

# The ABCs for a sole proprietor

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# Registration of spouses and social tax

Sole proprietors registered in the commercial register can register their spouse who participates in the business of the sole proprietor in the employment register in the e-MTA, even if the spouse is not in the employment relationship with the sole proprietor, and pay social tax for the spouse ensuring thus social insurance cover to the spouse (health and pension insurance). The sole proprietor registers his or her spouse in the e-MTA with the type of employment "Sole proprietor's spouse with social tax obligation"

The status of a spouse is based on a registered marriage in force. It is irrelevant what tasks the spouse performs. It is possible to perform both the tasks that are directly necessary to generate business income (e.g. herding animals) and those which are ancillary (e.g. the organisation of sole proprietor's accounting). The right to register a spouse extends to all sole proprietors, regardless of the field of activity (except notaries, bailiffs, sworn translators).

Registering a sole proprietor's spouse to obtain insured status is a sole proprietor's right, not an obligation. The law allows sole proprietors and their spouses to decide themselves whether this is necessary or not. Registration of sole proprietors' spouses in the register or deleting them from the register is based on a sole proprietor's decision to provide or terminate insurance cover for a spouse involved in the business. If a sole proprietor registers his or her spouse in the employment register, the sole proprietor is **obliged** to pay social tax for the spouse.

## Registration of sole proprietor's spouse

Sole proprietors registered in the commercial register can **register their spouses who are engaged in their business** in the employment register under the employment type „**Sole proprietor's spouse with the obligation of social tax**".

If a sole proprietor has registered in the commercial register a temporary activity, it is necessary to indicate start and end dates of the activity in the employment register (the same dates as in the commercial register).

If a sole proprietor **suspends business activity in the commercial register**, it is also required to suspend the registration of a spouse as at the same date. The grounds for suspension to be selected is „**Suspension of employment relationship for other reasons**".

If a sole proprietor **terminates business activity in the commercial register**, it is also required to terminate the registration of a spouse in the employment register and the grounds for termination to be selected is „**Other reasons**".

The register entries of sole proprietors' spouses who were registered in the register of taxable persons

on the basis of the application by a sole proprietor, have been transferred into the employment register as of 1 January 2019.

The history of the register entries of sole proprietors' spouses remain in the register of taxable persons as of 31 December 2018.

The health insurance of spouses who have been registered in the employment register under the employment type „Sole proprietor's spouse with the obligation of social tax" is valid from 1 January 2019 on the basis of an entry in the employment register.

## Paying social tax for spouse

### CALCULATION OF SOCIAL TAX

By entering a spouse's data in the employment register, a sole proprietor is liable to pay social tax for the spouse. Sole proprietors calculate the amount of tax payable for their spouse themselves (no tax notices are issued). Social tax is calculated for each calendar month. The calculation of social tax for spouses is based on the monthly rate of social tax. In 2019, the monthly rate was 500 euros – so the amount of one payment is 165 euros per month ( $500 \times 33\%$ ).

Social tax is calculated on a lower amount than the monthly rate if the social tax liability does not arise for a whole month in the following cases:

1. A spouse is entered in the employment register or deleted from the register in a given month, social tax is calculated in proportion to the number of calendar days of being in the register. For example, if the spouse was entered in the register on 21 January, social tax for 11 days in January is  $500/31 \times 11 \times 33\% = 58.55$  euros. When a spouse is removed from the register, social tax must be calculated for the days on which the spouse's data were entered in the register during the month of removal.
2. In a given month, a certificate of incapacity for work is issued to the spouse, social tax is calculated in proportion to the number of calendar days preceding and following the period of incapacity for work. For example, if a certificate of incapacity for work is issued for the period from 3 to 12 September, social tax for September is  $500/30 \times (30 - 10) \times 33\% = 110$  euros.
3. A spouse retires in a given month, social tax is calculated in proportion to the number of calendar days prior to becoming a recipient of the state pension. For example, if the spouse becomes a pensioner from 10 September, social tax for September is  $500/30 \times 9 \times 33\% = 49.50$  euros.
4. If a sole proprietor is not engaged in business, there is no need to pay social tax for the spouse for this period. The reasons for not doing business may be the suspension of business, the temporary

or seasonal nature of the activity as well as the termination of activity. In the month in which the above-mentioned event occurs, social tax is paid in proportion to the number of days of activity. Sole proprietors do not have to send their data to the Tax and Customs Board, the tax authority receives those data from the commercial register. For example, if the sole proprietor's spouse was entered in the register of taxable persons on 6 August and the sole proprietor informs the registrar of the commercial register of the suspension of his activity from 27 August, the sole proprietor calculates social tax for his spouse for 21 days in August, i.e.  $500/31 \times 21 \times 33\% = 111.77$  euros.

#### DECLARATION OF SOCIAL TAX

Sole proprietors have to declare the social tax calculated for their spouse on Form ESD of the tax return, which is submitted to the Estonian Tax and Customs Board by the 10th day of the month following the taxable period (calendar month).

Declaration can be submitted on paper form or entered in the e-services environment [e-MTA](#) under „Tax returns” – „TSD” – „Add a new tax return”, where ESD/year and month should be selected from the drop-down list.

#### PAYMENT OF SOCIAL TAX

The deadline for the payment of social tax for a spouse is the 10th day of the month following the taxable period (calendar month) **(the deadline differs from the sole proprietor's own deadline for advance payment)**.

Social tax is transferred to the bank account of the Estonian Tax and Customs Board, the reference number of the taxable person, i.e. the sole proprietor, is inserted in the field of the payment order reference number.