

Wednesday, 13 February 2019

PRESS RELEASE

Gender tax equality

The Greek Ombudsman welcomes the decision of the Ministry of Finance to establish the right of each of the spouses to file a separate tax return, if s/he so chooses, by submitting an irrevocable declaration each tax year up to February 28 of the year of filing the return (Article 59 (5) of Law 4583/2018). The procedure shall be implemented for the first time with regard to tax returns to be filed in the year 2019 (tax year 2018).

The relevant TAXIS application (<https://www.aade.gr/polites/eisodema/gnostopoiese-choristesdeloses>) operated between 16 January 2019 and 28 February 2019. In this application spouses could declare to the tax authorities their intention to file separate tax returns for the year 2018, which cannot be revoked after the expiry of the deadline.

This development is highly satisfactory for the Independent Authority which already in the annual Report of the year 2002 had included a specific chapter on "Gender tax equality between spouses", where it was stressed that the husband's obligation to file the family tax return and include the wife's income, is unconstitutional. The Ombudsman had proposed the abolishment of the obligation for married couples to file a joint tax return (Art. 67 (4) Income Tax Code (KFE), as constituting gender-based discrimination, stressing that it does not serve the purpose of smooth functioning of the tax administration nor the objective of more effective public revenue collection. Although this proposal was recently reiterated by the Authority to the Independent Authority for Public Revenue (AADE), it remained unsuccessful. As a result, Greece remained one of the few countries where married women were not considered as separate taxpayers, but simple as taxpayer's spouses.

It was only when the Council of State (Decision 330/2018 of the Second Chamber) concluded that there is no general interest ratio justifying mandatory filing of joint income tax returns by spouses, that both the Independent Authority for Public Revenue and the Ministry of Economics made the necessary legislative, administrative and technical changes to comply with the court judgment.

The Ombudsman considers that this development, which finally gives to married women the status of separate tax subjects, marks a major shift in the public administration's perception of gender equality in the public domain. Furthermore, it hopes that all the issues arising from this regulation will be resolved again in the light of gender equality and equal treatment between women and men taxpayers.

Info: 213 1306 712, 213 1306670, press@synigoros.gr