

# KUPOVINA JAHTE

## YACHT PURCHASING TODAY

Skupo zadovoljstvo  
An expensive pleasure

Text Prof. Dr. Christoph Schließmann Photo Shutterstock

Do 2013. godine, tisuće plovila – od skromnih brodica do superjahta pod zastavom neke od zemalja EU-a ili zastavom pogodnosti – prijavljenih u statusu privremeno uvezenih, u Hrvatskoj nije podlijevalo oporezivanju. Nakon pristupa Europskoj uniji, Hrvatska je ponudila jedinstvenu prigodu vlasnicima novih ili rabljenih jahta da plovila pod stranim zastavama mogu uvesti u Hrvatsku bez uzimanja u obzir njihova porijekla do 31. svibnja 2013., uz smanjeni PDV od 5%, čime ona stječu status dobra na području EU-a, podliježući tako i odgovarajućem poreznom zakonodavstvu. Također je posebnim dodatkom utvrđeno da brodice i jahte koje su bile starije od osam godina prije prvog upisa (do) 1. srpnja 2005. ne podliježu uvoznom oporezivanju ako su stekle status dobra na području EU-a bez plaćanja poreza. Prije pristupanja Europskoj uniji u Hrvatskoj su se mogla iznajmljivati samo uvezena plovila, ona za koja je plaćena carina i koja su bila registrirana pod hrvatskom zastavom. Stoga su njihovi vlasnici, ako nisu imali prebivalište u Hrvatskoj, morali osnivati poduzeća i poslovati kao hrvatske čarterske tvrtke. Onaj tko danas kupi jahtu u Hrvatskoj, ili je preuzme, plaća 25% uvozne takse, osim ako plovilo nije već oporezovano u EU-u, te ima status dobra na području Unije. Izuzmemo li Mađarsku, riječ je o najvećem PDV-u u EU-u. Nadalje, nautička plovdba postala je izvanredno skupa u Hrvatskoj posljednjih godina u svakom smislu, od naplate veza do posjeta vinskome podrumu. Boravim na brodu od 1999. godine, pa se sjećam da sam u svibnju 2000. privezao svoje plovilo u ACI-jevoj marini u Dubrovniku kao peto (!) u nizu, bez ikoga uz nas 'na dugo i široko', tako da smo još uvijek vjerovali u tihi ljepotu mljetske uvale Polače, divili se 'jurskom parku' otkrivenom na Kornatima i Parku prirode Telašćica na jugoistočnom rubu Dugog

Prior to 2013, thousands of boats to super yachts with EU or offshore flags or those registered as guest boats with temporary import status were not taxed on turnover in Croatia. As part of the EU accession Croatia offered a unique chance to all the owners of new or used yachts brought into these temporary import statuses before May 31, 2013: foreign boats may be imported to Croatia without taking into consideration their origin until May 31, 2013 at a reduced VAT rate of 5% and thereon obtain the EU community goods status according to fiscal law. It was even determined in an addendum that for boats and yachts, which were older than 8 years with their initial commissioning before July 1, 2005, there was no import sales tax that accrued and they obtained the community good status without taxation. Before the EU accession, a charter operation was only possible with boats which were imported and on which duty was paid up completely and registered and flagged in Croatia. In the absence of domicile in Croatia, the owner must therefore establish a Croatian company as boat carrier. Anybody who buys a yacht in Croatia today or takes it over according to fiscal law pays 25% (import) sales tax if the boat is not already EU taxed and its community goods status has not been lost. Apart from Hungary, the highest VAT in the EU. Furthermore, yachting has become disproportionately expensive in Croatia in the last few years in all the associated areas from moorings to cellars. Since 1999 I have been away on boats and have already, for e.g., in May 2000 lay for a day in the ACI Marina Dubrovnik with 5 (!) yachts alongside and with no other boat moored apart from us for far and wide, where one still believed in the peaceful beauty on the Mjet in the Bay of Polace, and wondered if Jurassic Park was discovered

otoka. Niti je trebalo duboko posegnuti u džep za ulaznice ili naknadu za korištenje sidrenih plutača, niti nam je – naviklima na cijene frankfurtskog Westenda – bilo preskupo uživanje u delikatesama originalne hrvatske kuhinje i ponudi otočnih vinskih podruma. Neovisno o zahtjevima ekonomskog poslovanja, po mom mišljenju, Hrvatska je debelo pretjerala i u očima vlasnika plovila izgubila zdravu i poštenu ravnotežu vrijednosti i cijene usluga, a time i konkurentnost i dugoročnu mogućnost rasta privlačnim tempom. Blizak prijatelj, Dalmatinac, samokritički se osvrće: 'Neki se hoće obogatiti preko noći, a time ne pomažu prosperitetu zemlje.' Itekako je u pravu. Stoga svaki vlasnik broda za razonodu razmišlja, ili mora razmisliti, kako da poslovanje plovilom vodi što je efikasnije moguće. Počnimo od nabave jahte: postoje legalne 'konfiguracijske opcije' plaćanju PDV-a od 25% u Hrvatskoj; štoviše, institucije EU-a, pa i vrhunski sudovi specijalizirani za fiskus, predlažu korištenje poreznog natjecanja. Naime, u EU-u se porez na jahte kreće od 5,4% do 27%, što otvara pitanje koje su konfiguracije sve moguće. Onaj tko u EU-u kupuje jahtu, ili je državljanin neke od zemalja Unije, nerado plaća PDV. Ako se radi o novom plovilu, primjenjuje se PDV zemlje isporuke, a ako je riječ o rabljenome, PDV se plaća po zakonu zemlje članice EU-a u koju prvu uplovi. Budući da u Uniji vlada porezno šarenilo – od 17% u Luksemburgu do 27% u Mađarskoj – svakom je vlasniku itekako zanimljivo odabrati zastavu, odnosno državu upisa, koja će mu ponuditi najpovoljniji izbor konfiguracije. Posebna regulacija primjenjuje se pri kupnji 'na daljinu', kada isporučitelj roba prevozi pošiljku do određenoga kupca u nekoj drugoj zemlji članici EU-a. U uobičajenim okolnostima, mjestom isporuke smatra se lokacija pošiljatelja, dok je pri kupnji 'na daljinu' ono u zemlji kupca, ako nije prekorao ograničenje za takvu nabavu, odnosno već tako kupovao – u slučaju da je klijent privatna osoba ili kupac podložan porezu na dohodak. Načelo odredišta u EU-u se primjenjuje pri isporuci motornih vozila i plovila, što znači da je svaka isporuka novoga vozila/plovila kupcu u drugoj zemlji EU-a – bio poduzetnik ili ne – oslobođena poreza u zemlji dobavljača, odnosno isporučitelja. Kupljeno dobro prijavljuje, radi plaćanja poreza, kupac, privatna osoba, u svojoj zemlji (kao rezidentni građanin). Što se plovila tiče, porez se plaća na ona dulja od 7,50 m, koja se smatraju novima ako su kupljena unutar tri mjeseca prije datuma prijave. Ali, ako je plovilo i ranije kupljeno, svedjedno se smatra novim ako je korišteno na vodi manje od 100 sati. Evo primjera: privatni kupac K kupuje jahtu duljine 20 m od privatnog vlasnika V u Mentonu, Francuska. Na plovilo, tijekom prvih 50 sati korištenja na vodi, nije plaćen PDV po francuskim propisima. K prevozi jahtu u Kiel, u Njemačkoj – a iako je isporuka od strane ranijeg vlasnika V trebala biti podložna oporezivanju u Francuskoj, budući da V nije poduzetnik, plovilo je oslobođeno poreza. Tako porez plaća kupac K, u skladu s njemačkim propisima, odnosno po stopi od 19%. Općenito, rabljena plovila oporezuju se ondje gdje ulaze u EU, bivajući na raspolaganju građaninu EU-a, s tim što se isporuka prijavljuje u skladu s uvjetima u mjestu

in the Kornati or the Telascica Nature park on the south-eastern tip of the Dugi Otok island did not demand hefty entry and buoy charges and the enjoyment of excellent and original Croatian cuisine in the cellars of the island bays did not spoil the appetite for the price range of West-end (Frankfurt). Irrespective of the requirement of economic activity, in my view, Croatia has gone excessively overboard and one loses the healthy and right balance for yacht owners to be competitive and grow at an attractive pace even in the long term. A close friend from Dalmatia always gives a self-critical assessment: 'Some want to become rich overnight and this doesn't help a country to be prosperous'. How right he is. Every yacht owner in Croatia thus reflected, or must reflect, on how he can run his yacht operation as efficiently as possible. There are legal alternative configuration options for a yacht purchase at 25% VAT in Croatia; the EU authorities as well as the topmost fiscal courts particularly recommend the use of tax competition.

The offers for legal EU taxation of private used yachts range from 5.4 to 27% VAT. That is a wide range. Anybody buying or operating a yacht in the EU as an EU citizen hardly pays the VAT. In case of a new yacht, the VAT of the country of delivery is established; in case of a used yacht, the VAT must be paid where this yacht touches the EU first. Since EU has a wide spectrum of tax rates – from currently 17% in Luxembourg to 27% in Hungary – it is interesting for every owner to select a flag State, which offers it the most favourable configuration options, as far as possible. A special regulation applies for remote sales, in which the supplier of the goods transports or ships to specific customers in other EU countries. Normally the place of delivery in case of shipment deliveries is at the sender's location. In case of distance sales, however, the place of delivery is the country of the customer, who has not crossed the purchasing limit and has not foregone its use (threshold purchaser), if the customer is a private individual or a customer subject to income tax. The destination principle for the delivery of new vehicles is valid for motor vehicles and boats in the EU. This means that every delivery of a new vehicle in another EU country, even by a non-entrepreneur, is tax-free in the supplier's country. The customer must accordingly tax the purchase in his/her country of residence even if he/she is a private individual (refer to 1b VAT Act). Boats with a length greater than 7.5 m are considered to be new vehicles; the time of purchase should not date back more than three months. If the first commissioning dates back longer, then it is considered new nevertheless, if a boat has covered not more than 100 hours of operation on the water. For example: The private buyer K buys a yacht with a length of 20 m from a private individual V in Menton (France); the first 50 hours covered on the water had no French VAT. K had the yacht transported from Menton to Kiel. Although the yacht's delivery by V is subject to the turnover tax system in France, notwithstanding that V is a non-entrepreneur, it is tax free there. K must pay tax on this intra-community purchase of

## ‘Malta je moj apsolutni favorit za registraciju jahta u vlasništvu građana Unije, i to one ukupne vrijednosti do 1,5 milijuna eura’

### Malta is my absolute favourite for the registration of yachts by EU citizens, with total investment starting € 1.5m’

prebivališta kupca, kao pravno posjednika jahte. Drugi primjer: oni koji žele odmah platiti

cijeli iznos poreza za neoporezivano novo ili rabljeno plovilo namijenjeno privatnom korištenju u EU-u, razumno će odabrati (primjerice) upis u Luksemburgu, uz PDV od 17%. Ali, problem nastaje zbog neizbježnog carinjenja i podmirivanja poreznih davanja do Luksemburga; naime, osim za mala plovila, cestovni prijevoz do te zemlje svakako nije ekonomičan. Sredozemne zemlje tu se nameću kao nešto povoljnija odredišta za isporuku, s obzirom na visinu poreza u njima: Francuska 20%, Španjolska 21%, Slovenija i Italija 22% itd. U usporedbi s kupnjom i oporezivanjem po hrvatskom PDV-u, uštede su male i beznačajne po cijelu konfiguraciju. Međutim, njemačkim kupcima na raspolaganju je mogućnost kupnje plovila u njihovoj zemlji, uz PDV od 19% i mogućnost prijevoza broda potom u Hrvatsku. Ali, pritom moraju imati na umu da čim jedna osoba bude angažirana u statusu člana posade na brodu njemačkog vlasnika i pod njemačkom zastavom, jahta se smatra ‘komercijalnom’ i pravo podliježe dodatnim uvjetima. Spomenimo još jednu zanimljivu, posebnu konfiguracijsku alternativu, koja omogućuje plaćanje PDV-a između 5,4% i 9%, ovisno o veličini plovila – što je svakako značajna ušteda. Komercijalna isporuka dobara među dvama pravnim subjektima u EU-u, posjednicima poreznoga broja, smatra se isporukom na području Unije: jedan poduzetnik, odnosno njegova tvrtka, isporučuje neku robu drugom poduzetniku, tj. njegovom poduzeću, pri čemu se roba u pitanju transportira iz jedne zemlje članice u drugu, u sklopu iste isporuke. Tako isporuka na području Unije, sa stajališta kupca, biva kupovinom na istom području, što znači da kupac mora platiti PDV, ali i uživati olakšice, ako na njih polaže pravo svojim statusom. U tom je svjetlu zanimljiva situacija s porezom na Malti. Malteška zastava uživa ugled i povjerenje ne samo u EU-u nego i diljem svijeta. Moram priznati da sam se, nakon detaljne analize, priklonio nekoliko zastavama zemalja članica EU-a, a da me Malta impresionira kao nezavisna, politički stabilna država s transparentnim i pouzdanim pravnim sustavom – a isto je i članica EU-a. Stoga je moj apsolutni favorit za registraciju jahta u vlasništvu građana Unije, onih koji uglavnom drže plovila u vodama EU i plove Sredozemnim morem, pri čemu mislim na jahte ukupne vrijednosti do 1,5 milijuna eura, i to iz ekonomskih razloga. Naime, vlasnicima skupljih jahti empirijski je trošak u procjeni odnosa ulaganja i dobiti neprikladan za takve proračune. Također stoji da, s obzirom na udaljenost i otvoreno more, plovidba do Malte radi postupka oporezivanja nije baš nadohvat ruke za jahte kraće od 60 stopa. Koje su prednosti registriranja plovila pod malteškom zastavom? Prva i najvažnija prednost, iako Malta ima opći PDV od 18%, jest da postoji niz posebnih odredaba kojima se, kao što je to slučaj pri nabavi broda posebnim modelom leasinga, porez znatno smanjuje, ovisno o veličini jahte. Ti se popusti temelje na pretpostavci da će jahta registrirana na Malti, u skladu s poreznim propisima EU-a, uglavnom koristiti izvan Europe, posebice zbog geografske pozicije otoka: što je veća jahta, to je veća i mogućnost njenog korištenja izvan Europe – a tim je PDV manji. Da bi izbjegla teškoće u vezi s dijeljenim vlasništvom i dinamičkim varijablama korištenja brodova izvan Europe, malteška porezna uprava

a new vehicle in Germany. The German rate of taxation comes to 19%. Used yachts must generally be taxed there, where they have a first EU contact in the power of disposition of an EU citizen, whereby even here a target delivery can be designed in a specific EU country with local delivery to the buyer, i.e., the first provision of the power of disposition over the yacht. Another example: Those, who wish to immediately pay the EU tax in full for an untaxed new or used yacht for private use can reasonably manage this for instance in Luxembourg with 17% VAT. However, the problem is that the yacht must be managed for imports and customs and fiscal clearances until Luxembourg. In many cases, generally the land route, which works only for smaller yachts, is uneconomical because of the route. Otherwise, Mediterranean countries as target and delivery locations are somewhat more favourable with respect to taxes: France 20%, Spain 21%, Slovenia and Italy 22%, etc. There are small but not any significant savings, which are often used up by other configuration costs with respect to a purchase and an acquisition in Croatia with 25%. German owners can however purchase the yacht in Germany and take over ex works, whereby a 19% VAT accrues in Germany and then is allowed to be transferred to Croatia. They must however bear in mind that as soon as only one person is engaged as crew on the private boat with a German Flag, the yacht is considered ‘commercial’ in the legal sense with several additional conditions. There is also another interesting and special configuration alternative, which leads to a VAT between 5.4% and 9% depending on the size of the yacht. This is thus a significant saving. A commercial delivery of goods between two legal entities with EU VAT ID number is an intra-community delivery, in which an entrepreneur within the framework of his company carries out the delivery to another entrepreneur for his company and the object is actually transported from one member country to another member country within the framework of the delivery. The intra-community delivery leads to an intra-community purchase, from the point of view of the purchaser. The turnover tax is thereby guaranteed in the purchaser’s country. The purchaser must pay the purchase VAT and can at the same time deduct it as input tax, insofar as he/she is entitled to input tax deduction. Against this background, there is currently just one reliable tax payment option of Malta. The Maltese flags enjoy respect and trust not only in the EU but also worldwide. I have analysed and familiarised myself with several flag states. Malta is an independent, politically stable country with a transparent and reliable legal system and member of the EU. Hence it is my absolute favourite for the registration of yachts by EU citizens, who predominantly take their yachts in EU waters and in the Mediterranean Sea, which is however restricted to yachts with total investment starting €1.5m because of economic reasons. Among them, the empirical expense of the process of cost-benefit ratio is less appropriate. Also a new yacht to enter into the fiscal process must basically physically go to Malta, what is already quite difficult for yachts under 60 feet. What are the advantages of a registration under Maltese flag? First and foremost, a unique fiscal offer of the Maltese government: Malta has basically a VAT of 18%, but offers a special VAT regulation for a few years now for yachts as part of a special financial lease model, which brings about a considerable reduction in the effective VAT rates

uvela je fiksne stope od 9%, 7,2% i 5,4% na jahte duljine do 24 m, dok se podrazumijeva da se jahte dulje od 24 m 70% vremena koriste izvan voda EU-a, pa se malteški PDV obračunava na 30% njihova plovidbenog vremena. Međutim, značajne promjene propisa na razini EU-a i po nacionalnim rješenjima označile su kraj tradicionalnomu ‘malteškom modelu leasinga’, posebice kad je riječ o jahtama duljim od 24 m u vlasništvu građana zemalja EU-a. Klasični ‘malteški koncept leasinga’ danas vrijedi uglavnom samo za državljanine Malte, pa se ne dajte namamiti ponudama što ih i nadalje nude sve moguće agencije i odvjetnici poslovnički skloni oglašavanju ‘lakih rješenja’. Sve što sam ikada vidio i iskusio na Malti ‘ne drži vodu’, ali jest moguće, prije ili kasnije, u zemlji vlasnikova prebivališta. Poznavajući niz procedura pribavljanja malteške zastave i razina oporezivanja, mogu sa sigurnošću reći da postupak nije jednostavan kao što se obično tvrdi, jer zahtijeva mnogo znanja o zakonskim, financijskim i fiskalnim pitanjima, kao i poznavanje ustanova. Ipak, u svjetlu novih zakonskih i fiskalnih parametara, potražili smo rješenja, te nakon tjedana rada međunarodnoga interdisciplinarnog tima odvjetnika i poreznih stručnjaka pod mojim vodstvom razvili naš novi model CPS Malta, utemeljen na dopunama zakona i propisa 2013. i 2014. godine, posebice namijenjen građanima Njemačke i srednjoeuropskih država. Kad je o malteškom leasingu riječ, cijeli je proces značajno pojednostavljen, i to:

- prvo, uspostavom – namjenskim izmjenama zakona i propisa – nove prikladno oblikovane strukture holdinga;
- leasing društvo kupuje jahtu u svojstvu komercijalne kompanije, temeljem svoga poreznoga broja, bilo kreditom ili hipotekarnim zajmom, te je registriraju pod malteškom zastavom; jahta može biti nova ili rabljena, uvezena u EU;
- leasingom i sporazumom o licenci, kompanija predaje jahtu korisniku uz plaćanje PDV-a od svega 5,4% do 9%, ovisno o veličini plovila i pogonu (je li motorna, ili jedrilica);
- nakon isteka perioda leasinga, od 12 do 36 mjeseci, jahta se može otkupiti po specijalnoj ponudi za 1% izvorne nabavne vrijednosti i 18% PDV-a obračunatog na taj iznos;
- po malteškom zakonu, PDV plaćen tijekom razdoblja leasinga i onaj na nabavnu cijenu daju jahti status dobra oporezovanog po propisima EU-a (VAT-PAID).

Kompleksni odnosi među svima uključenima, s više od 100 ugovora i drugih dokumenata, govore o potrebi da se cijeli proces valjano konfigurira i provede u skladu s modelom. Ipak, vrijedi napora, što potvrđujemo kao specijalizirani odvjetnici koji provode cjelokupan postupak. Primjerice, u slučaju luksuzne jahte dugačke 42 m i vrijedne više od 10 milijuna eura, registrirajući je na Malti, vlasniku smo na porezu uštedjeli više od 1,3 milijuna! Konfiguracija po malteškom modelu ima prednosti u slučaju parcijalnog financiranja kupnje jahte, jer na Malti nema ograničenja pri prodaji ni uzimanju hipotekarnog zajma ako je riječ o malteškim tvrtkama. Jednostavna je i efikasna procedura pri pribavljanju hipoteke, što je svakako dodatna prednost, a brzo se obave i poslovi u vezi s transferom, te pribavljanju raznih certifikata. Kad je riječ o reguliranju pitanja u vezi s posadama, malteški zakoni ne poznaju ograničenja koja bi se ticala nacionalnosti kapetana, časnika ni ostalih članova posade, kao i ukrcaja partnera, direktora ili drugog osoblja

as per the size of the yacht. These special rates are based on the assumption, in accordance with the European VAT Law, that a yacht registered in Malta is significantly used abroad (outside Europe) because of Malta’s location: the larger the ship, greater is the notional usage outside of Europe and lesser is the VAT. In order to avoid problems in determining the share of individual and certain dynamic variables in the usage outside of Europe, the Maltese tax administration introduced a fixed tax session – 9, 7.2 and 5.4% for yachts from 24m. In case of a yacht over 24m, for e.g., an extra-community use of 70% is used so that only 30% of the usage time is subject to the Maltese VAT. But, major legal changes at the EU and national levels meant an END for the traditional ‘Malta leasing model’ particularly for yachts over 24m for citizens from EU countries. The classical ‘Malta lease scheme’ today works basically only for Malta’s citizens. Please do not get attracted by offers, as they are further offered by all possible agencies and lawyers who conveniently offer an ‘easy going’ solution. Everything that I have always seen and experienced does not hold true for Malta but does so in the owner’s country of residence sooner or later. With the experience of an entire series of Maltese flags and taxation levels, it must be expressly stated that the procedure is not so easy, as it is often put down and requires plenty of know-how in legal, financial and fiscal questions as well as network contacts. However, in light of the new legal and fiscal framework parameters, we sought solutions and after work lasting for weeks in transnational and inter-disciplinary teams of lawyers and tax specialists under my leadership, we specially developed our new CPS Malta model based on the legal and jurisdiction amendments in 2013 and 2014 (particularly for citizens from central Europe and Germany). With respect to Malta leasing, the process is greatly simplified as follows:

- Firstly, a special, new and group-like holding structure is built in Malta that is completely differently configured compared to classical models as per the legal amendments;
- The leasing company purchases the yacht as a commercial company with VAT ID no. on loans or with equity and registers it under the Maltese flag. This can be a new yacht or a used one that is imported from abroad into the EU;
- By way of a leasing and license agreement, it leases the yacht as lessor against payment to use by way of a finance leasing with only 5.4 to 9% VAT as per the size and status as M/Y or sailor;
- After the expiry of the lease after 12-36 months, the yacht can be purchased via a special purchase option at 1% of the original purchase value plus 18% VAT on it;
- As per Malta law, the VAT payments during the lease along with the VAT on the purchase option price lead to an EU-taxed VAT-PAID overall status.

Complex relationships between all parties with over 100 contracts and documents are necessary in order to configure and process the complete model! But the effort is worth it – we completely take it over in Full-Service as specialised lawyers. In the case of an expensive 42m yacht costing over € 10m that we had registered in Malta, the owner saved more than € 1.3m in taxes in the end! The configuration at Malta has additional advantages in case of a partial financing of the yacht. Malta has no restrictions for sale or mortgaging of yachts registered in Malta. Simple and efficient procedure for registering the ship mortgage along with easy execution procedure is an additional advantage. Even the transfer, amendment or conveyance may be quickly obtained. Another advantage is regarding crew management. The Maltese law does not

**'Malteška zastava uživa ugled i povjerenje ne samo u EU-u nego i diljem svijeta'**

**'The Maltese flags enjoy respect and trust not only in the EU but also worldwide'**



tvrtke vlasnice broda. Posada treba samo imati radni ugovor sukladan malteškim zakonima, koji su znatno fleksibilniji od njemačkih na području rada i socijalnog osiguranja, te stoga i troškovima povoljniji za poslodavce. Malteški model leasinga ne smije se brkati s talijanskim ili francuskim, jer se oni odnose samo na talijanske i francuske tvrtke s dopuštanjem za tu vrstu poslovanja, pri čemu su zakonski i porezni uvjeti koje one nude zanimljivi samo vlasnicima plovila kraćih od 24 m. Te tvrtke također ne nude nikakva zakonska osiguranja utemeljena na on-shore/off-shore kvotama kao osnovama za posebne stope PDV-a - a jesu, nasuprot situaciji na Malti, podložne naknadnoj reviziji poreznih organa. Također, pod izgovorom da se 70% plovidbe izvan pojasa od 12 nm u vodama EU-u ne može provjeriti brodskim dnevnicima, plaća se puni PDV od 21%, odnosno 20%. Francuski model leasinga zahtijeva da se plovidba izvan europskih voda odvija u cijelom razdoblju leasinga od četiri godine. U Hrvatskoj, najdjelotvorniji zakonski čist način kupnje novoga ili rabljenog plovila za razonodu vrijedi za ono koje će biti na vezu u toj zemlji: u slučaju da se ulaže milijun do milijun i pol eura u jahtu kraću od 55 stopa, sa stručno proračunatim PDV-om pri isporuci, odnosno transportu do Hrvatske; ili ako se ulaže najmanje milijun do milijun i pol eura u jahtu dulju od 55 stopa koja će se oprezovati po malteškoj konfiguraciji, tj. novomu modelu CPS, te potom, osobito ako je vrlo velika ili iz kategorije superjahta, prevesti na vezu u Hrvatskoj. Samo 2004. godine uspješno smo pružili usluge pri takvom prevođenju 12 superjahta.

have restrictions regarding nationality either for the captain, officers and other crew members of a yacht or for the partners, managers, directors or other employees of the ship holding company. The crew must oblige based on an employment contract as per Maltese law, which as compared to the German Labour and Social Law offers considerably more flexibility and configuration options and thereby more cost efficiency. The 'Malta leasing' is not to be mixed up with, for e.g., 'Italian' or 'French leasing'. The Italian and French leases are only for Italian or French approved leasing companies and for legal/tax purposes suitable for owners of yachts below 24m. They also do not offer any legal security because all on-shore/off-shore quotes with staggered lease VAT based thereon - different from in Malta - are subject to RESERVATION OF A LATER REVIEW BY THE TAX AUTHORITIES. If these quotes (i.e., 70% of the travel time beyond 12 sm in the EU) cannot be accounted for by means of logbooks, the full VAT of 21 or 20% is payable. The French-Leasing is long-term outside the European waters for a leasing period of 4 years. The most efficient legal ways to purchase a new or used yacht which will have its mooring in Croatia are in case of an investment up to about € 1.0-1.5m or less than 55 feet, an expertly configured target delivery in a VAT favourable country as Croatia with subsequent transfer to Croatia; or in case of an investment from at least € 1.0-1.5m or more than 55 feet, only the configuration in Malta as per the new CPS Malta model. This configuration is especially for large yachts and super yachts which are increasingly finding their mooring in Croatia - absolutely the way. We have successfully provided support for 12 super yachts in 2004 alone.



**O AUTORU** Prof. dr. Christoph Schließmann, koji ne taji ljubav prema 'čarobnom sektoru' nautičkog turizma visoke klase, na čelu je agencije TheYachtAttorney, dijela njegove odvjetničke kuće specijaliziranog za međunarodno poslovanje na području propisa koji se tiču prometa jahtama. Cijeni ga se kao višestruko nagrađivanog odvjetnika u rješavanju zakonskih, ekonomskih i fiskalnih problema u vezi s jahtama, a među prvima je - i jedini priznat od komore - njemački pravnik specijaliziran u toj sferi. Christoph poznaje Hrvatsku i hrvatsko more, kojim je preplovio mnoge milje od 1999. godine, a njegov TheYachtAttorney ima predstavništvo i partnerski ured na otoku Braču, odakle pruža usluge međunarodnoj klijenteli u vezi sa svime što se tiče jahta u Hrvatskoj.

**ABOUT THE AUTHOR** Confessing a passion for 'fascinating' sector, Prof. Dr. Christoph Ph. Schließmann heads up TheYachtAttorney, as a specialist part of his law firm for international business and yacht law. He is regarded and repeatedly awarded as a leading yacht attorney for all legal, economic and fiscal issues surrounding yachts. Christoph is also one of the first and only bar approved lawyers for international business law in Germany. He knows Croatia and Croatian waters well as he sailed many sea miles since 1999. TheYachtAttorney has a representative and partner office in the island of Brač and services international clients with an all-round-yacht-service in Croatia.