

# EU VAT News - 25 May 2018

## Robust single European VAT regime

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# EU VAT News as per 25 May 2018

proposal for a council directive – Brussels, 25.5.2018  
Amending Directive 2006/112/EC

art. 2 – 4

**newly:** «intra-Union supply» (versus intracommunity-supply)  
No intracommunity acquisition / intracommunity supply anymore!

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## art. 14

**newly:** «intra-Union supply»

definition of «intra-Union supply of goods»

- within EU territory
- B2B / B2C goods are dispatched or transported
- transport / pick up
- installation / assemblies (with/without trial run) are not treated as intra-Union supply!

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## art. 35a

place of supply

- with transport: at the place where the goods are located
- without transport: at the place where the goods are located when the dispatch/transport begins

**newly definition of place of supply of goods:**

at the place **where the goods are located at the time** when the dispatch/transport of the goods to the customer ends

destination principle

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## art. 67

chargeability

**newly:** VAT become chargeability **on issue of the invoice or expiry of the time** limite

(art. 222)

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## art. 193, 194a, 199a and 199b

person liable for payment of VAT

VAT is payable to whom the goods are supplied, unless certified tax payer status (October 4, 2017)

**newly:** the supplier is in principle liable for the payment of the VAT in the Member State of arrival of the goods except where the supplier is not established in the Member State of taxation and the customer is a certified taxable person (= the customer applies for reverse charge)

until December 31, 2018: member state can have different specification

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Neue technische Massnahmen der EU Kommission – veröffentlicht am 25. Mai 2018: [http://europa.eu/rapid/press-release\\_IP-18-3834\\_en.htm](http://europa.eu/rapid/press-release_IP-18-3834_en.htm)

## art. 214

identification of non-taxable legal person who is the recipient of an intra-Union supply / **identification based on individual number**

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identification of non-taxable legal person who is the recipient of an intra-Union supply

identification based on individual number



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## art. 262 – 271

recapitulative statements

**newly:** intra-Union supplies of goods **no longer be included** in the recapitulative statement

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## art. 358 – 369x

special schemes for non-established taxable person

**newly:** intra-Union distance sales of goods and for services supplied by the taxable person within the Union but not in the Member State of consumption  
OSS

January 1, 2021: **One Stop Shop** includes B2C/B2B !

turnover over 2.5 Mio EUR (annual, valid for intermediary scheme, e.g. goods are imported into the EU)

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## art. 370 – 390c

derogation

**newly:** derogation rule applies until the adoption of the definitive arrangements regarding the supply of service

the supplier needs to know, for each Member State in which the intra-Union supply takes place, whether the Member State made use of the derogation or not and, if so, which are the conditions applied by those Member States

# TO DO

- steppless monitoring of the EU VAT development
- clarification of the multiple EU VAT registration / De-registration
- review and consideration of the current business modell
- review and consideration of the intended business structure within the EU
- clarification of the EU VAT liability
- consideration of the Certified Tax Payer status (supplier / recipient) in order to benefit from the Reverse Charge mechanism
- local EU VAT jurisdiction and implementation

# TO DO

- review and consideration of the end customer (KYC, location, name, status)
- review and consideration of the invoicing and EU VAT rates
- update for contracts, general terms and conditions
- clarification of MOSS / OSS rules
- reduction of admin work (no recapitulative statements)
- preparation of ERP System, new VAT codes and new definitions
- intermediary status
- new mapping of supply chain is necessary



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