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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.**

SLOVENIA

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?

Our VAT legislation is available on the web side of Financial Administration of the Republic of Slovenia in Slovenian language:

http://www.fu.gov.si/davki_in_druge_dajatve/podrocja/davek_na_dodano_vrednost_ddv/.

http://www.fu.gov.si/en/taxes_and_other_duties/areas_of_work/value_added_tax_vat/?type=%3D82215450479817f3d85a3436d5b1150b

And on the web side of Ministry of finance:

http://www.mf.gov.si/si/delovna_podrocja/davki_in_carine/sprejeti_predpisi/posredni_davki/z_akon_o_davku_na_dodano_vrednost/.

VAT law is also available in English language on web site:

http://www.fu.gov.si/en/taxes_and_other_duties/areas_of_work/value_added_tax_vat/?type=%3D17bb1b332b7d1cb8b0379b900f0a209c%3D660a94611de2070537304c4c8f1ba206%3Deec060e927badf8413c55f3a2424d6e0

The guideline concerning VAT Refund procedure in Slovenia is available on web site:

http://www.fu.gov.si/fileadmin/Internet/Davki_in_druge_dajatve/Podrocja/Davek_na_dodano_vrednost/Opis/Tax_refund_to_taxable_persons_established_in_Slovenia_made_in_another_member_state_and_tax_refund_to_taxable_persons_established_outside_Slovenia_made_in_Slovenia.docx

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.

A taxable person shall not deduct VAT on:

- a) yachts and boats intended for sport and recreation, fuels, lubricants, spare parts and services which are closely linked thereto, other than vessels used for transport of passengers and goods, leasing, renting and resale;
- b) aircraft, fuels, lubricants, spare parts and services which are closely linked thereto, other than aircraft used for transport of passengers and goods, leasing, renting and resale;
- c) passenger cars and motorcycles, fuels, lubricants, spare parts and services which are closely linked thereto, other than vehicles used for transport of passengers and goods, leasing, renting and resale, vehicles used in driving schools for the provision of the driver's training programme in accordance with the regulations in force and combined vehicles for carrying out an activity of a public line and special line transport, and special vehicles adapted exclusively for the transport of deceased people;
- d) entertainment expenses (where entertainment expenses shall include only the costs of entertainment and amusement during business or social contacts);
- e) expenses for meals (including drinks) and accommodation expenses, except expenses incurred by taxable person in connection with these supplies in the ordinary course of his business.

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?

Information is available on web site:

http://www.fu.gov.si/fileadmin/Internet/Davki_in_druge_dajatve/Podrocja/Davek_na_dodano_vrednost/Opis/Tax_refund_to_taxable_persons_established_in_Slovenia_made_in_another_member_state_and_tax_refund_to_taxable_persons_established_outside_Slovenia_made_in_Slovenia.docx

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

Taxable persons established in Slovenia may authorise other persons to submit a VAT refund claim in another EU Member State (authorised persons). In order to submit a claim for refund,

an authorised person needs a qualified [digital certificate](#) to access to the electronic eDavki system. Foreign natural persons can obtain a qualified digital certificate if they have a [tax](#) and a [registration number](#) assigned to them in Slovenia*.

Taxable persons who authorise other persons to file a VAT refund claim in another EU Member State must also fill out a [special authorisation form](#) which is specifically designed for eDavki system**. A taxable person established in Slovenia may also have several authorised representatives; however, only a single authorised person may file a VAT refund claim for individual EU Member States in a particular period.

The applicant may authorise another person to represent him or her in the refund claim procedure. There is no prescribed representation authorisation form; however, the authorisation shall contain clear data of the person granting the authorisation and of the authorised person (as indicated in the claim for refund), an indication that the authorisation is issued for the purposes of representation in VAT refund claim procedures in Slovenia, the beginning and the end of the validity of the authorisation (it may also be valid until cancelled), the date and place of issue of the authorisation and the signature of the person granting the authorisation. If the person granting the authorisation wants the amount of VAT refund to which he or she is entitled to be returned to the account of the authorised person, this must be expressly indicated in the authorisation. More detailed provisions on granting the authorisation are contained in Articles 53 to 61 of the [General Administrative Procedure Act \(ZUP\)](#). The authorisation must be attached as an annex to the claim for refund.

* *Instructions for obtaining tax number and qualified digital certificate:*

[http://www.fu.gov.si/en/taxes and other duties/work with us/entry into the tax register and tax number/](http://www.fu.gov.si/en/taxes_and_other_duties/work_with_us/entry_into_the_tax_register_and_tax_number/)

<https://edavki.durs.si/EdavkiPortal/OpenPortal/pages/registration/intro.aspx>

** *Authorisation:*

https://edavki.durs.si/EdavkiPortal/OpenPortal/CommonPages/Opdynp/PageD.aspx?category=poob_edavki

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 – *Slovenia use NACE codes on 2 level.*
- 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.

Due to the subsequent checking of the correctness of the code of goods, the tax authority will request the applicant for VAT refund to supply additional information, which will generally mean an extension of the time limit for VAT refund.

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, an applicant is able to correct an error concerning some content from the application, via e-Davki, f.e.:

- e-mail address
- a description of the applicant's business activity for which the goods and services are acquired via NACE v.2 codes
- all details concerning of invoice or importation document

The applicant cannot add new invoices or importation documents.

Procedures in the Member State of Refund

13. Are copies of invoices required?

Yes. Slovenia as a Member State of Refund requires to submit by electronic means a copy of the invoice or importation document with the refund application where the taxable amount on an invoice or importation document is EUR 1 000 (or more) or the equivalent in national currency. Where the invoice concerns fuel, the threshold is EUR 250 (or more) or the equivalent in national currency.

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?

If the applicant exceeds 5mb limit, an attachment can be send as a ZIP file.

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

Yes, Slovenia requires a letters of representation as an attachment to the VAT refund request. It is recommended that letters of representation should be attached to the first request for VAT refund in Slovenia.

16. Can payments be made to agents?

Yes, but in the letter of representation should be described that payment could be made to an agent.

VAT refund based on a request will be made into the bank account (with an IBAN and BIC code) to be indicated and selected within the framework of the refund request submitted through electronic portal of another EU Member State. It may also be the bank account of the authorised person (intermediary). The authorised person's account should be opened with a bank established in the European Union.

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

Slovenia will communicate with the applicant/agent directly via e-mail, which was stated in VAT refund form.

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.

The general procedure in Slovenia prescribes Slovene language, but information in English are also accepted.

20. The refund period

The refund period shall not be more than one calendar year or less than three calendar months. Refund applications may, however, relate to a period of less than three months where the period represents the remainder of a calendar year.

21. Number of applications accepted per year.

Slovenia does not have limitation of number of applications accepted per year.

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

In case of disagreement with the decision, taxable persons may lodge an appeal against it. An appeal against the decision may be filed within thirty days of the date on which the decision is deemed to have been served.

Pursuant to Article 238 of the ZUP, an appeal must be filed in writing or made orally on record. The appeal must indicate the following:

- the decision that is being challenged;
- the body that issued the decision;
- the number and the date of issue of the decision;
- the grounds for challenging the decision.

Appellants may state in their appeal new facts and new evidence however they must reason why they did not state them in first instance proceedings. New facts and new evidence may be considered as reasons for appeal only if they existed at the time of deciding at first instance and if the party could not justifiably submit or state them at the hearing.

23. Incorrect applications

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