



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.**

## SWEDEN

### 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?**

Information is available at the Swedish Tax Agency's web-site [www.skatteverket.se](http://www.skatteverket.se).  
The legislation is to be found in the Swedish VAT Act (1994:200).

Laws and regulations on VAT can be consulted on the following websites:

[www.riksdagen.se](http://www.riksdagen.se)  
[www.notisum.se](http://www.notisum.se)  
[www.lagrummet.se](http://www.lagrummet.se)

#### **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.

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VAT incurred on expenses on which there are restrictions on the right to deduct in the Member State of Refund.

- VAT related to the buying of a car or motor bike.
- 50% of VAT incurred on costs for car/motor bike rental or leasing.
- VAT incurred on entertainment costs (see below for further details).
- VAT related to permanent dwelling.
- Refunds of VAT are not given to a travel agency for goods and services that have directly benefitted the traveller.
- VAT incurred on costs that have no relevance to the claimant's nature of business.
- VAT indicated on invoices not addressed to the claimant.

- VAT incurred on costs considered being of a personal, private nature.

*Entertainment Expenses:* A prerequisite for reimbursement of VAT incurred on entertainment costs is that the costs and the business are directly related to each other. Reimbursement is not granted for private consumption (cost of living/private hospitality). The number of participants, their names and the companies they represent shall be stated in connection with the invoice.

If wine and other alcoholic beverages are included in the expenses the taxable person may deduct 28 SEK per guest.

Entertainment for own employees: the applicant may deduct 31 SEK per guest. Alcoholic beverages cannot be included in the expenses.

Entertainment for guests: the applicant may deduct 46 SEK per guest. Alcoholic beverages cannot be included in the expenses.

## **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 applicant must log in to the Tax Agency's web-site with a personal electronic identification (e-id). To obtain an E-ID a Swedish social security number is required. Foreign agents not established in Sweden may apply for a special certificate to access to the portal. Swedish companies must in advance notify the Swedish Tax Agency who, on its behalf, has the right to log in and submit an application for refund.

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

No.

### **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.

4000 SEK if the refund period is between 3 months and less than a calendar year.

500 SEK 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?**

Yes. The applicant may log in and edit certain data in the application, such as changing the bank account, e-mail address, update invoice details and attach copies of invoices.

## **Procedures in the Member State of Refund**

### **13. Are copies of invoices required?**

No.

### **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?**

Not applicable.

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

No.

### **16. Can payments be made to agents?**

Yes, if the agent's bank account number is stated in the application for refund.

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

Via the e-mail address stated in the application for refund.

### **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.

Requested additional information will be sent by e-mail or by post. The languages to be used are Swedish or English.

### **20. The refund period**

Maximum is one calendar year and minimum is three months. The refund period may be shorter if it relates to the remaining of the calendar year.

### **21. Number of applications accepted per year.**

No limits as long as the application fulfil the formal requirements.

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

In order to appeal to a decision the applicant must send a duly signed letter to the Swedish Tax Agency. The appeal must be submitted within six years from the end of the calendar year to which the application referred.

### **23. Incorrect applications**

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