

Form: Fragebogen zur steuerlichen Erfassung (Registration with German Tax Authorities)

The following step-by-step guide was based on the May 2011 version of the official “Fragebogen zur steuerlichen Erfassung” form for contractors and other small business entrepreneurs. The guide provides a detailed English language interpretation of the questions asked.

How to read this guide:

- Obtain the form “Fragebogen zur steuerlichen Erfassung” form from <http://www.formulare-bfinv.de> or by googling the exact title
- Be sure to check whether you have obtained the May 2011 version (if not, be aware that there may be slight deviations in line numbers, etc.) and that you can choose the field “Aufnahme einer gewerblichen, selbständigen (freiberuflichen) oder Land- und forstwirtschaftlichen Tätigkeit” in line 3 at the top of the form
- Print both the form and this guide and put both print-outs next to each other
- Be prepared to use Google and Google Translate for additional research and interpretation work
- Just like the actual form, the guide works with lines, i.e. line 9 in this guide will correspond to line 9 on the actual form. Naturally, double-checking can't hurt
- Aside from the lines, the guide uses the same section numbering (e.g. section 1.3 on bank information) than the actual form
- The guide was written with a contractor of a start-up company in mind (e.g. your average software developer). Hence, **whenever feasible, fast track advice is provided in bold and blue colored writing (i.e. check this, skip that)**
- If a question does not apply to you leave it blank
- If you are unsure about what box to check, be sure to check with somebody who is fluent in German. If you are still unsure, consider using the services of a tax consultant. If you do, you may still use this guide as a cheat sheet for future interaction with tax professionals

Getting Started

Line 1: Please include the name of the tax authority (Finanzamt) to which you submit this form. To find out the name and location of your Finanzamt search for “Finanzamt” on the webpages of the city you are registered in

Line 2: Please provide your German Steuernummer, i.e. your local tax number. If you do not have one, type “NEU”. Also, please include your Steuernummer in the “Steuernummer” box at the top of each sheet of this form

Line 3: Check „Aufnahme einer gewerblichen, selbständigen (freiberuflichen) oder Land- und forstwirtschaftlichen Tätigkeit“ (you hereby inform the Finanzamt that you want to do work as a contractor /freelancer who is paid upon issuance of an invoice)

Line 4: Ignore this line unless you use this form to declare recently acquired shares in another company. If you do, please ask a tax consultant for advice

Section 1 - General Information About You

1.1 Information about you

Line 5: **Last name, First name**

Line 6: Maiden name

Line 7: **Job description in German language** (heads up: Many contractor jobs require an additional registration of a business (Gewerbe), which goes hand in hand with a lot of additional paperwork and reporting duties. A number of jobs (e.g. interpreter) do not require the registration of a Gewerbe. In order to see if your job belongs to the latter, please Google translate section 18 (1) of the German Income Tax Act (<http://dejure.org/gesetze/ESTG/18.html>) and consult somebody who is fluent in German), Date of birth (DD.MM.YYYY)

Lines 8-10: **Your address:** Street, House number, Additional address information (e.g. apartment number), Zip code, City, Zip code (if P.O. Box), City (if P.O. Box), P.O. Box

Line 11: **German Tax ID (If none enter "NEU")**. The Identifikationsnummer is different from the Steuernummer in Line 2. The Steuernummer is your identification number with your local tax authority. The Identifikationsnummer is your tax identification no matter where you work in Germany), **Church affiliation in Germany** (if you are a member of the Roman-Catholic Church in Germany enter RK, if you are a member of a Protestant Church in Germany enter EV, if you are none of the above enter VD. Heads up: In Germany, you pay church tax according to your church affiliation in Germany)

Line 12: **Phone number:** Country code (International), Area code (Germany), Phone number (Germany)

Line 13: **Fax number:** Country code (International), Area code (Germany), Phone number (Germany)

Line 14: E-Mail address

Line 15: Homepage

Line 16: **Marital status:** Married since (DD.MM.YYYY), Widowed since (DD.MM.YYYY), Divorced since (DD.MM.YYYY), Separated since (DD.MM.YYYY). If you are not/were never married, leave blank

1.2 Information about your spouse (if applicable)

Line 17: Last name, First name

Line 18: Maiden name

Line 19: Spouse's profession (as of today (German language description)), Date of birth (DD.MM.YYYY)

Lines 20-21: Address if different from lines 8 to 9: Street, House number, Additional address information (e.g. apartment number), Zip code, City

Line 22: German Tax ID, Church affiliation in Germany (see line 11)

1.3 Bank information for automatic transactions (by filling out the information in lines 23 to 28 and checking the box in line 45 you consent to all tax claims and returns being automatically taken off/transferred to your bank account. This will keep you from having to pay fines for paying late or running after the Finanzamt to get your money. You may opt for limiting the authorization for automatic transaction to income tax only (check box in line 31) or business taxes only (e.g. VAT) by checking the box in line 38)

Line 23: Account number (German bank account), routing number (German bank account)

Line 24: IBAN (International Bank Account Number) (for non-German accounts)

Line 25: BIC (international bank code) (for non-German accounts)

Line 26: Name of your bank

Line 27: Account holder (if it's your account)

Line 28: Account holder (if it's somebody else's account)

Lines 31-44: See lines 23 to 28

Line 45: **Please check this box if you would like the Finanzamt to automatically collect tax claims from your bank account.** If you check this box you will need to fill out the extra form "Teilnahmeerklärung für das LEV" which essentially asks you for your bank information and an additional signature. Please include the extra form when you submit this form to the Finanzamt

1.4 Information on your tax consultant (if you DO use the services of a tax consultant, they will fill out this entire form for you. Depending on your income it is recommended to pay a tax consultant when you do your first tax declaration. There are so many rules and loopholes in the German tax system that it can really pay off to have one)

1.5 Authorization for receiving mail on all tax-related issues (fill out if you would like somebody else (e.g. your tax consultant) to receive your mail from the German tax authorities)

Line 56: Company name (if authorized entity is a company)

Line 57: Last name, First name

Lines 58-60: Address: Street, House number, Additional address information (e.g. apartment number), Zip code, City, Zip code, City, Zip code (if P.O. Box), City (if P.O. Box), P.O. Box

Line 61: Phone number: Country code (International), Area code (Germany), Phone number (Germany)

Line 62: Fax number: Country code (International), Area code (Germany), Phone number (Germany)

Line 63: E-Mail address

Line 64: Specific authorization: Check "Feststellungs- / Festsetzungs und Erhebungsverfahren" if you want to authorize the person to receive all tax-related mail

1.6 Recent changes in your personal information

Line 65: **If you have moved to Germany/within Germany in the last 12 months put in the date when you registered in the city you now live in**

Lines 66-68: **Previous address:** Street, House number, Additional address information (e.g. apartment number), Zip code, City (and country if you moved from abroad), Zip code (if P.O. Box), City (if P.O. Box), P.O. Box

Line 69: Were you or your spouse registered with the German tax authorities (any Finanzamt) in the past three years? If no, check "Nein". If yes, check "Ja" and include the name of the Finanzamt and your Steuernummer with the Finanzamt (see line 11 above for information on your Steuernummer)

Section 2 – Work Information (i.e. describe what you actually do to make money)

2.1 Job title (very important, please take your time to get this right)

Line 71: **The most important field on this form! Provide the job title of what you want to do.** This field will determine if the Finanzamt requires you to file for registration of a business

(Gewerbe) with the local Gewerbeamt. If this is the case, you will have to do additional paperwork (i.e. filing a Gewerbe and applying for a VAT number with the Finanzamt (which you can do section in 7.9 of this form)) and you have to pay business tax (if you make more than 24,500 Euros). A number of jobs (e.g. interpreter, language teacher) do NOT require you to maintain a Gewerbe and hence come without any additional paperwork and taxes. To see if your job belongs to this group, please Google translate section 18 (1) of the German Income Tax Act (<http://dejure.org/gesetze/ESTG/18.html>) and, if needed, consult somebody who is fluent in German or a tax professional

If you want to teach English or another language write down „Sprachlehrer - Lehren der englischen Sprache“ (Language teacher - teaching the English language), if you are a software developer write “Softwareentwickler” or “Systemsoftwareentwickler” (some contractors have reported that the Finanzamt required them to register a Gewerbe for the former, but not for the latter)

2.2 Business address (If you do NOT operate out of a home office, write down your office address. If you do, please leave skip lines 72 to 81 and the Finanzamt will automatically make your home address your office address)

Line 72: If you operate out of an office other than your home, provide a name for this company location (e.g. “Hauptsitz” for headquarters)

Lines 73-75: Company address: Street, House number, Zip code, City, Zip code (if P.O. Box), P.O. Box and city (if P.O. Box), P.O. Box

Lines 76-77: Management address (if different from above): Street, House number, Zip code, City Contact Information (of the separate office in lines 72-77; if left blank, skip to line 82)

Line 78: Phone number: Country code (International), Area code (Germany), Phone number (Germany)

Line 79: Fax number: Country code (International), Area code (Germany), Phone number (Germany)

Line 80: E-Mail address

Line 81: Company homepage

2.3 Company locations (fill out if you run companies in multiple jurisdictions in Germany. If not, skip to line 101)

Line 91: Does the company maintain locations in more than one jurisdiction (cities, states, counties, etc.) in Germany? (If no, check “Nein” and continue with section 2.4)

Line 92: If yes, check “Ja” and provide name of company location 001 (e.g. “Hauptsitz” for headquarters)

Lines 93-94: Company address: Street, House number, Zip code, City

Line 95: Phone number: Country code (International), Area code (Germany), Phone number (Germany)

Lines 96-99: See instructions for lines 17 to 20

Line 100: If your company maintains more than two locations, please include the same contact details on a separate sheet and check “Gesonderte Aufstellung beigelegt” (separate sheet attached)

2.4 Chamber affiliation (i.e. are you/your company a member of the chamber of commerce?)

Line 101: Are you/your company a member of the local chamber of commerce (IHK)?

2.5 German Trade Register (if are not yet registered just check “Nein” and move on to Line 107)

Lines 102-104: Are you/your company registered in the German Trade Register? If yes, check “Ja” and specify the year of registration in the “seit” box. Also, please attach a copy of your entry in the Trade Register. If no, please check “Nein”

Line 105: If you checked “Ja” in line 102, please provide the name of the district court (Amtsgericht) with which you have filed the application

Line 106: Your registration number with the Amtsgericht

2.6 Legal scenarios regarding your work/your company (this form essentially allows you to choose from four scenarios related to your work/your company. You will most likely fall into the founding scenario. Yet, be sure to check them all)

Lines 107-108: **If it is the first time that you are taking up this type of work/if you are in the process of founding this company, check scenario 1, i.e. “Neugruendung zum”, enter the date (DD.MM.YYYY) on which you start work (heads up: do not date back). Then skip to line 121**

Scenarios 2, 3 and 4 should be rather rare (unlike the first scenario you need to attach proper documentation for these):

- Scenario 2: If you are simply changing locations from another jurisdiction please check “Verlegung zum” and enter the date (DD.MM.YYYY) on which you start operations in the new location
- Scenario 3: If you acquire a company please check “Übernahme (z.B. Kauf, Pacht, Vererbung, Schenkung) zum” and enter the date of acquisition (DD.MM.YYYY)
- Scenario 4: If you merge with another company please check “Umwandlung / Einbringung/ Verschmelzung zum” and enter the date of merging (DD.MM.YYYY)

Lines 109-110: If scenarios 2, 3 or 4 apply to you please include either the name of the former company (line 109) or the name of the person in charge of the former business activity (line 110). If scenario 1 applies, skip to line 121

Line 111: Address: Street, House number, Additional address information (e.g. apartment number), Zip code, City

Line 113: Finanzamt responsible for former company, Company’s Steuernummer with that Finanzamt

Line 114: If available, please include former company’s (German) VAT number

2.7 Previous Business Activity (if you have not yet worked as a contractor in Germany please check “Nein” in line 121 and skip to line 126)

Line 121: If you have NOT yet worked as a contractor in Germany please check “Nein” and skip to line 126. If you have, please check “Ja” and specify the type of work you performed (specify in German language). Continue to fill out lines 122 through 125

Line 122: Specify where (in Germany) you performed this previous work

Line 123: Duration of work (from DD.MM.YYYY to DD.MM.YYYY)

Line 124: Finanzamt responsible for you when performing this previous work, your Steuernummer with that Finanzamt

Line 125: If available, please include your former (German) VAT number

Section 3 – Estimating your Income

3.1 Estimate your Income for the Current Year and the Next Year (If you expect to be solely self-employed (without a Gewerbe), focus on line 128)

Lines 126-130: **Estimate your income (before tax) for both the current year** (two right-hand columns titled “im Jahr der Betriebseröffnung”) **and the following year** (two left-hand columns titled “im Folgejahr”). You need to enter your estimates in the two columns that say „Steuerpflichtiger“ (taxpayer). The other two “Ehegatte” columns are for your spouse, please include as applicable. In the very the left-hand column, estimate your total income for the current year and write that number in line 128 that says „Selbständiger Arbeit“ (self employed labor). The third column from the right is for the following year’s income.

If you or your spouse have other sources of income in the current or the following year please include as applicable:

- Line 126: Income from agricultural work
- Line 127: Income generated through a registered Gewerbe (see section 2.1 above)
- Line 128: Income from self-employed labor (e.g. working as a contractor)
- Line 129: Income from regular employment (e.g. your average 9 to 5)
- Line 130: Income from equity
- Line 131: Income from real estate
- Line 132: Other forms of income

3.2 Estimate your deductions (i.e. expenses which will reduce your taxable income) and tax burden. **If you are unsure about your tax class and future expenses, skip to Line 135.** If you have questions about tax deductible expenses, please consult a tax professional

Line 133: Estimated special expenses (Sonderausgaben)

Line 134: Income tax (Steuerabzugsbeträge)

Section 4 - Determining your taxable income (i.e. your profit)

Lines 135-37: In this section the Finanzamt asks you to know how you would like them to determine your taxable income. Unless you are a farmer you can only choose between „Vermögensvergleich (Bilanz)“, which essentially means that you would have to submit an annual balance sheet, or „Einnahmenüberschussrechnung“ (welcome to Germany! these are three words in one and mean Income Surplus Calculation). **For contractors it is recommended to check**

“Einnahmenüberschussrechnung”. This means that at the end of the year you tell the Finanzamt your total income and your total expenses. The difference will be your profit and that is the money they will tax. If you are unsure which expenses can be declared to reduce your taxable income consider using the services of a tax consultant

Line 138: Does your business year that differ from the calendar year? e.g. if you own a really big business that does their yearly calculations in July instead of the end of the year. However, if that is the case you probably would be reading this

Section 5 – Tax Reduction Due to Installment/Construction of Business Facilities

Lines 139: If this applies to you, please ask a tax consultant for advice

Section 6 – Income tax for employees (This section inquires about regular employees, no sub-contractors. If you only utilize services of other contractors – or none at all – please skip to section 7)

Line 140: How many people do you employ (“Insgesamt”)? How many of these employees are family members (“davon Familienangehörige”)? How many of these employees are paid less than EUR 400 per month (“davon geringfügig Beschäftigte”)?

Line 141: When do you start paying salaries (MM.YYYY)?

Line 142: Reporting period and estimated income tax for current calendar year (please ask a tax consultant for advice)

Lines 151-153: Who is doing the payroll? What is their postal address?

7. Value Added Tax (VAT) – (If you expect to make less than EUR 17,500 in the current and following calendar year, check the box in line 156 and skip to line 158)

Line 154: Estimate your total profit for the current year (“Im Jahr der Betriebseröffnung”) and the following year (“im Folgejahr”)

Line 155: **If you did not acquire another company please check “Nein”.** If you did, please ask a tax consultant for advice

Lines 156-157: The small business rule (**Kleinunternehmer-Regelung**). If you expect to make less than EUR 17,500 in the current and the following year respectively, you can make use of the Kleinunternehmer-Regelung and not include any VAT (Umsatzsteuer (USt)) in your invoices. This means that you do not have to collect VAT and forward it to the Finanzamt. If you favor this option check the box in line 156. If you would rather collect the tax and forward it to the Finanzamt check the box in line 157. Heads up: If you checked the box in line 157 you will need to make upfront VAT payments to the Finanzamt on a monthly basis. Although you get reimbursed relatively fast (usually within four weeks), the upfront payments can hurt your wallet. Heads up: If you make more than EUR 17,500 in a year, you have to check the box in line 157. If you check the box in line 157 you should consider hiring a tax consultant

Lines 158-167: Special questions on future profits with potentially lower VAT. Please ask a tax consultant for advice

Lines 171-176: **Skip this if you opted for the Kleinunternehmer-Regelung in Line 156.** If you checked line 157 you will need to make upfront VAT payments to the Finanzamt on a monthly basis. You can choose whether you want your VAT to be calculated based on incoming and outgoing invoices (check box in line 171) or actual monetary flows (check box in line 172). If you opt for the latter you will need to state why (in lines 173 to 175). Please ask a tax consultant for advice

Line 177: If you need a VAT number for doing business within the EU please check this box (e.g. with a German VAT number you get to pay lower VAT when purchasing goods and services from countries with higher VAT than Germany (19%))

Lines 178-179: If you already have a German VAT number, please check the box in line 178 and include the number and the date of issuance in line 179

8. Stakes held in a Partnership (Personengesellschaft)

Line 180: Full name of legal entity

Lines 181-183: Address: Street, House number, Additional address information (e.g. apartment number), Zip code, City, Zip code, City, Zip code (if P.O. Box), City (if P.O. Box), P.O. Box

Line 184: Finanzamt of legal entity, Steuernummer of legal entity

Wrapping up

Line 185: **Please print: Location and Date (DD.MM.YYYY) and sign.** If you are married and have included information and your spouse, please have him or her sign as well. Also, please have any authorized person (see section 1.5) sign here

Lines 191-199: **Attachments. If you are simply working as a contractor in Germany without any stake in German companies the only attachment you probably need is the Teilnahmeerklärung für das LEV in line 191** (see section 1.3). If you need to submit additional attachments please ask a tax consultant for advice

Sources

http://www.toytowngermany.com/wiki/Freelancing_in_Germany

<http://dejure.org/gesetze/EStG/18.html>

<http://www.formulare-bfinv.de>