

## 13th Annual VAT Summit

### how can you avoid unpleasant surprises?

- with your invoicing system
- with the deduction and financing of VAT
- with double taxation

**25-26-27 April 2012**

Lisbon (Portugal)

[www.vatforum.com/lisbon](http://www.vatforum.com/lisbon)

### Why should you attend the summit?

- Do you want to be aware of the changes needed in your invoicing system?
- Do you want to know if you are ready to start e-invoicing in 2013?
- Do you want to limit your risks concerning VAT deduction and refunds?
- Do you want to learn how to finance less VAT and how not to lose VAT?

### Who should attend the summit?

- VAT managers working in a multinational environment
- VAT compliance managers responsible for VAT reporting in different Member States
- VAT officials dealing with large and foreign taxable persons
- VAT advisers serving multinational clients

# Wednesday 25 April 2012

## 19:00 Cocktail

Welcoming cocktail and introduction to the conference

## 20:00 Welcome dinner

## What can you expect from this VAT Summit?

- Direct knowledge transfer
- Logically structured presentations and lectures
- Lectures that go into technical VAT depth but are also practically oriented
- Continual interactive discussions with the participants
- Directly applicable solutions for your business environment
- No sales pitches
- Networking with other VAT experts
- Extensive documentation

# Thursday 26 April 2012

## 8:45 – 9:15 **Welcome and introduction by Prof. Patrick Wille, president of VAT Forum**

## 9:15 – 10:00 **The EU invoicing guidelines have been warmly welcomed, but what is their impact? – Gary Wilkinson/Patrice Pillet (Taxud – European Commission – to be confirmed)**

For a clearer understanding of the main VAT invoicing rule changes as from 1 January 2013, a set of Explanatory Notes were published at the beginning of October 2012 by DG Taxud. This additional guidance has been provided to improve understanding of the articles of Invoicing Directive 2010/45/EU. The aim is to help Member States by giving guidelines on how to implement and apply the articles in national legislation in a more consistent manner and to help businesses with practical issues.

Published more than one year before the date of implementation of the new legislation, they are expected to allow Member States to transpose the legislation in a more uniform way and to provide businesses with the necessary information to adapt to the new rules in time.

The following topics are covered by the explanatory notes

- Requirement for paper and electronic invoices
- Issue of invoices
- Content of invoices
- Storage of invoices

## 10:00 – 10:30 **Invoices must reflect actual supplies: the real consequences for businesses – Patrick Wille (THE VAT HOUSE)**

Recital 10 of Directive 2010/45/EU explicitly states that *"Invoices must reflect actual supplies and their authenticity, integrity and legibility should therefore be ensured. Business controls can be used to establish reliable audit trails linking invoices and supplies, thereby ensuring that any invoice (whether on paper or in electronic form) complies with those requirements."*

For each invoice there should therefore be an actual underlying supply. What does this mean for your business? Are you sure that there is an actual underlying supply for every invoice you issue? In respect of your daily business flow, each invoice is very likely to represent an actual supply. However, the scope of your business is a lot broader than just your daily business flows. What about your miscellaneous invoicing flows? Prof. Patrick Wille will highlight the danger zones and how to tackle them.

## 10:30 – 11:00 **Coffee break**

## 11:00 – 11:45 **The EU VAT Directive finally states what legislation is applicable to invoicing: simplicity or complete chaos? – Isabelle Desmeyere (VAT Forum)**

There did not use to be any provision in the EU VAT Directive that explicitly determined which Member States' legislation applied, and so the rules of the Member State where the place of supply was located applied. The objective of the new Article 219a of the EU VAT Directive is to provide clear rules on which Member State should establish the invoicing rules in relation to transactions falling within the scope of the EU VAT Directive.

In cases where appropriate national regulations are needed, such as references to exemptions, or the currency of the VAT amount, the relevant Member State should be the one referred to in Article 219a. Is the introduction of article 219a a real simplification or not? Isabelle Desmeyere will analyse the practical implications of this new article. What will change for business? What will you need to take into account?

## 11:45 – 12:10 **Make sure you issue your invoice in time in every EU Member State – Mats Holmlund (Skeppsbron Skatt)**

Article 222 of the EU VAT Directive has been changed so that an invoice must be issued no later than on the fifteenth day of the month following that in which the chargeable event occurs, in the case of (deemed) intra-Community supplies of goods and supplies or intra-Community services on which the VAT is payable by the customer.

However, Member States may still apply other time limits to other supplies of goods or services.

To what supplies does the time limit of 15 days of the next month apply? What are the other time limits set by Member States? What is the consequence of issuing invoices late?

## 12:10 – 12:30

## **Summary invoicing: the remaining headaches – Thomas Pühringer (Pühringer Tax Consulting)**

Member States allow summary invoices which detail several separate supplies of goods or services, provided that the VAT on the supplies mentioned in the summary invoice becomes chargeable during the same calendar month, although Member States can deviate from the latter (article 223 of the EU VAT Directive).

What should the summary invoice look like? Should the chargeable event for each invoice line be mentioned on the summary invoice or can it be referred to? What exchange rates are to be used?

## 12:30 – 14:00

## **Lunch**

## 14:00 – 14:40

## **Less statements on invoices ... but what about the balance between compliance and information? – Patrick Wille (THE VAT HOUSE)**

With respect to the content of invoices, Directive 2010/45/EU brings changes to the invoice statements concerning cash accounting, self-billing, exemptions, the reverse charge and margin schemes.

What is the impact of the changes? What problems may arise? Is there still a balance between information and compliance? How should businesses implement these new requirements in the most optimal way?

The provision dealing with the VAT number under which the supply was made has not been changed, but nevertheless this topic will also be discussed within this context.

## 14:40 – 15:05

## **E-invoicing in Poland: the implementation of Directive 2010/45/EU in Polish law - Małgorzata Woźniak (Ministry of Finance)**

The Polish legislator has already partly implemented Directive 2010/45/EU into national legislation on March 28, 2011 by means of a Regulation by the Minister of Finance.

Małgorzata Woźniak will discuss the extent to which the invoicing Directive has been transposed into national law and what the further plans of the Polish legislator are.

## 15:05 – 15:30

## **E-invoicing in Germany: the road to Damascus? – Stefan Maunz (Küffner, Maunz, Langer Zugmaier)**

The German legislator has already implemented Directive 2010/45/EU into national legislation, by virtue of the Tax Simplification law 2011 published on 1 November 2011.

Stefan Maunz will discuss the highlights of the new invoicing legislation; to what extent is it in line with the new provisions introduced by Directive 2010/45/EU? What problems are already known?

## 15:30 – 16:00

## **Coffee break**

## 16:00 – 17:30

## **"I think my business controls are fine to ensure authenticity, integrity and legibility, ... but I haven't a clue what the VAT auditor will think of them"**

## **Panel discussion led by Isabelle Desmeyere with different Member States' tax authorities and business.**

Directive 2010/45/EU introduced the following provision as part of article 233 of the EU VAT Directive: *Each taxable person shall determine the way to ensure the authenticity of the origin, the integrity of the content and the legibility of the invoice. This may be achieved by any business controls which create a reliable audit trail between an invoice and a supply of goods or services.*

Business control is the process created, implemented and kept up to date by the persons responsible for providing reasonable assurance on financial, accounting and regulatory reporting and that legal requirements are complied with, but it is also a very wide concept. Hence businesses sometimes find the idea frightening because they ultimately want to be sure that when being audited, the tax authorities will consider their invoicing system as being under 'control'.

Officials from different tax authorities, both from the legal side and audit side will take part in the panel discussion so that businesses will have a better idea of what to expect from business controls throughout the EU.

Panelists: Małgorzata Woźniak (Ministry of Finance - Poland), Cidália Guerreiro Lança (Ministry of Finance - Portugal), Renato Dagostino (Ministry of Finance - Italy), Eric Forslund (Tax authorities - Sweden), Joost Kuipers (Tax authorities - The Netherlands - to be confirmed), ...

Please check our website for an update on the composition of the panel.

**The purpose of the panel discussion is to bring more certainty for businesses with respect to the use of business controls. So if you have a particular business case, we will be happy to look into it during the panel discussion. You can send your business case in sufficient detail to [info@vatforum](mailto:info@vatforum), with 'business case summit' in the subject line, before 29 March 2012.**

17:30 **Wrap-up of the day**

20:00 **Cocktail followed by a Gala-dinner (suit & tie)**

## Friday 27 April 2012

### 9:00 – 9:45 **How to ensure the deduction of your VAT in 2013? Deduction of VAT in the light of Directive 2010/45/EU and the Bockemühl ECJ Case – Stefan Maunz (Küffner, Maunz, Langer Zugmaier)**

The ECJ Court ruled on 1 April 2004 that a taxable person who is liable, as the recipient of services, is not obliged to be in possession of an invoice drawn up in accordance with the EU VAT Directive in order to be able to exercise his right to deduct.

Directive 2010/45/EU also changes the provisions concerning the deduction of VAT. What will be the requirements for being able to deduct the VAT, taking into account the provisions of the amended EU VAT Directive and the Bockemühl Case (ECJ C-90/02)?

### 9:45 – 10:10 **How costly is deducting VAT in the wrong periodical VAT return? – Dorota Baczewska (ITA Doradztwo Podatkowe)**

Some Member States require that the deduction of VAT is materialized by reporting the invoice in the VAT return of one or more specific periods, but other Member States do not limit the period.

Which Member States have this kind of stringent legislation and how should you deal with it?

### 10:10 – 10:30 **What is the risk of losing refundable VAT if invoices are corrected? Periodicity of refund – Raymond Feen (ALLVAT)**

Some Member States apply different rules for accepting invoices for a given refund period. Is the date of the taxable transaction or the invoice date the decisive factor in accepting or refusing the request for refund? This issue arises especially in case of corrections made at a later date.

### 10:30 – 11:00 **Coffee break**

### 11:00 – 12:30 **How can huge pre-financing of VAT be avoided in Member States which apply the reverse charge to domestic supplies of goods?**

### **Panel discussion led by Emmanuel Cotessat (Emmanuel Cotessat Sté d'Avocats) with different VAT Forum partners.**

Quite a large number of EU Member States have implemented article 194 of the EU VAT Directive which allows Member States to foresee in the application of reverse charge for domestic supplies of goods when supplied by non-established taxable persons. This often leads to high amounts of VAT pre-financing because businesses end up in VAT refund positions.

However, in some Member States, there are ways to work around this, so that non-established taxable persons can charge VAT for their domestic supplies. It will be analysed for each Member State what kind of options exist to prevent taxable persons from financing high amounts of VAT to be refunded. During a panel discussion, the opportunities and different ways to get around the application of the reverse charge will be analysed for each Member State.

Panelists: Alessandro Portale (Italy), Dorota Baczewska (Poland), Mats Holmlund (Sweden), Manuel Perez de Alaba (Spain), Frank Borger (Belgium), Raymond Feen (the Netherlands), Angela Rosca (Romania), Gamito Conceicao (Portugal) and Emmanuel Cotessat (France – chair).

### 12:30 – 14:00 **Lunch**

### 14:00 – 14:45 **Are you aware of the real consequences of the ECJ Case Euro Tyre Holding BV on chain transactions? – Frank Borger (THE VAT HOUSE)**

In the EMAG Case (C 430/09), the ECJ ruled that *when goods are the subject of two successive supplies between different taxable persons, but of a single intra-Community transport, whereby the*

*first person acquiring the goods, having obtained the right to dispose of the goods as owner in the Member State of the first supply, expresses his intention to transport those goods to another Member State and presents his VAT number attributed by that other State, the intra-Community transport should be ascribed to the first supply, on condition that the right to dispose of the goods as owner has been transferred to the second person acquiring the goods in the Member State of destination of the intra-Community transport.*

In the EMAG Case (C 245/04), the intermediate purchaser had received a request to supply goods from the final purchaser before acquiring those goods from his supplier, while the Euro Tyre Holding Case concerns a situation in which the intermediate purchaser sells on to the final purchaser the goods that the intermediate purchaser has previously acquired from his supplier and in which no prior order has been placed.

What are the practical consequences for chain transactions? The Court conclusions will be applied on practical examples and their impact will be analysed.

### 14:45 – 15:10 **Telecom services – what to do to prevent from chaos in 2015? – Patrick Wille (THE VAT HOUSE)**

From 2015 onwards, the place of supply of telecommunications, broadcasting and electronic services to non-taxable persons shall be the place where that person is established, has his permanent address or usually resides (article 58 Directive 2006/112/EC).

The legislation as drafted assumes that the supplier has sufficiently detailed knowledge of the customer to identify where the correct place of taxation is, but ... what if:

- A person makes a call from a phone kiosk in Germany: what VAT should be charged? How can the user be identified?
- A Swedish private person uses a land line in his holiday house in Spain. The billing address is Spain, but Swedish VAT is due.
- ...

### 15:10 – 15:30 **Spoiling your staff with retail vouchers – a way to keep your staff but lose VAT twice? – Conceição Gamito (Vieira de Almeida & Associados)**

In the Astra Zeneca Case (C 40/09), the ECJ ruled that *the provision of a retail voucher by a company, which acquired that voucher at a price including VAT, to its employees in exchange for their giving up part of their cash remuneration, constitutes a supply of services effected for consideration.*

The ECJ ruled that in this case the VAT cannot be deducted, and on top of it, the VAT is due on the self-supply. How can this ECJ decision be reconciled with the basic principle of VAT: neutrality?!

### 15:30 – 16:00 **Coffee break**

### 16:00 – 17:00 **The way forward in the EU – Gary Wilkinson/ Patrice Pillet (Taxud – European Commission – to be confirmed)**

On an EU level, officials are constantly working on new law proposals. Recently the outcome of the Green Paper has been published as well.

On 6 December 2011 the European Commission published a Communication to the European Parliament, the Council and the European Economic and Social Committee on the future of VAT. The Communication has designed a way forward to achieve a simpler, more robust and efficient VAT system, adapted to the single market. The purpose is to realise a simpler VAT system for domestic combined with intra-EU transactions which makes compliance easier and therefore contributes to its robustness. Short term and medium term actions are described.

One of the short term actions is the 'mini-OSS' (One-Stop-Shop). The supply of a mini OSS for the EU providers of telecommunications, broadcasting and electronic services provided to final consumers within the EU will come into force in 2015. The implementation of the mini OSS is seen by many Member States and by business as a major milestone. Its smooth functioning should pave the way for a more general use of this concept.

### 19:00 **Social event in the center of Lisbon followed by a traditional dinner**

# Registration Form



## For more information:

VAT Forum CV,  
O.L.Vrouwstraat 6/4,  
B-1850 Grimbergen,  
Belgium

Phone: +32 2 272 44 39  
Fax: +32 2 272 44 30  
0465.676.610  
RPR Brussel

VAT n°: BE 0465 676 610  
info@vatforum.com

## Please send or fax this registration form back to:

- VAT Forum, O.L.Vrouwstraat 6/4, B-1850, Grimbergen, Belgium
- Fax: +32 2 272 44 30
- Or register by visiting our website: [www.vatforum.com/lisbon](http://www.vatforum.com/lisbon)

Company: .....  
Name of participant: .....  
E-mail address: .....  
Address: .....  
Country: .....  
Telephone: .....  
Fax: .....  
VAT identification number: .....  
 I do not want my e-mail address to be printed on the list of participants

## Conference: Hotel Palacio Estoril \*\*\*\*\*

Participation fee for the Summit; prices do not include VAT.

	VAT Forum Members:	Non-Members:
Early subscriptions: before 22 March 2012	<input type="checkbox"/> € 1100	<input type="checkbox"/> € 1300
Subscriptions after 22 March 2012	<input type="checkbox"/> € 1300	<input type="checkbox"/> € 1500

The documentation supplied consists of a small binder containing the slides and a USB stick containing the underlying documentation.

To become a member of VAT Forum: € 1000

If you have special dietary requests, please indicate this. Otherwise we cannot guarantee that we will be able to comply with your dietary wishes:  Vegetarian  Vegan

I would like to bring my partner with me and pay € 250; this amount covers all dinners in the evening, cocktails before dinner and social events.

To register online: [www.vatforum.com/lisbon](http://www.vatforum.com/lisbon)

An invoice will be sent after receiving your application form. Payments can be made to the following bank account number IBAN BE 91 7340 0322 7176; BIC code KREDBEBB or by sending a company cheque. The payment must be made before the conference starts.

## Hotel reservation: Hotel Palacio Estoril \*\*\*\*\*

25/04  26/04  27/04  28/04

- Double room for single use (breakfast included): € 142 per night  
 Double room for double use (breakfast included): € 161 per night

The room prices do not include any taxes.

Type of credit card: ..... Number: ..... Expiry date: .../.../...

Signature + date

The prices for the hotel rooms can be guaranteed until 22 March 2012 subject to availability. After 22 March 2012, we will inform you a.s.a.p. about availability.

Hotel cancellations can only be made until 22 March 2012. Participants are free to reserve another hotel.

Cancellation: Nominated individuals who are unable to attend can nominate somebody else to go in their place. For cancellations of participation in the Summit notified before 22 March 2012, the sum paid will be reimbursed after the deduction of € 150 to cover administration costs. For cancellations made from 22 March 2012 onwards, a reimbursement of 50% will be made and the documentation will be sent to the participant. Cancellations after 19 April 2012 will be considered as "no show" and no reimbursements will be made. When registering after 16 April 2012, we cannot guarantee that your name will appear on the participation list.

## About the conference

We aim to create an open discussion between VAT managers within companies, consultants, officials from national VAT authorities and the European Commission. This conference aims to discuss hot topics and provide ready-made answers for businesses. The aim of the conference is also to inform companies and consultants of the latest changes to EC and national VAT legislation and the impact of these changes on business.

We aim to provide substantial information as well, not only to be used during the conference, but also as a reference tool back home.

During the sessions, participants will have the opportunity to raise questions. Participants are invited to contribute as much as they believe is useful during the panel discussions, in order to make this conference as interactive as possible. During each session, there will be sufficient time to answer questions and to discuss the issues with the audience.

The conference offers a unique opportunity for networking. Persons responsible for VAT from different companies and countries will be present. It is the ideal moment to exchange ideas and gather information from other countries.

## About VAT Forum

VAT Forum is an international partnership of indirect tax specialists and was founded in 1999 by Professor Prof. Patrick Wille and some other independent VAT consultants and member companies. It consists of partners (highly experienced independent VAT consultants), and members (companies that trade across borders). The Forum organises activities and provides services for its members.

It is a fact that VAT is becoming a major issue and a significant liability for those businesses that are active across borders in Europe; this is not only the case for multinational firms, but also for smaller companies that trade within Europe.

For this reason, it is VAT Forum's main aim to support the VAT compliance requirements of its members actively, by means of short and long-term training programmes, conferences, information dissemination, weekly newsletters, technical discussion groups, lobbying and networking.

[www.vatforum.com](http://www.vatforum.com)

## Speakers, moderators, panel members

Prof. Patrick Wille	(VAT Forum),
Frank Borger	(THE VAT HOUSE, Belgium)
Isabelle Desmeyere	(VAT Forum, Belgium)
Jan Kaucký	(RNDr. Jan Kaucký, Czech Republic)
Emmanuel Cotessat	(Emmanuel Cotessat Sté d'Avocats, France)
Raymond Feen	(ALLVAT, The Netherlands)
Stefan Maunz	(Küffner, Maunz, Langer Zugmaier, Germany)
Nicoletta Mazzitelli	(CBA Studio Legale e Tributario, Italy)
Ranetta Petrovácz	(Petitum Kft, Hungary)
Iris Schaefer	(WP/StB Iris Schaefer, Germany)
Manuel Peréz de Algaba	(IVA Consulta, Spain)
Dorota Baczevska – Golińska	(ITA DP, Poland)
Steve Botham	(Covertax Chartered Tax Advisers, United Kingdom)
Gary Wilkinson/Patrice Pillet	(Taxud - European Commission – <i>to be confirmed</i> )
Marnix Cornette	(RFN sarl, France)
Morten Chr. Stegard	(Advokatfirmaet Stegard, Norway)
Thomas Pühringer	(Pühringer Tax Consulting, Austria)
Conceição Gamito	(Vieira de Almeida, Portugal)
Malgorzata Wóznik	(Ministry of Finance, Poland)
Alessandro Portale	(Studio Portale, Italy)
Mats Holmlund	(Skeppsbronskatt, Sweden)
David Stokes	(Accordance, UK)
Cidália Guerreiro Lança	(Ministry of Finance - Portugal),
Renato Dagostino	(Ministry of Finance – Italy)
Joost Kuipers	(Tax authorities – The Netherlands – <i>to be confirmed</i> )
Eric Forslund	(Tax authorities – Sweden)