



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION
Indirect Taxation and Tax administration
Value added tax

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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.**

NETHERLANDS

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 our Website www.belastingdienst.nl for General information

Form for authorisation on the web portal (for entrepreneurs and representatives)
http://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/themaoverstijgend/programma_s_en_formulieren/aanvraag_inloggegevens_teruggaaf_btw_uit_andere_eu_landen

Requirements

http://download.belastingdienst.nl/belastingdienst/docs/bijlage_vereisten_verzoek_teruggaaf_btw_andere_eu_ob412b16fd.pdf

User manual for the Web portal
http://download.belastingdienst.nl/belastingdienst/docs/toelichting_verzoek_teruggaaf_btw_andere_eu_ob4091t11fd.pdf

Article 32 up to and including article 33 f Wet op de omzetbelasting 1968 (Dutch VAT Law)

Directive 2008/9/EG

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.

- Representation expenses (over threshold)
- Gifts (over threshold)
- Goods and services for personal use by employees (over threshold)
- Food & drinks in hotels, cafés, bars and restaurants
- 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 web portal is accessible only with login data. Login data can be obtained by filling out a form on the website for VAT Refund:

http://download.belastingdienst.nl/belastingdienst/docs/aanvraag_inloggeg_btw_andere_%20eu_land_ob4072z6fol.pdf

Company data (e.g. VAT ID no) and the name of the company's representative for VAT refund (appointed by the company) must be on the form. The form has to be signed and sent to the Dutch Tax Administration.

If it is established that the company is in fact a Dutch company for VAT purposes, login data are sent to the company's representative (as stated in the form) at the company's address (as found in our existing database). Login and password are sent in different batches for safety purposes. With the login data, the company gains access to the web portal: <https://eubtw.belastingdienst.nl/vrca-applicant/>

The login data prove the identity of the company/the company's representative.

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

Claims can be submitted by an agent on behalf of the applicant. A power of attorney is required. This is in fact dealt with within the web portal.

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 or the use of a simplified invoice.
- 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.
http://download.belastingdienst.nl/belastingdienst/docs/goederencode_ob4101b6fd.pdf

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?

Yes, on Web portal <https://eubtw.belastingdienst.nl/vrca-applicant/> is the possibility to correct a refund application. Only refund applications with status ‘submitted to MS-EST’ (“Verzonden aan de Belastingdienst”) or ‘submitted to MS-REF’ (“Doorgestuurd naar EU land”) can be corrected.

Page 23 from the user manual gives some print screens. http://download.belastingdienst.nl/belastingdienst/docs/toelichting_verzoek_teruggaaf_bt_w_andere_eu_ob4091t11fd.pdf

The time period of the application cannot be corrected. Also it is not allowed to add new invoice details to the corrected application.

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?

We assume that exceeding the 5Mb limit only occurs if attachments such as invoices are required. As MEST, we advise the applicant to delete invoices with limited interest. This implies that the actual refund request to be sent to the MSREF contains the invoices with the largest VAT amounts. Other invoices will be sent to MSREF when additional information is required. As MSREF, this question is not applicable for the Netherlands.

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

A power of attorney in name and on behalf of the applicant. Agent should be able to provide the Dutch Tax office with the PoA on request.

16. Can payments be made to agents?

Yes, (With PoA on request)

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

By mail and/or e-mail. According to Dutch Law, documents such as decisions must be printed and sent by mail.

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.

If additional information is given in a language other than Dutch, English or German, a Dutch translation can be required.

20. The refund period

- At most one calendar year
- At least three calendar months, or less if the application concerns the remainder of a calendar year (article 16 of the Directive 2008/9/EG)

21. Number of applications accepted per year.

5.

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

The Tax Office in Heerlen issues the decision. An applicant should file a written appeal against this decision within six weeks after the date of issue. The Tax Office must reply within six weeks after receiving the appeal.

23. Incorrect applications

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