



DORADZTWO
PODATKOWE

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Poland participates in the pilot EU VAT Cross-Border Rulings (CBR) project

Ministry of Finance has informed that Poland joined to the voluntary EU VAT CBR pilot project. EU VAT CBR is a new instrument which enables VAT taxpayers to obtain rulings on the VAT treatment of cross-border transactions in which the National Revenue Administration in Poland and tax authorities of the other EU Member State (also participating in the project) make an arrangement on VAT treatment. The EU Member States currently participating in the EU VAT CBR are: Poland, Belgium, Denmark, Ireland, Estonia, Spain, France, Italy, Cyprus, Latvia, Lithuania, Malta, Hungary, Netherlands, Portugal, Slovenia, Finland and Sweden (in total 18 countries).

The CBR is aimed at reducing the risk of divergent assessment of VAT consequences of the cross-border transaction by tax authorities of different EU Member States, which may result e.g. in double taxation or non-taxation.

This instrument can be useful when the interpretation of complex cross-border supplies of goods or services is not clear. It may be the case e.g. in determining the place of supply of goods and services or taxation of chains transactions.

Ministry has published information about the procedure of obtaining CBR. It is issued on the request of the taxpayer. To receive CBR it is necessary to submit an initial CBR request which will be evaluated by the Head of the National Revenue Administration in terms of the formal requirements. After its acceptance the final CBR request shall be submitted. Requests are not subject to any fee. The initial CBR request can be accepted if the following requirements are met:

- case concerns the planned cross-border transaction which has not been conducted yet,
- case is highly complex,
- CBR can only be agreed with the tax authority of the EU Member State which is participating in this project,
- applicant agrees to the further proceeding the case by National Revenue Administration and publishing the CBR on the page of European Commission (after anonymisation of the data)

The procedure of receiving the CBR is not simple. However it is worth to take it into consideration to receive clear position on VAT consequences of cross-border transaction between Poland and EU Member States, which are taking part in pilot project EU VAT CBR.



Should you be interested in obtaining further information, or would like to discuss the impact of the above changes please contact:

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or your advisor at MDDP.

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