



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION
TAX POLICY
VAT and other turnover taxes

Brussels, 27 October 2003
TAXUD/C/3/ID D(2003)

VAT in the European Community

**APPLICATION IN THE MEMBER
AND ACCESSION STATES,
FACTS FOR USE BY
ADMINISTRATIONS/TRADERS
INFORMATION NETWORKS ETC....**

Note

This document collates a range of basic information on the application of VAT arrangements in the Member and Accession States which has been obtained from the tax authorities concerned. The information provided by the Accession States is provisional, based on the anticipated application of VAT arrangements once Community legislation has been transposed.

The exchange rates used for the Accession Countries are those for the 1st October 2003, taken from the Official Journal of the European Union.

The sole purpose of distributing details of national provisions is to create a work-tool. In no way does this document necessarily reflect the views of the Commission of the European Communities. Nor does it signify approval of the relevant legislation.

SLOVENIA

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GENERAL INFORMATION

1. IF A FOREIGN TRADER WANTS TO OBTAIN INFORMATION ABOUT YOUR VAT SYSTEM, WHOM SHOULD HE CONTACT (ADDRESS, TELEPHONE, FAX, E-MAIL)?

Foreign taxable persons may obtain information from:

Tax Administration of the Republic of Slovenia
Tax Division
Šmartinska 55
LJUBLJANA
SLOVENIA

Tel.: (+386) 1 478 27 84

Fax: (+386) 1 478 27 43

Website: <http://www.sigov.si/durs>

2. WHAT IS THE ADDRESS OF THE NATIONAL TAX ADMINISTRATION'S WEBSITE? WHAT SORT OF INFORMATION ON VAT DOES THE WEBSITE PROVIDE (GENERAL INFORMATION, LEGISLATION, CONTACT POINTS, FORMS) AND IN WHAT LANGUAGES?

The website address is: <http://www.sigov.si/durs>

The website includes regulations and instructions, general information about taxes and contributions, information about forms and instructions for filing in tax returns and settlements, registration and other tax procedures, methods for paying taxes, changes in regulations, and reminders for important dates. Taxpayers are informed about the work of the Tax Administration (Tax Administration annual reports, Strategic plan of the Tax Administration of the RS for the period 2001-2004, Code of Ethics of Tax Administration employees) and important statistical indicators. Information is in both Slovene and English languages.

The website provides the following information on VAT:

- general information (taxpayers, VAT rates, place of taxation, tax base, exemptions, deductions, invoices, VAT refunds, etc.);
- numerous explanations;
- forms; and
- legislation (the VAT Act, Rules on the implementation of the VAT Act; Rules on the implementation of Articles 29 and 30 of the VAT Act; Order on the conditions and the method of exempting from VAT and/or excise duties with regard to diplomatic and consular agencies and international organizations pursuant to international Treaties applying to the Republic of Slovenia; the Real Estate Sales Tax Act; and the Motor Vehicles Tax Act).
- Contact points for VAT refunds are also included.

3. WHERE CAN ONE FIND NATIONAL VAT LEGISLATION AND REGULATIONS? IN WHAT LANGUAGES ARE THEY AVAILABLE?

National VAT legislation and regulations can be found on our website (<http://www.gov.si/durs/>) through links with the Official Gazette of the RS, but only in the Slovene language.

VAT REGISTRATION OF FOREIGN TRADERS

4. WHAT ARE THE CIRCUMSTANCES GOVERNING THE NEED TO REGISTER FOR VAT?

VAT-registration is necessary in the following circumstances:

- (1) when a taxable person is established in Slovenia, or has a permanent establishment in Slovenia from which they supply services or sell goods;
- (2) when a foreign person supplies taxable services or sells goods in Slovenia to customers, or other Slovene taxable persons and bodies; or
- (3) when a taxable person in another Member States carries out distance sales in Slovenia to private individuals.

5. WHEN IS VAT REGISTRATION UNNECESSARY AS THE PURCHASER IS TAXABLE? CAN FOREIGN TRADERS REGISTER FOR VAT VOLUNTARILY IN SUCH CASES?

Foreign taxable persons carrying out economic transactions subject to VAT, where the place of taxation is deemed to be in the Republic of Slovenia and for which they are not liable for the tax, do not have to register for VAT. This concerns the following transactions:

- intra-Community transport of goods;
- activities ancillary to the intra-Community transport of goods carried out in another Member State;
- the supply of services by intermediaries acting on behalf of third parties;
- evaluations of movable property effected in another Member State, provided the property leaves this Member State once the valuation has been completed;
- work on movable property effected in another Member State, provided the property leaves this Member State when the work has been completed;
- where goods are delivered on Slovenian territory, within the framework of the implementation of simplified measures relating to triangular transactions;
- when services from the third paragraph of Article 17 of the Slovenian VAT Act are supplied to the taxable person (advertising services, assignments of copyright, patents, licences,...).

Foreign taxable persons may not apply for VAT registration in Slovenia voluntarily in the situations described above.

6. WHOM MUST FOREIGN TRADERS CONTACT TO REGISTER FOR VAT (DETAILS ON AUTHORITY, INCLUDING ADDRESS, TELEPHONE, FAX AND E-MAIL)?

Foreign taxable persons must submit applications for VAT registration to the tax office where they are registered in the tax register.

There are 3 methods for VAT registration of foreign persons:

- Foreign persons performing business activities in Slovenia through their branch, or as a branch;
- Foreign persons who perform business activities in the Republic of Slovenia and appoint tax representatives;
- Foreign persons who perform business activities in the Republic of Slovenia who don't have branches or tax representatives.

Before foreign persons start performing business activities in the Republic of Slovenia they must register in the tax register.

In the first case (when foreign persons perform business activities as branches) they submit applications for entry into the tax register in the area of the tax office where they have seats.

In the second and third cases foreign persons submit applications for entry into the tax register to the tax office in the area where they will perform their business activities.

7. PLEASE DESCRIBE DETAILED PROCEDURES (INCLUDING DOCUMENTS REQUIRED) FOR ISSUING VAT REGISTRATION NUMBERS, SPECIFICALLY FOR FOREIGN TRADERS?

Identification numbers for VAT purposes are taxpayer numbers with the prefix SI.

Taxable persons must tell the tax authority when their activities commence. They must also declare each change relating to the performance of these activities, as well as when these activities cease.

Taxable persons, or non-taxable legal persons, must inform the tax authority when the value of intra-Community purchases exceeds a €10 000 in the current or previous calendar year.

THRESHOLDS

8. WHAT THRESHOLD DO YOU OPERATE AS REGARDS INTRA-COMMUNITY DISTANCE SELLING UNDER ARTICLE 28B(B)(2) OF THE SIXTH VAT DIRECTIVE?

35,000 EUR (in SIT)

9. WHAT THRESHOLD DO YOU OPERATE AS REGARDS ACQUISITIONS BY NON-TAXABLE LEGAL PERSONS OR PERSONS EXEMPT UNDER ARTICLE 28A(1)(A) OF THE SIXTH VAT DIRECTIVE?

10,000 EUR (in SIT)

APPOINTMENT OF A TAX REPRESENTATIVE BY TRADERS FROM NON-EU STATES

10. IN WHAT CASES DOES A TAX REPRESENTATIVE HAVE TO BE APPOINTED?

Taxable persons not established in Slovenia who are liable for VAT in Slovenia may appoint tax representatives. Appointment of a tax representative is not obligatory.

11. WHAT ARE THE RULES GOVERNING THE APPOINTMENT OF A TAX REPRESENTATIVE?

Tax representatives are appointed at the request of taxable persons who are not domiciled or established in Slovenia.

Tax representatives appointed by foreign persons must be legal entities, or individuals established in Slovenia, liable for VAT according to the VAT Act. Tax representatives cannot be the branch offices of foreign individuals.

12. WHAT ARE THE RIGHTS AND OBLIGATIONS OF TAX REPRESENTATIVES?

Tax representatives fulfil obligations in connection with VAT on behalf of foreign individuals (prepare and submit VAT settlements, keep the records on issued and received invoices, pay VAT, etc).

If a foreign person appoints a tax representative, the tax representative has joint liability for the payment of any VAT which is owed by the foreign person, the payment of possible penalties, or interest on the arrears. If the tax authority establishes that the tax representative is not fulfilling their VAT liabilities, the tax authority may forbid them to continue to act as a tax representative.

13. WHAT ACTION CAN YOU TAKE IN THE EVENT OF FAILURE BY A TRADER IN ANOTHER MEMBER STATE TO APPOINT A TAX REPRESENTATIVE IN YOUR TERRITORY?

Where no tax representative has been appointed, VAT must be paid by the Slovenian recipients of the goods or services.

14. IS A BANK GUARANTEE REQUIRED?

No.

APPOINTMENT OF TAX REPRESENTATIVES OF FOREIGN TRADERS ESTABLISHED IN THE EU

15. CAN FOREIGN TRADERS ESTABLISHED IN THE EU APPOINT TAX REPRESENTATIVES?

Yes. It is their right, but not an obligation to appoint a tax representative.

16. WHAT ARE THE CONDITIONS GOVERNING THE APPOINTMENT OF A TAX REPRESENTATIVE?

Tax representatives are appointed at the request of taxable persons who are not domiciled or established in Slovenia.

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18. ARE THERE SITUATIONS WHERE A BANK GUARANTEE IS REQUIRED?

No.

INVOICING

19. WHAT ARE THE CONDITIONS GOVERNING THE ISSUING OF INVOICES?

Every taxable person is obliged to issue an invoice, or other document serving as an invoice, to other taxable persons or other persons in respect of services or goods they have supplied.

The taxable event, and the liability of VAT settlement, occurs when the supply of goods or services have been performed. If the invoice is issued before supplying the goods or services, the liability to settle VAT begins when the invoice is issued. If the invoice has not been issued, but the goods or services have been supplied, then the VAT liability must be settled no later than on the last day of the tax period in which the taxable event took place.

If payment is received before the goods or services are supplied, then the liability to settle VAT begins on the day of receiving payment, and in relation to the amount received.

For acquisition of goods within the Community, the liability of VAT settlement occurs on 15th day of the month following the month in which the taxable event occurred.

20. ARE THERE EXEMPTIONS FROM THE OBLIGATION TO ISSUE AN INVOICE? IF SO, TO WHAT TYPES OF TRANSACTION DO THEY APPLY?

The following do not need to issue an invoice:

- (1) farmers (below the threshold of 1,500,000 SIT (€6 371)), when they supply agricultural and forest products and services to final consumers, either on the market or for their own use;
- (2) taxable persons who sell tickets and tokens for passenger transport services (train, bus, cable cars), several types of stamps and forms in postal deliveries, periodicals, items sold in vending machines, and the sale of mobile operators' pre-paid value cards via ATMs, GSM networks and the Internet.

PERIODIC VAT RETURNS

21. IN WHAT CIRCUMSTANCES IS A TRADER OBLIGED TO SUBMIT A VAT RETURN?

Taxable persons, identified for VAT purposes, must submit returns to the tax authority no later than the last working day of the month following the end of the tax period, irrespective of whether they are obliged to pay VAT for the period for which the return is submitted.

22. AT WHAT INTERVALS ARE VAT RETURNS AND THE ASSOCIATED PAYMENTS TO BE MADE?

VAT returns must be submitted, and the associated payments made, every month, quarter or semester, depending on the taxable person's turnover of goods and services during the previous calendar year.

If the taxable person fulfils certain conditions, they can request an interval of one month, regardless of their turnover.

23. DOES ANY SPECIAL REGIME AS REGARDS PERIODIC VAT RETURNS EXIST FOR SMALLER TRADERS AND/OR PARTICULAR CATEGORIES OF BUSINESSES? IF SO, PLEASE GIVE A DESCRIPTION.

No.

24. DO YOU OPERATE SIMPLIFIED CALCULATIONS OF TAX LIABILITY? IF SO, WHAT ARE THE QUALIFYING CRITERIA, TO WHOM DO THEY APPLY AND WHAT IS THE NATURE OF THE SIMPLIFICATION?

No.

RECAPITULATIVE STATEMENTS

25. AT WHAT INTERVALS ARE RECAPITULATIVE STATEMENTS TO BE SUBMITTED?

Recapitulative statements must be submitted quarterly. There are no provisions for a less frequent submission. Taxable persons, identified for VAT purposes, must submit the recapitulative statements to the tax authority by the tenth day of the second month following the reporting period.

26. IS ANY ADDITIONAL INFORMATION REQUIRED OTHER THAN THAT SET OUT IN ARTICLE 22(6) OF THE SIXTH VAT DIRECTIVE AS AMENDED BY DIRECTIVE 91/680/EEC?

No.

27. DO YOU OPERATE SIMPLIFIED PROCEDURES AS REGARDS RECAPITULATIVE STATEMENTS AS PROVIDED FOR IN ARTICLE 22(12) OF THE SIXTH VAT DIRECTIVE AS AMENDED BY DIRECTIVE 91/680/EEC? IF SO, WHAT ARE THE THRESHOLDS FOR APPLYING SUCH PROCEDURES?

No.

ELECTRONIC INVOICING AND ELECTRONIC RETURNS

28. IS ELECTRONIC INVOICING PERMITTED? IF SO, IN WHAT CIRCUMSTANCES AND USING WHAT PROCEDURES?

Yes electronic invoicing is permitted.

29. CAN VAT RETURNS BE SUBMITTED ELECTRONICALLY? IF SO, HOW AND USING WHAT TECHNOLOGY? WHO SHOULD BE CONTACTED FOR PERMISSION TO DO SO?

An e-Tax system for filing tax returns will be available for taxpayers and tax agents (accounting services) before the end of November 2003. The VAT Return form was chosen as the first tax form.

The following technology is used:

- a. PKI (Public Key Infrastructure) for signing;
- b. Https as a protocol;
- c. XML as standard format;
- d. Html for presentation;
- e. SOAP as protocol as a baseline for Web Services; and
- f. Web Browser as a user interface (expandable to e-mail)

30. CAN RECAPITULATIVE STATEMENTS BE SUBMITTED ELECTRONICALLY? IF SO, HOW AND USING WHAT TECHNOLOGY? WHO SHOULD BE CONTACTED FOR PERMISSION TO DO SO ?

Currently recapitulative statements cannot be submitted electronically.

After 1 July 2004, it will be possible to send the VIES recapitulative statement to the Slovene Tax Administration electronically.

This will use same technology as outlined in the answer to question 29. There will be two kinds of e-services available to taxpayers:

- interactive data entry to the recapitulative statement form through a Web browser; or
- a web service for uploading data directly from their records.

ADMINISTRATIVE REQUIREMENTS

31. DO YOU OPERATE A FLAT-RATE SCHEME AND, IF SO, TO WHOM DOES THE SCHEME APPLY?

There is the: "flat-rate scheme for farmers".

Taxable persons, identified for VAT purposes, who purchase goods and services from “flat-rate farmers” can deduct 4 % VAT as input VAT. They must issue invoices with all necessary information, and 4% VAT charged on inputs.

32. DO YOU OPERATE SIMPLIFIED ADMINISTRATIVE REQUIREMENTS APART FROM THOSE ALREADY MENTIONED? IF SO, PLEASE GIVE A DESCRIPTION

No.

33. IN WHAT LANGUAGES ARE FORMS (PERIODIC VAT RETURNS AND RECAPITULATIVE STATEMENTS) AVAILABLE?

Official forms are available in Slovenian. The possibility of translating these forms is under consideration.

RIGHT OF DEDUCTION

34. FOR WHAT CATEGORIES OF GOODS AND SERVICES IS THERE NO RIGHT TO DEDUCT?

Taxable persons may not deduct input VAT:

1. on goods and services used for the supply of goods or services on which the VAT exemption is prescribed, unless otherwise provided by VAT Act;
2. on yachts and boats intended for sport and recreation, private aircraft, personal automobiles and motorcycles, fuels, oils, spare parts and services closely connected to them, other than vessels or vehicles used for the business of rental, lease and subsequent sale, vehicles for use in auto-schools, and vehicles for performing or operating routes for transport of pupils and workers;
3. on expenses for business entertainment, food and accommodation.

35. FOR WHAT CATEGORIES OF GOODS AND SERVICES IS THERE A PARTIAL RIGHT TO DEDUCT? WHAT IS THE % AGE?

There are no special categories where a partial right to deduct applies. However, where a taxable person carries out transactions with goods and services and there is no right to deduct for some of them, the deduction is determined as a percentage of the total amount of tax.

ANNEX 1: THRESHOLDS

Member State	Threshold for application of the special scheme for acquisitions by taxable persons not entitled to deduct input tax and by non-taxable legal persons ¹		Threshold for application of the special scheme for distance selling ²		Exemption for small enterprises ³	
	National currency	Euro equivalent	National currency	Euro equivalent	National currency	Euro equivalent
Belgium	€11.200		€35.000		€5.580	
Czech Republic		10.000		35.000		35.000
Denmark	80.000 DKK	10.722	280.000 DKK	37.528	50.000 DKK	6.667
Germany	€12.500		€100.000		€16.620	
Estonia	160.000 EEK	10.226	550.000 EEK	35.151		16.000
Greece	€10.000		€35.000		€9.000 or €4.000	
Spain	€10.000		€35.000		None	
France	€10.000		€100.000		€76.300 or €27.000	
Ireland	€41.000		€35.000		€51.000 or €25.500	
Italy	€8.263		€27.889		None	None
Cyprus	6.000 CYP	10.226	20.000 CY Pounds	34.220		15.600
Latvia	7.000 LVL	10.778	24.000 LVL	36.952		17.200
Lithuania	35.000 LTL	10.138	125.000 LTL	36.207		29.000
Luxembourg	€10.000		€100.000		€10.000	
Hungary						35.000
Malta		10.000		35.000		37.000 ⁴ 24.300 ⁴ 14.600 ⁴

¹ See second subparagraph of Article 28(a)(1) of Directive 77/388/EEC, as amended.

² See Article 28b, (2) of Directive 77/388/EEC, as amended.

³ See Article 24(2) of Directive 77/388/EEC, as amended. This scheme is reserved for taxable persons established within the territory of the country.

⁴ €37 000 when the economic activity consists principally in the supply of goods, €24 300 when the economic activity consists principally in the supply of services with a low value added (high inputs), and €14 600 in other cases, namely service providers with a high value added (low inputs)

ANNEX 1: THRESHOLDS

Netherlands	€10.000		€100.000		None	None
Austria	€11.000		€100.000		€22.000	
Poland						10.000
Portugal	€8.978		€31.424		€9.976 or €12.470	
Slovenia		10.000		35.000		25.000
Slovak Republic		10.000		35.000		35.000
Finland	€10.000		€35.000		€8.500	
Sweden	90.000 SEK	10.071	320.000 SEK	35.809	None	None
United Kingdom	55.000 GBP	86.112	70.000 GBP	109.598	55 000 GBP	86.112

ANNEX 2: VAT IDENTIFICATION NUMBER

- BE** le numéro d'identification à la taxe sur la valeur ajoutée
BTW - identificatienummer
- CZ**
- DK** momsregistreringsnummer
- DE** Umsatzsteuer - Identifikationsnummer
- EE** käibemaksukohustuslasena registreerimise number
- EL** Αριθμός Φορολογικού Μητρώου ΦΠΑ
Arithmos Forologikou Mitroou FPA
- ES** el número de identificación a efectos del Impuesto sobre el Valor Añadido
- FR** le numéro d'identification à la taxe sur la valeur ajoutée
- IE** value added tax identification no.
- IT** il numero di registrazione IVA
- CY** Αριθμός Εγγραφής Φ.Π.Α.
Arithmos Egrafis FPA
- LV** pievienotās vērtības nodokļa (PVN) reģistrācijas numurs
- LT** PVM mokėtojo kodas
- LU** le numéro d'identification à la taxe sur la valeur ajoutée
- HU**
- MT** numru ta' l-identifikazzjoni tat-taxxa fuq il-valur miújud
value added tax identification number
- NL** BTW - identificatienummer
- AT** Umsatzsteuer - Identifikationsnummer
- PL**
- PT** o número de identificação para efeitos do imposto sobre o valor acrescentado

ANNEX 2: VAT IDENTIFICATION NUMBER

- SI** identifikacijska številka za DDV
- SK** identifikačné číslo pre daň (IČ DPH)
- FI** arvonlisäverorekisteröintinumero
Mervärdesskatteregistreringsnummer (momsregistreringsnummer)
- SE** Mervärdesskatteregistreringsnummer (momsregistreringsnummer)
- GB** value added tax (VAT) registration no.

ANNEX 3: ABBREVIATIONS

	COUNTRY	CURRENCY
BELGIUM	BE	EUR
CZECH REPUBLIC	CZ	CZK
DENMARK	DK	DKK
GERMANY	DE	EUR
ESTONIA	EE	EEK
GREECE	EL	EUR
SPAIN	ES	EUR
FRANCE	FR	EUR
IRELAND	IE	EUR
ITALY	IT	EUR
CYPRUS	CY	CYP
LATVIA	LV	LVL
LITHUANIA	LT	LTL
LUXEMBOURG	LU	EUR
HUNGARY	HU	HUF
MALTA	MT	MTL
NETHERLANDS	NL	EUR
AUSTRIA	AT	EUR
POLAND	PL	PLN
PORTUGAL	PT	EUR
SLOVENIA	SI	SIT
SLOVAK REPUBLIC	SK	SKK
FINLAND	FI	EUR
SWEDEN	SE	SEK
UNITED KINGDOM	GB	GBP