



UPDATED MARCH 2015

VAT IN THE EUROPEAN COMMUNITY

**VADEMECUM FOR THE ELECTRONIC
REFUND PROCEDURE TO TAXABLE
PERSONS NOT ESTABLISHED IN THE
MEMBER STATE OF REFUND BUT
ESTABLISHED IN ANOTHER MEMBER
STATE (COUNCIL DIRECTIVE 2008/9/EC)**

NOTE

**THIS DOCUMENT COLLATES A RANGE OF
BASIC INFORMATION ON THE
APPLICATION OF THE REFUND
ARRANGEMENTS IN THE MEMBER
STATES WHICH HAS BEEN OBTAINED
FROM THE TAX AUTHORITIES
CONCERNED.**

**THIS DOES NOT REFLECT THE VIEWS OF
THE COMMISSION OF THE EUROPEAN
UNION, NOR DOES IT SIGNIFY APPROVAL
OF THE LEGISLATION.**

IRELAND

VADEMECUM FOR THE ELECTRONIC REFUND PROCEDURE TO TAXABLE PERSONS NOT ESTABLISHED IN THE MEMBER STATE OF REFUND BUT ESTABLISHED IN ANOTHER MEMBER STATE

General

1. Where could a non-established taxable person (NETP) find information on your laws and guidelines?

On the Revenue Website www.revenue.ie

2. Eligibility for a refund

To be eligible for a refund the applicant must be a taxable person established in the EU making taxable supplies in his own Member State (the Member State of Establishment). He must have incurred VAT on expenses in a Member State in which he has no establishment (the Member State of Refund), and he must have made no supplies within that Member State other than reverse charge supplies, or certain exempt transport services, during the refund period.

3. What can be refunded

VAT relating to business activities carried out outside the Member State of Refund if those activities would be subject to tax or exempt with a right to deduct in the Member State of Refund if they had been made there, and VAT relating to supplies on which the reverse charge is applicable in the Member State of Refund.

4. What cannot be refunded

VAT incurred which relates directly to activities which are exempt without the right to deduct. VAT incurred on expenses on which there are restrictions on the right to deduct in the Member State of Refund.

VAT is not refundable on

- Petrol
- Hiring of passenger motor vehicles and sports vehicles
- Food, drink, accommodation or other personal services:
- Entertainment expenses

The restrictions applied in MSREF to the taxable person's right of deduction will also be applied to the applicant's right to refund

5. Proportional deduction

Where the taxable person is only able to deduct a proportion of his input tax because he makes taxable and exempt supplies, that person can only have the amount refunded according to the rules on proportional deduction in his Member State.

Procedures in the Member State of Establishment

6. What is the application procedure?

The application should be submitted via the electronic portal in MEST.

Application will be made through the ROS (Revenue on-line-system)

Applicants will have to register for ROS where they will be issued with a Password and a digital certificate..

7. Are there any particular requirements for an agent to be able to submit a claim on behalf of the applicant?

The application should be submitted via the electronic portal in MEST.

Application will be made through the ROS (Revenue on-line-system)

Applicants will have to register for ROS where they will be issued with a Password and a digital certificate. Agents will be able to submit EVR claims on the ROS portal if they are the registered EVR Agent

8. Content of the application:

The application should contain the following information:

- the applicant's name
- the applicant's VAT identification number or tax reference number
- the applicant's full address including country code (the address which is on record in Member State of Establishment)
- e-mail address
- a description of the applicant's business activity for which the goods and services are acquired via NACE v.2 codes.
- the refund period covered by the application
- declaration by the applicant that he has supplied no goods and services deemed to have been supplied in Member State of Refund during the refund period, with the exception of the supply of specific transport services and services ancillary thereto or supplies to which the reverse charge mechanism is applicable in Member State of Refund
- bank account details including IBAN and BIC codes

In addition, the following details of each invoice or importation document

- name and full address of the supplier;
- the VAT identification number or tax reference number of the supplier except in the case of importation

- the prefix of the Member State of Refund (except in the case of importation)
- date and number of the invoice or importation document
- taxable amount and amount of VAT expressed in the currency of Member State of Refund
- the amount of deductible VAT calculated expressed in the currency of Member State of Refund
- where applicable, the deductible proportion expressed as a percentage
- nature of the goods and services acquired according to the codes 1 to 10
- Where requested, further information on the nature of the goods and services acquired according to the sub-codes of 1 to 10.

9. The circumstances under which a Member State of Establishment will not send an application to the Member State of refund.

- If the details in point 8 above are not filled in.
- The applicant is not a taxable person during the refund period.
- The applicant only carries out exempt supplies in the Member State of establishment during the refund period.
- The applicant is covered by the exemption for small businesses.
- The applicant is covered by the flat rate scheme for farmers.

10. Minimum refund limits

- 400 EUR or the equivalent in national currency if the refund period is between 3 months and less than a calendar year
- 50 EUR or the equivalent in national currency if the refund period is of a calendar year, or the remainder of a calendar year.

11. Time limit

The application must be submitted to the Member State of Establishment by 30 September of the calendar year following the refund period. The application is only considered as submitted if the applicant has filled in all the required information.

12. Is an applicant able to correct an error on an application which has been forwarded to a Member State of Refund?

An applicant will be able to submit a corrected application through ROS.

Procedures in the Member State of Refund

13. Are copies of invoices required?

Originals are required when requested.

14. The maximum size limit for an attachment has been agreed at 5 mb. What is the applicant to do if they exceed this limit?

Attachments with claims are currently not required. This may change.

15. As a Member State of refund, do you require additional documentation for claims submitted by an agent?

Power of attorney is required. Original Power of Attorney letter must be submitted. The power of attorney must contain, details of both parties including VAT reference number of applicant and Tax Identification number (TIN) of agent. It must be dated and signed by both parties.

16. Can payments be made to agents?

Once we have a valid Power of Attorney IE as MSREF will make payments to agents.

17. How will the Member State of Refund communicate with the applicant?

Correspondence will be issued electronically through the Member state of Establishment. Directly with the applicant via email

18. Time limits for the processing of an application

The Member State of refund has four months from the date of receipt of an application to notify the applicant of its decision to approve or refuse the application, or to ask for further additional information. Where additional information is required, it has a further two months from receiving that information. Where it has asked for further information, it shall, in any case, notify the applicant of its decision within 8 months of the receipt of the application.

Where the refund application is approved, payment should be made within 10 working days.

19. Procedure for sending additional information to the Member State of Refund

Member States can ask for additional information from persons other than the applicant. In all cases, the information should be provided to the Member State of Refund within one month of the date on which the request is received by the addressee.

20. The refund period

The application must cover a period of at least 3 consecutive months within one calendar year and at most one calendar year. An application relating to the end of the year may cover a period of less than 3 months.

21. Number of applications accepted per year.

Maximum number of claims, 5 for each calendar year.

22. What is the procedure for appealing against a decision? Are there any time limits for appeals?

Any person aggrieved by a determination of the Revenue Commissioners in relation to a claim for repayment of tax, may on giving notice in writing to the Revenue Commissioners within twenty-one days after the notification to the person aggrieved of the determination, appeal to the Appeal Commissioners

23. Incorrect applications

If an amount has been recovered in a fraudulent or incorrect way, Member States may recover those amounts.