

## 07-2019

31/07/2019 **Italien** - Clarifications regarding transport services on water

The Italian Tax Authorities have issued a ruling clarifying that additional entertainment services provided on urban transport services on water (e.g. supplies of foods and beverages) are not to be considered as ancillary to the supply of passenger transport services and, therefore, should be subject to the standard VAT rate.

31/07/2019 **Vereinigtes Königreich** - Introduction of restrictions upon adjusting VAT taxable base

Adjustments to supplies liable for VAT, when taken place in a period after that in which the VAT was originally declared on the supply, will be restricted as of September 2019.

The main amendments introduced by the Value Added Tax (Amendment) Regulations 2019 (SI/2019/1048), concern when and how VAT is to be adjusted and the documents deemed to be held by the parties involved.

31/07/2019 - VAT cross-border rulings- updated list published

The EU Commission published an updated list of VAT cross-border rulings. This pilot project enables VAT registered taxpayers planning to carry on cross-border transactions to obtain rulings on the applicable VAT treatment for the conducted transactions and in the involved EU Member State.

26/07/2019 **Belgien** - Start, change and termination of taxable activities

As from 1 January 2020 it will be mandatory for taxable persons to electronically register the start, change and termination of taxable activities for VAT purposes.

09/07/2019 **Portugal** - Deadline for complying with new invoicing rules postponed

The deadlines for complying with invoice processing and mandatory archiving obligations as set out under Decree-Law No. 28/2019 of 15 February 2019, have been postponed to 1 January 2020.

In addition, not later than 1 October 2019, the tax authorities will issue administrative guidelines clarifying several issues that have been raised by the taxpayers, including about the applicability of the new rules (which include the need to use software certified by the Portuguese Tax Authorities to issue invoices) to non-established entities which are VAT registered in Portugal.

09/07/2019 **Italien** - Clarifications issued regarding electronic storage and transmission of data on daily considerations

The Italian tax authorities clarified that supplies such as online sales, which entail the physical delivery of goods, fall outside the scope of the obligation to electronically store and transmit data, even though they are required to be included in the VAT registers.

09/07/2019 - European Court of Justice, “Federal Express Corporation Deutsche Niederlassung v. Hauptzollamt Frankfurt am Main” , C -26/18 - Import of goods

The ECJ has ruled that Articles 2 (1)(d) and 30 of the VAT Directive must be interpreted as meaning that it is not enough that an imported good, which generated a customs debt on member State A, to be considered as being in the economic network of this Member State A, when it is proven that the same good was afterwards transported to the final destination, in Member State B, where the import VAT becomes due.

09/07/2019 **Italien** - Clarifications issued regarding input VAT deduction

The Italian Tax Authorities published Answer No. 17 of 20 June 2019, in which clarified that the right to deduct the input VAT incurred on supplies of services of a “Special Purpose Vehicle” (SPV) within a merger leveraged buy-out cannot be exercised when the SPV is not a taxable person.

09/07/2019 - European Court of Justice, “Kuršu zeme”, C-273/18 - Obligation to demonstrate the existence of an abusive practice

The ECJ has held that Article 168(a) of the VAT Directive must be interpreted as meaning that it cannot be concluded that there is an abusive practice where a taxable person acquired the possession of goods at the facilities of a person who is a party of a chain transaction, but he is not the supplier of the respective invoice.

The respective tax authority is, therefore, required to establish the existence of an undue tax advantage obtained by that taxable person.

01/07/2019 - European Court of Justice, “UniCredit Leasing”, Case C-242/18 - Adjustment of taxable amount

The ECJ has ruled that the Article 90 of the VAT Directive must be interpreted as follows:

1. Permitting, at the moment of termination of a lease agreement, that the taxable amount of VAT is reduced by the fixed additional tax assessment based on the total amount of the lease installments due for the entire duration of the agreement.
2. The obligation to decrease the taxable base, referred in the paragraph 2 of the mentioned Article 90, may not exist in case of non-payment of:
  - a).The installments of a lease contract; or
  - b).The compensation payable in the event of premature termination of the agreement.

01/07/2019 **Rumänien** - Standard Audit File for Tax purposes (SAF-T) to be introduced by the end of 2020

The Romanian tax authorities, Agenția Națională de Administrare Fiscală (ANAF) is planning the progressive introduction of a transactional data exchange obligation based on SAF-T starting by the end of 2020, with the first phase of implementation likely to apply only to large tax payers.

01/07/2019 - Administrative cooperation in field of VAT

On 3 July 2019, the Commission published Implementing Regulation 2019/1129, concerning administrative cooperation and combating fraud in the field of VAT, which aims to reinforce the sharing of information between Member States regarding the VAT exempt importation of goods.

01/07/2019 **Italien** - Clarifications issued regarding second-hand margin scheme

The margin scheme applies to the supplies of used goods, works of art, antiques and collectors' items purchased from private individuals in Italy or in the European Union.

The Italian Tax Authorities clarified that the second-hand margin scheme is only applicable if the reseller, when he purchased the goods did not have the right to deduct the input VAT incurred, due to causes related to the ordinary application of VAT

01/07/2019 **Bulgarien** - Self-assessment of VAT on importation of certain goods

As of 1 July 2019, the possibility of VAT self-assessment in the VAT return was extended to importers of goods such as aluminum, nickel, sulfur, tin, lead, zinc and organic chemical products. In order to apply, the importer will have to fulfil certain requirements, such as, has been registered for VAT purposes in Bulgaria for at least six months before the importation.

01/07/2019 **Norwegen** - New deadline for non-resident VAT refunds

The deadline for the submission of the VAT refund application forms for foreign non-established businesses has been postponed to 30 September.

01/07/2019 - European Court of Justice, “The Chancellor, Masters and Scholars of the University of Cambridge”, Case C-316/18 – Right to deduct input VAT incurred by a taxable person who pursues both activities subject and exempt of VAT

The ECJ has ruled the Article 168(a) of the VAT Directive must be interpreted as meaning that a taxable person who pursues both activities subject to VAT and VAT exempt and who invests the donations received by depositing them in a fund and uses the income generated by that fund to cover the costs of all those activities, is not entitled to deduct the VAT incurred with the costs of that investment.

01/07/2019 **Polen** - White List of VAT taxpayers

On 1 September 2019 will be published, by the Polish tax authorities, the “White List of VAT taxpayers”, which will contain basic information about VAT registered businesses for verification of VAT compliance.

Additionally, it will include information regarding bank account numbers of the taxpayers which will have to be used obligatorily in case of payments exceeding 15 000 PLN.

The aim of this new listing is for taxpayers to be able to verify data related to VAT registrations of other taxable persons.

01/07/2019 **Italien** - Online marketplaces’ obligations postponed to 2021

Italy postponed to January 2021 the entry into force of the new rules, which intend to hold online marketplaces liable for VAT on the sale of goods under 150 EUR, made by non-EU suppliers.

01/07/2019 **Norwegen** - VAT exemption for e-publications

As from 1 July 2019, electronic books and electronic periodicals became exempt from VAT.