combat the coronavirus pandemic in the field of tax law.

In the second section of the thesis, I continue by analysing the individual measures, which I divide into legislative and non-legislative, depending on whether they have been adopted as part of the legislative process. The final chapter of this section is devoted to a more detailed analysis of the tax package. It includes a description and assessment of the legislative process, proposed and adopted measures, and an analysis of the judgement of the Constitutional Court Case Pl. ÚS 6/21 including my opinion on the issue.

In the third section, I approach a detailed assessment of the two selected measures coming under the area of the personal income tax. For the first one, the introduction of a progressive tax rate, I define the tax rate, cover the issue of the solidarity surcharge increase and outline the evolution of personal income tax rates in the Czech Republic. With regard to the abolition of the super-gross salary as the partial base of the employment income tax, I begin similarly by theoretically defining the tax base, including the partial tax base and the separate tax base, continue by describing the changes to the partial base of the employment income tax, and end the issue of

the super-gross salary by describing its criticism. I conclude this section by a comprehensive evaluation of these two measures, with the greatest focus on their material nature as measures to combat the coronavirus pandemic in the field of tax law.

Key words: measure, coronavirus pandemic, tax law.