

- Assessment of the application by Member States of European Union VAT provisions with particular relevance to the Mini One Stop Shop (MOSS) -

BACKGROUND

The information available on this website relates to the Mini One Stop Shop Scheme ("MOSS") that will be introduced with effect from 1 January 2015 for businesses established both within and outside the European Union providing telecommunications, broadcasting or electronic services to private individuals (final consumers) located within the European Union.

The information relates predominantly to the rules in the EU VAT Directive (Directive 2006/112/EC) the implementation of which into the domestic legislation of the Member States is optional. The information also relates to the rules in the EU VAT Directive that must be implemented in the domestic legislation of Member States but the interpretation of which may differ from one Member State to another.

Any information that may be of relevance for businesses using the MOSS that is not directly or expressly included in this report should be obtained by reference to Directive 2006/112/EC or the rules under which it is implemented in the domestic legislation of the relevant Member State. In case of doubt, we strongly recommend MOSS users to contact the relevant tax authority or their tax advisors.

Some of the rules outlined below may not yet be clearly defined, fully implemented or may be subject to future amendments under the relevant Member State's domestic legislation. The information will therefore be updated/reconfirmed early 2015.

DISCLAIMER

The information set out in this report are those of the author(s), and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein.

The information included in this report is based on the current legislation or – where already enacted – on the legislation that will be in force on 1 January 2015 when the MOSS will be introduced. Some of the information – in particular, the information between brackets – is yet to be confirmed or subject to potential legislative changes on and after 1 January 2015.

Some of the information contained in this report may change by the time the MOSS is introduced and will be reviewed and updated in early 2015.

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COUNTRIES IN SCOPE

- Austria	- Estonia	- Italy	- Portugal
- Belgium	- Finland	- Latvia	- Romania
- Bulgaria	- France	- Lithuania	- Slovakia
- Croatia	- Germany	- Luxembourg	- Slovenia
- Cyprus	- Greece	- Malta	- Spain
- Czech Republic	- Hungary	- Netherlands	- Sweden
- Denmark	- Ireland	- Poland	- UK

SUMMARY INFORMATION

The information below summarises the rules applicable in all Member States with respect to use and enjoyment provisions, VAT rates applicable and the obligation to issue an invoice with respect to supplies to private individuals (B2C invoice).

Please note that the information is summarised and must be considered in light of the more detailed information that is available on this [website](#).

<i>Member State</i>	<i>Use and Enjoyment</i>	<i>VAT rate %</i>	<i>Obligation to issue a B2C invoice</i>
Austria	Yes	20 or 10 ¹	No
Belgium	Yes	21	No
Bulgaria	No	20	No *
Croatia	[Yes]	25	Yes **
Cyprus	Yes	19	Yes
Czech Republic	No	21	No
Denmark	[Yes]	25	[Yes]
Estonia	No	20	No
Finland	No	24	No **
France	No	20, 10, 5.5 or 2.1 ²	No **
Germany	No	19	No **

¹ A reduced rate of 10% applies to pre-paid services provided by broadcasting companies.

² A reduced rate of 10% applies to broadcasting services.

E-books are subject to the reduced rate of 5.5%.

E-newspapers are subject to the super reduced rate of 2.1%.

Greece	Yes	23 or 16 ³	[No **]
Hungary	No	27	Yes
Ireland	Yes	23	No
Italy	Yes	22	Yes
Latvia	Yes	21	No *
Lithuania	No	21	Yes ***
Luxembourg	Yes	15 or 3 ⁴	No
Malta	Yes	18	No
Netherlands	No	21	No **
Poland	No	23 or 8 ⁵	No *
Portugal	[Yes]	23	No **
Romania	No	24	Yes **
Slovakia	No	20	No
Slovenia	No	22	Yes
Spain	[TBC]	21 or 4 ⁶	Yes
Sweden	No	25	No
UK	Yes	20	No

(*) An invoice must be issued upon request from the customer.

(**) A VAT invoice is not required or is required in specific circumstances and/or an alternative document may be required.

(***) Alternatives to an invoice are also accepted.

³ A reduced rate of 16% applies to supplies made within specific Greek islands.

⁴ A super reduced rate of 3% applies to broadcasting services.

⁵ A reduced rate of 8% applies to broadcasting services.

⁶ E-books are subject to the reduced rate of 4%.

DEFINITIONS

- Use and Enjoyment

Article 59a of Directive 2006/112/EC allows Member States to consider the place of supply of telecommunications, broadcasting and/or electronic services provided to non-VAT taxable persons (private individuals):

- a) if situated within their territory, as being outside the European Union if the service is effectively used and enjoyed outside the Community; and
- b) if situated outside of the European Union, as being situated within their territory if the service is effectively used and enjoyed in their territory.

The information on this webpage provides details of the rules applicable in all EU Member States. The information outlines whether and how paragraph a) and/or paragraph b) of Article 59a have been implemented in each Member States' domestic legislation.

A summary of whether each Member State has implemented use and enjoyment provisions in their domestic legislation is also included above.

Please note that some of the information contained in this report may be subject to legislative changes when the new place of supply rules provided for under Directive 2006/112/EC (as it will be applicable from 1 January 2015) will be implemented or will enter into force in the Member States' domestic legislation.

- Time of supply and Chargeability

- Deferment of chargeability and cash accounting schemes

Article 66 of Directive 2006/112/EC allows Member States to derogate from the general principles of the VAT Directive regarding the moment when VAT becomes chargeable (i.e. the moment from when the tax authorities become entitled to claim the VAT from a taxpayer) and consider that, with respect to certain transactions or certain categories of taxable persons, VAT (instead of being generally taxable when the service is rendered) becomes chargeable:

- a) no later when an invoice is issued;
- b) no later when payment is received from the customer; or
- c) where an invoice is not issued, or issued late, within a specified time no later than on expiry of the time limit for issuing an invoice imposed by the Member State, or if no such time limit has been imposed, within a specified period from the date of the chargeable event.

The information on this webpage provides details as to whether Member States have implemented those optional rules in their domestic legislation and if yes, what conditions apply.

- Continuous supplies of services

Article 64(2) subparagraph 3g of Directive 2006/112/EC allows Member States to consider that in relation to the continuous supply of services over a period of time, the service may be regarded as being at least completed (i.e. the chargeable event may occur) at intervals of one year.

The information on this webpage provide details as to whether Member States have implemented this optional rule in their domestic legislation and if yes, what conditions apply.

- Re-valuation of services

Article 80 of Directive 2006/112/EC allows Member States, in certain cases, to take measures to ensure that, in respect of the supply services involving family or other close personal ties, management, ownership, membership, financial or legal ties as defined by the Member State, the price of the service may be deemed to be its open market value.

The information on this webpage provide details as to whether Member States have implemented this optional rule in their domestic legislation and if yes, under what conditions including the Member State's definition of "family or other close personal ties, management, ownership, membership, financial or legal ties".

- Bad debt relief

Article 90 of Directive 2006/112/EC allows Member States to implement in their local legislation measures whereby a service provider may reduce the value of his taxable turnover with respect to a transaction where the customer has not or has partially paid the price of the service (bad debt relief).

The information on this webpage provide details as to whether Member States have implemented this optional rule in their domestic legislation and if yes, under what conditions.

- Reduced rates

Article 98 of Directive 2006/112/EC allows Member States to apply either one or two reduced rates which may apply to certain supplies of services.

The information on this website provides details of whether a reduced rate may apply in some Member States with respect to telecommunications, broadcasting and electronic services provided to private individuals. A summary of the relevant rates applicable in each Member State is also included above.

- Payment of insignificant amounts of VAT due

Article 212 of Directive 2006/112/EC allows Member States to release taxpayers from the payment of VAT where the amount due is insignificant.

The information on this website provides details of whether each Member State has incorporated such relief in their domestic legislation.

- Invoicing obligations

Articles 217-249 of Directive 2006/112/EC provide for specific rules in relation to compliance obligations with respect to invoicing.

The information on this website details:

- whether each Member State imposes an obligation to issue an invoice with respect to telecommunications, broadcasting and electronic services provided to private individuals (see also summary table above);
- whether the content of such invoice differs from the requirement of Directive 2006/112/EC;
- the time limit for issuing an invoice;
- whether summary invoices are allowed and under what conditions;
- whether electronic invoices can be issued and under what conditions; and
- whether electronic invoices can be issued as a batch and under what conditions.

- Anti-avoidance measures

Article 273 of Directive 2006/112/EC provides that Member States may impose other obligations which they deem to ensure the correct collection of VAT and to prevent evasion. These obligations are commonly referred to as tax avoidance measures.

The information on this website details whether each Member State has implemented an anti-avoidance provision in their domestic legislation that may directly impact businesses providing telecommunications, broadcasting or electronic services to private individuals established within the EU.

- Stand-still Schemes

Articles 370-391 of Directive 2006/112/EC allow Member States – depending on whether they became a member of the European before or on or after 1 January 1978 – to derogate from some of the provisions of Directive 2006/112/EC (particularly with respect to certain exemption) and continue to apply provisions that existed under their domestic legislation prior to the accession to the Union.

The information on this website provides details of any rules that each Member State applies under these Stand-still schemes.

- VAT treatment of vouchers

The VAT treatment of vouchers and pre-paid telecommunications credits is yet to be harmonised throughout the European Union.

The information on this website provides high-level information regarding the VAT treatment of vouchers and / or transactions involving vouchers in each Member State; in particular as regards:

- what qualifies as a voucher;
- whether a distinction is made between certain types of vouchers; and
- when does VAT become chargeable and who is the person liable for VAT.

- Exemptions

Articles 132-135 of Directive 2006/112/EC provide for certain services to be exempt from VAT. However the scope of those exemptions may vary depending on the interpretation made by Member States of the relevant Article in the directive.

The information on this website provides details for each Member State regarding:

- whether an exemption applies with respect to e-learning activities and under what conditions;
- whether an exemption applies with respect to gaming and gambling activities and under what conditions; and
- whether any other exemption is applicable that could have an impact on the provision of telecommunications, broadcasting and electronic services provided to private individuals.

- MOSS Registration Process

The information on this website provides details as to the MOSS registration process in each Member State, in particular, how to register for the MOSS and what information must be provided to the tax authorities of the Member State of identification.

- Access to web-portals and contact details of the relevant authorities

The information provides details as to where the web-portal of the VAT authorities in each Member State can be accessed, providing the relevant link. It also provides details of the contact details of the local VAT authorities in charge of the MOSS.

- Appointment of VAT agents

The information on this website provides details of whether foreign (in particular non-EU) services providers must or may appoint a VAT representative in the Member State where they are registered for the MOSS.

- Penalties for non-compliance

The information on this website provides details of the penalty regime of each Member State. In particular, it details the penalty regime applicable with respect to:

- failure to register or late registration;
- non-payment or late payment of VAT;
- non-submission or late submission of VAT returns;
- incomplete or incorrect VAT returns; and
- failure to comply with invoicing or accounting obligations.