

**Act  
No. 222/2004 Coll.  
ON VALUE ADDED TAX**

as amended by

Act No. 350/2004 Coll.  
Act No. 651/2004 Coll.  
Act No. 340/2005 Coll.  
Act No. 523/2005 Coll.  
Act No. 656/2006 Coll.  
Act No. 215/2007 Coll.  
Act No. 593/2007 Coll.  
Act No. 378/2008 Coll.  
Act No. 465/2008 Coll.  
Act No. 83/2009 Coll.  
Act No. 258/2009 Coll.  
Act No. 471/2009 Coll.  
Act No. 563/2009 Coll.  
Act No. 83/2010 Coll.  
Act No. 490/2010 Coll.  
Act No. 331/2011 Coll.  
Act No. 406/2011 Coll.  
Act No. 246/2012 Coll.  
Act No. 440/2012 Coll.  
Act No. 360/2013 Coll.  
Act No. 218/2014 Coll.  
Act No. 268/2015 Coll.  
Act No. 297/2016 Coll.  
Act No. 334/2017 Coll.  
Act No. 369/2018 Coll.  
Act No. 368/2019 Coll., 317/2019 Coll., 318/2019 Coll.  
Act No. 344/2020 Coll.  
Act No. 408/2021 Coll.  
Act No. 516/2022 Coll., 222/2022 Coll., 9/2023 Coll.  
Act No. 102/2024 Coll., 309/2023 Coll.  
Act No. 278/2024 Coll.  
Act No. 354/2024 Coll.  
Act No. 364/2024 Coll.  
Act No. 26/2025 Coll.  
Act No. 77/2025 Coll.  
Act No. 181/2025 Coll.  
Act No. 261/2025 Coll.  
Act No. 384/2025 Coll.  
[Act No. 261/2025 Coll.](#)  
[Act No. 385/2025 Coll.](#)

The National Council of the Slovak Republic has resolved upon the following Act:

**Basic Provisions**

**§ 1**

**Scope of Legislation**

This Act arranges the value added tax (hereinafter the „tax“).

**§ 2**

**Subject of Tax**

(1) The subject of this tax is

- a) supply of goods for consideration within the territory of the country effected by a taxable person, who acts in the capacity of a taxable person,
- b) provision of a service (hereinafter the „supply of service“) for consideration within the territory of the country effected by a taxable person, who acts in the capacity of a taxable person,
- c) acquisition of goods for consideration within the territory of the country from another Member State of the European Union (hereinafter the „Member State“),
- d) importation of goods into the territory of the country.

(2) For the purposes of this Act

- a) the territory of the country shall mean the territory of the Slovak Republic,
- b) the territory outside the country shall mean the territory, which is not within the country,
- c) the territory of European Union shall mean the territory of the country and the territories of other Member States, which have been defined by laws of these Member States for taxation purposes as the territory of those Member States,
- d) the territory of third countries shall mean the territory, which is not the territory of the European Union.

(3) For the purposes of this Act, taxable transactions originating in the Principality of Monaco or intended for the Principality of Monaco shall be treated as transactions originating in France or intended for France and transactions originating in the Isle of Man or intended for the Isle of Man shall be treated as transactions originating in the United Kingdom of Great Britain and Northern Ireland or intended for the United Kingdom of Great Britain and Northern Ireland.

## § 3

### Taxable Person

(1) A taxable person shall be any person who independently carries out any economic activity as per paragraph (2), whatever the purpose or results of that activity.

(2) An economic activity (hereinafter the „business “) shall mean any activity, from which an income is accrued, and which includes the activities of producers, traders and persons supplying services including mining, construction and agricultural activities, activities carried on as a free-lance occupation in accordance with separate regulations,<sup>1)</sup> intellectual creative activity and sporting activity. Business is also considered to be the use of tangible property and intangible property with a view to obtaining income from the property; if the property is the common property of spouses, its use with a view to obtaining income is business in equal proportion of each spouse, unless the spouses decide otherwise.

(3) The execution of activities based on an industrial relation, a state-industrial relation, function or other similar relation, when a natural person is obliged to adhere to instructions or orders creating a relation of subordination and super ordination from the point of view of conditions of the executed activities and conditions of remuneration, is not considered an independent execution of activities according to paragraph (1); if a taxable person has VAT identification number assigned for application of the special tax scheme under § 68b paragraph (2), the tax office shall assign the same VAT identification number to that taxable person.

(4) Government authorities and their organizations, government funds, local government authorities and their organizations fully funded from the state budget and other legal persons that are bodies of public authority, are not considered to be taxable persons when they act in the scope of their main activity, nor when they receive payments in conjunction with that activity, with the exception of when such an activity significantly violates or may significantly violate economic competition, and with the exception when they perform activities specified in Annex 8 and such activities are not performed in a negligible scope. The administration of State Material Reserves of the Slovak Republic<sup>2)</sup> is a taxable person within the scope of the purchase and sale of state material reserves.

(5) Any person who incidentally supplies a new means of transport (§ 11 paragraph (12)) from the territory of the country to another Member State and such a new means of transport is dispatched or transported to the purchaser by such a person or by the purchaser or for their account, shall be a taxable person for the purpose thereof.

### Taxpayer and the taxpayer's registration obligation

## § 4

(1) A taxable person that has a registered office, place of business or fixed establishment within the territory of the country, and in the absence of such place, who has domicile or habitual residence within the territory of the country, shall become a taxpayer (hereinafter referred to as „taxpayer“)

a) on the first day of the calendar year following the calendar year in which the value, exclusive of tax, of goods or services supplied by this person and included in the turnover referred to in paragraph (15) exceeded EUR 50,000, except as otherwise provided in subparagraphs (b) to (i) of paragraph (8), or § 48c, paragraph (5);

b) upon the supply of goods or services whereby the value, exclusive of tax, of goods or services supplied by this person and included in the turnover referred to in paragraph (15) for the current calendar year exceeds EUR 62,500;

c) on the date when this person became the legal successor of a taxpayer dissolved without liquidation;

d) on the date of acquisition of a taxpayer's enterprise or its part forming a separate organisational branch if the person has acquired tangible assets and intangible assets located within the territory of the country through the acquisition;

e) on the effective date of the transformation in case of a spin-off,<sup>3)</sup> or the effective date of the transformation in case of a spin-off under a law in force in another Member State or of a contracting state of the European Economic Area Agreement, or the effective date of the transformation in case of a cross-border spin-off,<sup>4)</sup> if tangible assets or intangible assets of the taxpayer divided by the spin-off<sup>4a)</sup> or cross-border spin-off<sup>4b)</sup> have been transferred to this person within the territory of the country;

f) on the date of supply of a building, a part of a building, or building land by this person, whereby the turnover threshold laid down in subparagraph (b) is exceeded.

g) on the date on which this person has received a payment on account before the supply referred to in subparagraph (f);

h) on the date of the supply of goods with a place of supply within the territory of the country, if it is a taxable person referred to in the first sentence of § 8(7); or

i) upon the supply of goods or services or the acquisition of goods within the territory of the country from another Member State which is subject to tax under § 2 by a taxable person having only an fixed establishment within the territory of the country, unless it is a small enterprise of a

foreign person using tax exemption under § 68f, paragraph (2).

(2) A taxable person referred to in paragraph (1) shall be obliged to file a tax registration application with the tax office within five working days

- a) from the date when the turnover threshold provided in paragraph (1), subparagraph (a) was exceeded;
- b) from the date when the turnover threshold provided in paragraph (1), subparagraph (b) was exceeded, unless the person was obliged to file a tax registration application under subparagraph (a);
- c) from the date when the turnover threshold provided in paragraph (1), subparagraph (b) was exceeded if this occurred after the exceeding of the turnover threshold laid down in paragraph (1), subparagraph (a) and before the expiry of the time limit for filing a tax registration application under subparagraph (a), and the tax registration application referred to in subparagraph (a) has not yet been filed;
- d) from the date the taxable person has become a taxpayer under paragraph (1), subparagraphs (c) to (i); or
- e) from the date the taxable person has become a taxpayer under paragraph (1), subparagraphs (c) to (i) if this occurred at a time after the exceeding of turnover under paragraph (1), subparagraph (a) and before the expiry of the time limit for filing a tax registration application under subparagraph (a), and the tax registration application referred to in subparagraph (a) has not yet been filed.

(3) A taxable person that is obliged to file a tax registration application under paragraph (2) shall indicate in the application the event on the basis of which the filing obligation arose and the date when the event occurred; where the taxable person files a tax registration application on the ground that the turnover threshold laid down in paragraph (1), subparagraph (a) or subparagraph (b) was exceeded and this resulted solely from a supply of goods and services that are tax exempt under § 37 to 39, this fact shall be indicated in the application. A tax registration application referred to in paragraph (2), subparagraph (d) or (e) filed on the basis of the taxable person has become a taxpayer under paragraph (1), subparagraphs (c) to (h) must be accompanied by documents evidencing the occurrence of the relevant event; where the event is not subject to entry in the Commercial Register and the taxpayer referred to in paragraph (1), subparagraphs (c) to (e) does not have a registered office within the territory of the country, the documents must be officially certified.

(4) Unless otherwise provided in paragraph (10), subparagraph (a), the tax office shall register

a) the taxable person subject that was obliged to file a tax registration application under paragraph (2), subparagraph (a) and assign a tax identification number to that person and issue the tax registration decision no later than ten days from the date of receipt of the tax registration application, and the tax identification number shall become effective

1. on the first day of the calendar year following the calendar year in which the turnover threshold laid down in paragraph (1), subparagraph (a) was exceeded, except as otherwise provided in points 1 to 4 or in paragraph (11);
2. upon the supply of goods or services whereby the turnover threshold laid down in paragraph (1), subparagraph (b) was exceeded if the supply took place before 1 January of the calendar year following the calendar year in which the turnover threshold laid down in paragraph (1), subparagraph (a) was exceeded.
3. on the date when the event referred to in paragraph (1), subparagraphs (c) to (i) occurred; or
4. on the next day after the date of the notification submitted referred to in paragraph (8), subparagraph (b);

b) the taxpayer that was obliged to file a tax registration application under paragraph (2), subparagraphs (b) to (e), or the taxpayer referred to in paragraph (8), subparagraph (a), and assign a tax identification number to that taxpayer and issue the tax registration decision no later than ten days from the receipt date of the tax registration application filed on the basis of

1. the taxable person has become a taxpayer under paragraph (1), subparagraph (b) or subparagraph (i), or paragraph (8), subparagraph (a), and the tax identification number shall become effective on the date when the taxable person has become a taxpayer;
2. the taxable person has become a taxpayer under paragraph (1), subparagraphs (c) to (h) and of the receipt of documents referred to in paragraph (3), and the tax identification number shall become effective on the date when the taxable person has become a taxpayer.

(5) A taxable person that has filed a tax registration application under paragraph (2), subparagraph (a) shall be obliged to immediately notify the tax office of the fact that it has become a taxpayer under paragraph (1), subparagraphs (b) to (i) or pursuant to § 48c paragraph (5) by 31 December of the current calendar year; the date when this event occurred must be indicated in the notification. If the tax office has not issued a decision yet referred to in paragraph (4), subparagraph (a), as at the submission date of the notification referred to in the first sentence, the tax registration decision shall be issued as provided in paragraph (4), subparagraph (b).

(6) A taxable person that has a registered office, place of business or fixed establishment within the territory of the country, or in the absence of any such a place but who has domicile or habitual residence within the territory of the country, may also become a taxpayer before

- a) exceeding the turnover threshold laid down in paragraph (1), subparagraph (a); or
- b) exceeding the turnover threshold laid down in paragraph (1), subparagraph (b).

(7) A taxable person referred to in paragraph (6), subparagraph (a) may file a tax registration application. Unless otherwise provided in paragraph (10), subparagraph (b), the tax office shall register such person and assign a tax identification number to that person and issue the tax registration decision no later than 21 days from the date of receipt of the tax registration application. The taxable person shall become a taxpayer on the date laid down in the tax registration decision and the tax identification number shall become effective on the same date; the forgoing shall not apply if the taxable person has become a taxpayer under paragraph (1), subparagraphs (a) to (h) or pursuant to § 48c paragraph (5) before that date, which fact must immediately be notified to the tax office. If the event referred to in the third sentence occurs and the tax office has already issued a tax registration decision, this decision shall be revoked by the issuance of a new decision; paragraph (3) shall apply *appropriately* to the action of the taxable person and paragraphs (4) and (10) shall apply *appropriately* to the action of the tax office in the registration process.

(8) If a taxable person whose turnover has exceeded EUR 50,000 in the current calendar year opts to become a taxpayer under paragraph (6), subparagraph (b),

- a) upon supply of goods or service whereby the value, exclusive of tax, of goods or services supplied by this person and included in the turnover referred to in paragraph (15) exceeds EUR 50,000 in the current calendar year, the person shall indicate this fact in the tax registration application referred to in paragraph (2) and the taxable person shall become a taxpayer as of the date of such supply;
- b) before exceeding the turnover threshold laid down in paragraph (1), subparagraph (b), the person shall notify the tax office of this fact no

sooner than upon receipt of a tax registration decision referred to in paragraph (4), subparagraph (a), and the taxable person shall become a taxpayer on the date following the giving of such notification.

(9) A tax registration decision referred to in paragraph (4) or paragraph (7) cannot be appealed.

(10) If the tax office finds out during the registration process that the conditions for the tax registration of the person that filed a tax registration application have not been met and the application was filed under

- a) paragraph (2), the tax office shall not register this person since the person is not eligible for becoming, or has not become, a taxpayer and issue an unappealable decision to that effect; or
- b) paragraph (7), the tax office shall not register this person since the person is not a taxable person.

(11) If an event occurs in the current calendar year based on which the taxable person that has submitted a tax registration application under paragraph (2), subparagraph (a) and has not been assigned a tax identification number under § 7 or § 7a was obliged to file a tax registration application under § 7 or § 7a, the taxable person shall be obliged to notify the tax office of this fact before the relevant event occurs. Where, as at the submission date of the notification referred to in the first sentence,

- a) the tax registration decision referred to in paragraph (4), subparagraph (a) was received by the taxable person, starting from the day following the submission date of the notification and until 31 December of the current calendar year or until the date when the taxable person becomes a taxpayer in the current calendar year, as referred to in paragraph (1), subparagraphs (b) to (i), or pursuant to paragraph (8) subparagraph (b) or § 48c paragraph (5), the taxable person shall be considered for the purposes of this Act a person registered for tax under § 7 or § 7a; the tax office shall not issue any decision to that effect;
- b) the tax registration decision referred to in paragraph (4), subparagraph (a) was not received by the taxable person, starting from the date of receipt of the decision and until 31 December of the current calendar year or until the date when the taxable person has become a taxpayer in the current calendar year, as referred to in paragraph (1), subparagraphs (b) to (i) or paragraph (8), subparagraph (b), the taxable person shall be considered for the purposes of this Act to be a person registered for tax according to § 7 or § 7a.

(12) If the taxpayer that submitted a tax registration application referred to in paragraph (2) or paragraph (7), or if the taxable person that notified an event referred to in paragraph (8), has been assigned a tax identification number under § 7 or § 7a, or for the purpose of applying the special scheme under § 68b, paragraph (2), the tax office shall assign the same tax identification number to the person.

(13) A notification referred to in paragraph (5), the third sentence of paragraph (7), or paragraph (8), subparagraph (b) or paragraph (11) shall be submitted by using a special form prescribed in the relevant law.<sup>4c)</sup>

(14) For the purposes of this Act,

- a) 'place of residence' shall mean the address of the natural person's permanent residence within the territory of the country, and for a natural person that does not have a permanent residence within the territory of the country, the person's permanent place of residence abroad.
- b) 'fixed establishment' means a permanent place of business that has the personnel and material equipment necessary for the conduct of business.

(15) For the purposes of this Act, turnover is the value, exclusive of tax, of goods and services supplied within the territory of the country, except for the value of goods and services that are exempt from tax under §§28 to 36 and according to §§40 to 42. The value of the supplied insurance services that are exempt from tax under § 37 and of financial services that are exempt from tax under § 39 shall not be included in the turnover, provided that such services are rendered as ancillary services upon the supply of goods or services. The turnover shall not include the value of occasionally supplied tangible assets except for inventories and the value of occasionally supplied intangible assets.

#### § 4a

(1) More taxable persons who have their registered office, place of business or fixed establishment within the territory of the country and are connected financially, economically and organisationally (hereinafter the "member of the group"), may be deemed as a single taxable person (hereinafter the "group").

(2) Financially connected taxable persons are persons, one or more of which is (are) controlled by a controlling person.<sup>4e)</sup>

(3) Economically connected taxable persons are persons, the principal activities of which are mutually dependent or who share a common economic objective or one of them operates, in whole or in part, activities that are beneficial to one or more members of the group.

(4) Organisationally connected taxable persons are persons, if in their management or control participates at least one identical person.

(5) A taxable person may be a member of one group only. If the seat, place of business or fixed establishment of the taxable person, who is a member of a group, is located outside the territory of the country, such units located outside the territory of the country may not constitute part of the group. Membership in a group is prohibited for a taxable person on which the petition for bankruptcy has been filed or to whom restructuring has been permitted.

#### § 4b

(1) Members of a group may apply for the tax registration of the group (hereinafter the "registration of the group"). The application for the registration of the group shall contain:

- a) business name and address of the registered office, place of business or fixed establishment of each member of the group,
- b) tax identification number of each member of the group, if such number has been assigned in the territory of the country,
- c) tax office locally competent for each member of the group,
- d) business name and address of the registered office, place of business or fixed establishment of the member of the group who was appointed by members of the group to represent it in issues concerning the application of this tax (hereinafter the "group representative"),
- e) signatures of the statutory representatives of all members of the group.

(2) The application for the registration of the group shall be submitted to the tax office which is locally competent for the group representative. If the taxable persons prove their compliance with conditions under § 4a, the tax office shall register the group and assign a tax identification number to the group; no appeal shall lie against such decision. The group becomes a taxpayer as of the date of its registration, whereby tax identification numbers of the individual members of the group shall expire. The group falls under local jurisdiction of the tax office, in the district of which the group representative's registered office, place of business or fixed establishment is located.

(3) The tax office shall register the group as of 1 January of the calendar year following the day on which the application for the registration of the group was submitted. Where the application for the registration of the group is submitted after 31 October of a calendar year, the tax office shall register the group as of 1 January of the second calendar year following the submission of the application.

(4) The group representative shall act on behalf of the group. The rights and obligations of the individual members of the group arising from this Act are transferred to the group as of the date of its registration. The members of the group are jointly and severally liable, in respect of the period of membership in the group, for the group's obligations arising from this Act and a separate regulation<sup>33)</sup>; such liability shall survive the dissolution of the group or withdrawal of a member from the group. The tax office may request the payment of the outstanding tax amount and sanctions related to the breach of group's obligations under this Act and a separate regulation<sup>33)</sup> from any member of the group.

(5) A member of the group may also be any other taxable person if such person meets the conditions under § 4a. Application for a change of group registration due to a new member joining the group shall be filed by the group representative. If the taxable person complies with the conditions under § 4a, the tax office shall immediately issue a decision of a change of group registration, against which no appeal shall lie; the change of group registration shall take effect on the first day of the third calendar month following the calendar month in which the application for a change of group registration was submitted. The tax identification number of the member who joined the group shall expire as of the date preceding the date of effect of the group registration change. The rights and obligations hereunder of the taxable person who joined the group are transferred to the group on the date of effect of the group registration change.

(6) Where a member of the group decides to withdraw from the group or is required to withdraw from the group because the conditions under § 4a are no longer met, the group representative shall be obliged to submit an application for a change of group registration immediately; if the withdrawing member of the group is the group representative, the application must also contain the name of the group member who was appointed by the group members as the new group representative. The tax office shall immediately issue a decision of a change of group registration, against which no appeal shall lie; the change of group registration shall take effect on the date specified in the decision which may not be later than 30 days following the submission of the application for a change of group registration. The tax office locally competent for the withdrawing member of the group shall, as of the date of effect of the group registration change, register [the withdrawing group member as an individual taxpayer](#) purposes and assign a tax identification number to the withdrawing member of the group; no appeal shall lie against such decision. The rights and obligations of the group arising from this Act are transferred to the taxable person who withdrew from the group as of the date of effect of the group registration change, in so far as they relate to taxable transactions effected and received by this taxable person.

(7) If any member of the group ceases to exist without liquidation, and the assets of the defunct member of the group passes to the legal successor, the group representative or its legal successor shall be obliged to submit an application for a change of group registration immediately; if the defunct member of the group is the group representative, the application must also contain the name of the group member who was appointed by the group members as the new group representative. The tax office shall immediately issue a decision of a change of group registration, which shall take effect as of the date on which the member of the group is wound up without liquidation; if the legal successor meets the conditions under § 4a, no appeal shall lie against such decision. If the legal successor fails to meet the conditions under § 4a, the rights and obligations hereunder of the group member who wound up without liquidation are transferred to his legal successor in so far as they relate to taxable transactions effected and received by the group member who was wound up, as of the day on which such a member of the group wound up without liquidation. The tax office shall [register](#) the legal successor who does not comply with the conditions under § 4a [as an individual taxpayer](#) purposes and assign the tax identification number to the legal successor as of the date of effect of the group registration change; no appeal shall lie against such decision.

#### § 4c Registration of a group ex officio

(1) For the purposes of this Act, reasons for the registration of a group ex officio shall be understood to mean the conduct of business by several members of a group with the main aim of avoiding the payment of tax.

(2) If documents obtained through the exercise of tax administration or results of the operations of the Financial Directorate of the Slovak Republic<sup>4)</sup> (hereinafter referred to as "Financial Directorate") indicate that reasons exists for registering the group ex officio, the Banská Bystrica Tax Office shall request the presumed group members to appoint a joint representative from among themselves for the purposes of the ex-officio registration procedure within eight days from the date of receipt of the request by the last of the presumed group members. If the presumed group members fail to do so, the Banská Bystrica Tax Office shall appoint a joint representative from among the presumed group members and notify them accordingly, which decision shall be unappealable. The initiation of the ex-officio registration procedure shall have the effect of preventing the registration of the group members under § 4b.

(3) The Banská Bystrica Tax Office shall request the joint representative referred to in paragraph (2) to submit a statement on the reasons for the registration of the group ex officio within a specified period, which shall not be shorter than 15 days from the date of receipt of the request.

(4) If the reasons for the registration of the group ex officio are not refuted based on the statement referred to in paragraph (3), or if the joint representative fails to act upon the request referred to in paragraph (3), the Banská Bystrica Tax Office shall decide ex officio on the registration of the group members in respect of which reasons for the registration of the group ex officio exist and assign a tax identification number to the group and appoint a group representative. The joint representative referred to in paragraph (2) may file an appeal against the decision within eight days of its receipt, which shall have a suspensive effect.

(5) The group registered under paragraph (4) shall become a taxpayer on the day following the day the decision on group registration enters into force; as of that date, the tax identification number assigned to the group shall become effective and the tax identification numbers assigned to the individual group members within the domestic territory, if any, shall cease to be effective.

(6) The group shall fall within the jurisdiction of the same Tax Office as the group representative.

(7) The activity of the group representative and the rights, obligations and liability of the individual members of the group shall be governed, *mutatis mutandis*, by § 4b (4).

(8) If another group member meets the conditions for the registration of the group ex officio, the group representative shall be obliged to immediately apply for change of the group registration. The Tax Office of jurisdiction over the group shall immediately issue a decision on the change of the group registration, if reasons for such change exist. If the Tax Office of jurisdiction over the group finds that another group member meets the conditions for the registration of the group ex officio, it shall immediately issue a decision on the change of the group registration. The decision referred to in the second sentence and the third sentence shall be delivered to the group member concerned and the group representative. The group member or group representative may file an appeal against the decision referred to in the second sentence and the third sentence within eight days of its receipt, which shall have a suspensive effect. The change of the group registration under the second sentence and the third sentence shall take effect on the date on which the decision on the change of the group registration becomes final; the tax identification numbers assigned to the group members concerned within the domestic territory, if any, shall cease to be effective as of the date on which the change of the group registration took effect.

(9) If a group member ceases to meet the conditions provided in § 4a, the group representative shall be obliged to immediately submit an application for change of the group registration; if the group member that has ceased to meet the conditions provided in § 4a is the group representative, the application must also indicate the group member designated by the group members as the new group representative. The Tax Office having jurisdiction over the group shall not be bound by the proposal for the designation of the new group representative and may appoint another group member as the new group representative, if reasons deserving special consideration so warrant. The Tax Office of jurisdiction over the group shall immediately issue a decision on the change of the group registration, which decision shall be unappealable. If the Tax Office having jurisdiction over the group finds that a group member has ceased to meet the conditions provided in § 4a, it shall immediately issue a decision on the change of the group registration ex officio, which decision shall be unappealable. The effects of a change in the group's registration shall occur on the date the decision to change the group's registration becomes effective. The Tax Office of jurisdiction over the group member which has ceased to meet the conditions provided in § 4a shall register that group member as an individual taxpayer and assign a tax identification number thereto as of the date on which the change of the group registration took effect, which decision shall be unappealable. The group's rights and obligations under this Act shall pass to the taxable person excluded from the group to the extent related to the supplies made and received by that taxable person, on the date on which the change of the group registration took effect.

(10) If any group member is dissolved without liquidation and their assets are assigned to that group member's legal successor, the group representative shall be obliged to immediately submit an application for change of the group registration; if the dissolved group member is the group representative, the application shall be submitted by its legal successor and it must also indicate the group member designated by the group members as the new group representative. The Tax Office having jurisdiction over the group shall not be bound by the proposal for the designation of the new group representative and it may appoint another group member as the new group representative if reasons deserving special consideration so warrant. The Tax Office of jurisdiction over the group shall immediately issue a decision on the change of the group registration, which decision shall be unappealable. The change of the group registration shall take effect on the date as of which the group member is dissolved without liquidation. If the legal successor does not meet the conditions provided in § 4a, the rights and obligations arising from this Act shall pass from the group member dissolved without liquidation to its legal successor, to the extent related to the supplies made and received by that group member, on the date as of which the group member is dissolved without liquidation. If the legal successor does not meet the conditions provided in § 4a, the Tax Office having jurisdiction over the legal successor shall register the legal successor as an individual taxpayer and assign a tax identification number thereto as of the date on which the change of the group registration took effect, which decision shall be unappealable.

(11) Paragraph (10) shall also apply, *mutatis mutandis*, if the group member dissolved without liquidation has no legal successor; if the dissolved group member is the group representative, the application for change of the group registration may be submitted by any group member.

(12) If the group representative fails to comply with the obligations provided in paragraphs (8) to (10), the Tax Office of jurisdiction over the group shall impose on the group a fine up to EUR 10 000. When determining the amount of the fine, the Tax Office shall take into account the severity, duration and consequences of the non-compliance.

## § 5

(1) A taxable person not having a registered office, place of business, fixed establishment, domicile or habitual residence within the territory of the country (hereinafter referred to as "foreign person") shall become a taxpayer

- a) upon the supply of goods or services subject to tax under § 2, except goods or services referred to in paragraph (2);
- b) upon the receipt of a payment on account before the supply of goods or services, as referred to in subparagraph (a); or
- c) upon the acquisition of goods from another Member State within the territory of the country which is subject to tax under § 2, unless it is a small enterprise of a foreign person that applies tax exemption under § 68f, paragraph (2), and unless it is not the acquisition of goods from another Member State within the territory of the country that is considered to have been taxed under § 45, paragraph (2).

(2) A foreign person shall not become a taxpayer if the person only supplies within the territory of the country

- a) transport services and related ancillary services that are exempt from tax under § 47, paragraphs (6), (8), (10) and (12) and § 48, paragraph (8);
- b) services or goods for which the person liable for the tax is the recipient of the goods or services (§ 69, paragraphs (2) to (4));
- c) goods referred to in § 13, paragraph (1), subparagraphs (e) and (f) and the person obliged to pay tax is a taxpayer that has been assigned a tax identification number under § 4, § 4b, § 4c or § 5, or a person registered for tax under § 7 or § 7a (§ 69, paragraph (9));

- d) goods destined for another Member State that were imported from a third country and the foreign person was represented by a tax representative pursuant to § 69a, ~~or goods destined for another Member State or a third country that were acquired within the territory of the country from another Member State and the foreign person was represented by a tax representative pursuant to § 69aa.~~
- e) goods under a trilateral transaction, as referred to in § 45, in which it is the first customer.
- f) goods or services for which it applies the special scheme pursuant to § 68a to 68c where the Member State of consumption is the Slovak Republic, or a special scheme pursuant to the provisions of a law in force in another Member State equivalent to § 68a to 68c, where the Member State of consumption is the Slovak Republic.
- g) goods or services exempt from tax under § 28 to 42;
- h) goods or services exempt from tax under § 48c, paragraphs (1) and (2);
- i) goods or services exempt from tax under § 68f, paragraph (2).

(3) A foreign person shall be obliged to submit a tax registration application to the Bratislava Tax Office within five working days from the date on which the person has become a taxpayer, as referred to in paragraph (1). The Bratislava Tax Office shall register the taxpayer referred to in paragraph (1), assign a tax identification number thereto and issue the tax registration decision no later than ten days from the date of receipt of the tax registration application, and the tax identification number shall become effective on the date the foreign person has become a taxpayer; where the taxpayer has been assigned a tax identification number under § 7 or for the purpose of using the special scheme under § 68b, paragraph (2), the tax office shall assign the same tax identification number to the person. A tax registration decision referred to in the second sentence cannot be appealed. If the Bratislava Tax Office does not register the foreign person because the person is not to become, or has not become, a taxpayer, it shall issue an unappealable decision to that effect.

(4) A foreign person shall also become a taxpayer when it is the transferee within the territory of the country of tangible or intangible assets of a taxpayer that

- a) was dissolved without liquidation; the taxpayer status shall be effective as of the date when the person has become the legal successor of the dissolved taxpayer, if it continues to have the status of a foreign person.
- b) was split through a spin-off; the taxpayer status shall be effective as of the effective date of the spin-off transformation under a law in force in another Member State or a contracting state of the European Economic Area Agreement, if it continues to have the status of a foreign person; or
- c) was split through a cross-border spin-off; the taxpayer status shall be effective as of the effective date of the cross-border spin-off transformation if it continues to have the status of a foreign person.

(5) A taxpayer referred to in paragraph (4) shall be obliged to file a tax registration application to the Bratislava Tax Office in which it shall declare the event on the basis of which it has become a taxpayer and submit documents evidencing the event within five working days from the date of the event; where the event is not subject to entry in the Commercial Register, the documents must be officially certified. The Bratislava Tax Office shall examine the facts of the case and check them against the information provided in the tax registration application and the accompanying documents and if the information is found to be true and accurate, register the taxpayer and assign a tax identification number thereto and issue the tax registration decision within ten days from the date of receipt of the tax registration application and documents referred to in the first sentence; the tax identification number shall become effective on the date when the foreign person became a taxpayer. Where the taxpayer has already been assigned a tax identification number under § 7 or for the purpose of using the special scheme under § 68b, paragraph (2), the tax office shall assign the same tax identification number thereto. A tax registration decision referred to in the second sentence cannot be appealed. If the Bratislava Tax Office does not register the foreign person because the person is not to become, or has not become, a taxpayer, it shall issue an unappealable decision to that effect.

#### § 5a

For the purposes of this Act, a taxpayer shall be deemed to have been assigned a tax identification number under § 4, § 4b, § 4c or § 5 if the taxpayer

- a) has become a taxpayer upon the receipt of a tax registration decision under § 4 and the assignment shall be effective from the date the taxpayer has become a taxpayer; or if the taxpayer has not fulfilled the notification obligation under § 4, paragraph (5), from 1 January of the calendar year following the calendar year in which the turnover threshold laid down in § 4, paragraph (1), subparagraph (a) was exceeded;
- b) has become a taxpayer prior to the receipt of a tax registration decision under § 4 and the assignment shall be effective from the date the decision was received; or
- c) is a group and the assignment shall be effective from the date of registration of the group by the tax office.”.

#### § 6

##### Taxpayer's special notification obligation

(1) The taxpayer shall be obliged to notify the [Financial Directorate](#), in the manner specified in paragraph (5), of any own account held with a payment service provider or with a foreign payment service provider that shall be used by the taxpayer for business subject to tax pursuant to § 2 (hereinafter referred to as “bank account”), immediately from the date when the person has become a taxpayer with a tax identification number pursuant to § 4, § 4b, § 4c or § 5, or from the date on which he has opened such a bank account.

1. If, besides the bank account notified pursuant to paragraph (1) or pursuant to § 85kk, the taxpayer wishes to use another bank account, he is obliged to notify the financial directorate of this account in accordance with paragraph (5) before using it for business.
2. In the manner pursuant to paragraph (5), the taxpayer is obliged to notify any change, addition or cancellation concerning the bank account notified pursuant to paragraphs (1) and (2) or pursuant to § 85kk, immediately from the day when this fact occurred.

(4) The obligation under paragraphs (1) to (3) shall not apply to a taxpayer who is a payment service provider, if other than a payment account<sup>5)</sup> designated for the settlement of payment operations held for that payment service provider.

(5) The taxpayer shall submit the notification pursuant to paragraphs (1) to (3) or pursuant to § 85kk on a form, a model of which shall be determined and published by the financial directorate on the website of the Financial Directorate of the Slovak Republic (hereinafter referred to as the "website of the financial directorate"), through an electronic filing office according to a special regulation.<sup>5ad)</sup>

(6) On the website of the financial directorate, the financial directorate shall publish an updated list of the taxpayer's bank accounts notified pursuant to paragraphs (1) to (3) or pursuant to § 85kk in the manner pursuant to paragraph (5).

(7) If the taxpayer notifies the financial directorate of an account held with a payment service provider or with a foreign payment service provider which belongs to another person, this account shall be considered a bank account for the purposes of this Act; the taxpayer is also obliged to notify the name and surname or business name or the name of the person to whom this bank account belongs. The person to whom this bank account belongs is jointly and severally liable for the tax on the supply of goods or services stated on the invoice, if the supplier did not pay this tax or part thereof within the due date and the consideration for the supply or part thereof was paid to this bank account.

(8) If the taxpayer provides incorrect, false or incomplete information on the form referred to in paragraph (5), the tax office shall impose a fine of up to EUR 10,000 on the taxpayer. When determining the amount of the fine, the tax office shall take into consideration the gravity and duration of the unlawful situation.

## §6a

### Change of taxpayer's registration

(1) A taxable person that is registered pursuant to §5 and no longer complies with the status of a foreign person shall be treated as a taxpayer registered pursuant to §4 as of the day on which it lost the status of a foreign person and continues to perform activities subject to the tax within the territory of the country. The taxable person is required to notify the tax office of the fact that it no longer complies with the status of a foreign person within ten days of the day on which it lost the status of a foreign person. In the notification, the taxable person shall state the day on which it lost the status of a foreign person, and the address of its seat, place of business, fixed establishment, domicile or habitual residence within the territory of the country.

(2) A taxable person that meets the requirements for registration pursuant to §5 and is registered pursuant to §4 shall be treated as a taxpayer registered pursuant to §5 as of the day on which it no longer had its seat, place of business, fixed establishment, domicile or habitual residence within the territory of the country; the taxable person is required to notify the tax office of this fact within ten days of the day on which it no longer had its seat, place of business, fixed establishment, domicile or habitual residence within the territory of the country.

(3) The tax office shall issue a new tax registration decision as of the day of the event which triggered the change of registration pursuant to paragraph (1) or paragraph (2), within 30 days following the date of delivery of the notification pursuant to paragraph (1) or pursuant to paragraph (2); no appeal shall lie against such decision.

### Registration obligation of a person that is not a taxpayer

## § 7

(1) Where a taxable person who is not obliged to submit a tax registration application pursuant to § 4 or § 5 or a legal entity who is not the taxpayer acquires goods from another Member State within the territory of the country, it shall be obliged to file with a tax office a tax registration application prior to the acquisition of the goods, whereby the total value of goods acquired from other Member States, excluding the tax, reaches EUR 14,000 in a calendar year.

(2) A tax registration application may be filed by a person under paragraph (1) also if the value of goods acquired from other Member States, excluding the tax, does not reach EUR 14.000 in a calendar year.

(3) The tax office must register the person according to paragraph (1) and paragraph (2) for tax registration, and allocate a tax identification number to the person without delay, within ten days from the day that the application for tax registration was delivered at the latest; if a taxable person has VAT identification number assigned for application of the special tax scheme under § 68b paragraph (2), the tax office shall assign the same VAT identification number to that taxable person. No appeal shall lie against such a decision.

(4) The tax registration application shall not be filed if the taxable person is registered for tax pursuant to § 4 paragraph (7) or § 7a.

## §7a

(1) Where a taxable person who is not obliged to submit a tax registration application pursuant to § 4 is the recipient of a service from a foreign person from another Member State in respect of which the taxable person is liable to pay tax under §69 paragraph (3), the taxable person shall file a tax registration application with the tax office prior to the receipt of service; the taxable persons registered for tax purposes pursuant to §7 do not file tax registration application.

(2) Where a taxable person who is not obliged to submit a tax registration application pursuant to § 4 and has a registered office, place of business, fixed establishment, domicile or habitual residence in the territory of the country, supplies a service with the place of supply under §15 paragraph (1) located in another Member State, and the recipient of that service is a person liable to pay the tax, the taxable person shall file a tax registration application with the tax office prior to the supply of service; the taxable persons registered for tax purposes pursuant to §7 do not file tax registration application.

(3) The tax office shall register the persons referred to in paragraph (1) or (2) for tax and allocate a tax identification number to such persons no later than within ten days of the delivery of the tax registration application; if a taxable person has VAT identification number assigned for application of the special tax scheme under § 68b paragraph (2), the tax office shall assign the same VAT identification number to that taxable person. No appeal shall lie against such a decision.

## Taxable Transactions

### § 8

#### Supply of Goods

##### (1) Supply of goods shall be

- a) the transfer of the right to dispose of tangible property as its owner, unless provided otherwise hereunder; for the purposes of this Act, the tangible property shall be movables and immovables, as well as electricity, gas, water, heat, refrigeration and similar intangibles, banknotes and coins, if these are sold for collectors' purposes at a price other than their nominal value or at a price other than their nominal value converted to the euro at a reference exchange rate determined and announced by the European Central Bank or by the National Bank of Slovakia<sup>5a)</sup> on the day preceding the day of the sale of banknotes and coins,
- b) the supply of a structure or its part under a contract for work or another business contract,
- c) the delivery of goods based on a lease agreement according to which, under normal circumstances ownership title to the subject-matter of the lease agreement is acquired, at the latest, upon the payment of the last instalment.

(2) Supply of goods shall also be the transfer of an ownership right to tangible property for reward or consideration based on a decision issued by a government authority or under the law.

(3) Where the taxpayer supplies goods for his personal consumption, supplies goods for personal consumption of his staff, supplies goods free of charge or supplies goods for another purpose but business and where, on purchase of such goods or part thereof or self-generation of such goods or part thereof, the tax was fully or partly deducted, such supply of goods shall be considered as supply for consideration. The free-of-charge supply of goods for business purposes whose value does not exceed EUR 17 per article, tax excluded, and the supply of free business samples shall not be considered as supply for consideration.

(4) Transfer of goods owned by a taxable person from the territory of the country to another Member State shall also be considered as supply of goods, provided that such goods have been dispatched or transported thereby or for his account to another Member State for business purposes. Such a transfer is considered as delivery of goods for consideration, except for the transfer of goods, fulfilling the requirements of the call-off-stock regime in accordance with § 8a, and except for transfer of goods:

- a) for the purposes of their installation or assembly by a taxable person or for his account in a Member State, in which the dispatch or transport of goods ends,
- b) for the purposes of intra-Community distance selling of goods by a taxable person in a Member State, in which the dispatch or transport of goods ends,
- c) for the purposes of supply of goods on board aircraft, ships or trains during passenger transport within the territory of the European Union,
- d) intended for export of goods to third countries,
- e) goods intended to be exported to another Member State by this taxable person, provided that the supply of such goods in a Member State, in which the dispatch or transport of goods ends, is exempt from the tax,
- f) for the purposes of valuation of goods or for the purposes of reworking, processing, repair or other similar activities physically carried out on such goods for this taxable person in a Member State, in which the dispatch or transport ends, under the assumption that upon the completion of these operations, the goods are returned to the territory of the country,
- g) for temporary use of such goods in a Member State, in which the dispatch or transport of goods ends, for the purposes of services to be rendered by this taxable person,
- h) for temporary use over a period not exceeding 24 months within the territory of another Member State, in which the importation of the same goods from the territory of a third country would be considered as release for temporary use with the full exemption from an import duty,
- i) for the purpose of supplying gas by means of a natural gas system located in the territory of the European Union, or a network connected to such a system, supplying electricity and supplying heat or refrigeration by means of heating or cooling networks pursuant to §13 paragraph (1) subparagraph (e) and subparagraph (f).

(5) At the moment when any of the conditions in accordance with paragraph (4) subparagraph (a) to subparagraph (i) cease to be met, such a transfer of goods is considered a delivery of goods for consideration.

(6) If a taxable person procures the purchase or sale of goods on the basis of a consignment or a similar contract, under which he acts in his own name for another person 's account (hereinafter the „consignment contract“) it shall hold that such a taxable person purchases or sells the goods.

(7) If a taxable person facilitates<sup>5ab)</sup> supply of goods in the territory of the European Union made by a taxable person not residing in the territory of the European Union to a person other than the taxable person, using an electronic communication interface, such as an electronic marketplace, electronic platform, electronic portal or other similar electronic means, it shall be understood that the goods were received and supplied by that taxable person. If a taxable person facilitates<sup>5ab)</sup> distance sale of goods imported from the territory of third countries in consignments, the intrinsic value<sup>5ac)</sup> of which does not exceed EUR 150, using an electronic communication interface, such as an electronic marketplace, electronic platform, electronic portal or other similar electronic means, it shall be understood that the goods were received and supplied by that taxable person.

### § 8a

(1) For the purpose hereof, call-off stock regime shall mean a situation when the following conditions are met:

- a) goods are sent or transported by the taxpayer or on his behalf by a third party from the territory of the country to other Member State, aiming to deliver the goods later, after the transportation is completed, to a taxable person who is eligible to acquire title to the goods in accordance with the agreement made by and between the taxable person and the taxpayer,
- b) the taxpayer dispatching or transporting goods pursuant to letter a) above, does not have a seat or a fixed establishment in the Member State to which the goods were dispatched or transported,
- c) the taxable person to whom the goods are to be supplied, is identified for VAT purposes in the Member State, to which the goods are dispatched or transported, and, at the moment when the dispatch or the transportation of the goods began, the taxpayer referred to in subparagraph (a) above knows the taxable person's business name and VAT identification number assigned by the Member State,
- d) the taxpayer entered the transfer of the goods in the records kept in accordance with § 70 paragraph (2) subparagraph (g),
- e) In the recapitulative statement referred to in § 80 paragraph (1) subparagraph (e), the taxpayer indicated the VAT identification number assigned to the taxable person, who is to acquire the goods, by the Member State to which goods are dispatched or transported.

(2) If the conditions under paragraph (1) above are met and the right to dispose of the goods as the owner thereof is transferred within the time limit defined in paragraph (3) below, then, while the right to dispose of the goods as the owner thereof is being transferred to the taxable person in accordance with paragraph (1) subparagraph (c) or paragraph (5), it shall apply that a tax-exempt supply of goods in accordance with § 43 paragraph (1) is regarded as being made by the taxpayer dispatching or transporting the goods, or on his behalf the goods have been dispatched or transported by a third party from the territory of the country to other Member State.

(3) If, within 12 month period, after transportation of goods is completed in the Member State to which the goods were dispatched or transported, those goods are not supplied to the taxable person which should be supplied pursuant to paragraph (1) (c) or paragraph (5), then, the transfer pursuant to § 8 paragraph (4), the first sentence, is regarded as being carried out on the day following after the lapse of 12 month period, except for circumstances listed in paragraph (6).

(4) The transfer pursuant to § 8 paragraph (4), the first sentence, shall not be regarded as carried out if:

- a) the right to dispose of the goods as the owner thereof has not been transferred and the goods are returned to the territory of the country within the time limit pursuant to paragraph (3) above, and
- b) the taxpayer dispatching or transporting the goods pursuant to paragraph (1) subparagraph (a) indicated the return of the goods in the records pursuant to § 70 paragraph (2) subparagraph (g).

(5) If, within the time limit defined in paragraph (3) above, the taxable person pursuant to paragraph (1) subparagraph (c) is replaced by other taxable person, then the transfer pursuant to § 8 paragraph (4), the first sentence, shall not be regarded as being completed at the moment of the replacement if

- a) the conditions pursuant to paragraph (1), applicable considering the replacement of the taxable person, are met, and
- b) the taxpayer dispatching or transporting the goods pursuant to paragraph (1) subparagraph (a), indicated the replacement of the taxable person
  1. in the records pursuant to § 70 paragraph (2) subparagraph (g) and
  2. in the recapitulative statement pursuant to § 80 paragraph (1) subparagraph (f).

(6) When, during the time limit pursuant to paragraph (3) above, any of the conditions referred to in paragraphs (1) and paragraph (5) ceases to be met, then the transfer pursuant to § 8 paragraph (4) first sentence shall be regarded as completed. If the goods are supplied to a person other than the taxable person pursuant to paragraph (1) subparagraph (c) or paragraph (5), it shall be regarded as non-compliance with the conditions under paragraphs (1) and paragraph (5) starting from the moment immediately preceding the completion of the supply. If goods are dispatched or transported to other Member State than the Member State, from which the goods were initially dispatched or transported, then, it is regarded as non-compliance with conditions under paragraphs (1) and paragraph (5) starting from the moment immediately preceding the commencement of the dispatching or transportation of the goods. In case of destruction, loss or theft of the goods, it shall be regarded as non-compliance with the conditions under paragraphs (1) and paragraph (5) starting from the date of the destruction, loss or theft of the goods; if the date cannot be specified, then it shall be the date when it was found out that the goods have been destroyed or are missing.

## § 9

### Supply of Service

(1) Supply of service shall be any performance, which is not supply of goods in accordance with § 8, including

- a) transfer of the right to intangible property, including the provision of a right to industrial or another intellectual property,
- b) the provision of a right to use tangible property,
- c) the assumption of an obligation to refrain from an act or to tolerate an act or situation,
- d) a service supplied based on an authorisation or decision issued by a government authority or in pursuance of the law.

(2) The use of tangible property owned by the taxpayer, at the purchase or self-generation of which the tax has fully or partly been deductible, for personal consumption of the taxpayer or his staff or for a purpose other than the taxpayer's business shall be considered as supply of service for consideration, with the exception of the use of property in respect of which tax was deducted in accordance with §49 paragraph (5) or §49a within the scope of using the property for business purposes or the deducted tax was adjusted pursuant to § 54a.

(3) Supply of a service made free of charge, other than the one under paragraph (2) for personal consumption of the taxpayer or his staff or a purpose other than the taxpayer's business shall be considered as supply of service for consideration, with exception of the service supplied free of charge to a delegating institution or to an acceptant of the volunteer activity under a separate act <sup>5aa)</sup>.

(4) If a taxable person procures supply of a service in his own name for another person, it shall hold that this taxable person has himself received and supplied the service.

## § 9a

### Supply of goods and services when using a voucher

(1) For the purpose of this Act:

a) voucher means an instrument where there is an obligation to accept it as consideration or its part for a supply of goods or provision of a service and where the goods or services to be supplied or identities of their potential suppliers are either indicated on the instrument itself or in related documentation, including the terms and conditions of use of such instrument,

b) single-purpose voucher means a voucher where the place of supply of the goods and services to which the voucher relates, and the VAT due on those goods and services are known at the time of issue of the voucher,

c) Multi-purpose voucher means a voucher, other than a single purpose voucher.

(2) Each transfer of a single-purpose voucher made by a taxable person acting in his own name shall be regarded as a supply of the goods or supply of services to which the voucher relates. The actual handing over the goods or the actual provision of services in return for a single-purpose voucher accepted as consideration or part of consideration shall not be regarded as an independent transaction.

(3) Where a transfer of a single-purpose voucher is made by a taxable person, acting in the name of another taxable person, that transfer shall be regarded as a supply of goods or provision of services to which the voucher relates made by the other taxable person in whose name the taxable person is acting.

(4) Where the supplier of goods or services is not the taxable person who, acting in his own name, issued the single-purpose voucher, that supplier shall however be deemed to have made the supply of the goods or services related to that voucher to that taxable person.

(5) The actual handing over of the goods or the actual provision of the services in return for a multi-purpose voucher accepted as consideration or part of it by the supplier shall be subject to tax. Each preceding transfer of this multi-purpose voucher shall not be subject to tax.

(6) Where a transfer of multi-purpose voucher is made by a taxable person other than the supplier of goods or supplier of services pursuant to the paragraph 5, any supply of services supplied in connection with the transfer of the multi-purpose voucher made by this taxable person such as distribution service or promotion service shall be subject to tax.

## § 10

(1) The sale of an enterprise or of its part forming a separate organizational branch and the investment of an enterprise or of its part forming a separate organizational branch as a non-monetary contribution to a trading company or cooperative shall not be considered as supply of goods and provision of a service, provided that the acquirer is the taxpayer or has become the taxpayer according to § 4 paragraph (1) subparagraph (d); the acquirer who is the taxpayer or has become the taxpayer according to § 4 paragraph (1) subparagraph (d), for the purposes of this Act, shall be considered as the legal successor of a taxable person who sold or made a non-monetary contribution to the enterprise or a part of the enterprise forming an independent organizational branch, to the extent of tangible assets and intangible assets that are transferred to it.

(2) Paragraph (1) does not apply if the acquirer exclusively or predominantly supplies goods and services that are exempt from tax according to § 28 to § 41; this exception does not apply to the sale or transfer of an enterprise or part of it to a taxpayer who exclusively or predominantly supplies goods and services that are exempt from tax according to § 28 to § 41.

(3) The transfer of tangible assets or intangible assets to the taxpayer's successor company as part of its transformation by spin-off or cross-border spin-off shall not be considered as a supply of goods or a service, if the successor company is a taxpayer or has become a taxpayer pursuant § 4 paragraph (1) subparagraph (e) or § 5 paragraph (4) subparagraph (b) or subparagraph (c); for the purposes of this Act, the successor company shall be considered the legal successor of this taxpayer, to the extent of the property that passes to it.

(4) The following is not considered to be the supply of services

a) the issuing of a security by the issuer,

b) the assignment of a receivable,

c) the achievement of interest from financial means in a bank account, if the taxpayer is not a bank.

## § 11

### Acquisition of Goods in the Territory of the Country from another Member State

(1) For the purposes of this Act, the acquisition of goods within the territory of the country from another Member State shall mean the acquisition of the right to dispose as owner of movable tangible property dispatched or transported to the acquirer by the supplier or the acquirer or for their account into the territory of the country from another Member State.

(2) The acquisition of goods within the territory of the country from another Member State shall be subject to the tax, provided that

a) the acquirer is a taxable person, who acts in the capacity of a taxable person, a legal entity who is not a taxable person or a foreign person identified for tax purposes in another Member State, and  
b) the supplier is a taxable person that is identified, or required to be identified, for VAT purposes in another Member State in which the dispatch or transport of the goods supplied for consideration to the person referred to in subparagraph (a) began according to the provisions of a law in force in that Member State equivalent to § 4, § 4b, § 4c or § 5, except the supply of goods for installation or assembly by or on behalf of the supplier, and except distance selling goods within the territory of the European Union.

(3) Also subject to the tax shall be the acquisition by any person of a new means of transport for consideration within the territory of the country from another Member State.

(4) The acquisition of goods within the territory of the country from another Member State shall not be subject to the tax, provided that

a) the supply of such goods within the territory of the country would be exempt from the tax under § 47 paragraph (7) to paragraph (10).  
b) the acquirer is a taxable person who is not the taxpayer and who is not registered for taxation purposes under § 7 or a legal entity who is not a taxable person and who is not registered for taxation purposes under § 7, and at the same time the total value of the goods acquired has not reached EUR 14,000 over the previous calendar year and will not reach this value in the current calendar year either.  
c) the acquirer is a person that is not a taxable person and that is entitled to a tax refund under §§ 61 to 64.

(5) The provision of paragraph (4) subparagraph (b) shall not apply to the acquisition of goods

a) that are subject to excise duty if, according to the relevant law<sup>6)</sup>, the obligation to pay the excise duty within the territory of the country arises for the acquirer;  
b) by a foreign person that does not use tax exemption under § 68f, paragraph (2), or a taxable person having only an establishment in the territory of the country, unless it is a small enterprise of a foreign person using tax exemption under § 68f, paragraph (2).

(6) The value of EUR 14,000 as per paragraph (4) subparagraph (b) shall include the total value of the goods acquired, excluding the tax payable or paid in a Member State, from which the goods have been dispatched or transported; this value shall not include the value of new means of transport and the value of goods subject to excise duty.

(7) The acquirer as per paragraph (4) subparagraph b) may decide to tax the acquisition of goods before reaching the value of EUR 14,000 and he shall notify a tax office of this decision of his in writing when filing a tax registration application (§ 7). The acquirer shall be obliged to apply such taxation of the goods for a period of at least two calendar years.

(8) Considered as the acquisition of goods for consideration within the territory of the country from another Member State shall also be the use of such goods by a taxable person for the purposes of his business, which have been dispatched or transported by himself or for his account to the territory of the country from a Member State, in which a taxable person has, as part of his business, produced, extracted, processed, purchased, acquired these goods from another Member State or imported from the territory of a third country, provided that the relocation of the goods from the territory of the country to another Member State was considered as supply of goods for consideration in accordance with § 8 paragraph (4).

(9) The acquisition of goods for consideration within the territory of the country from another Member State also includes the allocation of goods to armed forces of a State, which is a party to the North Atlantic Treaty, for their use or for use by civilian staff accompanying them, provided that such goods have not been purchased in accordance with the general rules on taxation in the Member State of allocation, and provided that the importation of these goods was not exempt from tax pursuant to §48 paragraph (6).

(10) Where goods acquired by a legal entity who is not a taxable person are dispatched or transported from the territory of a third country and imported by this person to another Member State and the place of destination of the goods dispatched or transported is the territory of the country, such goods shall be considered as dispatched or transported from the Member State of importation.

(11) For the purposes of paragraph (12) a means of transport shall be

a) a land motor vehicle with the engine displacement of more than 48 cm<sup>3</sup> or the power greater than 7.2 kW intended for passenger and freight transport,  
b) a vessel longer than 7.5 m intended for passenger and cargo transport, except for a sea-going vessel exempt from the tax under § 47 paragraph (8),  
c) an airplane whose take-up weight is greater than 1 550 kg, intended for passenger and cargo transport, except for an airplane exempt from the tax under § 47(10).

(12) For the purposes of this Act, a new means of transport shall be

a) a land motor vehicle in accordance with paragraph (11) subparagraph a), provided that it has not travelled more than 6 000 km or, at the time of its supply, six months have not yet lapsed since its first introduction in operation,  
b) a vessel as per paragraph (11) subparagraph b), if it has not been used on waters for more than 100 hours or, at the time of its supply, three months have not yet lapsed since its first introduction in operation,  
c) an airplane as per paragraph (11) subparagraph c), if it has not yet flown more than 40 operating hours or, at the time of its supply, three months have not yet lapsed since its first introduction in operation.

(13) Acquisition of goods for consideration within the territory of the country from another Member State shall also mean the allocation of goods to the armed forces of a Member State taking part in a defence effort carried out for the implementation of the European Union activity under the common security and defence policy, for their use or use by civilian staff accompanying them, provided that such goods have not been purchased in accordance with the general rules on taxation in the Member State of allocation, and provided that the importation of these goods was not exempt from tax pursuant to § 48 paragraph (13).

(14) For the purposes of this Act, a person identified for tax purposes in another Member State shall be a person to whom the tax identification number has been assigned in another Member state and Member state that issued this tax identification number can be identified by this number.

## § 11a

### Call-off stock acquisition of goods within the territory of the country from another Member State

If goods are dispatched or transferred to the territory of the country from other Member State under call-off stock regime and the right to dispose of the goods as owner thereof is transferred within 12 months from completion of the transportation of the goods to the territory of the country, then, during the time when the right to dispose of the goods as owner thereof is transferred to the taxable person, it shall apply that the acquisition of the goods in the territory of the country from other Member State shall be regarded as made by the taxable person to whom the goods are supplied within the territory of the country.

## § 12

### Importation of Goods

Importation of goods shall mean the entry of goods into the territory of the European Union from the territory of third countries. As regards importation of goods into the territory of the country, the tax shall abide by the provisions of customs regulations, unless provided otherwise hereunder.

### Place of Taxable Transaction

## § 13

### Place of Supply of Goods

(1) The place of supply of goods,

a) where the supply of goods is associated with dispatch or transport of the goods, shall be the place where the goods are at the time of the dispatch or transport to the person to whom the goods are to be supplied begins, save as exceptions pursuant to paragraph (2) subparagraph (b), and § 14,

b) where the supply of goods is associated with their installation or assembly by the supplier for his account, shall be the place where the goods are installed or assembled,

c) if the goods are not dispatched or transported, shall be the place where the goods are when the supply takes place,

d) when goods are supplied on board of aircraft, ship and trains during a part of passenger transport within the territory of the European Union, shall be the place where the passenger transport begins,

e) in the event of supplying gas through a natural gas system located in the territory of the European Union, or a network connected to such a system, and in the event of supplying electricity and supplying heat or refrigeration by means of heating or cooling networks to the trader, the place of supply of goods is the trader's seat, place of business or the fixed establishment for which the goods are supplied, or if the trader does not have such a place, the place of supply of goods is his domicile or the place of habitual residence; for the purposes of this provision, the trader is a taxable person whose main activity in respect of the gas, electricity, heat or refrigeration purchased lies in their further sale, with its own consumption of these goods negligible,

f) in the event of supplying gas through a natural gas system located in the territory of the European Union, or a network connected to such a system, and in the event of supplying electricity and supplying heat or refrigeration by means of heating or cooling networks to a person other than the trader pursuant to (e) above, the place of supply of goods is the place where the customer actually utilises and consumes these goods; if the customer does not actually consume the goods or part thereof, the non-consumed goods are considered as utilised and consumed in the place of the customer's seat, place of business or the fixed establishment, for which the goods are supplied, or if the customer does not have such a place, the place of supply of goods is his domicile or the place of habitual residence.

(2) If the dispatch or transport of goods begins within the territory of a third country, the Member State of importation shall be considered as the place of supply of goods by the importer (§ 69 paragraph (8)) and as the place of eventual subsequent supplies of these goods.

(3) For the purposes of paragraph (1) subparagraph (d), part of a transport of passengers effected in the European Union shall be deemed to be the part of the transport effected, without a stop in a third territory, between the point of departure and the point of arrival of the transport of passengers. The point of departure of the transport of passengers shall be considered as the first point of passenger embarkation foreseen within the Community. The point of arrival of the transport of passengers shall be considered as the last point of disembarkation of passengers foreseen within the Community. In the case of a return trip, the return leg shall be a separate transport for the purposes of determining the place of supply of goods.

## §13a

(1) If the same goods are subject to several consecutive supplies and the goods are dispatched or transported from one Member State to another Member State directly from the first supplier to the end customer in the chain of supplies, then the dispatch or transportation of the goods shall be ascribed only to the supply made for the intermediary. If the intermediary notifies to its supplier its VAT identification number assigned to him by the Member State from which the goods were dispatched or transported, the dispatch or transportation of the goods shall be allocated only to the supply of goods made by the intermediary.

(2) For the purpose of paragraph (1) the intermediary is the supplier who is not the first supplier in the chain of supplies and dispatches or transports the goods, or on his behalf the goods are dispatched or transported by a third party.

(3) The allocation of the transportation pursuant to paragraphs (1) and (2) shall also apply to dispatch or transportation of goods by the first customer, or on his behalf, in accordance with § 45 paragraph (1) subparagraph (d).

## § 14

### Place of supply in distance selling of goods

(1) For the purpose of this act, the following definitions shall apply:

a) distance sales of goods within the territory of the European Union shall mean supply of goods dispatched or transported by or on behalf of the supplier, including where the supplier is involved indirectly in the transport or dispatch of the goods,<sup>6aaa)</sup> from a Member State other than the one in which the dispatch or transport of the goods to the customer ends, provided that

1. the goods are supplied to a taxable person or a legal entity who is not a taxable person, whose acquisitions of goods within the territory of the country from other Member State are not subject to VAT pursuant to §11 paragraph (4), or to a person other than a taxable person,

2. the goods supplied are neither new means of transport nor goods supplied including installation or assembly made by or on behalf of the supplier,

b) distance sale of goods imported from the territory of third countries shall mean supply of goods dispatched or transported by or on behalf of the supplier, including where the supplier is involved indirectly in the transport or dispatch of the goods, from the territory of third countries to a customer in a Member State, provided that the following conditions are met:

1. the goods are supplied to a taxable person or a legal entity who is not a taxable person, whose acquisitions of goods within the territory of the country from other Member State are not subject to VAT pursuant to §11 paragraph (4), or to a person other than a taxable person,

2. the goods supplied are neither new means of transport nor goods supplied including installation or assembly made by or on behalf of the supplier.

(2) For distance sales of goods within the territory of the European Union, the place of supply shall mean the place where the goods are located when the dispatch or transport of the goods to the customer ends, unless §16a paragraph (1) states otherwise.

(3) For distance selling of goods imported from the territory of third countries to a Member State other than the one in which the dispatch or transport of the goods to the customer ends, the place of supply shall mean the place where the goods are located when the dispatch or transport of the goods to the customer ends.

(4) For distance selling of goods imported from the territory of third countries to a Member State, in which the dispatch or transport of the goods to the customer ends, the place of supply is in that Member State, if the supply is subject to the special scheme referred to in § 68c.

(5) Paragraphs 2 to 4 above shall not apply to supply of goods under §66 paragraph (1) subparagraphs (a) to (c), if the supply is covered by the special scheme under §66.

(6) If the taxable person receives and supplies the goods pursuant to §8 paragraph (7), the dispatch or transport of the goods shall be attributed to supply made by that taxable person.

### Place of Supply of Service

## §15

(1) The place of supply of a service to a taxable person acting as such shall be the place where that person has a seat or place of business and, if the service is provided to the fixed establishment of a taxable person, the place of supply shall be the place where that person's fixed establishment is located. If the taxable person who receives such service has no seat, place of business or fixed establishment, the place of supply shall be that person's domicile or habitual residence.

(2) The place of supply of a service to a person other than the taxable person shall be the place where the service supplier has a seat or place of business and, if a service is supplied from the fixed establishment of a service supplier, the place of that fixed establishment shall be the place of supply. If the service supplier has no seat, place of business or a fixed establishment, the supplier's domicile or habitual residence shall be the place of supply.

(3) Unless §16 provides otherwise, the place of supply of a service shall be determined according to paragraphs (1) or (2).

(4) For the purposes of determining the place of supply of a service pursuant to paragraphs (1) and (2) and §16:

(a) a taxable person which also performs activities that are not subject to tax pursuant to paragraphs (1) subparagraphs (a) or (b) of §2 shall be deemed taxable person in respect of all services supplied to it;

(b) a legal person which is not a taxable person, and which is identified for tax purposes shall be deemed taxable person.

## § 16

(1) The place of supply of services connected with immovable property, including the services of estate agents and of experts, accommodation services, the granting of rights to use immovable property and services for the preparation and coordination of construction work, such as the services of architects and of persons providing on-site supervision, shall be the place where the immovable property is located.

(2) The place of supply of a service consisting in short-term hiring of a means of transport shall be the place where the means of transport is put physically at the disposal of the customer; "short-term hiring" shall mean the continuous possession or use of the means of transport throughout a

period of not more than 30 days and, in the case of vessels, not more than 90 days. In the case of hiring a means of transport other than the short-term hiring to a person other than a taxable person, the place of supply of a service is the place of seat, domicile or habitual residence of that person, with the exemption of hiring of a pleasure boat in case of which the place of supply of a service is the place where the pleasure boat is physically handed over to the customer, provided that the supplier has its seat or establishment at that place.

(3) For cultural, artistic, sports, scientific, educational, entertainment and similar services, such as services provided at exhibitions and fairs, including their organisation and related auxiliary services and admission to these events, that are supplied to a person other than a taxable person, the place of supply shall be the place where these services are physically performed; where cultural, artistic, sports, scientific, educational, entertainment and similar services, such as services at exhibitions and fairs, are broadcast or otherwise made available virtually, the place of supply of these services, including related auxiliary services and admission to these events, shall be the place where the person other than a taxable person has the registered office or a place of residence, or where it usually resides. The place of supply of services in connection with admission to cultural, artistic, sporting, scientific, educational, entertainment and other similar events, such as exhibitions and fairs, and of ancillary services related to such admission if supplied to a taxable person shall be the place where the events actually take place; the foregoing shall not apply to virtually attended events.

(4) The place of supply of passenger transport shall be the place where the transport takes place and, if the transport takes place in more than one state, it shall be deemed supplied in those states in proportion to the distances covered.

(5) The place of supply of the transport of goods between Member States to persons other than taxable persons shall be the place of departure of the transport of goods.

(6) The place of supply of the transport of goods, other than the transport of goods between Member States pursuant to paragraph (7), to persons other than taxable persons, shall be the place where the transport takes place and, if the transport takes place in more than one state, it shall be deemed supplied in those states in proportion to the distances covered.

(7) For the purposes of paragraphs (5) and (6):

(a) the transport of goods between Member States shall mean the transport of goods in respect of which the place of departure and the place of arrival are situated within the territories of two different Member States;

(b) the place of departure of the transport of goods shall mean the place where the goods transport actually begins, irrespective of the distances covered to reach the place where the goods are located;

(c) the place of arrival of the transport of goods shall be the place where the goods transport actually ends.

(8) The place of supply of ancillary transport services, such as loading, unloading, handling and similar activities, if such services are supplied to persons other than taxable persons, shall be the place where such services are physically carried out.

(9) The place of supply of services consisting of the valuations of and work on movable tangible property, if such services are supplied to persons other than taxable persons, shall be the place where such services are physically carried out.

(10) The place of supply of restaurant and catering services, other than the restaurant and catering services referred to in paragraph (11), shall be the place where such services are physically provided.

(11) The place of supply of the restaurant and catering services which are physically provided on board of ships, aircraft or trains during the section of a passenger transport operation within the European Union shall be the place where the passenger transport begins.

(12) For the purposes of paragraph (11), the section of a passenger transport operation effected within the European Union shall mean the section between the point of departure and the point of arrival of the passenger transport operation without a stopover outside the European Union. The point of departure of a passenger transport operation shall mean the first scheduled point within the European Union for passenger embarkation, including after a stopover outside the European Union, where applicable. The point of arrival of a passenger transport operation shall mean the last scheduled point of disembarkation within the European Union of passengers who embarked in the European Union, including before a stopover outside the European Union, where applicable. In the case of a return trip, the return leg shall be a separate transport for the purposes of determining the place of the service supply.

(13) The place of supply of a service consisting of the mediation of goods or services by a person acting in the name and for the account of another person, supplied to a person other than taxable person, shall be the same as the place of supply or acquisition of goods or services that are subject to mediation.

(14) For telecommunication services, radio and television broadcasting services and electronic services supplied to an entity other than a taxable person, the place of supply shall be the person's seat, residential address or the place where the person usually resides, unless §16a paragraph (1) states otherwise.

(15) The place of supply of the services referred to in paragraph (16), including the adoption of an obligation to refrain from their pursuit or exercise, in whole or in part, where such services are supplied to a person other than taxable person who has a seat, domicile or habitual residence outside the European Union, shall be the place where that person has a seat, domicile or habitual residence.

(16) The services in respect of which the place of supply shall be determined pursuant to paragraph (15) are the following:

(a) transfer and assignment of copyrights, patents, licences, trade- marks and similar rights;

(b) advertising services;

(c) consultancy, engineering, technical, legal, accounting, audit, translating, interpreting and other similar services, including services of data processing and provision of information;

(d) banking, financial, insurance and reinsurance services, with the exception of the hire of safes;

(e) the supply of staff;

(f) lease of movable tangible property, except for the lease of means of transport, railway carriages and railway wagons, trailers, and semi-trailers;

(g) provision of access to a natural gas system located in the territory of the European Union, to a network connected to such a system, an electricity grid, heating networks, cooling networks, transport or distribution by means of the above systems or networks and the supply of other directly related services.

(17) Electronically supplied services pursuant to paragraph (14) are namely the following:

- (a) web-site supply, web-site hosting, remote maintenance of programs and equipment;
- (b) supply of program applications (software) and updating thereof;
- (c) supply of images, text and information, and accessing of databases;
- (d) supply of music, films and games, including games of chance and gambling games, and of political, cultural, artistic, sporting, scientific and entertainment broadcasts and events;
- (e) distance teaching.

(18) Electronic service under paragraph (14) shall not mean communication via electronic mail between the service supplier and its customer.

(19) The telecommunications services referred to in paragraph (14) shall be services consisting of the transmission, emission or reception of signals, writing, images and sounds or information of any nature by wire, radio, optical or other electromagnetic systems, including the related transfer or assignment of the right to use capacity for such transmission, emission or reception; telecommunications services shall also include provision of access to global information networks.

#### §16a

Special place of supply rules for distance sales of goods within the territory of the European Union and special place of supply rules for certain services supplied to a person other than a taxable person

(1) For distance sales of goods within the territory of the European Union, the place of supply of goods shall be the place where the dispatch or transport of the goods starts and for telecommunication services, radio and television broadcasting services and electronic services provided to a person other than a taxable person, the place of supply shall be the place of the service provider's seat, place of business or fixed establishment, and if the service provider does not have any seat, place of business or fixed establishment, then the place of supply of the service shall be the service provider's residential address or the place where the service provider usually resides, provided that

- a) the seat, place of business, fixed establishment, residential address or the place where the supplier of the goods or service provider usually resides, is in just one member state,
- b) the goods is dispatched or transported to a member state other than the one pursuant subparagraph (a) above or the service is provided to a person whose seat, residential address or the place where the person usually resides is in a member state other than the one pursuant subparagraph (a) above and
- c) total value of supplies pursuant subparagraph (b) above, excluding tax, does not exceed EUR 10,000 in the current calendar year and, at the same time, in the prior calendar year, total value of supplies pursuant subparagraph (b) above, excluding tax, does not exceed EUR 10,000.

(2) If, during a calendar year, the limit under paragraph (1) subparagraph (c) above is exceeded, the place of supply is changed by supply of goods or services exceeding the limit, so that it shall be the place of supply of goods under § 14 paragraph (2) and the place of provision of services is changed to be the service provision place under §16 paragraph (14).

(3) The supplier of goods or the service provider meeting the conditions under paragraph (1) above, can decide for the goods supply place under §14 paragraph (2) and services provision place under §16 paragraph (14) and the supplier shall use the places of supply for at least two calendar years.

#### § 17

Place of Acquisition of Goods from another Member State

(1) The place of acquisition of goods from another Member State shall be the place where the goods are situated at the time when their dispatch or transport to the acquirer is ended.

(2) Where the acquirer of goods orders goods under the tax identification number assigned thereto by a Member State other than the Member State in which the dispatch or transport of goods ends, the place of acquisition of goods from another Member State shall be deemed to be the State which assigned the tax identification number to the acquirer, unless the acquirer gives proof that such acquisition was subject to the tax in the Member State where the dispatch or transport of goods ended. Paragraph (1) shall not be prejudiced thereby.

(3) If pursuant to paragraph (2) the acquirer gives proof that the acquisition of goods from another Member State was subjected to the tax in the Member State where the dispatch or transport of goods ended, he shall correct the taxable amount, whilst abiding, where appropriate, by § 25.

(4) The place of acquisition of goods from another Member State in the case of trilateral transaction as per § 45 shall be the place in accordance with paragraph (1), provided that

- a) the first purchaser gives proof that he has acquired the goods for the purposes of their subsequent supply in another Member State where the dispatch or transport of goods ends, and the second purchaser is a person identified for tax purposes in the Member State where the dispatch or transport of goods ends and is a person liable to pay the tax,
- b) the first purchaser meets his obligation to state the subsequent supply of goods in a recapitulative statement in accordance with § 80,
- c) the first purchaser does not have a seat, a place of business, an establishment, a residence or does not usually reside in the Member State where the dispatch or transport of goods ends, and
- d) the dispatch or transport of goods is effected in accordance with § 45 paragraph (1a).

#### § 18

## Place of Importation of Goods

(1) The place of importation of goods shall be a Member State within whose territory the goods are situated at the time of their entry into the territory of the European Union, save as the exemption in accordance with paragraph (2).

(2) Where on their entry into the territory of the European Union, the imported goods have the status of temporarily stored goods or are placed in a free zone or a free warehouse, or are released under customs warehousing, under inward processing procedures, under procedures for temporary importation with total exemption from import duty or external transit procedures, or are admitted into territorial waters, the place of importation shall be the Member State where such customs arrangements are terminated.

## Tax Liability

### § 19

#### Tax Liability on Supply of Goods and Services

(1) A tax liability shall arise on the day of supply of goods. The day of supply of goods shall be the day on which the purchaser acquires the right to dispose of the goods as owner. As regards transfer or assignment of immovable property, the supply date shall be the day of handing over of the immovable property for use, provided that such date precedes the date of entry of title to the immovable property in the real estate register. As regards the supply of construction under a contract for work or another similar contract, the supply date shall be the day of handing over the construction. In the case of the supply of goods under § 8 paragraph (1) subparagraph (c), the day of supply of goods is the day on which the goods are handed over to the lessee.

(2) A tax liability shall arise on the day of supply of a service.

(3) If the supply of goods or services is partial or repeated, then such goods or services shall be deemed supplied at the latest as of the last day of the period to which the payment for the partial or repeated supply of goods or services relates, subject to exceptions in subparagraphs (a) to (e). A 'partial supply of goods or services' means the supply of goods or services that represents a part of the overall contracted supply. A 'repeated supply of goods or services' means the supply of the same type of goods or services at recurring periods agreed upon in advance.

#### If

(a) the payment in respect of partially or repeatedly supplied goods or services, other than the service specified in subparagraph (b), has been agreed to cover a period longer than 12 calendar months, the goods or services shall be deemed supplied as of the last day of each 12<sup>th</sup> calendar month until the supply of the goods or services has been completed;

(b) the service with a place of supply according to §15 paragraph (1), the recipient of which is liable to pay tax, is supplied partially or repeatedly over a period exceeding 12 calendar months and the payment has been agreed to cover a period longer than 12 calendar months, such service shall be deemed supplied as of the last day of each calendar year until the supply of the service has been completed;

(c) a taxpayer, in addition to rent, requests a separate payment for the exactly supplied quantities of electricity, gas, water and heat for each period of the repeated lease of a real property, these goods shall be deemed supplied as of the date on which the invoice by which the taxpayer seeks payment for their supply has been issued;

(d) electronic communication networks and electronic communication services are repeatedly supplied, along with electronic services, by persons authorised to provide such networks and services under a separate regulation<sup>(6a)</sup>, no later than the day as of which the invoice has been issued and, if no invoice has been issued, no later than last day of the third calendar month following the calendar month in which the service was provided shall be deemed the date of service supply; the tax becomes chargeable as of the last day of the third calendar month following the month in which the service was provided; this exemption shall not apply to the repeatedly supplied electronic communication networks and electronic communication services and electronic services supplied together with them provided that the service recipient is liable to pay the tax,

e) goods exempt from tax pursuant to §43 are repeatedly supplied for a period longer than one calendar month, the goods shall be considered supplied upon the last day of each calendar month until such time as the supply of goods comes to an end.

(4) Where a payment is received prior to the supply of goods or service, a tax liability shall arise from the payment received on the payment receipt date.

(5) Where goods are supplied under a consignment contract, a tax liability shall arise to the consignee on the same day as to the consignor.

(6) In the case of a service procured pursuant to §9 paragraph (4), including the procurement of repeatedly or partially supplied services, the service procured by a person acting in his own name shall be deemed supplied as of the date of the invoice issue by which the supplier seeks payment for the service or, if no invoice is issued, as of the last day of the third calendar month following the calendar month in which the service was supplied, the tax becomes chargeable as of the last day of the third calendar month following the calendar month in which the service was supplied; the day of service supply under this subparagraph shall not be determined if the service, with a place of supply under §15 paragraph (1), is procured and the recipient of such service is liable to pay the tax. The tax liability of a copyright holder arises on the day when he/she receives a payment from the organization for collective copyrights administration, provided that the organization levies in its own name remunerations and compensations for the granting of the right to use the works on behalf of the copyright holder.

(7) Where goods are supplied via vending machines or other similar devices operated by coins, banknotes, stamps or other payment instruments surrogating for money, a tax liability shall arise on the day when the money or stamps are collected from the machine, or the level of turnover is determined in some other way.

(8) Where goods are dispatched or transported from the territory of the country to another Member State and their dispatch conforms to the conditions for exemption from the tax pursuant to § 43 paragraphs (1) to (4), the day on which the tax becomes chargeable is

- a) the 15<sup>th</sup> day of a calendar month following the calendar month in which the goods were supplied, or
- b) the invoice issue date, if the invoice is drawn up before the 15<sup>th</sup> day as per subparagraph (a).

(9) If goods are dispatched or transported from the territory of the country to a place of destination in a third country (§ 47 paragraphs (1) and (2)), the day of supply of goods is considered to be the day that the goods leaves the territory of European Union, confirmed by a customs authority in customs declaration or simplified customs declaration.

(10) The tax liability on returnable packages<sup>6aa)</sup> supplied to the market along with the goods arises for a taxpayer, who is the first one to market the returnable packages along with the goods in the territory of the country, on the last day of a respective calendar year, from the difference between the total number of returnable packages which the taxpayer was the first one to market along with the goods within the territory of the country and the total number of such returnable packages which were returned from the market within the territory of the country in the respective calendar year; if the difference in the respective calendar year is negative, the tax amount and the amount of tax shall be given with a minus (-) sign in a records pursuant to §70 and in a tax return. The taxpayer who, during the calendar year, is the first one to market returnable packages supplied along with the goods within the territory of the country and, at the same time, also supplies returnable packages along with the goods, which he is not the first one to market within the territory of the country, may not claim a negative difference in the tax return. The taxable amount is the product of the difference calculated in accordance with the first sentence and the amount of deposit for a returnable package laid down in a separate regulation<sup>6ab)</sup> as applicable on the last day of the respective calendar year, less the tax.

(11) When goods are supplied by a taxable person facilitating intra-Community supply of goods and distance sales of goods under §8 paragraph (7), and when goods are supplied to the taxable person, the payment receiving date is regarded as the goods supply date and the date of the chargeability.<sup>6abc)</sup>

## § 20

### Tax Liability on Acquisition of Goods in the Territory of the Country from another Member State

(1) On acquisition of goods within the territory of the country from another Member State, a tax liability shall arise on

- a) the 15<sup>th</sup> day of a calendar month following the calendar month, in which the acquisition of goods took place, or
- b) the invoice issue date, if the invoice is drawn up before the 15<sup>th</sup> day as per subparagraph (a).

(2) Acquisition of goods within the territory of the country from another Member State shall be deemed to have taken place, if such goods were deemed to be supplied in the territory of the country.

(3) On acquisition of a new means of transport within the territory of the country from another Member State by a person who is not registered for tax purposes, a tax liability shall arise on the day of acquiring the new means of transport.

## § 21

### Tax Liability on Importation of Goods

(1) On importation of goods, a tax liability shall arise on

- a) releasing the goods under free circulation arrangements, including final use,<sup>6aba)</sup>
- b) releasing of goods into the temporary use customs regime with partial exemption from import duty,
- c) in other cases when a customs debt on importation of goods arises.<sup>6abb)</sup>

(2) A tax liability in respect of goods as per paragraph (1) shall arise on the day of receipt of a customs declaration for release of goods under the respective customs arrangements or on the day on which the customs debt arises in a way other than the receipt of the customs declaration. The tax shall fall due within the due date for a customs duty in accordance with customs regulations.

(3) With regard to goods released to the temporary importation arrangements with partial exemption from import duty, the tax is calculated to the amount for which it would be calculated for the goods if the goods were released to the customs treatment for free circulation at the time of its release to temporary importation arrangements with partial exemption from import duty. After goods are released to the temporary importation arrangements with partial exemption from import duty, the customs office shall, without an undue delay, notify the person liable to pay the tax of the tax amount per the first sentence and the tax shall be due within ten days from notification of the tax amount; the foregoing shall not apply if the procedure provided in § 84a paragraph (3) is applied on the importation of goods.

(4) If tax liability on imported goods arises pursuant to paragraph 1(c), the tax shall be reduced by the amount of tax paid when goods are released under free circulation arrangements, including final use, or after goods are released to the temporary importation arrangements with partial exemption from import duty or the amount of tax reported under § 84a paragraph (3).

(5) Default interest shall be charged if:

- a) tax liability arose under paragraph 1 subparagraph (c);
- b) tax on the importation of the goods was paid with delay; or
- c) because of control after the release of the goods into free circulation, including final use, or under the temporary importation procedures with partial exemption from import duty, a higher tax was additionally assessed upon the importation of the goods.

(6) The customs regulations shall be applied to default interest referred to in paragraph 5 except tax declared under § 84a paragraph (3) if the late payment interest is subject to the provisions of the relevant law.<sup>6abba)</sup>

## Taxable Amount and Tax Rate

### § 22

#### Taxable Amount in Respect of Supply of Goods and Services

(1) In respect of supplies of goods and services, a taxable amount shall be everything which constitutes the consideration which has been or is to be obtained by the supplier from the recipient of the performance or another person in return for the supply of goods or service, less the tax. The taxable amount also includes the subsidy or contribution that the supplier received or is to receive for the price of goods or service.

(2) The taxable amount as per paragraph (1) shall also include

- a) other taxes, duties, levies and charges relating to the goods or service,
- b) associated costs (expenses), such as commission, packing costs, transport and insurance costs charged by the supplier to the purchaser or customer.

(3) The taxable amount as per paragraph (1) shall not include expenses paid on behalf and for the account of the purchaser or the customer, which the supplier charges to the purchaser or the customer (hereinafter the „suspense items “). Where the goods are supplied in returnable packages, the deposit charged on returnable packages supplied along with the goods shall not be included in the taxable amount as per paragraph (1). When supplying a beverage in a returnable disposable beverage packaging<sup>6abd)</sup>, the taxable amount referred to in paragraph (1) shall not include the deposit charged on that packaging.

(4) Where at the time of supply of goods or service a price reduction or a discount for early payment is granted, the taxable amount shall be reduced for the sum of such discount.

(5) For the supply of goods referred to in § 8 paragraph (3), the taxable amount shall be the purchase price of the goods at the time of their supply or, if such purchase price cannot be ascertained, the purchase price of similar goods at the time of their supply; if there is no purchase price, the taxable amount shall be the cost of production of the goods at the time of supply. For the provision of a service referred to in § 9 paragraphs (2) and (3), the taxable amount shall be the cost of the service. Where the taxpayer has made a proportional tax deduction, or corrected or adjusted a deducted tax, such deduction or correction or adjustment shall be considered when calculating the tax.

(6) On the transfer of the own goods pursuant to § 8 paragraph (4), the taxable amount shall be the price at which the goods were acquired, including the costs associated with the acquisition, and in respect of self-generated goods, the taxable amount shall be the cost of self-generation of such goods, whilst in determining the taxable amount, paragraphs (2) and (3) shall be applied where appropriate.

(7) If goods and services are delivered within the sale of a business or a part of a business forming a separate organizational unit, the tax base will be determined based on an agreed price related to individual transferred tangible property and intangible property and other individual values usable as property. The taxable amount may not be reduced for the liabilities passing onto the purchaser.

(8) If, for the supply of goods or services to the persons who are in close relation with the taxpayer who supplies the goods or services, the consideration is lower than the open market value and the recipient of the supply is not a taxpayer or is a taxpayer who does not have a full right of deduction in respect of such goods or services, the taxable amount shall be the open market value. “Open market value” shall mean the amount that, to obtain the goods or services in question at the same marketing stage at which the supply of goods or services takes place, the recipient of the supply would have to pay to an independent supplier within the territory of the country under conditions of fair competition. Where no comparable supply of goods or services can be ascertained, “open market value” shall mean the following:

- (a) in respect of the supply of goods, an amount that is not less than the purchase price of the goods in question or of similar goods or, in the absence of a purchase price, the cost of producing the goods in question at the time of supply;
- (b) in respect of the supply of services, an amount that is not less than the cost of providing the service.

(9) For the purposes of paragraph (8), the persons who are in close relation with the taxpayer shall mean:

- (a) the natural persons acting as statutory representatives of the taxpayer who supplies the goods or services, or as members of the statutory board of the taxpayer who supplies the goods or services, including natural person who are their direct subordinates;
- (b) the natural persons who are members of the supervisory board of the taxpayer who supplies the goods or services;
- (c) the persons owning or controlling, either directly or indirectly, at least 10 percent of the shares or ownership interests of the taxpayer who supplies the goods or services, including the natural persons acting as statutory representatives or members of the statutory board of such persons;
- (d) the persons in which at least 10 percent of shares or ownership interests are owned or controlled, either directly or indirectly, by the taxpayer who supplies the goods or services, including the natural persons who act as statutory representatives or members of the statutory board of such persons;
- (e) the persons who are members of the taxpayer which supplies the goods or services;
- (f) the natural persons who are in an employment relationship with the taxpayer who supplies the goods or services;
- (g) the natural persons related<sup>6ac)</sup> to the natural person referred to in subparagraphs (a), (b), (c), (d) or (f);
- (h) the legal persons whose statutory representative, shareholder or member also acts as statutory representative or partner of the taxpayer who supplies the goods or services;
- (i) the natural persons living in the same household with the taxpayer who supplies goods or services,<sup>24a)</sup>
- (j) the persons related<sup>6ac)</sup> to the taxpayer who is a natural person and who supplies the goods or services.

(10) Without prejudice paragraph (1) of this §, the taxable amount of the supply of goods or services provided in respect of a multi-purpose voucher is consideration paid for the voucher less the amount of tax; if supplier does not dispose of information on the consideration the taxable amount is

monetary value indicated on the multi-purpose voucher itself or in the related documentation less the amount of tax relating to the goods or services.

## § 23

### Taxable Amount in Respect of Acquisition of Goods in the Territory of the Country from Another Member State

(1) The tax base in the case of goods from other member state acquired within the territory of the country in accordance with § 11 and § 11a is determined in accordance with § 22 paragraphs (1) to (4), except for the acquisition of goods in accordance with paragraph (2).

(2) On acquisition of goods within the territory of the country from another Member State pursuant to § 11 paragraph (8), the taxable amount shall be determined in accordance with § 22 paragraph (6).

## § 24

### Taxable Amount in Respect of Importation of Goods

(1) On importation of goods, the taxable amount shall be the customs value of goods in accordance with customs regulations.

(2) In so far as they are not already included in the customs value of goods, the taxable amount shall also include the following

a) taxes, duties and other payments outside the territory of the country and payable on importation of goods, except for the tax to be assessed,  
b) associated costs (expenses), such as commission, packing costs, transport and insurance costs incurred up to the first place of destination within the territory of the country.

(3) The first place of destination within the territory of the country as per paragraph (2) subparagraph (b) shall be the place mentioned in the consignment note or any other transport document accompanying the goods imported into the territory of the country. In the absence of such indication, the first place of destination shall be taken to be the place of the first reloading of cargo in that country.

(4) The taxable amount shall also include the costs (expenses) in accordance with paragraph 2 subparagraph (b), which relate to transport of goods to a place of destination within the territory of the European Union other than the territory of the country, if this place is known at the time of importation of goods.

(5) The taxable amount shall not include a reduction on the price of goods and a discount for an earlier payment of the price of goods.

(6) On re-import of goods released to the free circulation regime from outward processing regime, the taxable amount shall be the value of processing operations executed in the third country and items as per paragraph (2); the value of processing operations shall not be included in the taxable amount if the processing services with the place of supply within the territory of the country according to § 15 paragraph (1).

## § 25

### Correction of Taxable Amount

(1) In respect of supply of goods or services and in respect of acquisition of goods within the territory of the country from another Member State, the taxable amount shall be adjusted when

a) the supply of goods and services is fully or partially cancelled and when the supply of goods is fully or partially returned,  
b) the price of goods or services is reduced following the rise of a tax liability,  
c) the price of goods or services is increased.

(2) If, on acquisition of goods within the territory of the country from another Member State, the excise duty paid in the Member State from which the goods were dispatched or transported is refunded to the acquirer, the taxable amount shall be reduced for the amount of excise duty so refunded.

(3) The difference between the original taxable amount and corrected taxable amount and the difference between the original tax and corrected tax will be specified in the tax return for the tax period in which a document of correction of the taxable amount was made, and, if the taxable amount is corrected when acquiring a goods in the territory of the country from another Member State or upon delivery of a goods or service where the acquirer of the goods or recipient of the service are liable for payment of tax, the difference will be specified in the tax return for the tax period in which the acquirer of the product or recipient of the service receive a document of correction of the taxable amount. If a document concerning the taxable amount correction is not issued upon the correction of the taxable amount, the difference between the original taxable amount and the corrected taxable amount and the difference between the original tax and the corrected tax shall be specified in the tax return for the tax period in which the event triggering the correction of the taxable amount has occurred.

(4) On the basis of an application, a customs authority shall refund or waive the tax in respect of importation of goods based on a request in accordance with Articles 116 to 121 Council Regulation (EU) 952/2013 with an exception of case where the taxpayer can deduct tax on imported goods in a full extent; this exception does not cover the case in accordance with Article 117 of Council Regulation (EU) 952/2013.

- (5) Where on importation of goods a tax liability arises within the territory of the country to a legal entity from another Member State who is not a taxable person, a customs authority shall refund this person the tax paid on the import, provided that
- a) concerned are the goods dispatched or transported from the territory of a third country and the place of destination of goods is a Member State other than the territory of the country, and
  - b) this person establishes that the acquisition of goods was taxed in the Member State of destination of goods.
- (6) The taxable amount and tax do not have to be corrected if the payer marks down the price of goods or services after the origination of tax obligation towards another payer, provided that both parties have agreed in writing on such a procedure.
- (7) On correction of taxable amount, the tax rate shall be applied which was valid in the time when tax liability arose on taxable transaction to which the correction of taxable amount is related.

## § 25a

Correction of taxable amount if consideration for supplied goods or services is fully or partly unpaid

(1) The taxpayer who is liable to pay tax under § 69 paragraph (1), on supplied goods and services, is authorised to reduce the taxable amount if, after the date on which the tax becomes chargeable, the customer does not fully or partly pay for the supplied goods or services and the receivable resulting from the supply becomes uncollectible pursuant to paragraph (2) below.

(2) For the purposes of this Act, a receivable from supply of goods or services becomes uncollectible if:

a) 150 days have expired since the due date of the receivable for the supply of goods or services, to the extent that it was not paid, and this receivable

1. does not exceed EUR 1,000 including of tax and the taxpayer proves that they have taken any steps to collect the payment of the receivable;
2. exceeds EUR 1,000 including of tax and the taxpayer proves that they have filed action to a court other than an arbitration court to recover the receivable; or
3. exceeds EUR 1,000 including of tax and the taxpayer proves that the receivable is being recovered through debt enforcement proceedings under the relevant law<sup>(6aca)</sup>.

b) The customer (debtor) undergoes bankruptcy proceedings<sup>(6acb)</sup> and

1. the bankruptcy proceedings are discontinued owing to lack of assets; the receivable shall be regarded as uncollectible from the date when the announcement of final validity of the resolution on discontinuation of the bankruptcy proceedings owing to lack of assets is published in the Commercial Bulletin,
2. the bankruptcy is cancelled owing to lack of assets; the receivable shall be regarded as uncollectible from the date when the announcement of final validity of the resolution on cancellation of the bankruptcy owing to lack of assets is published in the Commercial Bulletin
3. if the customer (debtor) is declared bankrupt; the receivable shall be regarded as uncollectible from the date when, and in the amount in which, the receivable is recognised in bankruptcy proceedings; if the taxpayer does not register the receivable in the bankruptcy proceedings, then the receivable shall be regarded as uncollectible from the date when the resolution on bankruptcy cancellation is published in the Commercial Bulletin, after fulfilment of the Final Proceeds Schedule and in the scope, in which the taxpayer proves that the receivable would not have been satisfied even if it were registered, provided that the receivable is not statute-barred as at that date,

c) if the customer (debtor) is subject to debt discharge proceedings<sup>(6acc)</sup> and

1. the bankruptcy is terminated because the bankrupt's estate is not sufficient to cover the costs of the bankruptcy proceedings; the receivable shall be regarded as uncollectible from the date when the resolution terminating the bankruptcy for the above-mentioned reason is published in the Commercial Bulletin, of,
2. if the customer (debtor) is declared bankrupt; the receivable shall be regarded as uncollectible from the date when, and in the amount in which, the receivable is recognised in bankruptcy proceedings; if the taxpayer does not register the receivable in bankruptcy proceedings, then the receivable shall be regarded as uncollectible from the date when the resolution on bankruptcy cancellation is published in the Commercial Bulletin after fulfilment of the Final Proceeds Schedule and in the scope, in which the taxpayer proves that the receivable would not have been satisfied even if it were registered, provided that the receivable is not statute-barred as at that date, or
3. the court imposes a payment schedule; the receivable shall be regarded as uncollectible from the date when the payment schedule is imposed, in the amount in which the receivable is included in the payment schedule,

d) the customer (debtor), which is a legal entity, ceases to exist without a legal successor; the receivable shall be regarded as uncollectible from the date of termination,

e) the customer (debtor) dies, and

1. the court discontinues probate proceedings if the deceased person does not leave any assets<sup>(6acd)</sup> or only leaves assets of negligible value,<sup>(6ace)</sup> then the receivable shall be regarded as uncollectible from the date of final validity of the resolution on discontinuation of the probate proceedings, or
2. the receivable is registered, within the period set forth by the court, in inherited assets liquidation proceedings,<sup>(6acf)</sup>; the receivable shall be regarded as uncollectible in the registered amount, effective from the date following the last day of the period for registration of receivables. If the taxpayer does not register the receivable in inherited assets liquidation proceedings, the receivable shall be regarded as uncollectible from final completion of the liquidation proceedings, in the amount in which the taxpayer proves that the receivable would not have been satisfied even if it were registered, provided that the receivable is not statute-barred as at that date,

f) a resolution about termination of the restructuring proceedings is published and the receivable is not registered in the proceedings; the receivable shall be regarded as uncollectible from the publication date of the resolution in the Commercial Bulletin, in the amount in which the taxpayer proves that the receivable would not have been satisfied even if it were registered, provided that the receivable is not statute-barred as at that date.

(3) A taxpayer can correct the taxable amount pursuant to paragraph (1) above, in the amount not exceeding the unreceived consideration for the supplied goods or services. The difference between the initially reported taxable amount and the corrected taxable amount and the difference between the initially reported and the corrected tax shall be reported no earlier than in the tax return for the tax period in which the receivable became uncollectible pursuant to paragraph (2); the initial taxable amount cannot be reduced by an amount received by the taxpayer in relation to the supplied goods or services after the receivable became uncollectible under paragraph (2) above.

(4) The taxpayer cannot correct the taxable amount for an uncollectible receivable as defined in paragraph (2) above, if

- a) the customer (debtor) is (or on delivery date of the goods or services was) a party related to the taxpayer as defined in § 22 paragraph (9) above,

- b) the goods or services were delivered to the customer (debtor) after the customer (debtor) is declared bankrupt or
- c) on or before the delivery date of the goods or services, the taxpayer knew or should and could have known that the goods or services delivered to the customer (debtor) would remain fully or partly unpaid, considering the circumstances of the business relationship.

(5) The taxpayer's right to correct the taxable amount for an uncollectible receivable pursuant to paragraph (2) above, shall expire after three years from the deadline for filing the tax return for the tax period in which the goods or services were supplied, provided that for the supply of goods referred to in § 8, paragraph (1), subparagraph (c,) the taxpayer's right to correct the taxable amount for an uncollectible receivable, as referred to in paragraph (2), shall expire three years after the expiry of the due date of the first unpaid instalment. The time limit under the first sentence will not run:

- a) during court proceedings or arbitration proceedings if, based on the results of such proceedings, the taxpayer applied or could have applied a receivable against the customer (debtor) in initiated bankruptcy proceedings,

- b) from the starting date of the bankruptcy proceedings until the day when the bankruptcy proceedings are discontinued owing to lack of assets or day when the bankruptcy is cancelled owing to lack of assets,

- c) from the starting date of the bankruptcy proceedings until the date of determining the taxpayer's receivable in the bankruptcy proceedings,

- d) from the promulgation date of the decision on discharge from debts through bankruptcy until cancellation of bankruptcy because the bankrupt's estate is not enough to cover the bankruptcy costs,

- e) from the promulgation date of the decision on discharge from debts through bankruptcy until determination of the taxpayer's receivable in the bankruptcy proceedings,

- f) from the date when the resolution about protection of the debtor from creditors is published in the Commercial Bulletin, until the final date of the proceedings to determine the payment schedule including the payer's receivable,

- g) from the date of the debtor's death until final validity of the resolution to discontinue probate proceedings or until registration of the receivable in inherited assets liquidation proceedings,

- h) from the beginning until the end of restructuring proceedings if the taxpayer does not register the receivable in the proceedings.

(6) If, after reduction of taxable amount, under paragraph (3) above, the taxpayer receives any payment related to the uncollectible receivable under paragraph (2), then the taxpayer shall correct the reduced taxable amount by the amount equal to the payment received; if the taxpayer assigns the receivable to other entity, it is regarded as receiving a payment in the amount of the uncollectible receivable under paragraph (2) above. The taxpayer shall correct the reduced taxable amount in the tax return for the tax period in which the payment was received.

(7) The taxpayer shall prepare a corrective document if, upon delivery of the goods or services, the customer was a taxable person and

- a) corrected the taxable amount in accordance with paragraph (3) above, or

- b) was liable to correct the reduced taxable amount in accordance with paragraph (6).

(8) If a receivable becomes uncollectible pursuant to paragraph (2) subparagraphs (d) or (e), no corrective document under paragraph (7) shall be made.

(9) The corrective document under paragraph (7) subparagraph (a) shall contain the following details:

- a) numerical identification of the corrective document,

- b) preparation date of the corrective document,

- c) amount by which the taxpayer corrected the taxable amount and the tax,

- d) verbal information: "correction of taxable amount under § 25a",

- e) details pursuant to § 74 paragraph (1) subparagraphs (a) to (c) referring to the invoice for delivery of the goods or services to which the correction of the taxable amount relates.

(10) The corrective document under paragraph (7) subparagraph (b) shall contain the following details:

- a) numerical identification of the corrective document,

- b) preparation date of the corrective document,

- c) data from the corrective document under paragraph (9) subparagraphs (a) and (b),

- d) verbal information: "correction of taxable amount under § 25a",

- e) amount received by the taxpayer in relation to the uncollectible receivable pursuant to paragraph (2) above, or a part thereof, and the amount of the applicable tax,

- f) the date of receiving the amount under subparagraph (e) above.

(11) The taxpayer shall make and sent the corrective document on or before the deadline for filing the tax return for the tax period,

- a) for which the taxable amount is corrected in accordance with paragraph (3) above,

- b) in which the payment was received, pursuant to paragraph (6) above.

(12) The taxpayer shall enter the information of the correction of the taxable amount in accordance with paragraphs (3) and (6) above in the records kept under § 70 paragraph (2) subparagraph (i).

(13) If a taxpayer corrects the taxable amount in accordance with paragraph (3) above and fails to comply with the obligation under paragraph (11) subparagraph (a) above, the correction of the taxable amount reported in the tax return filed for the tax period, in which the correction of the taxable amount is made, shall not be admitted.

(14) Paragraphs (3) to (6) shall apply to correction of the taxable amount upon sale of goods and services, which is subject to application of special schemes under § 65 and 66 since the customer did not pay, either fully or partly, for the goods or services and the receivable became uncollectible pursuant to paragraph (2) above.

(15) The taxpayer shall be obliged to correct the reduced taxable amount in the tax return for the tax period in which any of the events referred to in subparagraphs (a) to (c) occurred if, after the reduction of the taxable amount under paragraph (3), for the reason of the receivable becoming unenforceable under paragraph (2) subparagraph (a) second point,

- a) the taxpayer has withdrawn the claim in whole or in part;
- b) the proceedings have been stayed under the relevant law<sup>6acg)</sup> for reasons on the part of the taxpayer (supplier); or
- c) the court has dismissed the claim made by the taxpayer, whether in full or in part.

(16) The correction of the reduced taxable amount under paragraph (15) shall be made by the taxpayer in an amount that corresponds to the amount of the receivable that cannot be recovered through the proceedings concerned for reasons referred to in paragraph (15) subparagraphs (a) to (c).

## § 26

### Conversion of Foreign Currency and Rounding of the Tax

(1) Where the payment on supply of goods, services or acquisition of goods within the territory of the country from another Member State is requested in a foreign currency, it shall be converted, for the purposes of determining the taxable amount, to the euro at a reference exchange rate determined and announced by the European Central Bank or by the National Bank of Slovakia<sup>5a)</sup> on the day preceding the day of the rise of a tax liability. The person obliged to pay tax may use an exchange rate valid according to customs regulations from the day of origination of the tax obligation to convert the foreign currency to the euro; the decision to use the exchange rate valid according to customs regulations shall be notified to the tax office in writing prior to its first utilization and it shall be binding during the whole calendar year. For correction of the taxable amount according to section 25, the exchange rate used at the time that the tax liability arose will be applied.

(2) When the foreign currency is converted to the euro to determine the taxable amount in respect of importation of goods, a procedure according to customs regulations shall be followed.

(3) The tax calculated on supply of goods, supply of a service and acquisition of goods within the territory of the country from another Member State shall be rounded down to the nearest euro cent up to EUR 0.005 and rounded up starting from EUR 0.005.

(4) The tax calculated on importation of goods shall be rounded down to the nearest euro cent up to EUR 0.005 and rounded up starting from EUR 0.005.

## § 27

### Tax Rates

(1) A standard tax rate on goods and services shall be 23 % of the taxable amount.

(2) A reduced tax rate 19 % of the taxable amount shall be applicable on:

- a) goods listed in Annex 7, point 1 excluding imported goods the tax return on which is filed, and the tax is paid under § 68cb,
- b) services listed in Annex 7a, point 1.

(3) A reduced rate 5 % of the taxable amount shall be applicable on:

- a) goods listed in Annex 7 in points 2 and 3, excluding imported goods the tax return on which is filed, and the tax is paid under § 68cb,
- b) services listed in Annex 7a, point 2
- c) goods and services within the social economy activities<sup>6ad)</sup> which are supplied by the registered social enterprise<sup>6ae)</sup> using 100 % of its profit after taxation on achieving its main objective,
- d) supply of a building or part of a building, including the building land on which the building or part of the building stands, which meets conditions for the construction of state-supported rental housing<sup>6ag)</sup> within the framework of the state's social policy and the recipient of a supply is the lessor of the state-supported rental housing apartment<sup>6ah)</sup> who has a contract on the operation of an apartment building<sup>6ai)</sup> state-supported rental housing, in which this building is specified, except for the supply of non-residential premises,
- e) renovation and rebuilding of a building or part of a building, including construction and assembly work on a building that meets conditions for the construction of state-supported rental housing, and the recipient of a supply is the lessor of the apartment in state-supported rental housing, who has a contract for the operation of the apartment building in state-supported rental housing, in to which this building is specified, except for the renovation and rebuilding of buildings, including construction and assembly works that apply to non-residential premises.

(4) For purpose of right classification of goods to the numerical code according to Annex 7 shall use the binding information on the nomenclature classification of goods issued by the customs authority according to a special regulation.<sup>6b)</sup>

(5) When the tax rate changes, the tax rate applicable on the day when the tax liability arises shall be applied in respect of each tax liability arisen.

## Tax Exemptions

### § 28

#### Postal Services

Exempt from the tax shall be universal postal services.<sup>7)</sup> Also exempt from the tax shall be the supply of goods related to the universal postal service provided.

### § 29

#### Health Care

(1) Exempt from the tax shall be the provision of health care by state and non-state health care facilities in accordance with a separate regulation<sup>8)</sup>, as well as goods and services directly related thereto and provided by these state and non-state health care facilities. The supply of medicaments and health care aids shall not be exempt from the tax.

(2) Also exempt from the tax shall be

- a) nursing and midwife care,
- b) health spa care, and where the health spa care follows to the preceding outpatient care, also services directly related thereto,
- c) health care provided by dentists and supply of dental prostheses by dentists and dental technicians,
- d) emergency health services and transport of persons to a health care facility and from a health care facility provided in connection with health care.

(3) Exempt from the tax shall be supplies of human organs and tissue, human blood and blood preparations and mother milk.

### § 30

#### Social Assistance Services

(1) Exempt from the tax shall be services of social assistance and services relating to the protection of children and youth provided in social welfare facilities in accordance with a separate regulation;<sup>11)</sup> also exempt from the tax shall be any goods supplied together with these services, if directly linked to the supply of these services.

(2) Exempt from the tax shall be services and goods in accordance with paragraph (1) supplied by also another legal entity or natural person, if such a person meets one or several of the following conditions:

- a) pursues activities for a purpose other than making a profit, and any profits nevertheless arising must be to the full extent earmarked for the continuance or improvement of the services supplied,
- b) is established and administered on a voluntary basis by persons who do not financially benefit, either directly or indirectly, from the results of its activities,
- c) charges prices approved by competent authorities or which do not exceed such approved prices and, in respect of services not subject to the obligation to have a price approved, prices lower than prices charged for similar services by persons aiming to derive profits from such activities.

### § 31

#### Training and Educational Services

(1) Exempt from the tax shall be training and educational services provided

- a) in accordance with separate regulations,<sup>12)</sup>
- b) by a legal entity or a natural person meeting one or several conditions pursuant to § 30 paragraph (2),
- c) as professional training and retraining rendered in accordance with a separate regulation.<sup>13)</sup>

(2) Also exempt from the tax shall be the supply of goods and services closely related to training and educational services as per paragraph (1) by persons providing training and educational services in accordance with paragraph (1).

### § 32

#### Services Supplied to Members

(1) Exempt from the tax shall be services supplied in return for subscription for the benefit of own members of political parties and movements, churches and religious societies, civic associations, including trade unions and professional chambers, provided that this exemption is not likely to cause distortion of competition; also exempt from the tax shall be goods supplied by these persons and closely linked to the service supplied.

(2) Services rendered to its members by a legal entity are exempt from tax provided that

- a) all its members execute an activity that is exempt from tax according to paragraph (1) and § 28 to § 36, or an activity that is not subject of tax,
- b) the services are essential for execution of the activity according to subparagraph (a),

- c) the legal entity claims payment only of a share of joint expenses from its members, and
- d) the exemption from tax does not violate economic competition.

### § 33

#### Services Linked to Sport or Physical Education

Exempt from the tax shall be services closely linked to sport or physical education, supplied to persons taking part in sport or physical education, if these services are supplied by a legal entity or a natural person who meets one or several conditions pursuant to § 30 paragraph (2).

### § 34

#### Cultural Services

Exempt from the tax shall be cultural services and supply of goods closely linked thereto, if they are supplied by

- a) a legal entity established under the law,<sup>14)</sup>
- b) a legal entity established by the Ministry of Culture of the Slovak Republic, a higher territorial unit or a municipality pursuant to a separate regulation,<sup>15)</sup>
- c) a legal entity or a natural person meeting one or several of the conditions pursuant to § 30 paragraph (2).

### § 35

#### Fund Raising

Exempt from the tax shall be supply of goods and services by persons whose activities are exempt from the tax under § 29 to §34, at events organised to raise funds to be used in their own activities, subject to the condition that such exemption from the tax is not likely to cause distortion of competition.

### § 36

#### Services of Public Television and Radio Bodies

Exempt from the tax shall be public television and radio broadcasts, except for commercial broadcasting, telemarketing and sponsored programmes, including their promotion.

### § 37

#### Insurance Services

- (1) Insurance and re-insurance activities, including brokerage of insurance and re-insurance, are exempt from tax.
- (2) Exempt from the tax shall be insurance activities of the Social Insurance Company<sup>17)</sup> and insurance activities of health insurance companies.<sup>18)</sup>

### § 38

#### Supply and Leasing of Immovable Property

(1) Exempt from the tax shall be the supply of a construction or a part thereof, including the supply of building land,<sup>19)</sup> on which the structure is constructed, provided that the supply is made five years after the date of

- a) approval of the construction for use, permitting the first use of the construction for the designated purpose, or five years after the date of commencement of the first use of that construction, whichever comes first,
- b) approval for use, permitting the change of purpose of use of the construction, which took place as a result of the performed construction works, provided the costs of those construction works amount to at least 40 percent of the value of the construction prior to the commencement of the construction works; for the purposes of this paragraph, value of the construction prior to the commencement of the construction works shall mean a value that is not lower than the price of a comparable construction on the free market during the period prior to the commencement of the construction works,
- c) approval for use, permitting the use of the construction after the performance of the construction works resulting in a material change of the conditions of current use of the construction; material change of the conditions of current use of the construction shall mean spending costs on construction works in an amount of at least 40 percent of the value of the construction prior to the commencement of the construction works.

(2) Exempt from the tax shall be supply of land except for supply of building land. If the building land is supplied along with the construction or part thereof, the supply thereof shall abide by paragraph (1) or paragraph (7).

(3) Exempt from the tax shall be leasing of immovable property or a part thereof, except for

- a) accommodation services,
- b) the letting of premises and sites for parking vehicles,
- c) the letting of permanently installed equipment and machinery,
- d) the hire of safes.

(4) For the purposes of paragraph (3) subparagraph (a), accommodation services shall mean services falling under groups 55.1 through 55.3 and 55.9 of the statistical classification under special regulation;<sup>198a)</sup> services falling under groups 55.9 are accommodation services only if provided for a period shorter than three months.“.

(5) The taxpayer who lets immovable property or a part thereof out to a taxable person, may decide not to have the lease exempt from the tax, except for lease of flat, detached house and lease of a suite in a residential building or parts thereof.

(6) Paragraphs (3) to (5) shall also apply to subleasing of immovable property or a part thereof.

(7) Where the taxpayer supplies a part of a construction which is an individual flat, individual suite or individual non-residential premise, the supply is exempt from tax, provided the supply is made five years after the date of

- a) approval of the construction for use under which the first use of the flat, suite or non-residential premise has been permitted, or five years after the date of commencement of the first use of the flat, suite or non-residential premise, whichever comes first,
- b) approval for use, permitting the change of purpose of use of the flat, suite or non-residential premise, which took place as a result of the performed construction works, provided the costs of those construction works amount to at least 40 percent of the value of the flat, suite or non-residential premise prior to the commencement of the construction works; for the purposes of this paragraph, value of the flat, suite or non-residential premise prior to the commencement of the construction works shall mean a value that is not lower than the price of a comparable flat, suite or non-residential premise on the free market during the period prior to the commencement of the construction works,
- c) approval for use, permitting the use of the construction, flat, suite or non-residential premise after the performance of the construction works in common parts of the construction or individual flat, suite or non-residential premise resulting in a material change of the conditions of current use of the flat, suite or non-residential premise; material change of the conditions of current use of the flat, suite or non-residential premise shall mean spending costs on construction works in an amount of at least 40 percent of the value of the flat, suite or non-residential premise prior to the commencement of the construction works.

(8) A taxpayer who supplies a construction or part thereof that satisfies the conditions of tax exemption under paragraph (1) or paragraph (7) may opt for not exempting the supply of the construction or part thereof from tax; this does not apply in the case of supplying a housing construction, supplying an individual flat and supplying an individual suite in a residential building. If the taxpayer supplies a housing construction also for a purpose other than housing, it may opt for not exempting the supply of the construction from tax only in the part that is not for housing purposes.

(9) For the purposes of paragraphs (5) and (8), a suite in a residential building<sup>199a)</sup> shall mean a room or set of rooms in a residential building that is capable of performing the same function as a flat.

## § 39

### Financial Services

(1) The following shall be exempted from tax:

- a) the granting and the negotiation of credit, the granting and the negotiation of loan, the management of credit and loan by the person granting it, and negotiation of savings,
- b) the granting and the negotiation of credit guarantee and any other security for money, as well as the management of credit guarantee by the person granting the credit,
- c) transactions concerning deposit and current accounts, including their negotiation,
- d) transactions concerning payments, transfers, cheques, negotiable instruments, debts, but excluding debt collection,
- e) the issuance and management of electronic payment instruments and traveller's cheques,
- f) transactions concerning securities and participating interests, including their negotiation; whilst excluding management and safekeeping of securities,
- g) opening of letters of credit,
- h) procurement of collection,
- i) transactions concerning currency used as legal tender, including their negotiation,
- j) exchange transactions,
- k) the management of share funds by an asset management company in accordance with the special provision<sup>20)</sup>, the management of pension funds in accordance with the special provision<sup>20a)</sup> and the management of supplementary pension funds in accordance with the special provision<sup>20b)</sup>,
- l) trading for one's own account or for the customer's account in forwards, futures contracts and options, including the exchange rate and interest rate transactions.

(2) In respect of exchange transactions, the price of service shall be an agreed-upon reward and gains (income) obtained from a difference between exchange rates in the respective tax period.

(3) In transactions according to paragraph (1) subparagraph (l), the price of service is the profit gained from the transactions after deduction of the loss from the transactions in the respective tax period.

## § 40

### Sale of Stamped Stationery and Fiscal Stamps

The mediation of sale of valid postal stamps and vouchers for use within postal services, fee stamps and other official stamps and vouchers, if they are sold for their nominal values, is exempted from the tax.

## § 41

### Operation of Lotteries and Other Similar Games

(1) Exempt from the tax shall be operation of lotteries and other similar games by a person authorised to their operation under a separate regulation.<sup>21)</sup>

(2) Also exempt from the tax shall be activities consisting of the operation proper of lotteries and other similar games, which are carried out in the name and for the account of a person authorised to their operation under a separate regulation. The operation proper of lotteries and other similar games shall mean the betting, sale of lots, the disbursement of prizes and other services directly linked thereto and provided by the mandatory.

## § 42

### Tax Exemption in Respect of Supply of Goods without Tax Deduction

The supply of goods used exclusively for activities exempted from tax in accordance with § 28 to § 41 without the possibility of tax deduction in accordance with § 49 paragraph (3) and without the possibility to adjust the tax deducted in accordance with § 54 relating to the supplied goods, is exempted from tax, as well as the supply of goods after whose acquisition it is not possible to deduct taxes in accordance with § 49 paragraph (7).

### §42a

#### Exemption from tax on goods supplied to a taxable person facilitating supply of goods

If goods are supplied to a taxable person facilitating supply of goods within the territory of the European Union under the first sentence of §8 paragraph (7), the goods supplied to the taxable person are exempt from tax.

## § 43

### Tax Exemption in Respect of Supply of Goods from the Country to another Member State

(1) Exempt from tax shall be a supply of goods dispatched or transported from the territory of the country to another Member State by the seller or the acquirer or by a third party acting on behalf of the seller or the acquirer, provided that:

- a) the acquirer is a taxable person acting in the capacity of a taxable person in other Member State or a legal entity which is not a taxable person, and
- b) the acquirer under subparagraph (a) has been identified for VAT in other Member State and notified to the supplier of the VAT identification number issued to him in other Member State.

(2) Exempt from the tax shall be supply of a new means of transport, which is dispatched or transported from the territory of the country to another Member State by the vendor to the purchaser or by the purchaser or for their account.

(3) Exempt from the tax shall be supply of goods subject to excise duty dispatched or transported from the territory of the country to another Member State by the vendor to the purchaser or by the purchaser or for their account, provided that the purchaser is a taxable person under the law of another Member State who is not identified for tax purposes, or a legal entity who is not a taxable person under the law of another Member State who is not identified for tax purposes, and provided that the liability to pay the excise duty is incurred by the purchaser in the Member State in which the dispatch or transport of goods ends.

(4) Also exempt from the tax shall be transfer of own goods of a taxable person from the territory of the country to another Member State for the purposes of its business (§ 8 paragraph (4)), provided that the supply of these goods for another person has been exempt from the tax under paragraph (1).

(5) The taxpayer shall be obliged to prove that the conditions for exemption from the tax pursuant to paragraph (1) through (4) have been met

a) by a copy of an invoice;

b) by a document proving the dispatch of goods, where the transport of goods is provided by the supplier or customer by means of a postal service, or a copy of the document on the transport of goods in which the customer or a person authorised by the customer confirms that the goods have been received in another Member State, where the transport of goods is provided by the supplier or customer by a person different than the postal service; if the taxpayer holds no such a copy of the document on the transport of goods, the taxpayer is required to prove the receipt of goods in another Member State by another document;

c) by a confirmation of the receipt of goods by the customer or a person authorised by the customer, where the transport of goods is performed by the supplier or customer; the confirmation must contain the following:

1. the name and surname of the customer, or the business name of the customer, and the address of its seat, place of business, establishment, domicile or address of the place of its habitual residence;
2. the quantity and type of goods;
3. the address of the place and date of the receipt of goods in another Member State, where the goods have been transported by the supplier, or the address of the place and date of the end of transport, where the goods have been transported by the customer;
4. the name and surname of the driver of a land motor vehicle, in block letters, and his/her signature;
5. the registration plate number of the land motor vehicle used in the transport of goods; and
- d) other documents, particularly a supply of goods contract, a delivery note, a document on the receipt of payment for the goods, a document on the payment for the transport of goods.

(6) Supply of goods and services to the following shall be exempt from tax:

- a) diplomatic missions and consular offices of states other than the Slovak Republic established within the territory of another Member State, and their staff who are not citizens of the Slovak Republic and do not have permanent residence in the Slovak Republic,
- b) the European Union, the European Atomic Energy Community and bodies established by them, the European Central Bank and the European Investment Bank, within the scope and under the conditions laid down by an international treaty,<sup>21a)</sup>
- c) international organisations other than those listed in (b) above established in the territory of another Member State and their staff who are not citizens of the Slovak Republic and have no permanent residence in the Slovak Republic within the scope and under the conditions laid down by international treaties,<sup>24)</sup>
- d) another Member State for the armed forces of the State, which is a party to the North Atlantic Treaty, destined for use by these armed forces or civilian staff accompanying them, and for supply of their catering facilities, provided that these armed forces are not the armed forces of the State of destination of supplies and provided that they take part in a common defence effort.
- e) another Member State for the armed forces of the Member State, for the use of those forces, the civilian staff accompanying them or for supplying their catering facilities when such forces are not the armed forces of the Member State of destination and when such forces take part in a defence effort carried out for the implementation of the European Union activity under the common security and defence policy.
- (f) the European Commission, an agency or a body established under the law of the European Union intended for the performance of duties conferred thereon by the law of the European Union in relation to the COVID-19 pandemic, except goods and services that the European Commission, agency or body established under the law European Union is to use for the purpose of re-supply for consideration.”.

(7) The taxpayer shall be obliged to give proof of the tax exemption as per paragraph (6) by a confirmation on an official print form on exemption from the tax, made out by the competent government authority of another Member State, and which the customer delivers to the taxpayer.

(8) If the goods are transported from the territory of the country to another Member State by the customer, or if the customer has arranged for the transportation of the goods by another person, the taxpayer is obliged to have the documents referred to in paragraph (5) subparagraphs (b) or (c) at his disposal by the end of sixth calendar month following after the calendar month in which the goods were supplied. If the taxpayer does not have the documents referred to in paragraph (5) subparagraphs (b) or (c) at his disposal within the time period referred to in the foregoing sentence, he shall specify the supply of goods without tax exemption in the tax return for the tax period in which the aforementioned period lapsed.

(9) The exemption from tax pursuant to paragraphs (1) and (4) shall not be admitted if the supplier fails to submit the recapitulative statement for the relevant period or if data in the filed recapitulative statement are incorrect, false or incomplete; that shall not apply if the supplier provides sufficient reasons for not filing the recapitulative statement, misstatements or incomplete data in the recapitulative statement.

(10) The tax exemptions provided in paragraphs (1), (3), (4) or (6) shall not apply if the taxable person which supplies the goods is not a taxpayer.

#### § 44

##### Tax Exemption in Respect of Acquisition of Goods in the Country from another Member State

Exempt from the tax shall be acquisition of goods within the territory of the country from another Member State, provided that

- a) the supply of such goods by the taxpayer within the territory of the country would be exempt from the tax,
- b) the importation of such goods would be exempt from the tax under § 48 paragraphs (1), (2), (4) through (9), (11) and (13).
- c) the acquirer of the goods would be entitled to refund of the tax in full scope in accordance with § 55a or § 56 through 58.

#### § 45

##### Tax Exemption in Respect of Trilateral Transactions

(1) A trilateral transaction shall mean a transaction where

- a) there are three persons involved in the transaction and subject to this transaction is supply of the same goods, which have been dispatched or transported directly from the first supplier to the second customer from one Member State to another,
- b) the persons participating in the transaction have been identified for tax purposes in three different Member States,
- c) the first customer does not have its seat, place of business, an establishment or residence in the Member State of second customer or does not usually reside in the Member State of second customer and he uses the same tax identification number towards the first supplier and the second customer,
- d) the goods have been dispatched or transported by the first supplier or the first customer, or another person for their account, from a Member State other than the Member State of identification of the first customer to the Member State of the second customer.
- e) the second purchaser uses the tax identification number assigned by the Member State where the dispatch or transport of goods ends, and
- f) the second customer is a person liable to pay the tax.

(2) If the conditions laid on a trilateral transaction as per paragraph (1) are met, the first customer shall not be liable to pay the tax on acquisition of goods from another Member State and the acquisition of goods by this person shall be deemed to have been taxed.

(3) In the case of a trilateral transaction, the first customer shall make out an invoice for the second customer, which shall not contain the amount of tax and in which he shall indicate word information "transfer of tax liability".

(4) The records maintained to determine the tax must clearly indicate

- a) as regards the first customer, when the tax identification number assigned thereto in the country is used for the trilateral transaction, an agreed-upon reward for supply of goods to the second customer and the business name or the first name and surname of the second customer,
- b) as regards the second customer, when the tax identification number assigned thereto in the country is used for the trilateral transaction, the taxable amount, the amount of tax and the business name or the first name and surname of the first customer,

## § 46

### Tax Exemption in Respect of Transport Services

(1) Exempt from the tax shall be transport of goods to the islands or from the islands, which form autonomous regions of the Azores and Madeira, and transport of goods between these islands.

(2) Exempt from the tax shall be transport of passengers within the territory of the country, if concerned is transport

- a) from the territory of the country to outside,
- b) from the outside to the territory of the country,
- c) from a place outside the country to another place outside the country via the territory of the country,
- d) between two places within the territory of the country, which forms part of international air or water transport.

(3) The transport of baggage and motor vehicles accompanying transported persons, and the supply of services related to the transport of persons are exempted from tax if the transport of persons itself is exempted from tax in accordance with paragraph (2).

## § 47

### Tax Exemption in Respect of Export of Goods and Services

(1) Exempt from the tax shall be supply of goods dispatched or transported by the vendor or for his account to the place of destination within the territory of a third country.

(2) Exempt from the tax shall be supply of goods dispatched or transported by the purchaser or for his account to the place of destination within the territory of a third country, if the purchaser does not have seat, place of business, fixed establishment or domicile within the territory of the country, except for supply of goods transported by the purchaser for the purposes of equipment, supply of pleasure boats, private aircraft or any means of transport by fuels and foodstuffs for private use.

(3) Dispatch or transport of goods to a destination in the territory of a third country pursuant to paragraphs (1) and (2) above, shall be proven by the taxpayer by submitting the dispatch or transportation documents, and

- a) the customs declaration indicating the date, confirmed by the customs office, when the goods left the territory of the European Union, or
- b) other proofs, pursuant to a special regulation,<sup>21b)</sup> in case of
  1. customs declaration on exportation of goods is provided in verbal form, or
  2. an act regarded as customs declaration on exportation of goods is performed.

(4) Exempt from the tax shall be supply of goods in customs warehouse authorised under a separate regulation<sup>6)</sup> within the transit area of international airports and ports and on board aircraft to exclusively natural persons, who will immediately leave the Community territory, or leave it with an intermediate landing in another Member State, provided that during such a stop the leaving of a transit area is inhibited. The goods exempt from the tax may only be sold to such persons on verification that their airport of destination or port of destination is situated within a third country. A legal entity or a natural person who executes such a sale shall be obliged to ensure that on the selling document there is stated the first name and surname of a natural person, the flight or voyage number, the purchaser's airport or port of destination, the trade name of goods and the price of goods.

(5) Exempt from the tax shall be processing operations on movable property imported from the territory of a third country or acquired for the purposes of undergoing such work within the territory of the country and which has been dispatched or transported from the territory of the European Union by a person who supplied those services or for his account or by the customer who does not have his seat, place of business, fixed establishment or domicile within the territory of the country, or for his account.

(6) Exempt from tax shall be services, including transport services and ancillary services related thereto, other than the services exempt from the tax under § 28 to § 41, which are directly linked to the export of goods under the customs arrangements according to § 18 paragraph (2).

(7) The supply of goods for the following types of vessels is exempted from tax:

- a) vessels used for sailing on the open sea, which transport passengers for remuneration, execute business, industrial or fishing activities,
- b) used for rescue operations or assistance at sea, or for inshore fishing, except for supply of foodstuffs for vessels engaged in inshore fishing,
- c) of war, as defined by the Common Customs Tariff code ex 8906 00 10, leaving the country and bound for foreign ports or anchorages.

(8) Exempt from the tax shall be supply, repair, modification, maintenance, chartering and hiring of the sea-going vessels as per paragraph (7) subparagraphs a) and b), supply, repair, maintenance and hiring of equipment, including fishing equipment, and supply of other services to meet the needs of these vessels.

(9) Exempt from the tax shall be supply of goods for the fuelling and provisioning of aircraft used by airlines operating for reward chiefly on international routes.

(10) Exempt from the tax shall be supply, repair, modification, maintenance, chartering and hiring of aircraft used by airlines operating for reward chiefly on international routes, supply, repair, maintenance, chartering and hiring of equipment installed or used in such aircraft and supply of other services to meet the direct needs of aircraft or of their cargoes.

(11) Exempt from the tax shall be supply of gold to central banks.

(12) Exempt from the tax shall be the procurement of supplies of goods and services referred to in paragraphs (1) to (11), provided that such procurement is done on behalf of and for the account of another person, and also exempt from the tax shall be the procurement of goods and services effected outside the territory of European Union, provided that such procurement is done on behalf of and for the account of another person; the exemption from the tax shall not apply to procurement of tourism services supplied in another Member State.

(13) Exempt from tax is also supply of goods free of charge, as a donation granted based on a written donation contract signed between the taxpayer and the Ministry of Interior of the Slovak Republic intending to export goods outside the territory of the European Union as a part of humanitarian and charity activities. For each calendar year, the Ministry of Interior of the Slovak Republic shall, by 15<sup>th</sup> January of the following year, submit to the financial directorate:

- a) The list of donation contracts signed between the taxpayer and the Ministry of Interior of the Slovak Republic for the calendar year,
- b) List of registration numbers of customs declarations for the exported goods donated by the taxpayer for the calendar year.

#### § 48

##### Tax Exemption in Respect of Importation of Goods

(1) Exempt from the tax shall be importation of goods, if concerned are the goods whose supply by the taxpayer within the territory of the country would be exempt from the tax.

(2) Goods released under the free circulation regime subject to the exemption from a customs duty pursuant to a separate regulation<sup>22)</sup> shall be exempt from the tax, provided that concerned are

- a) small consignments of goods of a non-commercial character and if concerned are imports of coffee or tea, the exemption shall apply to
  1. 500 grams of coffee or 200 grams of coffee extracts and essences,
  2. 100 grams of tea or 40 grams of tea extracts and essences,
- b) personal property of natural persons transferring their normal place of residence from a third country to the territory of the European Union,
- c) goods imported on the occasion of a marriage,
- d) personal property acquired by inheritance,
- e) school outfits, scholastic materials and other scholastic household effects of pupils and students,
- f) relocation of business assets from a third country to the territory of the European Union; the tax exemption shall not apply to business assets imported for the purposes of activities exempt from the tax pursuant to § 28 to § 41,
- g) agricultural products,
- h) seeds, fertilizers and products for the treatment of soil and crops,
- i) animals, biological or chemical substances intended for research, if provided free of charge and destined for facilities effecting education and scientific research,
- j) therapeutical substances of human origin and blood-grouping and tissue-typing reagents,
- k) pharmaceutical products for use in international sports events,
- l) goods for charitable or philanthropic organisations,
- m) goods imported for the benefit of disaster victims,
- n) honorary decorations and awards, gifts donated in the context of international relations and goods to be used by heads of states,
- o) samples of goods of negligible value,
- p) printed advertising matter and advertising material,
- r) goods used or consumed at a trade fair or similar event,
- s) goods imported for examination, analysis or test purposes,
- t) consignments dispatched to persons competent to act in the matters of copyright protection, industrial property rights and technical standardisation,
- u) tourist information literature,
- v) miscellaneous documents and articles,
- w) ancillary materials for the stowage and protection of goods during their transport, if included in the taxable amount for imported goods,
- x) litter, fodder and feeding stuffs for animals during their transport,
- y) fuel and lubricants present in land motor vehicles and special containers,
- z) goods for the construction, upkeep or ornamentation of memorials to, or cemeteries for, war victims,
- aa) coffins, urns and ornamental funerary articles.

(3) Importation of goods dispatched or transported from a third country and the dispatch or transport of which ends in another Member State shall be exempt from the tax, provided that the supply of these goods by the importer (§ 69 paragraph (8)) from the territory of the country to another Member State is exempt from the tax pursuant to § 43 paragraphs (1) to (4).

The exemption from tax shall apply if, at the time of importation of the goods, the importer who is a taxpayer or its representative provided at least the following information to the customs authority:

- a) its tax identification number assigned in the territory of the country or a special tax identification number of the tax representative representing an importer as regards exemption from tax pursuant to §69a,
- b) the customer's tax identification number assigned in another Member State, or its own tax identification number assigned in a Member State where the dispatch or transport of the goods ends,
- c) proof that the imported goods are to be dispatched or transported from the territory of the country into another Member State, in particular a contract for the carriage of goods or a transport document.

(4) Exempt from the tax shall be re-importation of goods in the state in which they were exported by the person who exported them, where they qualify for exemptions from customs duties.

(5) Exemption from tax applies to the importation of goods

- a) by persons enjoying privileges and immunities under international law,<sup>23)</sup> if exemption from customs duties applies to such importation,
- b) by the European Union, the European Atomic Energy Community and bodies established by them, the European Central Bank and the European Investment Bank, within the scope and under the conditions laid down by an international treaty,<sup>21a)</sup>
- c) by international organisations other than those listed in (b) above and their staff, within the scope and under the conditions laid down by international treaties.<sup>24)</sup>

(6) Exempt from the tax shall be importation of goods by armed forces of another State which is party to the North Atlantic Treaty or by a State participating in the Partnership for Peace, and of another State for the use by such forces or the civilian staff accompanying them, including goods for supplying their messes or canteens where such forces take part in the common defence effort.

(7) Exempt from the tax shall be gold imported by the National Bank of Slovakia.

(8) Exempt from the tax shall be services in connection with the importation of goods where the value of such services is included in the taxable amount in accordance with § 24.

(9) Exemption from tax applies to the importation of gas by means of a natural gas system, or a network connected to such a system, or coming in from a watercraft designed for the transport of gas into a natural gas system or an upstream pipeline network, importation of electricity and importation of heat or refrigeration by means of heating or cooling networks.

(10) Exemption from tax applies to imported goods, which are not subject to excise tax and the intrinsic value of which does not exceed EUR 150, and the tax return shall be filed pursuant to the special scheme under §68c or under provisions of an act valid in other member state equivalent to §68c, provided that not later than upon filing the customs declaration, the customs office is notified of the VAT identification number with IM prefix, assigned to

a) the taxable person for application of the special tax scheme or

b) intermediary for every taxable person represented by the intermediary, if the taxable person is represented by an intermediary for application of the special tax scheme.

(11) Exempt from the tax shall be the importation of goods by the European Commission, agency or a body established under European Union law, in so far as those goods are intended for the performance of tasks entrusted to them by European Union law associated with the COVID-19 pandemic; this shall not apply if the European Commission, agency or a body established under European Union law uses the imported goods immediately or later for the purpose of further supply for consideration.

(12) If the conditions for tax exemption in respect of the importation of goods pursuant to paragraph (11) are no longer met, the European Commission, the agency or the body established under European Union law shall inform the customs office of this fact without undue delay; the customs office shall impose the tax at the rate applicable at the time.

(13) Exempt from the tax shall be the importation of goods by the armed forces of another Member State, for the use of those armed forces or the civilian staff accompanying them, including the goods for supplying the catering facilities of such armed forces taking part in a defence effort carried out for the implementation of the European Union activity under the common security and defence policy

(14) For the purposes of paragraph (2) subparagraph (a), 'minor consignment of goods of a non-commercial nature' shall mean a consignment of goods consigned free of charge by a natural person from a third country to another natural person to the national territory, if the consignment

a) is consigned occasionally;

b) contains goods intended exclusively for personal use of the consignee or members of their household<sup>24a)</sup> and the nature and quantity of the goods do not raise suspicions that the consignee or members of their household may use the goods for business purposes; and

c) the value of the consignment of goods does not exceed EUR 45.

## § 48a

### Tax Exemption in Respect of Goods Imported in the Traveller's Personal Luggage

(1) For the purposes of this provision

a) air traveller means any passenger travelling by air other than private pleasure-flying;

b) private pleasure-flying means the use of an aircraft by its owner or another person who enjoys its use either through hire or through any other means, for purposes other than commercial and other than for the carriage of passengers or goods or for the supply of services for consideration or for the purposes of public authorities;

c) personal luggage shall be regarded as the luggage which a traveller is able to present to the customs authorities upon arrival, as well as luggage which he presents later to the same authorities, subject to proof that such luggage was registered as accompanied luggage, at the time of his departure, with the company which has been responsible for conveying him; fuel other than that referred to in Article 12 shall not be regarded as personal luggage;

d) non-commercial import is import of goods if

1. the goods are intended for the personal or family use of the travellers,<sup>24a)</sup> or are intended as presents;
2. the nature or quantity of the goods is not such as to indicate that they are being imported for commercial reasons; and
3. the import takes place occasionally;

e) cigarillos are cigars of a maximum weight of 3 grams each.

(2) The goods imported for non-commercial purposes in personal luggage of the traveller coming from the territory of third countries shall be exempt from the tax.

(3) Save for the goods specified in paragraphs (6) through (12), the exemption from the tax under paragraph (2) shall also apply to imports of goods, if their total value does not exceed

- a) EUR 300 per person other than person specified in paragraph 3 subparagraphs (b) and (c);
- b) EUR 430 per person in the case of air travellers;
- c) EUR 150 per person under 15 years of age, regardless of transportation means.

(4) For the purposes of applying the monetary thresholds specified in paragraph (3), the value of an individual item may not be split up.

(5) The value of the personal luggage of a traveller, which is imported temporarily or is re-imported following its temporary export, and the value of medicinal products required to meet the personal needs of a traveller shall not be taken into consideration for the purposes of applying the exemptions referred to in paragraph (3).

(6) The exemptions under paragraph (2) shall apply to tobacco products imported by a single traveller in the quantity not exceeding

- a) 200 cigarettes per person in the case of air travellers, and 40 cigarettes per person in the case of travellers other than air travellers;
- b) 100 cigarillos per person in the case of air travellers, and 20 cigarillos per person in the case of travellers other than air travellers;
- c) 50 cigars per person in the case of air travellers, and 10 cigars per person in the case of travellers other than air travellers;
- d) 250 grams of smoking tobacco per person in the case of air travellers, and 50 grams of smoking tobacco per person in the case of travellers other than air travellers.

(7) Each amount specified in paragraph (6) subparagraphs (a) through (d) shall represent 100 % of the total allowance for tobacco products. The exemption for tobacco products may be applied to any combination of tobacco products specified in paragraph (6) subparagraphs (a) through (d), provided that the aggregate of the percentages used up from the individual allowances does not exceed 100 % of the total allowance.

(8) The exemptions under paragraph (2) shall apply to import of alcohol and alcoholic beverages other than still wine and beer, subject to the following quantitative limits per person

- a) a total of 1 litre of alcohol and alcoholic beverages of an alcoholic strength exceeding 22 % vol, or undenatured ethyl alcohol of 80 % vol and over;
- b) a total of 2 litres of alcohol and alcoholic beverages of an alcoholic strength not exceeding 22 % vol.

(9) Each of the amounts specified in paragraph (8) subparagraphs (a) and (b) represent 100 % of the total allowance for alcohol and alcoholic beverages. The exemption for alcohol and alcoholic beverages may be applied to any combination of the types of alcohol and alcoholic beverage referred to in paragraph 8, provided that the aggregate of the percentages used up from the individual allowances does not exceed 100 % of the total allowance.

(10) The exemptions under paragraph (2) shall apply to the import of a total of 4 litres of still wine and to the import of a total of 16 litres of beer.

(11) The exemptions under paragraphs (6) through (10) shall not apply in the case of travellers under 17 years of age.

(12) The exemptions under paragraph (2) shall apply, in the case of anyone means of motor transport, to the fuel contained in the standard tank and a quantity of fuel not exceeding 10 litres contained in a portable container.

#### §48b

Tax guarantee in the case of importation of goods

(1) The customs office may require that a tax guarantee be lodged in the case of importation of goods exempt from tax pursuant to §48 paragraph (3) prior to their release for free circulation. The tax guarantee shall be lodged by the person who would have been obliged to pay the tax if the tax exemption pursuant to §48 paragraph (3) had not been applied, corresponding to the amount of the tax which that person would have been obliged to pay if the tax exemption pursuant to §48 paragraph (3) had not been applied. The tax guarantee shall be provided in a form specified by a special regulation.<sup>24aa)</sup>

(2) The amount of the tax guarantee and the deadline for its payment shall be specified by a decision issued by the customs office. No appeal may be filed against the decision on the tax guarantee. If the person referred to in paragraph (1) above fails to provide the tax guarantee within the deadline and in the amount specified in the decision, the customs office shall not apply the tax exemption pursuant to §48 paragraph (3).

(3) The customs office shall release the tax guarantee within ten days of the submission of evidence that the shipment or transport of goods ended in another Member State, except as provided in paragraph (4) below. The evidence that the shipment or transport of goods ended in another Member State is a document on the receipt of goods by the customer in that another Member State. The document on the receipt of goods must contain the following:

- a) the name and surname of the customer, or the business name of the customer, and the address of its seat, place of business, establishment, domicile or address of the place of its habitual residence;
- b) the quantity and type of goods;
- c) the address of the place and date of the receipt of goods in another Member State where the goods have been transported by the supplier, or the address of the place and date of the end of shipment or transport where the goods have been transported by the customer;
- d) the name and surname of the natural person who received the goods, in block letters, and his/her signature;
- e) the registration plate number of the land motor vehicle used in the shipment or transport of goods.

(4) If any doubts as to the truthfulness and correctness of the submitted document on the receipt of goods by the customer in another Member State occur, the customs authority shall verify the truthfulness and correctness of the document. The customs office shall release the tax guarantee within ten days following the day when the customs office received information from a competent financial authority of another Member State confirming the truthfulness and correctness of the document submitted pursuant to paragraph (3) above; if the truthfulness and correctness of the document submitted pursuant to paragraph (3) above is not confirmed, the exemption from tax is cancelled and customs office shall impose the tax and use the tax guarantee to pay the tax due.

(5) If the person that has lodged the tax guarantee fails to submit to the customs office the document on the receipt of goods pursuant to paragraph (3) above within 60 days of the release of those goods for free circulation, the customs office shall impose the tax and use the tax guarantee to pay the tax due.

#### Tax Exemption in Respect of taxable transactions concerning international trade § 48c

(1) The following shall be exempt from tax:

- a) supply of goods referred to in Part I of Annex No. 9, in public customs warehouse of type I<sup>25)</sup> in the territory of the country which has been released into customs warehousing arrangement, except for supply of goods, in relation to which the customs warehousing arrangement is terminated,
- b) supply of goods referred to in Part I of Annex No. 9, in special warehouse in accordance with § 48d, except for supply of goods in relation to which goods are excluded from special warehousing,
- c) supply of services related to goods in regime pursuant to subparagraph (a) or situation pursuant to subparagraph (b).

(2) If the terms under § 48e are met, then the following shall be exempt from tax:

- a) Importation of goods as listed in the part II of the Annex 9 which are to be placed under tax warehousing arrangement<sup>25a)</sup> within the territory of the country;
- b) supply of goods as listed in the part II of the Annex 9 which are to be placed under tax warehousing arrangement within the territory of the country and supply of services relating to the supply of these goods;
- c) supply of goods as listed in the part II of the Annex 9 which are supplied in the tax warehousing within the territory of the country and supply of services relating to the supply of these goods;
- d) acquisition of goods within the territory of the country from other Member State as listed in part II of the Annex 9 which are to be placed under tax warehousing arrangements within the territory of the country and supply of services relating to the supply of these goods.

(3) Exemption from the tax pursuant to paragraphs (1) and (2) shall not apply to supply of goods which are intended to be for a final use or consumption and for services related to.

(4) The amount of VAT due on cessation of the procedure or situation pursuant to paragraphs (1) and (2) shall be the amount of tax which would have been due if each of those transactions had been taxed.

(5) A person causing that special arrangements cease to be applicable for goods pursuant paragraphs (1) and (2) shall be liable to pay tax. Where the person referred to in the first sentence is not a taxpayer, the person shall become a taxpayer at the moment when the arrangements or situation referred to in paragraphs (1) and (2) cease to apply to the goods. The person's registration obligation under the second sentence shall be subject appropriately to §4 paragraph (2) or § 5 paragraph (3) and the tax office's action shall be subject appropriately to § 4 paragraph (4) or § 5 paragraph (3).

(6) Services under paragraph (1) subparagraph (c) include storage, valuation and services physically rendered to the goods, if, after rendering the service, the goods remain the goods referred to in Part I of Annex No. 9, and the services under paragraph (2) subparagraph (c) are: storage, valuation and services physically rendered to the goods, if, after rendering the service, the goods remain the goods referred to in Part II of Annex No. 9. Services under paragraph 2 subparagraphs (b) and (d) are: transportation of goods and ancillary services related thereto.

#### § 48ca

#### Tax Exemption under Customs Warehousing Arrangement

(1) A person supplying goods exempt from tax pursuant to § 48c paragraph (1) subparagraph (a) shall, within ten days from the supply date of the goods, notify the holder of the licence for operation of the customs warehouse (hereinafter only the "customs warehouse operator") of the business name or name of the person to whom the goods were supplied, date of delivery of the goods and quantity of the supplied goods in metric tons.

(2) If the goods cease to be subject to customs warehousing arrangement, except for termination of customs warehousing arrangement in relation to supply of goods, then the tax exemption applied to the supply of goods preceding thereto and the tax exemption of services received are cancelled effective from that moment and the person liable to report and to pay the tax as at the date when the event occurred, is the one who caused that the goods cease to be subject to customs warehousing arrangement; the tax exemption of received services is not cancelled if the services are exempt from tax under § 47 paragraph (6).

(3) The person causing that the goods cease to be subject to customs warehousing arrangement, shall, before the fact occurs, notify the customs warehouse operator of the VAT identification number assigned in the territory of the country and deliver to the customs warehouse operator:

a) the invoice received regarding previous supplies of tax-exempt goods, if the termination of customs warehousing arrangement is not associated with delivery of the goods and the invoice received with respect to services rendered in relation to the goods pursuant to § 48c paragraph (1) subparagraph (c),

b) the invoice, issued by the person with respect to supplied goods, if, the supply of goods is associated with termination of the customs warehousing arrangement, or other document proving delivery of the goods, unless the invoice is issued before the goods cease to be subject to the customs warehousing arrangement.

(4) The customs warehousing operator shall keep records, by calendar months, of:

a) quantity of goods, in metric tons, placed into customs warehousing, date of storing the goods and the person for whom the goods were placed into the warehouse,

b) the data notified under paragraph (1),

c) quantity of goods, in metric tons, released from the customs warehousing, release date of the goods, person applying for release of the goods from the customs warehouse and data from invoices pursuant to paragraph (3).

(5) The customs warehousing operator shall retain the records pursuant to paragraph (4) for ten years from the end of the relevant calendar year and, upon request, submit the same to the tax authority.

(6) The customs warehousing operator shall not enable exclusion of goods from customs warehousing by a person who failed to comply with the requirements under paragraph (3). If a customs warehousing operator enables exclusion of goods from customs warehousing by a person who failed to comply with the requirements under paragraph (3) then the operator shall be jointly and severally liable for the tax unpaid by the one who caused that the goods ceased being subject to customs warehousing. If the customs warehousing operator does not have available any information as to the amount at which the goods were actually sold, then the tax shall be calculated using the taxable amount, i.e., the value of the excluded goods, determined based on the average price of goods published at the World Bank's website for the calendar month preceding the calendar month in which the goods were excluded from customs warehousing; the price shall be converted to euros at a reference exchange rate determined and announced by the European Central Bank on the day preceding the day of exclusion of the goods from customs warehousing, or on the following day if no reference exchange rate is determined and announced on the day of exclusion.

#### § 48d

##### Tax exemption under special warehousing

(1) A special warehouse shall mean a spatially delimited place with storage capacity of minimum 50,000,000 l, within the territory of the country in which the goods as listed in Part I of Annex 9.

(2) A special warehouse shall have a permanently installed tank, used as a volume measure, which shall be equipped with a dedicated measuring device<sup>25b)</sup> allowing to measure the amount of inflows and outflows of liquid goods to/from the tank.

(3) The taxpayer shall have a licence issued by the tax authority for operation of a special warehouse. The application for a licence to operate a special warehouse shall be filed by the taxpayer, using the form, the template of which is published by the Financial Directorate at the "website of the Financial Directorate".

(4) The application under paragraph (3) shall provide the following data:

a) name and surname of the taxpayer or the business name or designation of the taxpayer,

b) address of the seat, place of business or fixed establishment,

c) address of the special warehouse,

d) information about storage capacity of the special warehouse.

(5) The application under paragraph (3) shall be supported by technical documentation of the permanently installed tank used as a volume measure, indicating the number of dedicated measuring devices, a document proving certification of the fixed tanks and dedicated measuring devices and the manner of securing goods from unauthorised use.

(6) A person wishing to operate a special warehouse shall, as at the filing date of the application pursuant to paragraph (3), meet the following conditions:

a) being a taxpayer registered under § 4;

b) being not subject to bankruptcy proceedings and/or has not entered liquidation;

c) having not any tax arrears or customs arrears towards the tax office or the customs office in total amount exceeding EUR 1,000.

(7) Before the licence for operation of a special warehouse is issued, the taxpayer shall lodge a tax guarantee in the amount and by the due date as given in the decision of the tax office. The tax office shall determine the tax guarantee based on the storage capacity of the special warehouse, the tax rate applicable to the goods and the latest average nominal price of the goods published at the website of the World Bank before filing the application under paragraph (3), converted to EUR; using the reference exchange rate determined and announced by the European Central Bank on the first day of the calendar month in which the decision of the tax office was issued, or on the following day, if no reference exchange rate is

determined and announced on the above-mentioned day. The tax guarantee shall be lodged by depositing financial funds to the tax office's account or as a bank guarantee granted by the bank without reservation. The taxpayer is not entitled to receive any interest income from the lodged guarantee.

(8) Before the licence for operation of a special warehouse is issued, the tax office shall verify the facts and data referred to in paragraphs (4) through (6), and, if the facts and data are true and correct and the taxpayer has lodged the guarantee per paragraph (7), the tax office shall, without an undue delay, issue the licence for operation of a special warehouse.

(9) If the tax office does not issue the licence for operation of a special warehouse, then the tax guarantee lodged in accordance with paragraph (7) shall be released or returned to the payer without an undue delay.

(10) The operator of a special warehouse shall replenish the lodged tax guarantee within ten working days from receiving a notification that a part of the tax guarantee has been used by the tax office for a tax payment.

(11) A licence for operation of a special warehouse shall terminate effective from the date of

- a) final validity of the tax office's decision to withdraw the licence for operation of the special warehouse in accordance with paragraph (12),
- b) declaration of bankruptcy or entering liquidation proceedings,
- c) filing a request for erasure from the Commercial Register or filing a request for cancellation of a trade licence,
- d) when the special warehouse operator ceases to be a taxpayer.

(12) The tax office shall withdraw a licence for operation of a special warehouse if the special warehouse operator

- a) applies for withdrawal of the licence for operation of a special warehouse,
- b) is in breach of the conditions or ceases to meet the requirements under paragraph (2) or paragraph (10),
- c) has tax arrears or customs arrears to the tax office or the customs office in total amount exceeding EUR 1,000 continuously over a period exceeding 90 days.

(13) If a licence for operation of a special warehouse terminates, the tax office shall, without an undue delay, release or return the lodged tax guarantee (or a part thereof, if the guarantee was used for a tax payment) to the taxpayer.

(14) A person supplying goods exempt from tax pursuant to § 48c paragraph (1) subparagraph (b), shall, within ten days from the date of delivery of the goods notify the special warehouse operator of the business name or designation of the entity to whom the goods were delivered, the date of delivery of the goods and the quantity of the supplied goods in metric tons.

(15) If goods are excluded from special warehouse (except for exclusion of goods related to delivery of the goods) the tax exemption applied to the supply of goods preceding thereto and the tax exemption applied to received services are cancelled effective from the moment of exclusion of the goods and the person liable to report and to pay the tax as at the date when the event occurred, is the one who caused that the goods are excluded from special warehouse.

(16) The person causing that goods are excluded from special warehouse shall, before the exclusion occurs, notify the special warehouse operator of the VAT identification number assigned in the territory of the country and deliver to the special warehouse operator

- a) the invoice received regarding previous supplies of tax-exempt goods, if the exclusion of the goods is not associated with delivery of the goods, and the invoice received with respect to services relating to the supply of the goods pursuant to § 48c paragraph (1) subparagraph (c),
- b) the invoice, issued by the person with respect to supplied goods, if, the supply of goods is associated with exclusion of the goods from special warehousing; or other document proving delivery of the goods, unless the invoice is issued before the goods are excluded from special warehouse.

(17) A special warehouse operator shall keep records, by calendar months, of:

- a) quantity of goods, in metric tons, placed into special warehouse, date of storing the goods and the person for whom the goods were placed into the warehouse,
- b) data notified pursuant to paragraph (14),
- c) quantity of goods, in metric tons, released from the special warehouse, release date of the goods, person applying for release of the goods from the special warehouse and data from invoices pursuant to paragraph (16).

(18) The special warehouse operator shall retain the records pursuant to paragraph (17) for ten years from the end of the relevant calendar year and, upon request, submit the same to the tax authority.

(19) The special warehouse operator shall not enable exclusion of goods from the special warehouse by a person who failed to comply with the requirements under paragraph 16. If a special warehouse operator enables exclusion of goods from a special warehouse by a person who fails to comply with the requirements under paragraph (16), then the operator shall be jointly and severally liable for the tax unpaid by the one who caused the exclusion of the goods from the special warehouse. A tax guarantee lodged in accordance with paragraph (7) shall be used for settlement of the owed tax; the tax office shall notify the special warehouse operator of the use of the tax guarantee. If the special warehouse operator does not have any information available as to the amount at which the goods were actually sold, then the tax shall be calculated using the tax base, i.e., the value of the excluded goods determined based on the average price of goods published at the World Bank's website for the calendar month preceding the calendar month in which the goods were excluded from the special warehouse; the price shall be converted to euros at the reference exchange rate determined and announced by the European Central Bank on the day preceding the day of exclusion of the goods from the special warehouse, or on the following day if no reference exchange rate is determined and announced on the day preceding the day of exclusion.

## § 48e

### Tax exemption under tax warehousing

(1) The tax exemption under § 48c paragraph (2) subparagraph (a) from the place of importation of the goods to the tax warehouse in the territory of the country shall apply if, before commencement of the transportation, a tax guarantee is lodged to the customs office in the amount of the tax that would have been due if the tax exemption did not apply. The tax guarantee shall be deposited by the operator of the tax warehouse, where the goods are to be placed. The tax guarantee shall be lodged as determined by a special regulation.<sup>25c)</sup>

(2) The customs office shall release or return the tax guarantee under paragraph (1), if the conditions for release or return of the excise tax guarantee under special regulation are met.<sup>25d)</sup>

(3) If no electronic report of receipt under special regulation <sup>25e)</sup> is submitted to the customs office with respect to the transported tax-exempt goods pursuant to paragraph (1), then the person who would have been liable to pay tax upon importation of goods, shall report and pay the tax as at the date when the liability to pay the excise tax under special regulation<sup>25f)</sup> arises, in the amount, which the person would have been liable to pay upon importation of the goods, if the tax exemption did not apply; that shall not apply in case of an irreversible destruction or natural wastage of the goods. If the tax under the first sentence is paid, the customs office shall, without an undue delay, release or return the tax guarantee under paragraph (1). If the tax is not paid by the due date, the tax guarantee lodged under paragraph (1) shall be used for payment of the tax; in such case, the tax office shall notify the tax warehouse operator, in writing, of using the tax guarantee.

(4) The tax exemption under § 48c paragraph (2) subparagraph (b) can be claimed by the taxable person if, before commencement of transportation of the goods which are to be placed in a tax warehouse, a tax guarantee is granted to the customs office in the amount of the tax that would have been due if no tax exemption was claimed. The tax guarantee shall be deposited by the operator of the tax warehouse, from which goods intended for transfer to another tax warehouse are released. The tax guarantee shall be lodged as determined by a special regulation.

(5) The customs office shall release or return the tax guarantee referred to in paragraph (4), if the requirements for release or return of the excise tax guarantee under special regulation have been met.

(6) If no electronic report of receipt under special regulation is submitted to the customs office with respect to transported goods pursuant to paragraph (4), then the tax-exemption shall be cancelled and the person liable to pay the tax shall report and pay the tax as at the date when the liability to pay the excise tax under special regulation arises, in the amount of tax which would have been due if no tax exemption was claimed; that shall not apply in case of irreversible destruction or natural wastage of the goods. If the tax under the first sentence is paid, the customs office shall, without an undue delay, release or return the tax guarantee under paragraph (4). If the tax is not paid by the due date, then the tax guarantee lodged under paragraph (4) shall be used for payment of the tax and the tax office shall notify the tax warehouse operator, in writing, of using the tax guarantee.

(7) A person supplying goods exempt from tax pursuant to § 48c paragraph (2) subparagraph (c) shall, within ten days from the date of delivery of the goods notify the operator of the tax warehouse of the business name or designation of the entity to whom the goods were delivered, the date of delivery of the goods and the quantity of the supplied goods.

(8) If goods are excluded from tax warehouse (except for exclusion of goods related to delivery of the goods), then the tax exemption applied to the supply of the goods pursuant to § 48c paragraph (2) subparagraph (c) preceding the exclusion, the tax exemption applied to acquisition of the goods pursuant to § 48c paragraph (2) subparagraph (d) preceding the exclusion, and the tax exemption applied for services received under § 48c paragraph (2) subparagraphs (b) to (d) shall be cancelled effective from the moment of exclusion of the goods and the one liable to report and to pay the tax as at the date when the exclusion occurs, is the person causing that the goods are excluded from the tax warehouse. If excluded from tax warehouse are goods for which tax exemption is claimed pursuant to § 48c paragraph (2) subparagraph (a), without actual delivery of the goods in the tax warehouse, then the person causing that the goods were excluded from the tax warehouse shall be liable to report and to pay the tax as at the date when the exclusion occurred, in the amount which the person would be liable to pay if the tax exemption did not apply.

(9) The person causing that goods are excluded from tax warehouse shall, before the exclusion occurs, notify the tax warehouse operator of the VAT identification number assigned in the territory of the country and deliver to the tax warehouse operator:

- a) the invoice received regarding previous supplies of the goods, if the exclusion of the goods is not associated with delivery of the goods, and the invoice received with respect to services relating to the supply of the goods pursuant to § 48c paragraph (2) subparagraph (c),
- b) the invoice, issued for supplied goods, if the supply of the goods is associated with exclusion of the goods from tax warehouse, or other document proving delivery of the goods, unless the invoice is prepared before the goods are excluded from the tax warehouse.

(10) The tax warehouse operator shall keep records, by calendar months, of

- a) quantity of goods placed into tax warehouse, date of storing the goods and the person for whom the goods were placed into the warehouse,
- b) data notified pursuant to paragraph (7)
- c) quantity of goods released from the tax warehouse, release date of the goods, person applying for release of the goods from the tax warehouse and data from invoices pursuant to paragraph (9).

(11) The tax warehouse operator shall retain the records pursuant to paragraph (10) for ten years from the end of the relevant calendar year and, upon request, submit the same to the tax authority.

(12) The tax warehouse operator shall not enable exclusion of goods from tax warehouse by a person who fails to comply with the requirements pursuant to paragraph (9). If a tax warehouse operator enables exclusion of goods from tax warehouse by a person who failed to comply with the requirements under paragraph (9), then the operator shall be jointly and severally liable for the tax unpaid by the one who caused the exclusion of the goods from the tax warehouse. If the tax warehouse operator does not have available any information as to the amount at which the goods were actually sold, then the tax shall be calculated using the tax base, which is the market value of the excluded goods on the free market as at the date of the exclusion.

## Deductions

### § 49

#### Deductions by Taxpayers

(1) The right to deduct the tax on goods or service shall accrue to the taxpayer on the day when a tax liability in respect of these goods or service arises.

(2) The taxpayer may deduct tax on goods and services, which he uses for supplies of goods and services as a taxpayer except for under the paragraphs (3) and (7), from the tax he is obliged to pay. The taxpayer may deduct the tax if the tax is

- a) claimed against him by another taxpayer within the territory of the country in respect of goods and services which have been or are to be supplied to the taxpayer,
- b) applied by him for services and goods for which he is liable for payment of tax according to § 48c paragraph (5) and § 69 paragraph (2) to (4), (7) and (9) to (12),
- c) claimed by itself on the acquisition of goods within the territory of the country from another member state in accordance with § 11 and §11a,
- d) paid to the tax administrator within the territory of the country upon the importation of goods.

(3) A taxpayer may not deduct the tax on goods and services pursuant to paragraph (2), which he uses for supplies of goods and services that are exempt from the tax pursuant to § 28 to § 42, except for insurance services pursuant to § 37 and financial services pursuant to § 39, where these are rendered to the customer who does not have his seat, place of business, fixed establishment or domicile within the territory of European Union or where these services are directly associated with the exportation of goods outside the territory of the European Union. A taxpayer who supplies investment gold exempt from tax under § 67 paragraph (3) and taxpayer who acts as an agent in the supply of investment gold exempt from tax according to § 67 paragraph (3), may not deduct the tax on goods and services pursuant to the paragraph (2), which he uses for such supply, except from tax on goods and services pursuant to § 67 paragraphs (5) and (6)

(4) If the taxpayer uses goods and services for the supply of goods and services, where it can deduct the tax and at the same time for the supply of goods and services, where it cannot deduct the tax in accordance with paragraph (3) or paragraph (6), the taxpayer shall be obliged to calculate the aliquot sum of the tax which shall be allowed to deduct in accordance with § 50.

(5) If a taxpayer acquires capital goods referred to in § 54, paragraph (2), subparagraphs (a) or (d) and, at the time of the acquisition of such capital goods, the taxpayer anticipates the use of it both for the purposes of the taxpayer's business and for other, non-business purposes, the taxpayer may opt not to deduct the portion of tax corresponding to the extent of the use of such capital goods for non-business purposes. If the taxpayer elects not to deduct the portion of the tax corresponding to the extent of the use of the capital goods referred to in the first sentence for a non-business purpose, the use of the goods for such non-business purpose shall to the respective extent not be considered a supply of goods for consideration (§ 8, paragraph (3)) or a supply of services for consideration (§ 9, paragraphs (2) or (3)); if the taxpayer uses the capital goods for a non-business purpose to a different extent, § 54d shall apply. If the taxpayer uses received services that do not qualify as capital goods pursuant to § 54, paragraph (2), subparagraph (d), or acquired goods that do not qualify as capital goods pursuant to § 54, paragraph (2), subparagraphs (a), (b) or (c), both for the purposes of the taxpayer's business purposes and for non-business purposes, the taxpayer shall deduct only the portion of the tax that corresponds to the proportion of the business use of the capital goods to all use thereof; if the taxpayer deducts expenses on (the cost of) consumed fuels in the form of flat-rate expenses under the relevant law<sup>24b)</sup> and is unable to demonstrate the respective proportions of the business and non-business uses of the fuels, the taxpayer may deduct the tax on the purchase of fuels up to the amount of the flat-rate expenses deductible pursuant to the relevant law,<sup>24b)</sup> The taxpayer shall determine the proportions of the business and non-business uses of goods and services on the basis of the respective business income and non-business income amounts, the respective periods of use of the goods and services for business and non-business purposes, or a different criterion the application of which objectively reflects the respective proportions of the business and non-business uses of the goods and services. Paragraph (4) shall remain unaffected by the foregoing.

(6) A taxpayer may also deduct the tax in the case that he uses the goods and services for doing business outside the country where this tax would be deductible should this activity be performed within the territory of the country; the foregoing shall not apply if the taxpayer uses the goods and services for the supply of goods and services in another Member State in which it uses the special scheme under § 68g.

(7) A taxpayer may not deduct the tax in respect of:

- a) the purchase of goods and services for the purposes of treat and entertainment,
- b) suspense items as per § 22 paragraph (3).

(8) When operating an enterprise following the announcement of a bankruptcy, a taxpayer may only deduct the tax on goods and services used for the operation of this enterprise; the taxpayer may not deduct the tax on goods and services used for the maintenance and administration of a bankrupt's estate and on goods and services which form a cash expense of the administrator in bankruptcy and constitute a claim against the bankrupt's estate.

(9) The taxpayer who is a foreign person and meets the conditions for a tax refund pursuant to §55a or §56, cannot seek the deduction of tax on goods and services by means of a tax return except for the deduction of tax on goods and services which the taxpayer used for the supply of goods and services in respect of which the taxpayer is a person liable to pay the tax pursuant to §69 paragraph (1) and except for deduction of tax claimed by the taxpayer on goods and services in respect of which the taxpayer is a person liable to pay tax.

(10) If a foreign person applies the special scheme under §68a through 68c or a special scheme under provisions of an act valid in other member state equivalent to §68a through 68c and, at the same time, the foreign person carries out activities in this country, which are not subject to the special schemes and for which the foreign person is registered as a taxpayer under §5, then the foreign person is entitled to deduction of tax applied on goods and services in relation to supplied goods and services under §68 paragraph (1).

## §49a

(1) The taxpayer shall only deduct tax charged on capital goods referred to in §54 paragraph (2) subparagraphs (b) and (c), which are included in the property of the taxpayer, and which the taxpayer uses for business purposes as well as for purposes other than business, within the scope in which such capital goods are used in business. This is without prejudice to the provision of §49 paragraph (4).

(2) The scope of use of capital goods according to § 54 paragraph (2) subparagraphs (b) and (c) for business purposes as well as for purposes other than business shall be determined by the taxpayer according to the area of the immovable property used for business purposes as well as for purposes other than business, the period of use of the capital goods according to § 54 paragraph (2) subparagraphs (b) and (c) for business purposes and for other than business purposes, or according to any other criterion the use of which objectively reflects the scope of use of the capital goods according to § 54 paragraph (2) subparagraphs (b) and (c) for business purposes as well as for purposes other than business.

## § 50

### Pro Rata Deduction

(1) A deductible tax proportion in accordance with § 49(4) shall be calculated by a taxpayer as the product of the tax and a coefficient calculated in accordance with paragraph (2) and rounded up to two decimal points.

(2) The coefficient shall be calculated as a fraction having, as numerator, the value, excluding the tax, of the supplied goods and services for a calendar year, in respect of which the tax is deductible, and as denominator, the value, excluding the tax, of all supplied goods and services for the calendar year. When calculating the coefficient, there shall not be included, either in the numerator or denominator, the value of

- a) the sale of an undertaking or a part thereof, which forms an independent organisational branch,
- b) the sale of property which the owner used for the purposes of his business, except for inventories,
- c) financial services exempt from the tax under § 39, if provided by the taxpayer incidentally,
- d) an incidental transfer of immovable property and an incidental lease thereof.

(3) During individual tax periods of a calendar year, a taxpayer shall apply the coefficient from the previous calendar year. Where a coefficient from the previous calendar year cannot be applied, a taxpayer shall estimate the coefficient for the calendar year in question according to the nature of his activities, subject to approval from the tax administrator.

(4) On the lapse of a calendar year, a taxpayer shall calculate, in the manner as per paragraph (2), the coefficient based on the data concerning the calendar year ended and shall calculate the deductible tax for this calendar year. In the last tax period of the calendar year, a taxpayer shall clear the difference between the tax deducted in individual tax periods and the tax calculated in accordance with the first sentence to the expense or benefit of the state budget. The same procedure will also be followed by a taxpayer who became a taxpayer during the calendar year or ceased to be a taxpayer during the calendar year, namely for the period of the calendar year in which he was in the position of taxpayer.

(5) Where the taxpayer's accounting period is identical with a financial year, for the purposes of paragraphs (2) to (4) a calendar year shall mean a financial year.

## § 51

### Exercise of the Right to Deduct

(1) A taxpayer may exercise the right to deduct tax in accordance with § 49, provided that

- a) in respect of deductions under § 49 paragraph (2) subparagraph a), he holds an invoice drawn up by the taxpayer in accordance with § 71,
- b) in the case of a tax deduction in accordance with § 49 paragraph (2) subparagraph b), the tax shall be stated in the records in accordance with § 70,
- c) in respect of deductions under § 49 paragraph (2) subparagraph c), he holds an invoice from the supplier from another Member State; where the taxpayer does not have an invoice, the taxpayer may prove the eligibility for tax deduction by another credible document evidencing the acquisition of goods within the territory of the country from another Member State and the tax liability arising from the acquisition of the goods within the territory of the country from another Member State in the relevant tax period.
- d) in respect of deductions under § 49 paragraph (2) subparagraph d), he holds an import document confirmed by the customs authority, specifying him either as consignee or importer.

(2) The taxpayer shall execute a deduction of tax under § 49 paragraph (2) subparagraphs (a),(c) or (d) no sooner than in the taxation period, in which the right for tax deduction arises, and no later than in the last taxation period of the calendar year, in which the right for tax deduction arises, if he holds, up to the expiration of the time limit for filing the tax return for the taxation period in which the taxpayer exercises the right for tax deduction, a document referred to in paragraph (1) subparagraphs (a),(c) or (d). If the taxpayer does not hold the document referred to in paragraph (1) subparagraphs (a),(c) or (d) up to the expiration of the time limit for filing the tax return for the last taxation period of the calendar year in which the right for tax deduction arises, the taxpayer shall execute a deduction of tax in the taxation period within which he obtains the document referred to in paragraph (1) subparagraphs (a), (c) or (d). The taxpayer shall execute a deduction of tax under § 49 paragraph (2) subparagraph (b) no sooner than in the taxation period in which the right for tax deduction arises, and no later than in the last taxation period of the calendar year in which the right for tax deduction arises.

(3) If, due to a delayed delivery of an invoice, the taxpayer is required to submit an additional tax return because the tax liability on goods acquired in the territory of the country from another Member State arose pursuant to §20 paragraph (1) subparagraph (b), the taxpayer shall have the right to

deduct the tax in the tax period for which the additional tax return is filed, provided that the taxpayer holds the invoice as at the day of the submission of the additional tax return.

(4) Where the taxpayer's accounting period is financial year, for the purposes of paragraph (2) a calendar year shall mean a financial year."

(5) The taxpayer shall deduct the tax in such a way that he deducts the total sum of deductible tax for the applicable taxation period from the total sum of the tax for the applicable taxation period.

## § 52

### Deduction in Respect of Supply of a New Means of Transport

At the time of supply of a new means of transport, the right to deduct the tax included in the purchase price or paid on importation or on acquisition of this new means of transport within the territory of the country from another Member State shall arise to a person who incidentally supplies such means of transport from the country to another Member State, namely to the amount not exceeding the tax which this person would have to pay in the case of his obligation to pay the tax upon the supply of a new means of transport from the country to another Member State. The right to deduct the tax may only be exercised in respect of a month, during which the new means of transport is supplied.

### Correction and adjustment of Deductions

#### § 52a

(1) For the purposes of corrections of deducted tax pursuant to § 53 and § 53a and adjustments of deducted tax pursuant to § 54 and § 54d  
a) 'first use' shall mean the first actual use of goods and services by the taxpayer for the supply of goods and services in respect of which the right to deduct tax arose under § 49 paragraph (1);

b) 'long-term assets' of the taxpayer shall mean the assets that the taxpayer uses for the purposes of the taxpayer's business, except assets that were acquired or generated through the taxpayer's own activities for the purposes of resale and the useful life of which is longer than one year.

(2) The period for the adjustment of deducted tax under § 54, § 54a or § 54d shall be

a) five calendar years, including the year in which the asset was first used if the asset is capital goods referred to in § 54 paragraph (2) subparagraphs (a) or (d);

b) twenty calendar years, including the year in which the asset was first used if the asset is capital goods referred to in § 54 paragraph (2) subparagraph (b) or (c).

(3) If the taxpayer's accounting period is a financial year, for the purposes of adjustments of deducted tax under § 54, § 54a or § 54d, a calendar year shall be understood to mean a financial year.

## § 53

### Correction of Deductions

(1) If, after the end of the tax period in which the taxpayer

a) made a tax deduction, a matter referred to in § 25 occurs that results in a reduction in the taxable amount, the taxpayer that deducted the tax shall be obliged to correct the deducted tax;

b) made a tax deduction, a matter referred to in § 25 or 68d occurs that results in an increase in the taxable amount, the taxpayer that deducted the tax shall have the right to correct the deducted tax;

c) made a tax deduction or a proportional tax deduction pursuant to § 49 paragraph (4), or was not able to make a tax deduction pursuant to § 49 paragraphs (2) or (3) or (7), the first use occurs,

1. the taxpayer shall be obliged to correct the deducted tax if the deducted amount was higher than the amount legally deductible on the basis of the first use; the foregoing shall not apply to a supply of goods referred to in § 8 paragraph (3) or a supply of services referred to in § 9 paragraph (2);

2. the taxpayer may correct the deducted tax if the deducted amount was lower than the amount legally deductible based on the first use.

(2) The taxpayer shall make the correction of deducted tax referred to in

a) paragraph (1) subparagraph (a) in the tax period in which

1. the taxpayer received a document on the taxable amount correction;

2. 30 days have passed since the date on which the matter referred to in § 25 subparagraph (1) occurred, if the taxpayer has not received the taxable amount correction document within 30 days since the date on which the matter referred to in § 25 subparagraph (1) occurred; if the correction of deducted tax is in respect of an acquisition of goods within the territory of the country from another Member State, or a supply of goods or services where the tax payment obligation is with the recipient of the supply, the taxpayer shall at the same time also correct the taxable amount and the tax pursuant to § 25; and the correction of tax upon importation shall be carried out in the taxable period in which the taxpayer corrected taxable amount with an exception paragraph (3),

b) paragraph (1) subparagraph (b) in the tax period in which the taxpayer received the taxable amount correction document; and where the correction of taxable amount is to be made under § 68d, paragraph (8), the correction of taxable amount shall be made in the tax period in which

the taxpayer made the payment and, in an amount, corresponding to the amount so paid; and the correction of tax upon importation shall be carried out in the taxable period in which the taxpayer corrected taxable amount with an exception paragraph (4),

c) paragraph (1) subparagraph (c) in the tax period in which the first use occurred or in which the taxpayer learned, or should and could have learned, that the first use would not occur; this shall not apply if the first use did not occur for reasons beyond the taxpayer's control and the taxpayer demonstrably intended to use the goods or services for business purposes.

(3) Where the tax paid on importation of goods was subsequently refunded, either fully or partly in dependence on customs regulations, a taxpayer shall be obliged to correct the deduction. The deduction shall be corrected in a tax period, during which the customs authority refunded the tax.

(4) Where the tax paid on importation of goods was subsequently increased pursuant to customs regulations, a taxpayer shall be entitled to correct the deduction. The deduction shall be corrected in a tax period, during which the tax paid to the customs authority was subsequently increased.

(5) In case of illegal appropriation by another person of goods on which tax was fully or partially deducted at the time the goods or a part thereof was purchased or produced, as applicable, the taxpayer shall be obliged to pay the tax so deducted in respect of the goods; the taxpayer shall calculate the amount of tax in the same way as applies to a supply of goods referred to in § 8 paragraph (3) and the taxpayer shall pay the calculated tax up to the amount of the deducted tax. The taxpayer shall pay the tax for the tax period in which the illegal appropriation of the goods was discovered.

(6) A taxpayer that has paid the tax pursuant to paragraph (5) shall have the right to make a correction of the corrected tax deduction if the taxpayer recovers the goods that were stolen therefrom, insofar as the taxpayer uses the recovered goods for business purposes and such use is subject to a tax deduction option; the taxpayer shall make the correction in the tax period in which the goods were recovered and in an amount of no more than the amount of the tax paid pursuant to paragraph (5).

(7) If a correction of the tax rate has been made, which results in a reduction of tax, the taxpayer who deducted the tax is obliged to correct the deducted tax in the tax period in which the correction of the tax rate was made, or in the first following tax period. If a correction of the tax rate has been made, which results in an increase of tax, the taxpayer who deducted the tax has the right to correct the deducted tax in the tax period in which the correction of the tax rate was made, or in the first following tax period. The taxpayer is not obliged to correct the tax rate and correct the deducted tax when applying an incorrect tax rate when acquiring goods within the territory of the country from another Member State or when supplying goods or services, when the person acquiring the goods or receiving the services is obliged to pay the tax, if the taxpayer can deduct the tax in full in this taxable transaction.

(8) For the purposes of correcting the deducted tax pursuant to paragraph (2), letter (a), second point, the tax rate applicable at the time the right to deduct tax arises shall be used.

#### § 53a

(1) If a taxpayer claims tax deduction on a service rendered on capital goods referred to in § 54 paragraph (2) subparagraphs (a) or (b), upon acquisition of which no tax deduction was claimed, and the service resulted in permanent increase in value of the capital goods, the taxpayer shall correct the tax deducted on the service in the tax period in which the capital goods is supplied for the taxpayer's personal consumption, for personal consumption of the taxpayer's employees or in which the capital goods are supplied free of charge.

(2) The tax deducted on the service rendered on capital goods referred to in § 54 paragraph (2) subparagraph (a) shall be corrected in the amount referring to the period starting from the calendar month in which the payer supplied the capital goods in accordance with paragraph (1) and shall end by the lapse of the 60th calendar month from claiming the tax deduction. The tax deducted on the service rendered on capital goods referred to in § 54 paragraph (2) subparagraph (b) shall be corrected by the taxpayer in the amount attributable to the period starting from the calendar month in which the taxpayer supplied the capital goods pursuant to paragraph (1) and shall end by the lapse of the 240th calendar month from claiming the tax deduction. When correcting the deducted tax, the taxpayer shall consider a pro rata deduction of tax on the service rendered on the capital goods.

#### § 53b

Correction of tax deducted for full or partial non-payment of consideration for the supply of goods or services

(1) The taxpayer shall be obliged to correct the deducted tax if

- a) it has not paid, whether partially or at all, for the supply of goods or services in respect of which the supplier is the person liable for the tax payment under § 69 paragraph (1) to the extent that it did not pay for the supply of the goods or service and in the tax period in which the 101st day from the due date of the obligation occurred; or
- b) was not obliged to correct the deducted tax under paragraph (a) but an event referred to in § 25a paragraph (2) subparagraphs (b), (c) or (f) has occurred after the end of the tax period in which the taxpayer applied the tax deduction and the taxpayer received a correction document under § 25a paragraph (7) subparagraph (a), which correction shall be made in an amount corresponding to the amount not paid for the supply of the goods or service and in the tax period in which the said document was received.

(2) Where the taxpayer exercises the right to deduct tax on goods or services for which it has not paid, whether partially or at all, only after the end of the tax period in which the 101st day occurred from the due date of the obligation, the taxpayer shall be obliged to simultaneously correct the deducted tax by an amount corresponding to the amount not paid for the supply of the goods or service.

(3) When correcting the deducted tax under paragraph (1) or paragraph (2), the taxpayer shall consider the proportional tax deduction, and the adjustments made to the deducted tax.

(4) The taxpayer shall have the right to make a correction of the tax deduction corrected under paragraph (1) or paragraph (2) in the tax period in which

- a) the supply of goods or services has been paid for in full or in part, which correction shall be made in an amount corresponding to the amount paid for the supply of goods or services, unless the taxpayer has received a correction document under § 25a paragraph (7) subparagraph (a) by the end of the time limit for filing a tax return for the tax period concerned; or
- b) the taxpayer received a correction document under § 25a paragraph (7) subparagraph (b) after the occurrence of an event on the basis of which the supplier was obliged to correct the reduced taxable amount under § 25a paragraph (6), which correction shall be made in an amount corresponding to the amount paid for the supply of goods or services.

(5) When correcting a corrected tax deduction under paragraph (4), the taxpayer shall take into account the proportional tax deduction and the adjustments made to the deducted tax; if the taxpayer corrected the deducted tax under paragraph (1) or paragraph (2) for the reason that they have not paid for the supply of goods or services in full, the taxpayer shall also take into account the adjustments to the deducted tax that they would have been obliged to make if they had not corrected the deducted tax under paragraph (1) or paragraph (2).

(6) If the taxpayer corrected the deducted tax under paragraph (1) or paragraph (2) or made a correction of the corrected deducted tax under paragraph (4), the taxpayer shall take the corrections into account when adjusting the deducted tax according to § 54, § 54a or § 54d.

(7) The taxpayer shall be obliged to enter the correction of the deducted tax made under paragraph (1) or paragraph (2) and the correction of the corrected deducted tax made under paragraph (4) in the records kept under § 70 paragraph (2) subparagraph (j).

(8) If the taxpayer does not receive a correction document under § 25a paragraph (7) subparagraph (a) by the end of the calendar month following the calendar month in which it was sent to the taxpayer, the correction document shall be deemed received by the taxpayer on the last day of the next calendar month.

## § 54

### Adjustment of Deductions in Respect of Capital Goods

(1) If the taxpayer changes the purpose of use of capital goods in the period following the tax period in which the first use of the capital goods occurred, the taxpayer shall

- a) be obliged to adjust the deducted tax if, as a result of the change, the tax deduction made upon the first use of the capital goods was higher than the amount legally deductible in the calendar year in which the change of the purpose of use of the capital goods occurred;
- b) have the right to adjust the deducted tax if, because of the change, the tax deduction made upon the first use of the capital goods was lower than the amount legally deductible in the calendar year in which the change of the purpose of use of the capital goods occurred.

(2) For the purposes of this Act, capital goods shall mean the taxpayer's non-current assets including:

- a) movable assets that have a distinct technical and economic purpose and whose acquisition cost excluding tax or self-generation cost exceeds EUR 1 700;
- b) constructions<sup>26a)</sup>, building land, flats and non-residential premises;
- c) superstructures, extensions and structural modifications of buildings<sup>26b)</sup>, flats and non-residential premises that required a building permit under the relevant law;<sup>27)</sup>
- d) intangible assets<sup>31)</sup> with a cost excluding tax of more than EUR 2 400.

(3) A change in the purpose of use of investment property occurs if the payer

- a) uses the investment property for which he deducted tax for deliveries of product and services without the option to deduct tax, or for deliveries of products and services with the option to deduct tax proportionally,
- b) uses capital goods, in respect of which he was not entitled to deduct the tax, for supplies of goods and services subject to the right to deduct or for supplies of goods and services subject to the right to deduct a proportion of the tax,
- c) uses the investment property for which he deducted the proportional amount of tax for deliveries of products and services with the option to deduct tax or for deliveries of product and services without the option to deduct tax; a change in the purpose of use of the investment property for which the payer deducted the proportional amount of tax is also considered to be a change in the amount of the annual co-efficient (§ 50 paragraph (4)) by a value exceeding 0.10.

(4) If a taxpayer acquires capital goods in the form of lease based on the leasing contract other than the leasing contract pursuant to § 8 paragraph (1) subparagraph (c), where it changes the purpose of their use following the acquisition, for the purposes of adjustment of the deduction it shall be understood that the period for adjustment of the deduction started to run in a calendar year in which the capital goods were handed over to the taxpayer for use.

(5) A taxpayer shall effect the adjustment to the tax deduction in the last tax period of a calendar year, in which he changed the purpose of use of the capital goods. In adjusting deductions, the taxpayer shall proceed in accordance with Annex 1. For the purposes of calculating the adjustment of a deduction made in respect of capital goods, the tax that cannot be deducted by the taxpayer shall be treated as a tax deduction of 0.

(6) A taxpayer shall not affect the adjustment of a tax deduction where the absolute value, which is to express the changed purpose for which capital goods are used, is equal to 0.10 and less; the value expressing the changed purpose for which capital goods are used shall be a difference between figure A and figure B in accordance with Annex 1.

(7) If, during a period for adjustment of the tax deduction, taxpayer supplies capital goods subject to the tax or with tax exemption with the possibility of tax deduction until the lapse of this period for adjustment such capital goods shall be treated as if used for business purposes subject to the option of tax deduction. If, during a period for adjustment of the tax deduction, the taxpayer supplies capital goods exempt from the tax without the possibility of tax deduction, until the lapse of this period for adjustment such capital goods shall be treated as if used for business purposes with tax exemption.

#### §54a

(1) If the taxpayer changes the proportions of business and non-business uses of capital goods referred to in § 54 paragraph (2) subparagraphs (b) and (c) in the period following the tax period in which the first use of the capital goods occurred, the taxpayer shall

a) be obliged to adjust the deducted tax if, as a result of the change, the tax deduction made upon the first use of the capital goods was higher than the amount legally deductible in the calendar year in which the change of the proportions of business and non-business uses of the capital goods occurred;

b) have the right to adjust the deducted tax if, as a result of the change, the tax deduction made upon the first use of the capital goods was lower than the amount legally deductible in the calendar year in which the change of the proportions of business and non-business uses of the capital goods occurred.

(2) If a taxpayer acquires capital goods referred to in §54 paragraph (2) subparagraph (b) and (c) in the form of lease based on the leasing contract other than the leasing contract pursuant to § 8 paragraph (1) subparagraph (c), where it changes the scope of use for business purposes and for a purpose other than business following the acquisition, for the purposes of adjustment of the deduction it shall be understood that the period for adjustment of the deduction started to run in a calendar year in which that capital goods were handed over to the taxpayer for use.

(3) The taxpayer shall adjust the deducted tax in the last tax period of the calendar year in which the taxpayer changed the proportions of business and non-business uses of capital goods referred to in § 54 paragraph (2) subparagraphs (b) and (c). The taxpayer shall make the adjustment to deducted tax in accordance with Annex 1. For the purposes of calculating an adjustment to tax deducted on capital goods, the tax that the taxpayer cannot deduct shall be considered a tax deduction of EUR 0.

(4) If, in the course the tax deduction adjustment period, taxpayer supplies capital goods referred to in §54 paragraph (2) subparagraphs (b) and (c) subject to tax, then until the lapse of the tax deduction adjustment period such capital goods shall be treated as if used for business purposes only. If, in the course the tax deduction adjustment period, taxpayer supplies capital goods referred to in § 54 paragraph (2) subparagraphs (b) and (c) exempt from tax, then until the lapse of the tax deduction adjustment period such capital goods shall be treated as if used only for purposes other than business.

#### §54b

(1) Where the capital goods pursuant to §54 paragraph (2) are transferred to the legal successor of a taxpayer wound up without liquidation, the legal successor shall be obliged to continue in the adjustment of the tax deducted in respect of such capital goods in accordance with §54, §54a and 54d.

(2) The taxpayer who sells an enterprise or a part of an enterprise or invests an enterprise or a part of an enterprise as a non-monetary contribution towards a business corporation or a co-operative pursuant to §10 paragraph (1), and a taxpayer which has been divided by spin-off or cross-border spin-off, are obliged to notify the acquirer with data on the tax relating to the acquired capital goods pursuant to §54 paragraph (2), data on the deducted tax and on adjustments made to the deducted tax pursuant to §54, §54a and 54d.

(3) If the acquirer of the enterprise or part of the enterprise or the taxpayer to whom the taxpayer's investment property was transferred as part of its division by spin-off or cross-border spin-off does not have the data available according to paragraph (2), it is assumed that the tax deduction for the acquisition of the capital goods was applied in the year of acquisition of this capital goods by legal successor, in the amount of 100% of the tax base, which is the real value of this capital goods according to a special regulation.<sup>31)</sup>

#### § 54c

(1) If a taxpayer acquires the capital goods referred to in § 54 paragraph (2) from a taxpayer according to § 68d(2) and applies tax deduction after the end of the calendar<sup>8</sup> year in which the period for adjustment of deducted tax according to § 54 or § 54a started to pass, when making the tax deduction and possible settlement of proportional tax deduction the taxpayer is obliged to take into consideration the change or changes of the purpose of use of the capital goods and change or changes in the scope of use of the capital goods if these changes take place in the period since the beginning of the start of the period for adjustment of deducted tax until the end of the calendar year in which the taxpayer applies the tax deduction.

(2) For the purpose of adjustment of the deducted tax according to § 54, § 54a or § 54d made by a taxpayer who acquired the capital goods referred to in § 54 paragraph (2) from a taxpayer according to § 68d paragraph (2) and made by a taxpayer according to § 68d paragraph (2), the abbreviation DV in the formula provided in Annex No. 1 shall mean the tax attributable to the acquisition cost of capital goods or the at-cost value of capital goods in the amount corresponding to the amount paid by that taxpayer.

#### § 54d

(1) If the taxpayer changes the proportions of business and non-business uses of capital goods referred to in § 54 paragraph (2) subparagraph (a) or (d) in the period following the tax period in which the first use of the capital goods occurred and a part of the tax was deducted pursuant to § 49 subparagraph (5), first sentence, or no tax was deducted, in respect thereof, the taxpayer shall

a) be obliged to adjust the deducted tax if, as a result of the change, the tax deduction made upon the first use of the capital goods was higher than the amount legally deductible in the calendar year in which the change of the proportions of business and non-business uses of the capital goods occurred;

b) have the right to adjust the deducted tax if, as a result of the change, the tax deduction made upon the first use of the capital goods was lower than the amount legally deductible in the calendar year in which the change of the proportions of business and non-business uses of the capital goods occurred.

(2) If a taxpayer acquires capital goods referred to in §54 paragraph (2) subparagraph (a) in the form of lease based on the leasing contract other than the leasing contract pursuant to § 8 paragraph (1) subparagraph (c), where it changes the scope of use for business purposes and for a purpose other than business following the acquisition, for the purposes of adjustment of the deduction it shall be understood that the period for adjustment of the deduction started to run in a calendar year in which that capital goods were handed over to the taxpayer for use.

(3) The taxpayer shall adjust the deducted tax in the last tax period of the calendar year in which the taxpayer changed the proportions of business and non-business uses of the capital goods referred to in § 54 paragraph (2) subparagraphs (a) or (d). The taxpayer shall make the adjustment to deducted tax in accordance with Annex 1.

(4) If, during the period for adjustment of the deducted tax, the taxpayer supplies capital goods referred to in § 54 paragraph (2) subparagraphs (a) or (d) with charging of tax or exemption from tax, with the possibility of tax deduction, then, until expiration of the period for adjustment of the deducted tax, such capital goods shall be regarded as used solely for business purposes.

## § 55

### Tax deduction upon the registration of the taxpayer and upon late registration of the taxpayer

(1) Solely in the first tax period, a taxable person may exercise the right to deduct tax relating to goods and services acquired or received by the taxable person as such before the date on which the person has become a taxpayer, or acquired or received by the taxable person as such if the tax liability arose under § 19 paragraph (4) before the date when the person has become a taxpayer, to the extent the supplies so acquired or received, other than inventories, were not included in tax-deductible expenses under the relevant law <sup>27a)</sup> in the calendar years preceding the calendar year in which the person has become a taxpayer. The taxpayer shall reduce the tax on assets depreciable under the relevant law <sup>26)</sup> by the proportional part of the tax corresponding to the depreciation; a taxpayer that is not an accounting unit shall reduce the deductible tax amount in the same manner as a taxpayer that is an accounting unit.

(2) The deduction of tax under paragraph (1) shall be made to the extent and under the conditions provided in § 49 to § 50 and § 51 paragraphs (1) and (5). When making the tax deduction, the taxpayer shall be obliged to take into account the correction of the deducted tax which the taxpayer would have been obliged to make under § 53b before the day it had become a taxpayer if it has had the status of a taxpayer.

(3) Where the taxpayer has failed to fulfil the registration obligation, in the tax period for which the taxpayer files a tax return after the time limit laid down in § 78 paragraph (2) as a result of the failure to fulfil the obligation, the taxpayer may exercise, to the extent and under the conditions provided in § 49 to § 50 and § 51 paragraphs(1), (3) and (5) and paragraph (4), the right to deduct a tax other than referred to in paragraph (1) that was

a) charged to him in respect of goods and services by another taxpayer within the territory of the country;

b) charged by him in respect of goods and services for which the taxpayer is the person liable for the tax under § 69 paragraphs (2), (3), (7) or (9);

c) charged by him upon the acquisition of goods within the territory of the country from another Member State pursuant to § 11 or § 11a; or

d) paid to the Tax Administrator within the territory of the country upon the importation of goods.

(4) A taxpayer who has not fulfilled the registration obligation may make the tax deduction under paragraph (3) in the tax period in which the right to deduct tax arose if the taxpayer meets the conditions provided in § 51 paragraph (1) as at the date of filing the tax return for this tax period.

(5) When making the tax deduction under paragraph (3), the taxpayer who has not fulfilled the registration obligation shall also be obliged to consider

a) the correction of the deducted tax which the taxpayer would be obliged to make under § 53b if it fulfilled the registration obligation under § 4 or § 5 on time; or

b) the correction of the deducted tax which the taxpayer would be obliged to make under § 54, 54a or 54d if they met the registration obligation under § 4 or § 5 on time.

(6) For the purposes of this Act, a taxpayer who has failed to fulfil the registration obligation is meant to be as a taxpayer who

a) did not file a tax registration application as provided in § 4 paragraph (2);

b) did file a tax registration application, as provided in § 4 paragraph (2), with a delay;

c) failed to fulfil the reporting obligation provided in § 4 paragraph (5);

d) fulfilled the reporting obligation provided in § 4 paragraph (5) with a delay;

e) did not file a tax registration application as provided in § 5 paragraphs (3) or (5); or

f) did file a tax registration application, as provided in § 5 paragraphs (3) or (5), with a delay.

## §55a

- (1) A foreign person who has a seat, place of business, fixed establishment or domicile in another Member State, or has a habitual residence in another Member State, and requests a tax refund (hereinafter the "applicant") shall be entitled to the refund of the tax on the goods and services supplied to him by the taxpayer within the territory of the country and to the refund of the tax charged upon the importation of goods within the territory of the country, subject to the conditions and to the extent specified in paragraphs (2) to (5) and in §55b to §55e.
- (2) An applicant shall be entitled to tax refund if
- (a) the applicant is identified for tax purposes in the Member State in which he has a seat, place of business, fixed establishment, domicile or habitual residence;
  - (b) during the period in respect of which application for tax refund has been filed the applicant did not have a seat, place of business, fixed establishment, domicile or habitual residence within the territory of the country;
  - (c) during the period in respect of which application for tax refund has been filed the applicant did not supply goods or services within the territory of the country, except for
    1. transportation services and complementary services exempt from tax pursuant to §47 paragraphs (6),(8),(10) and (12) and §48 paragraph (8),
    2. services and goods supplied together with installation or assembly, provided that the recipient is the person liable to pay the tax pursuant to §69 paragraphs (2), (3) and (12);
    3. goods pursuant to §13 paragraph (1) subparagraphs (e) and (f), if the person to whom such goods are supplied is the person liable to pay the tax pursuant to §69 paragraph (9);
    4. goods from the territory of the country to another Member State, imported from a third country by an applicant represented by a tax representative pursuant to §69a ~~or and supply of goods from the territory of the country to other Member State or to a third state, provided that the goods were acquired by a foreign entity in this country from other Member State and the foreign entity is represented by a tax representative pursuant to § 69aa."~~
    5. goods within a trilateral transaction according to §45, where the applicant participated as the first customer and the person liable to pay the tax as the second customer.
- (3) The applicant shall be entitled to tax refund if he carries out taxable transactions that give rise to a right of deduction in the Member State in which he has a seat, place of business, fixed establishment, domicile or habitual residence. If the applicant carries out in the Member State in which he has a seat, place of business, fixed establishment, domicile or habitual residence taxable transactions that give rise to a right of deduction and, at the same time, taxable transactions that do not give rise to a right of deduction, only a proportion of the tax calculated according to the rules applicable in the Member State in which he has a seat, place of business, fixed establishment, domicile or habitual residence, shall be refundable to the applicant.
- (4) The applicant shall be entitled to tax refund if the tax was deductible according to §49.
- (5) The applicant shall not be entitled to the refund of a tax which the supplier has not claimed in accordance with this Act or to the tax claimed in respect of the goods the supply of which is or may be exempt from tax pursuant to §43 or §47 paragraph (2). If the applicant applies a special regulation in accordance with law valid in other Member State and being in line with provisions of § 65, then the applicant is not entitled to tax refund for goods and services acquired for travelling purposes.
- (6) The applicant identified for application of the special scheme under § 68c in the Slovak Republic or a special scheme under provisions of an act valid in other member state and equivalent to §68b or §68c, is entitled to refund of tax applied on goods and services in relation to supply of goods and services under §68 paragraph (1) subparagraphs b) and c); compliance with the conditions under paragraph 2 subparagraph (c) is not required.

## §55b

- (1) In order to claim tax refund, the applicant shall submit an electronic refund application via the electronic portal set up by the Member State in which the applicant has a seat, place of business, fixed establishment, domicile or habitual residence. The refund application must be submitted no later than by 30 September of the calendar year following the period in respect of which the refund is claimed, if the end of the period for submitting a tax refund request falls on Saturday, Sunday or a public holiday, that day shall be last day of the period. The Tax Office Bratislava shall electronically notify the applicant, without delay, of the date on which the refund application has been received.
- (2) The refund application must contain:
- (a) the applicant's surname and forename, or business name, and address of his seat, place of business, fixed establishment, domicile or habitual residence;
  - (b) the applicant's electronic address;
  - (c) description of the applicant's business activity in respect of which the goods or services have been acquired, plus the corresponding numerical code under a separate regulation,<sup>27b)</sup>
  - (d) period of time pursuant to §55c paragraph (1) to which the application relates;
  - (e) declaration by the applicant of his compliance with the condition of §55 paragraph (2) subparagraph (c),
  - (f) the applicant's tax identification number or his tax registration number allocated in another Member State;
  - (g) information on the applicant's bank account, including the International Bank Account Number (IBAN) and Bank Identifier Code (BIC).
- (3) In addition to the information specified in paragraph (2), the refund application must contain data from each invoice for the supply of goods or services and from each importation document in respect of which the applicant requests tax refund, namely:
- (a) surname and forename, or business name, of the supplier and address of his seat, place of business, fixed establishment, domicile or habitual residence;
  - (b) the supplier's tax identification number allocated within the territory of the country, except for importation of goods;
  - (c) the date of the invoice issue, invoice number and the date and number of the importation document;
  - (d) taxable amount and the amount of tax in euro;
  - (e) the deductible tax amount pursuant to §55a paragraphs (3) and (4);

- (f) where applicable, the proportionate deductible tax amount pursuant to §55a paragraph (3) expressed as a percentage;
- (g) numerical code pursuant to paragraph (4) pertaining to the goods or services acquired and, where numerical code 10 is indicated, the type of the goods or services acquired;
- h) a code of closer specification pursuant to a separate regulation<sup>27ba</sup>), if numerical code 9 pursuant to paragraph (4) subparagraph (i) below is used.

(4) The following numerical codes shall be used to identify the type of goods and services:

- (a) numerical code 1 for fuel;
- (b) numerical code 2 for the hiring of means of transport;
- (c) numerical code 3 for expenditure relating to means of transport, other than those relating to the goods and services referred to in (a) and (b);
- (d) numerical code 4 for charges for the use of roads and motorways;
- (e) numerical code 5 for travel expenses relating to passenger transport;
- (f) numerical code 6 for accommodation services;
- (g) numerical code 7 for food, drink and restaurant services;
- (h) numerical code 8 for admissions to fairs and exhibitions;
- (i) numerical code 9 for expenditure on luxuries, amusements and entertainment;
- (j) numerical code 10 for other goods and services than those referred to in subparagraphs (a) to (i).

(5) Where the taxable amount on an invoice or importation document is EUR 1,000 or more, where the invoice concerns fuel, EUR 250 or more, the applicant shall submit by electronic means, together with the refund application, a copy of the invoice or importation document.

(6) The applicant shall provide the information in the refund application, as well as any other additional information required under paragraphs (1) and (2) of §55d, in the Slovak language or in the English language.

#### §55c

(1) The refund application shall be submitted for a period of not more than one calendar year and the amount of the tax refund claimed shall not be less than 50 EUR. The refund application may be submitted for a period of less than one calendar year, but not shorter than three calendar months, provided that the amount of the tax refund claimed is not less than EUR 400. The tax refund may relate to a period of less than three months provided that such period represents the remainder of a calendar year, and the amount of the tax refund claimed is not less than EUR 50.

(2) The refund application relates to:

- (a) the purchase of goods or services invoiced during the refund period, provided that the tax became chargeable before or at the time of the invoicing, or in respect of which the tax became chargeable during the refund period, provided that the purchase was invoiced before the tax became chargeable
- (b) the importation of goods which took place during the period to which the refund application relates.

(3) A refund application may also relate to invoices or importation documents not covered by the previous refund applications, which relate to the transactions completed during the calendar year in question.

(4) If after the submission of a refund application the deductible proportion of the tax is adjusted according to the laws of the applicant's Member State, the applicant shall make a correction to the tax amount applied for or already refunded.

(5) The correction referred to in paragraph (4) shall be made in the refund application relating to the calendar year following the calendar year in respect of which the applicant claimed tax refund. If, during the calendar year following the calendar year in respect of which the applicant claimed tax refund, the applicant makes no refund application, the applicant shall make a correction in a separate declaration via the electronic portal set up by the Member State in which the applicant has a seat, place of business, fixed establishment, domicile or habitual residence.

(6) If, following the submission of the tax refund application, the taxable amount and the tax for the supply of goods or service decreases, the applicant is obliged to return the sum of tax the refund of which was claimed by the applicant. The applicant shall make the return of tax in the refund application for the period of the calendar year in which the document concerning the taxable amount and tax correction was issued. If the applicant does not file a refund application for the period of the calendar year in which the document concerning the taxable amount and tax correction was issued, the applicant is obliged to notify the Tax Office Bratislava, by electronic means, of the receipt of the document concerning the taxable amount and tax correction by the applicant not later than by 30 September of the calendar year following after the calendar year in which the document concerning the taxable amount and tax correction was issued. Together with the notification, the applicant shall submit, by electronic means, the document concerning the taxable amount and tax correction. The Tax Office Bratislava shall notify the applicant of its decision on the return of the tax refund. The applicant is obliged to return the tax within 30 days following the notification of the decision.

#### §55d

(1) The Tax Office Bratislava shall notify the applicant of its decision on the refund application within four months of the receipt of application, subject to the exceptions stipulated in paragraphs (5) and (6). Should reasonable doubts arise as to the accuracy of a particular tax refund claim, the Tax Office Bratislava may, within the time limit specified in the first sentence, request by electronic means the applicant, competent authorities of the Member State in which the applicant has a seat, place of business, fixed establishment, domicile or habitual residence, or any from other person, to provide additional information; the requests to persons other than the applicant or competent authority of the Member State in which the applicant has a seat, place of business, fixed establishment, domicile or habitual residence may be sent electronically provided that the addressees have appropriate electronic means of communication at their disposal.

(2) If the additional information is insufficient, the Tax Office Bratislava may request further additional information. The request for additional information and the request for further additional information is deemed delivered on the day when a data message is dispatched to the applicant's

electronic address indicated on the refund application, to the electronic address of the relevant bodies of Member States or the electronic address of other persons; the provision of a separate regulation<sup>27bc)</sup> does not apply to delivery.

(3) The 'additional information' referred to paragraph (1) and the 'further additional information' referred to in paragraph (2) also include the originals or copies of invoices or importation documents of relevance to the refund claim, including those where the taxable amount is lower than the taxable amount mentioned in §55b paragraph (5).

(4) The person requested by the Tax Office Bratislava to provide additional information and further additional information pursuant to paragraphs (1) and (2) shall provide the requested information within one month of the date on which the request has been delivered.

(5) If the Tax Office Bratislava requests additional information pursuant to paragraph (1), it shall notify the applicant of its decision on the refund application within two months of the receipt of the requested information; if the Tax Office Bratislava does not receive the requested information, it shall notify the applicant of its decision within two months of the expiry of the time limit specified in paragraph (4); should the two-month time limit for notification expire earlier than six months of the receipt of application, the Tax Office Bratislava shall notify its decision no later than within six months of the receipt of application.

(6) If the Tax Office Bratislava requests further additional information pursuant to paragraph (2), it shall notify the applicant of its decision on the refund application no later than within eight months of the receipt of application.

(7) If the Tax Office Bratislava decides to refund the tax, it shall make the refund no later than within ten working days from the expiry of the respective time limit for the notification of its decision on the refund application pursuant to paragraphs (1), (5) or (6).

(8) The Tax Office Bratislava shall transfer the tax refund to an account kept with a local bank or based on the applicant's request, to an account with a foreign bank in another Member State. If the refund is transferred to a bank account in another Member State, any bank charges for the transfer of funds shall be deducted from the tax refund, if it cannot be used according to a special regulation.<sup>27bd)</sup>

(9) Any decision to refuse a refund application, in whole or in part, must contain the grounds for refusal. The applicant may appeal against a decision to refuse a refund application in whole or in part in a manner and within the time limit laid down in a separate regulation.<sup>27c)</sup>

(10) Where a tax has been refunded based on untrue information or the refund has been obtained in a fraudulent way, the applicant shall pay to the Tax Office Bratislava any such wrongly refunded tax plus a penalty imposed pursuant to a separate regulation.<sup>27d)</sup> Unless the applicant pays the imposed penalty, the Tax Office Bratislava shall have the right to suspend any further refund up to the unpaid penalty amount.

(11) The Tax Office Bratislava shall refund the tax for the period of one calendar year to which the refund application relates, adjusted upwards or downwards for the amount of correction according to paragraphs (4) and (5) of §55c. If correction is made through a separate declaration pursuant to §55c(5), the Tax Office Bratislava decide on the upward or downward adjustment on the basis of such separate declaration on tax correction.

(12) For the purposes of § 55c paragraph (6) and of paragraphs (1), (5) and (6), the decision shall be deemed notified upon dispatch of the data message to the electronic address stated in the refund application.

#### §55e

(1) Unless the Tax Office Bratislava makes a tax refund to the applicant within the time limit specified in §55d paragraph (7), the applicant shall be entitled to interest at a rate determined pursuant to a separate regulation.<sup>27e)</sup>

(2) The applicant shall not be entitled to the interest referred to in paragraph (1) if he failed to provide additional information or further additional information within the time limit specified in §55d paragraph (4) or if he fails to submit a copy of the invoice or importation document pursuant to §55b paragraph (5).

#### Application for tax refund in another Member State

#### §55f

(1) A taxpayer registered pursuant to §4 or §4b shall apply for tax refund in the Member State in which he received goods or services or to which he imported goods by filing an electronic refund application at the website of the Financial Directorate. A taxpayer registered pursuant to §4 may file a refund application provided that in the Member State in which he claims tax refund the applicant does not have a seat, place of business, fixed establishment, domicile or habitual residence. The refund application must be filed no later than by 30 September of the calendar year following the period in respect of which the refund is claimed. The content of the refund application shall be governed, mutatis mutandis, by the provisions of paragraphs (2) to (4) of §55b; unless the refund application contains the required information, it shall not be deemed filed.

(2) The way in which refund applications is filed shall not be subject to a separate regulation.<sup>27f)</sup>

#### §55g

(1) The financial directorate shall send to the taxpayer, without delay, electronic confirmation of the receipt of application.

(2) The financial directorate shall not dispatch the refund application to the Member State to which it is addressed if, during the period in respect of which refund is claimed, the taxpayer was not a taxpayer or if he carried out solely activities giving no right to tax deduction. The Tax Office Bratislava shall electronically notify the taxpayer of the non-dispatch of his application.

## Tax refund to a foreign person from third country

### §56

(1) A foreign person who does not have a seat, place of business, fixed establishment, domicile or habitual residence within the territory of the European Union (hereinafter "foreign person from a third country") shall be entitled to the refund of the tax charged on the movable property and services supplied by a taxpayer within the territory of the country and to the refund of the tax charged on the importation of goods, subject to the conditions stipulated in paragraph (2).

(2) A foreign person from a third country shall be entitled to tax refund provided that

(a) the foreign person from a third country is identified for the purposes of such tax or a similar general tax on consumption in the country where he has a seat, place of business, fixed establishment, domicile or habitual residence;

(b) during the period in respect of which application for tax refund has been filed, the foreign person from a third country did not have a seat, place of business, fixed establishment, domicile or habitual residence within the territory of the European Union;

(c) during the period in respect of which application for tax refund has been filed, the foreign person from a third country did not supply goods or services within the territory of the country, except for

1. transportation services and the related complementary services exempted from tax in accordance with § 47 paragraphs (6), (8), (10) and (12), and § 48 paragraph (8),

2. services and goods, provided that the recipient is the person liable to pay the tax (§ 69 paragraphs (2), (3) and (12));

3. goods pursuant to § 13 paragraph (1) subparagraphs (e) and (f), provided that the person to which such goods are supplied is the person liable to pay the tax (§ 69 paragraph (9));

4. goods from the territory of the country to another Member State, imported from a third country by a foreign person represented by tax representative pursuant to § 69a;

5. goods within a trilateral transaction pursuant to § 45, where the foreign person from a third country participated as the first customer and the person liable to pay the tax is the second customer.

(d) the tax would be deductible pursuant to § 49.

(3) A foreign person from a third country shall not be entitled to the refund of the tax, which the supplier did not charge in accordance with this Act, and the tax charged in respect of the goods the supply of which is or may be exempt from tax pursuant to § 43 or § 47 paragraph (2).

(4) A taxable person not having its seat or an establishment in the territory of the European Union and being identified for application of the special scheme under § 68a through 68c in the Slovak Republic or a special scheme under provisions of an act valid in other Member State and equivalent to § 68a through 68c, is entitled to refund of tax applied on goods and services in relation to supply of goods and services under §68 paragraph (1); compliance with the conditions under paragraph 2 subparagraph (c) and §58 paragraph (5) is not required.

### §57

(1) A foreign person from a third country shall claim the refund of tax by filing an application for tax refund with the Tax Office Bratislava; the model form of the tax refund application is presented in Annex 2. The tax refund application shall be submitted for a period of one calendar year, no later than by 30 June of the calendar year following the calendar year in respect of which the tax refund is claimed, if the end of the period for submitting a tax refund request falls on Saturday, Sunday or a public holiday, that day shall be last day of the period. A foreign person from a third country may file a tax refund application provided that the tax refund amount is not less than EUR 50.

(2) The tax refund application may be filed by a foreign person from a third country also for the period of a calendar half-year if the sum of the tax refund claimed by that person is at least EUR 1,000 and if the application is filed for the first calendar half-year, the sum of the tax refund claimed for the second half-year is at least EUR 50. The refund application for a calendar half-year shall be filed not later than within the deadline according to paragraph (1).

(3) The tax refund application for the second calendar half-year may also apply to invoices or import documents which are not included in the tax refund application for the first calendar half-year, and which relate to the transactions made during the period of the relevant calendar year.

(4) To his tax refund application, a foreign person from a third country shall attach:

(a) the original of an invoice issued by the taxpayer within the territory of the country, which shows the amount of tax in euros and, in the case of importation of goods, the relevant importation document and a document confirming tax payment,

(b) a certificate issued by the tax authority of the state in which the foreign person from a third country has a seat, place of business, fixed establishment, domicile or habitual residence, evidencing that the foreign person from a third country is identified for the purposes of this tax or a similar general tax on consumption; the certificate may not be of an earlier date than a year ago. The model form of the certificate is presented in Annex 3.

(5) In his application for tax refund, the foreign person from a third country must declare that:

(a) he meets the conditions specified in § 56 paragraph (2);

(b) the data stated in the tax refund application are true;

(c) he undertakes to transfer back any wrongly refunded tax.

### §58

(1) The Tax Office Bratislava shall decide on the application for tax refund within six months of the day on which the application has been filed. The Tax Office Bratislava shall return the invoices and importation documents attached to the tax refund application to the foreign person from a third country within 60 days of their submission and, prior to returning them, may mark such invoices and importation documents.

(2) If the Tax Office Bratislava decides to refund the tax, it shall do so within the time limit for taking a decision on the application referred to in paragraph (1). The Tax Office Bratislava shall transfer the tax refund in euros to an account kept with a local bank or, if so, requested by a foreign person from a third country, to an account with a foreign bank in another state. If the tax refund is transferred to a bank account in another state, any bank charges for the transfer of funds shall be deducted from the tax refund. The Tax Office Bratislava may also refund the tax through the representative of a foreign person from a third country provided that the representative presents to the tax office a power of attorney authorising him to represent the foreign person from a third country for the purposes of tax refund.

(3) Any decision to refuse a tax refund application, in whole or in part, must contain the grounds for refusal. A foreign person from a third country may appeal against a decision to refuse tax refund application, in whole or in part, in a manner and within the time limit laid down in a separate regulation.<sup>27c)</sup>

(4) Where a tax has been refunded on the basis of untrue information or the tax refund has been obtained in a fraudulent way, a foreign person from a third country shall pay to the Tax Office Bratislava any such wrongly refunded tax plus a penalty imposed pursuant to a separate regulation.<sup>27d)</sup> Unless the foreign person from a third country transfers back the wrongly refunded tax or pays the penalty, the Tax Office Bratislava shall have the right to refuse other applications for tax refund during two calendar years following the filing of the tax refund application based on untrue information.

(5) A foreign person from a third country shall not be entitled to the refund of tax on goods and services if the country in which this foreign person has a seat, place of business, fixed establishment or domicile does not refund tax to the taxable persons who are taxpayers under this Act.

(6) If, following the submission of the tax refund application, the taxable amount and the tax for the supply of goods or service decreases, the foreign person from a third country is obliged to return the sum of the tax the refund of which the foreign person from a third country claimed. The foreign person from a third country is obliged to notify the Tax Office Bratislava, by electronic means, that it has received the document concerning the taxable amount and tax correction, namely not later than within 60 days following the day when it received the document. Together with the notification, the foreign person from a third country shall submit the document concerning the taxable amount and tax correction. The Tax Office Bratislava shall issue the foreign person from a third country with a decision on the return of the tax refund. The foreign person from a third country is obliged to return the tax within 30 days following the delivery of the decision.

#### Tax Refund to Travellers on Export of Goods

##### § 59

(1) A natural person who does not have permanent or temporary residence within the territory of the European Union and who, during his travels, exports goods of non-commercial nature in personal luggage from the territory of the Community, may apply for the refund of tax paid as part of the price of exported goods, which he purchased within the territory of the country from a taxpayer, with the exception of motor fuels.

(2) For the purposes of paragraph (1), the permanent and temporary residence shall be the place entered in the travel passport. If such data is not entered in the travel passport, a traveller shall give evidence thereof by way of another credible document.

(3) A traveller may apply for the tax refund, provided that

- a) the total value, including the tax, of exported goods specified on a document attesting to the purchase of goods exceeds EUR 100,
- b) he has a document attesting to the purchase of goods, drawn up by the taxpayer,
- c) the exportation of goods is effected no later than within three months of the end of the month, in which the goods are purchased,
- d) the exportation of goods is confirmed by a customs office of the Member State, from which the goods leave the territory of the European Union, on a form to be issued by the Ministry of Finance of the Slovak Republic (hereinafter „the tax refund form “) or in an information system designated for that purpose.

(4) The tax refund shall be claimed from

- a) a taxpayer who sold the goods,
- b) a person authorised by the taxpayer under subparagraph (a) to refunding of the tax, or
- c) a person authorised by the traveller to claim the tax refund on the traveller's behalf, provided such person has an agreement on tax refund concluded with the financial directorate.

(5) The agreement under paragraph (4) subparagraph (c) shall contain in particular

- a) the method of confirming the exportation of goods by a customs office,
- b) the method of verifying the satisfaction of the tax refund conditions,
- c) the method of lodging tax refund applications,
- d) the method and scope of records of documents attesting to the sale of goods and the method of identifying travellers,
- e) the method and periods of keeping electronically submitted documents concerning tax refunds.

(6) The entitlement to tax refund shall expire where documents referred to in paragraph (3) are not submitted to a taxpayer or authorised person within six months of the end of the month, in which the goods are sold.

##### § 60

(1) On sale of goods, a taxpayer may upon request issue a refund print form, in which he shall state the following data:

- a) his business name and tax identification number,
- b) the date of sale of goods,
- c) the type and quantity of goods sold,
- d) the selling price including the tax, the tax rate and the amount of tax,
- e) the traveller's first name, surname and domicile.

(2) On verifying the legitimacy of such a claim for refund (§ 59 paragraphs (3) and (6)), the tax shall be refunded on the basis of a submitted document on the purchase of goods and the refund print form, in which the exportation of goods is confirmed by a customs authority.

(3) The tax refunded pursuant to paragraph (2) shall be stated by a taxpayer in his tax return for a tax period, in which the tax is refunded. The taxpayer shall be obliged to keep records of tax refunds by individual tax periods. In such records, the taxpayer shall give the sequential number of a refund print form and the amount of tax.

(4) Refund print forms shall be filed by a taxpayer for a period of ten years of the end of a calendar year, in which he claimed the refund in his tax return.

(5) Where a tax refund is claimed with an authorised person under §59 paragraph (4) subparagraph (c), such person shall refund the tax to the traveller upon verifying the eligibility for the tax refund (§ 59 paragraphs (1), (3) and (6)) based on an electronically submitted document attesting to the purchase of goods and confirmation of exportation of the goods by the customs office.

(6) The tax refund under paragraph (5) shall be claimed by the authorised person under § 59 paragraph (4) subparagraph (c) by applying for a tax refund by electronic means with the Bratislava Tax Office for a calendar month in which the tax was returned to the traveller. The tax refund application shall entail a list of documents attesting to the purchase of goods from which tax has been refunded. The list of documents attesting to the purchase of goods is provided with a breakdown by travellers and contains data in the scope agreed under § 59 paragraph (5) subparagraph (d).

(7) The tax refund application and the annex to that application under paragraph (6) shall be submitted on a form of which is to be issued by the financial directorate on the website of the Financial Directorate.

(8) The Bratislava Tax Office shall refund to the authorised person under §59 paragraph (4) subparagraph (c) an amount of the tax claimed in the tax refund application in euros to an account kept with a bank in the Slovak Republic within 30 days of submitting thereof; where the tax is refunded in the amount claimed, no decision shall be issued.

(9) The authorised person under §59 paragraph (4) subparagraph (c) shall keep the documents submitted to it by travellers for a period of ten years after the end of the calendar year in which it claimed the tax refund in the tax refund application and, upon request of the Bratislava Tax Office, it is obliged to allow access to, download and use of those documents.

## Refund of Tax to Persons Enjoying Privileges and Immunities under International Law and Exemption from Tax

### § 61

(1) Persons from other countries who enjoy the privileges and immunities under the international law<sup>23)</sup> and international organisations<sup>24)</sup> and their staff (hereinafter the „foreign official“) shall be entitled to the refund of tax paid as part of the price of goods and services intended for their consumption.

(2) Foreign officials shall be

- a) diplomatic missions and consular offices based within the territory of the Slovak Republic, except for consular offices headed by honorary consuls,
- b) diplomatic missions and consular offices accredited for the Slovak Republic and based outside the territory of the Slovak Republic, except for consular offices headed by honorary consuls,
- c) international organisations or regional bureaux of international organisations (hereinafter the „international organisation“) established under international treaties,
- d) diplomatic representatives of missions who are not citizens of the Slovak Republic and do not permanently reside in the Slovak Republic,
- e) consular officers who are not citizens of the Slovak Republic and do not permanently reside in the Slovak Republic, except for honorary consuls,
- f) administrative and technical staff of missions who are not citizens of the Slovak Republic and do not permanently reside in the Slovak Republic,
- g) consular staff who are not citizens of the Slovak Republic and do not permanently reside in the Slovak Republic, except for the staff of consular offices headed by honorary consuls,
- h) staff of international organisations who are not citizens of the Slovak Republic, do not permanently reside in the Slovak Republic and have been permanently assigned to official posts in the Slovak Republic.

(3) The tax shall only be refunded to foreign officials from those countries, which provide such refunds or similar concessions to persons from the Slovak Republic. Where another country does not provide such refunds or similar concessions to persons from the Slovak Republic to the extent of refunds made by the Slovak Republic, the refund of tax to foreign officials from such a country shall only be awarded to the extent of refunds provided by this country to persons from the Slovak Republic. Where another country provides such refunds or similar concessions to persons from the Slovak Republic to the extent greater than the one provided by the Slovak Republic, the refund of tax to foreign officials from such a country shall be awarded to the extent of refunds provided by this country to persons from the Slovak Republic. The reciprocity in accordance with this paragraph shall not apply to international organisations and their staff.

(4) A foreign official as per paragraph (2) subparagraph (a) shall be refunded the tax, paid as part of the price of goods and services, up to the maximum amount of EUR 99,581.76 per calendar year. The said limit shall not include the tax paid as part of the price of cars, motor fuels, structures and construction work.

(5) With regard to a foreign representative referred to in paragraph (2) subparagraph (c), the person will be refunded tax paid in the price of goods and services up to the amount of EUR 99,581.76 per calendar year. The said limit shall not include the tax paid as part of the price of cars and motor fuels.

(6) A foreign official as per paragraph (2) subparagraphs (a) and (c) shall be refunded the tax paid

a) as part of the price of one passenger car per each accredited member or officer over a period of two years,

b) as part of the price of the maximum of three commercial cars over a period of two years, including the tax paid as part of the price of motor fuels,

c) as part of the price of motor fuels per passenger car equal to the maximum of 4 000 litres per year.

(7) A foreign official as per paragraph (2) subparagraphs (d) to (g), whose diplomatic mission or consular office is based within the territory of the Slovak Republic, shall be refunded the tax paid as part of the price of goods and services for personal consumption, except for the tax paid as part of the price of a passenger car and motor fuels up to the yearly limit. A yearly limit on the tax refund shall be

a) EUR 3,319.39 for the head of a mission,

b) EUR 3,319.39 for the head of a consular office,

c) EUR 2,655.51 for a member of the diplomatic corps,

d) EUR 1,991.64 for a member of the administrative and technical staff.

(8) A foreign representative in accordance with paragraph (2) subparagraphs (d) and (e), whose diplomatic mission or consular authority has a seat within the territory of the Slovak Republic, shall be refunded the tax paid within the price of two passenger cars over two years and the tax paid within the price of 3,200 litres of fuel per year, and a foreign representative in accordance with paragraph (2) subparagraphs (f) and (g), whose the diplomatic mission or consular authority has a seat within the territory of the Slovak Republic, shall be refunded the tax paid within the price of one passenger car over two years and the tax paid within the price of 3,200 litres of fuel per year.

(9) A foreign official as per paragraph (2) subparagraph (b) shall be refunded the tax paid as part of the price of goods and services, up to the maximum amount of EUR 8,298.48 per calendar year.

(10) A foreign official as per paragraph (2) subparagraphs (d) to (g), whose diplomatic mission or consular office is based outside the territory of the Slovak Republic, shall be refunded the tax paid as part of the price of goods and services intended for personal consumption, except for the tax paid as part of the price of a passenger car up to the yearly limit. A yearly limit on the refund of tax shall be

a) EUR 1,659.70 for the head of a mission,

b) EUR 1,659.70 for the head of a consular office,

c) EUR 995.82 for a member of the diplomatic corps,

d) EUR 497.91 for a member of the administrative and technical staff.

(11) A foreign official as per paragraph (2) subparagraph (h) shall be refunded the tax paid as part of the price of goods and services intended for personal consumption, except for the tax paid as part of the price of a passenger car and motor fuels of up to the maximum amount of EUR 1,991.64 per calendar year.

(12) A foreign official as per paragraph (2) subparagraph (h) shall be refunded the tax paid as part of the price of one passenger car for his personal consumption over a period of two years and the tax paid as part of the price of 3 200 litres of motor fuels per year.

(13) If, within two years of the registration of passenger or commercial cars, which are assigned the EE or ZZ diplomatic registration numbers, and in respect of which the tax is refunded under paragraphs (6), (8) and (12), these cars are destroyed or stolen, a foreign official shall be refunded the tax paid as part of the price of yet another passenger or commercial car. If, prior to the lapse of two years of the registration in accordance with the first sentence of a car in respect of which a foreign official has claimed the refund of tax, the foreign official sells or donates this car, he shall be obliged to transfer the refunded tax back; this shall not apply in cases where the foreign official sells or donates the car to another foreign official. Where a foreign official as per paragraph (2) subparagraphs (d) to (h) claims the refund of tax paid as part of the price of a passenger car and his official stay in the Slovak Republic is ended within six months from the registration of the car as per the first sentence hereof, he shall pay back the tax refund. This is without prejudice to provision of paragraph (3) above.

(14) A foreign official as per paragraph (2) subparagraph (a) shall be refunded the tax paid on supply of a structure and construction work, provided that their price, including the tax, does not exceed EUR 3,319.39; if the price including the tax exceeds EUR 3,319.39, the tax shall only be refunded in the case that the sending country confirms to the Ministry of Foreign Affairs of the Slovak Republic that such claims for refunds or similar concessions are awarded to Slovak diplomatic missions and consular offices to the same extent.

(15) Supply of goods to a foreign official in a customs warehouse authorised under a separate regulation<sup>6)</sup> shall be exempt from the tax. The exemption from tax shall be granted to no more than the extent to which the refund is allowed under paragraphs (4), (5), (7), (9), (10) and (11), with the refund entitlement being proportionally reduced. The details on the exercise of exemption from tax and refund of tax shall be defined in a provision issued by the Ministry of Finance of the Slovak Republic, which shall be declared in the Collection of Laws of the Slovak Republic.

## § 62

(1) A foreign representative shall file his/her claim for refund of tax by filing an application for refund of tax to the Tax Office Bratislava on the form, a specimen of which may be found in Annex No. 4. The Ministry of Foreign and European Affairs of the Slovak Republic shall electronically acknowledge the satisfaction of the condition of reciprocity under § 61 paragraph (3) to the Bratislava Tax Office. The application for tax refund

shall be filed for the period of a calendar quarter no later than 30 days after the end of the calendar quarter.

(2) To his application for the refund, a foreign official must attach the original of an invoice or another document attesting to the purchase of goods or services from the taxpayer, giving the amount of tax in euros and confirming the payment of tax. If the country sending the foreign representative according to § 61 paragraph (2) subparagraph (a) enables tax refund based on submission of a copy of an invoice or other document confirming the purchase of a goods or service from the payer, the foreign representative may attach a copy of the documents confirmed by the mission manager or the consular office manager to the application for tax refund instead of an original invoice or other document confirming the purchase of a goods or service from the payer.

(3) A foreign official may only claim the refund of tax if the overall sum of price, including the tax, per one document on the purchase of goods or services, except for a document on the purchase of motor fuels, is at least EUR 33.19. Where another country makes the refund of tax to persons from the Slovak Republic conditional on a document on the purchase of goods or services stating the overall sum of price greater than EUR 33.19, a foreign official from this country may claim the refund of tax against a document giving the overall sum of price equal to at least the amount as determined by this country.

(4) The Tax Office Bratislava shall attach its official seal to all invoices and other documents on the purchase of goods and services appended to the application for refund and it shall have them returned to a foreign official within 60 days of filing the application for refund for the respective calendar quarter.

(5) The Tax Office Bratislava shall refund a foreign official the tax to an account maintained in a bank in the Slovak Republic within 60 days of filing the application for refund for the respective calendar quarter.

(6) A foreign official may claim the tax refund for a period not later than the calendar quarter following the quarter, in which the goods or service are supplied, otherwise the entitlement shall cease.

#### §62a

##### Tax refund to the European Union and international organisations

The European Union, the European Atomic Energy Community and bodies established by them, the European Central Bank and the European Investment Bank are entitled to a refund of tax on domestic purchases of goods and services within the scope and under the conditions laid down in an international treaty<sup>21a</sup>) if the Slovak Republic is a host state for their bodies.

#### § 62aa

(1) The European Commission, agency or a body established under European Union law are entitled to a refund of tax on domestic purchases of goods or services intended for the performance of tasks entrusted to them by European Union law associated with the COVID-19 pandemic; this shall not apply if the European Commission, agency or a body established under European Union law uses the imported goods immediately or later for the purpose of further supply for consideration.

(2) The right to a tax refund pursuant to paragraph (1) is exercised by submitting a tax refund application to the Bratislava Tax Office. The tax refund application must be accompanied by proof of purchase of goods and services, specifying the amount of tax in euros.

(3) The Bratislava Tax Office shall decide on the tax refund application within 60 days from the submission of the tax refund application and shall refund the tax within 15 days from the date of entry into force of this decision.

(4) If, after submitting the application pursuant to paragraph (2), the conditions for a tax refund pursuant to paragraph (1) are no longer met, the European Commission, agency or body established under European Union law shall be obliged to inform the Bratislava Tax Office of this fact without undue delay.

(5) If the conditions for a tax refund pursuant to paragraph (1) are no longer met and the decision on the tax refund has already been issued, the Bratislava Tax Office shall repeal this decision. If the conditions for a tax refund pursuant to paragraph (1) are no longer partially met, the Bratislava Tax Office shall repeal, through a new decision, the decision on the tax refund and determine the amount of tax to which the European Commission, agency or body established under European Union law is entitled.

(6) If the decision has been repealed pursuant to paragraph (5) and the tax has already been refunded, the European Commission, agency or body established under European Union law shall repay the tax refund within 15 days of the date on which the decision under paragraph (5) enters into force; if the amount of the tax to be refunded has been determined in accordance with the second sentence of paragraph (5), the European Commission, agency or body established under European Union law shall repay the difference between the tax amount initially refunded and the tax to which it is entitled within 15 days of the date on which the decision under paragraph (5) enters into force.

#### § 63

##### Tax exemption of a supply of goods or services to the armed forces of another state and tax refund to the Ministry of Defence of the Slovak Republic

(1) A supply of goods or services within the territory of the country shall be exempt from tax if made to

- (a) the armed forces of another State which is a party to the North Atlantic Treaty or a participating State in the Partnership for Peace and intended for use by those armed forces or by the civilian personnel accompanying them, or for supplying their catering facilities, when those armed forces are taking part in a common defence effort;
- (b) the armed forces of another Member State and intended for use by those forces or by the civilian personnel accompanying them, or for supplying their catering facilities, when those armed forces are taking part in a common defence effort undertaken for the purposes of the European Union's action within the framework of the Common Security and Defence Policy.

(2) The taxpayer shall be obliged to prove the tax exemption referred to in paragraph (1) by presenting the official tax exemption form<sup>27g)</sup> confirmed by the Ministry of Defence of the Slovak Republic, which the armed forces referred to in paragraph (1) are obliged to submit to the taxpayer no later than upon the delivery of the goods or services.

(3) If the Ministry of Defence of the Slovak Republic makes a supply of goods and services to the armed forces of another state referred to in paragraph (1), the Ministry of Defence of the Slovak Republic shall be entitled to the refund of tax on the supplied goods and services. The tax refund shall be claimed by submitting a tax refund request to the Bratislava Tax Office. The tax refund request must be accompanied by documents proving the purchase of the goods and services and documents proving the supply of the goods and services to the armed forces of another state; if the person liable under Section 69, paragraph (1) for the payment of tax on the purchased goods and services is the Ministry of Defence of the Slovak Republic, the request must also be accompanied by documents proving that the taxable amount and tax in respect of the goods and services were reported in the tax return.

## § 64

### Tax Refunds to Non-Profit Organisations Providing Community Services and the Slovak Red Cross

(1) A non-profit organisation providing community services<sup>28)</sup> and the Slovak Red Cross may apply for the refund of tax paid as part of the price of goods, which they exported outside the territory of the European Union for humanitarian, charitable or educational purposes.

(2) A non-profit organisation providing community services and the Slovak Red Cross shall exercise their right to the tax refund by filing an application with the Tax Office Bratislava. The application for refund must be accompanied with

- a) a document on the purchase of goods from the taxpayer, stating the amount of tax in euros and confirming the payment of tax,
- b) a customs declaration on the exportation of goods.

### Special Tax Arrangements

#### § 64a

The place of supply of the service, the creation of the tax liability, the tax base, the correction of the tax base, the conversion of foreign currency to euros, the deduction of tax, the proportional deduction of tax, the correction of the deducted tax, the content of the invoice, the tax period, the due date of the tax and the procedure for adjusting the deducted tax are subject to § 15, § 19, § 22, § 25, § 26, § 49, § 50, § 51, § 53, § 55, § 74, § 77, § 78 and Annex No. 1 unless otherwise provided by the provisions of §65 through § 68d concerning the application of special tax arrangements.

### Special Tax Arrangements

#### § 65

##### Special Tax Arrangements Applicable to Travel Agencies

(1) A taxpayer who procures goods and services from other taxable persons for travelling purposes (hereinafter the "tourism services") and acts in his own name towards the customers (hereinafter the "travel agency") is obliged to apply the special scheme in accordance with paragraphs (2) to (8). Tourism services procured by a taxable person from other taxable persons shall be regarded as the supply of a single service to the customer and such service is subject to taxation in the Member State in which the travel agency has its seat or permanent establishment from which the service has been supplied.

(2) A travel agency may not deduct the tax in respect of tourism services procured from other persons.

(3) For sale of tourism services, the tax base is the positive difference between total selling price asked from the customer and the actual costs incurred by the travel agency for tourism services procured from other persons; if, at the moment of the tax liability, the actual costs are unknown, the tax base shall be determined as a difference between total selling price asked from the customer and the estimated costs of the travel agency for the tourism services procured from other persons. This difference shall constitute the travel agency's margin, which is deemed to be the price plus the tax.

(4) A tax liability in respect of the sale of tourism services to the customer shall arise on the day of rendering the last service; where a payment is received prior to the provision of the last service, the tax liability shall arise on the day of receiving each individual payment.

(5) If, in deducting the tax, a travel agency is obliged to proceed in accordance with § 50, it shall not state, either in the numerator or denominator, tourism services procured from other persons when calculating the coefficient.

(6) A travel agency's margin shall be exempt from the tax, provided that the tourism services procured from other persons are rendered outside the territory of the European Union. Where the tourism services procured from other persons are partly rendered outside the territory of the European Union and partly inside the territory of the European Union, only a proportion of the travel agency's margin attributable to the services rendered outside the territory of the European Union shall be exempt from the tax.

(7) A travel agency, which sells tourism services on behalf and for the account of another travel agency, shall only claim the tax in respect of such brokerage of tourism services, except for the intermediary activities exempt from the tax under § 47 paragraph (12). Brokerage of tourism services on behalf and for the account of another travel agency, if such services are partly rendered outside the territory of the European Union and partly inside the territory of the European Union, shall be exempt from the tax on a proportional basis.

(8) A taxpayer operating a travel agency and proceeding in accordance with paragraphs (1) to (6) shall be obliged to maintain detailed records on tourism services procured and sold to determine the taxable amount in accordance with paragraph (3) and records about correction of the taxable amount under paragraphs (10) and (11) and under § 25a.

(9) A taxpayer who applies special tax arrangements according to paragraphs (1) through (6) may not state the sum of tax separately in the invoice for the sale of tourism services.

(10) The travel agency shall correct the taxable amount and the amount of the tax on tourism services if, after moment of the tax liability:  
a) actual costs incurred by the travel agency for tourism services procured from other persons are lower than estimated costs used by the travel agency when determining the tax base upon the moment of the tax liability,  
b) other event occurs, resulting in increase of the taxable amount.

(11) A travel agency may correct the taxable amount and the amount of tax for tourism services, if after moment of the tax liability  
a) actual costs incurred by the travel agency for tourism services procured from other persons are higher than the estimated costs spent by the travel agency when determining the taxable amount upon moment of the tax liability,  
b) other event occurs, resulting in reduction of the taxable amount.

(12) The difference between the original taxable amount and the corrected taxable amount and the difference between the original tax and the corrected tax pursuant to paragraphs (10) and (11) shall be disclosed in the tax return for the last tax period of the calendar year, in which the tax base was increased or decreased.

## § 66

### Special Tax Arrangements Applicable to Works of Art, Collectors' Items, Antiques and Second-Hand Goods

(1) For the purposes of this provision  
a) works of art and collectors' items shall be the objects listed in Annex 5,  
b) antiques shall be objects other than the works of art or collectors' items, which are more than one hundred years old,  
c) second-hand goods shall mean tangible movable property that is suitable for further use as it is or after repair, other than works of art, collectors' items, antiques, and other than precious metals and precious stones,  
d) a dealer shall be a taxable person who, in the course of his business, purchases or acquires within the territory of the country from another Member State, or imports with a view to resale, second-hand goods, works of art, collectors' items or antiques, whether that person is acting for himself or on behalf of another pursuant to a contract under which commission is payable on purchase or sale,  
e) the submission of used goods to the lessee based on a contract of lease, under which the ownership of the leased item is normally acquired upon the payment of the last instalment at the latest, is a sale of used goods.

(2) When selling works of art, collectors' items, antiques and second-hand goods, supplied to him within the territory of the European Communities, a dealer shall be obliged to apply the special arrangements, if the said goods are supplied by  
a) a taxable person that is not a taxpayer pursuant to § 4, § 4b, §4c or § 5, or that does not have a taxpayer status under an equivalent provision of a law in force in another Member State, or a non-taxable person,  
b) a person identified for tax purposes within the territory of the country or in another Member State, and the supply of goods is exempt from the tax under § 42 or under the corresponding statutory provision applicable in the other Member State,  
c) another dealer, who claims the tax under the special arrangements hereunder or under a law applicable in another Member State.

(3) The taxable amount for the sale of goods according to paragraph (2) is the positive difference between the selling price and the purchase price less the tax.

(4) For the purposes of the paragraph (3)  
a) the selling price is everything that creates consideration received or should have been received from the purchasing party or a third party by the trader, including subsidies directly connected with the considerations, taxes, customs, fees and related costs (expenses), such as commission, cost of packing, transport and insurance required by the trader from the purchasing party, except for temporary items and discounts, and in the case of the sale of used goods in accordance with paragraph (1) subparagraph (e), the overall sum of instalments agreed in the contract of lease shall be included in the selling price,  
b) the purchase price shall mean everything which constitutes the consideration defined in subparagraph a), paid, or to be paid by the dealer to the supplier.

(5) A dealer may also apply the special tax arrangements in respect of the supply of  
a) works of art, collectors' items and antiques imported thereby; in such cases the purchase price pursuant to paragraph (4) shall mean everything which constitutes the taxable amount in respect of importation of goods, and the tax assessed by a customs authority,  
b) works of art supplied by their creator or his successor in title.

(6) If, in respect of cases pursuant to paragraph (5), a dealer decides to apply the special tax arrangements, he shall be obliged to do so for at least two calendar years.

(7) When purchasing goods pursuant to paragraph (1) from a dealer applying the special arrangements, a taxpayer may not deduct the tax attributable to the taxable amount in accordance with paragraph (3).

(8) A dealer applying the special arrangements may not deduct the tax

- a) paid in respect of the importation of works of art, collectors' items and antiques, which he imported,
- b) claimed against him on supply of a work of art by the creator or his successor in title.

(9) A dealer applying the special arrangements shall be obliged to maintain separate records on selling and purchase prices of goods with a view to determining the taxable amount in accordance with paragraph (3).

(10) A dealer applying the special arrangements may not separately state the amount of tax in any document on the sale of goods in accordance with paragraph (1).

(11) A trader may decide to use the regular treatment of tax with the delivery of goods according to paragraph (1) by application of tax from a taxable amount according to § 22 paragraphs (1) to (4). If a dealer decides to apply the regular tax regime, he may deduct the tax

- a) paid in respect of the importation of works of art, collectors' items and antiques, which he imported,
- b) claimed against him on supply of a work of art by the creator or his successor in title.

(12) A dealer may deduct the tax in accordance with paragraph (11) not earlier than in a tax period, in which a tax liability rises on supply of goods, to which the tax to be deducted relates.

(13) The special tax arrangements shall not apply to new means of transport (§ 11 paragraph (12)) supplied from the territory of the country to another Member State.

(14) Acquisition of second-hand goods, works of art, collectors' items and antiques within the territory of the country from another Member State, where the seller is a dealer from the other Member State or an organiser of the sale by public auction from the other Member State and the said goods have been taxed under the special tax arrangements in another Member State, in which the dispatch or transport of goods started, shall not be deemed to be acquisition of goods within the territory of the country from another Member State pursuant to § 11.

(15) The provisions on exemption from the tax in respect of supply of goods to another Member State pursuant to § 43 or § 45 shall not apply to supply of second-hand goods, works of art, collectors' items and antiques subject to the special arrangements.

(16) If a dealer purchases works of art, collector's items, antiques or second-hand goods from another Member State from a taxable person identified for tax purposes in another Member State, the dealer may not apply, upon the sale, a special tax arrangement if the invoice made by the seller does not include the mention pursuant to §74 paragraph (1) subparagraph (n).

## § 67

### Special Tax Scheme for Investment Gold

(1) For the purposes of this provision, investment gold shall mean

- a) gold, in the form of a bar or a wafer of weights accepted by the bullion markets, of a purity equal to or greater than 995 thousandths,
- b) gold coins which are of a purity equal to or greater than 900 thousandths and are minted after 1800 and are or have been legal tender in the country of origin and are normally sold at a price which does not exceed the open market value of the gold contained in the coins by more than 80 %.

(2) The National Bank of Slovakia shall issue the list of gold coins meeting the criteria referred to in paragraph (1) letter (b). The list shall be published in the Gazette of the National Bank of Slovakia. By 1 July of each year, the National Bank of Slovakia shall advise the European Commission of gold coins traded in the Slovak Republic.

(3) Exempt from the tax shall be supply of investment gold, acquisition of investment gold from another Member State and importation of investment gold, including investment gold represented by certificates for allocated or unallocated gold or traded on gold accounts and including gold loans and swaps, involving a right of ownership or claim in respect of investment gold, as well as transactions concerning investment gold involving futures and forward contracts leading to a transfer of right of ownership or claim in respect of investment gold. Exempt from the tax shall be services of agents who act in the name and for the account of another when they intervene in the supply of investment gold.

(4) A taxpayer who produces investment gold or transforms any gold into investment gold may decide to tax supplies of investment gold to another taxpayer. Services of agents who act in the name and for the account of another may also be taxed, if such services concern supplies of investment gold, which the taxpayer decided to tax.

(5) A taxpayer, who supplies investment gold exempt from the tax, may deduct the tax

- a) claimed by himself in respect of supply of investment gold by another taxpayer, who exercised the option to tax under paragraph (4),
- b) claimed against him in respect of supply of gold other than investment gold by another taxpayer, which is subsequently transformed, either by himself or for his account, into investment gold,
- c) claimed by himself in respect of acquisition of gold other than investment gold within the territory of the country from another Member State, which is subsequently transformed, either by himself or for his account, into investment gold,
- d) paid on importation of gold other than investment gold, which is subsequently transformed, either by himself or for his account, into investment gold,

e) claimed against him in respect of supply of services by another taxpayer, which consisted of modification of shape, weight or purity of gold, including investment gold.

(6) A taxpayer, who produces investment gold or transforms any gold into investment gold, may deduct the tax in respect of goods and services obtained with a view to such activities.

### **Special tax schemes for services supplied to a person other than a taxable person, for distance sales of goods and certain domestic supply of goods**

#### **§ 68**

(1) The special scheme under

a) §68a applies to provision of service by a taxable person not established in the European Union, with place of supply under § 16 in the European Union, to a person other than a taxable person having its seat or permanent establishment in the European Union or usually residing in the European Union,

b) §68b applies to

1. distance sales of goods within the territory of the European Union,

2. provision of service by a taxable person not established in the Member State of consumption with the place of supply under §16 in the territory of the European Union to a person other than a taxable person,

3. certain domestic supply of goods, which shall mean supply of goods in the territory of the European Union by a taxable person not established in the territory of the European Union to a person other than a taxable person through a taxable person facilitating supply of goods under the first sentence of §8 paragraph (7), of the dispatch or transport of the goods starts and ends in the same Member State,

c) §68c refers to distance sales of goods imported from the territory of third countries in a consignment, where the intrinsic value of the consignment does not exceed EUR 150, and the goods are not subject to excise tax.

(2) For the purpose of application of the special schemes under paragraph (1), tax return shall mean a filing providing data in accordance with special regulation <sup>28aa)</sup> as necessary for determination of the amount of tax due in every Member State.

(3) A taxable person who decides to apply the special scheme under §68a, §68b or §68c shall submit to the tax office written documents regarding the special scheme in an electronic form; the obligation to submit documents in an electronic form under special regulation<sup>28ab)</sup> shall not apply to filing documents by a taxable person, who is not subject to the obligation to deliver documents in a manner under special regulation.<sup>28ab)</sup>

(4) Documents related to application of a special scheme pursuant to § 68a, § 68b or pursuant to § 68c are electronically delivered to a taxable person applying the special scheme; documents shall be delivered to an electronic address given in the notification of commencement of activities and the sending date of the data message shall be regarded as the delivery date.

#### **§ 68a**

Special tax scheme for services supplied by taxable persons not established in the European Union

(1) For the purpose of application of the special scheme under paragraphs (2) through (14) below:

a) a taxable person not established in the European Union shall mean a taxable person not having a seat or an establishment in the territory of the European Union,

b) a Member State of identification shall be the Member State chosen by the taxable person not established in the European Union for notification of the fact that the taxable person started acting as a service provider in the European Union under §68 paragraph (1) subparagraph (a),

c) a Member State of consumption shall be the Member State in which is the place of supply of the service under §68 paragraph (1) subparagraph (a).

(2) If a taxable person not established in the European Union provides services under §68 paragraph (1) subparagraph (a) and chose the Slovak Republic as a Member State of identification, the taxable person shall notify Tax Office Bratislava of commencement of the activities. The notification shall provide the business name, address, electronic address, including websites, national tax number (if assigned to the taxable person), declaration that the taxable person does not have a seat or an establishment in the European Union and other data required in the special regulation.<sup>28aa)</sup> Tax Office Bratislava shall notify the taxable person of permitting the application of the special scheme and shall, at the same time, assign to the taxable person a special VAT identification number with EU prefix for the special scheme and notify the taxable person thereof; the number can only be used for the purpose of application of the special scheme. No appeal shall lie against such decision.

(3) If a taxable person does not meet the requirements for application of a special scheme, Tax Office Bratislava issue a decision about not permitting application of the special scheme; the taxable person can file appeals against the decision.

(4) A taxable person not established in the European Union and holding the permission under paragraph (2), shall apply the special scheme on all services under §68 paragraph (1) subparagraph (a).

(5) Any change in the data provided in the notification of commencement of the activity under paragraph (2) above shall be reported by the taxable person not established in the European Union to Tax Office Bratislava.

(6) A taxable person not established in the European Union shall notify Tax Office Bratislava of termination of the activities or a change in the activities to the extent that it no longer meets the conditions for application of the special scheme.

(7) Tax Office Bratislava shall cancel the permission to apply a special scheme granted to a taxable person not established in the European Union and shall withdraw the special VAT identification number, if

- a) the taxable person has notified Tax Office Bratislava that the taxable person no longer carries out supplies of services covered by the special scheme under §68 paragraph (1) subparagraph (a),
- b) it is assumed that the provision of services under §68 paragraph (1) subparagraph (a) by the taxable person covered by the special scheme have ceased,
- c) the taxable person no longer meets the conditions necessary for the use of the special scheme, or
- d) the taxable person persistently fails to comply with the rules of the special scheme.

(8) Upon cancellation of the permission under paragraph (7) above, Tax Office Bratislava shall issue a decision. Appeals by the taxable person not established in the European Union may lie against the decision. The filing of the appeal shall have no suspensory effect.

(9) The tax period for which a taxable person not established in the European Union shall file a tax return under §68 paragraph (2), is the calendar quarter; the tax return shall also be filed for the tax period in which no services under §68 paragraph (1) a) were supplied. The tax return shall be filed by the end of the calendar month following the end of the tax period covered by the tax return. If the deadline for tax return filing falls on a Saturday or Sunday or a rest day, then that day shall be the deadline.

(10) A tax return filed by a taxable person not established in the European Union shall provide the following details:

- a) the special VAT identification number with EU prefix assigned in the Slovak Republic,
- b) total value of the services under § 68 paragraph (1) a) excluding tax, supplied in the tax period, the amount of tax for each tax rate, the tax rate and total amount of due tax, in a breakdown by Member States of consumption, in which the tax liability arose.

(11) The amounts in the tax return shall be stated in euros. If the payment for services provided under §68 paragraph (1) a) is made in a currency other than EUR, the amount shall be converted to euros using the reference exchange rate determined and announced by the European Central Bank or by the National Bank of Slovakia<sup>5a)</sup> valid as at the last day of the tax period or on the following day, provided that no exchange rate is determined and announced on the last day of the tax period.

(12) The tax shall be paid in euros to the applicable account of the tax office by the end of the deadline for filing the tax return, with reference to the respective tax return. If the deadline for payment of the tax falls on a Saturday or Sunday or a rest day, then that day shall be the deadline. The payment date shall mean the date when the payment is credited to the account of the tax office.

(13) Any change in data from the original tax return shall be reported by the taxable person not established in the European Union in the following tax return within three years from expiration of the deadline for filing the original tax return. In the following tax return, the taxable person shall indicate the Member State of consumption, the tax period and the amount of the tax resulting from the correction. If the payment for supplied services under §68 paragraph (1) subparagraph (a) is made in a currency other than EUR, the correction of the amount shall be converted using the exchange rate which should have been used for conversion of the payment for the service supplied under paragraph (11).

(14) A taxable person not established in the European Union shall keep records of the supplied services in respect of which the special scheme was applied. The records shall be kept in a scope defined by a special regulation, <sup>28ac)</sup> so that the tax administrator in the Member State of consumption could verify correctness of the tax liability stated in the tax return and shall retain the records for a period of ten years from the end of the year, in which the services under §68 paragraph (1) subparagraph (a) were supplied. Upon request, the taxable person under the first sentence shall submit the records to Tax Office Bratislava.

## § 68b

Special tax scheme for distance sales of goods within the territory of the European Union, certain domestic supplies of goods and services delivered to persons other than taxable persons

(1) For the purpose of application of the special scheme under paragraphs (2) through (20) below:

a) a taxable person not established in a Member State of consumption shall mean a taxable person having a seat or an establishment in the territory of the European Union and does not have a seat or an establishment in the Member State of consumption,

b) a Member State of identification shall mean a Member State:

1. in which the taxable person has a seat, or, if the taxable person does not have a seat in the territory of the European Union, a Member State in which the taxable person has an establishment,
2. in which the taxable person has a fixed establishment, and which is chosen by the taxable person for the notification that the taxable person wishes to apply a special scheme, provided that the taxable person does not have a seat in the territory of the European Union and has more than one fixed establishment in the territory of the European Union,
3. in which the dispatch or transport of the goods begins, provided that the taxable person does not have either a seat or a fixed establishment in the territory of the European Union,
4. which has been chosen by the taxable person for the notification that the taxable person wishes to apply a special scheme, provided that the Member State is one of several Member States, in which the dispatch or transport of the goods begins and provided that the taxable person does not have either a seat or an fixed establishment in the territory of the European Union,

c) a Member State of consumption shall mean a Member State:

1. in which the dispatch or transport of the goods to the customer ends upon sale of goods under §68 paragraph (1) subparagraph (b) the first clause,
2. which is the place of supply of the service under §68 paragraph (1) subparagraph (b), the first sentence,
3. in which the dispatch or transport of the goods both begins and ends upon supply of goods under §68 paragraph (1) subparagraph (b), the third sentence.

(2) If a taxable person, which supplies goods under §68 paragraph (1) subparagraph (b), the first and the third sentence, and the taxable person not established in the Member State of consumption, providing services under §68 paragraph (1) subparagraph (b), the second sentence, decide to

apply a special scheme, and the Member State of identification is the Slovak Republic, or the taxable persons chose the Slovak Republic as their Member State of identification, they shall notify the tax office of commencement of the activity. In the notification of commencement of the activities, the taxable persons under the first sentence shall give their business name, address, electronic address including websites, and other data pursuant to a special regulation.<sup>28(a)</sup> The tax office shall notify the taxable person of the granted permit to application of the special scheme and, at the same time, if the taxable person does not have a VAT identification number assigned in the Slovak Republic, the tax office shall assign a VAT identification number to the taxable person for the purpose of application of the special scheme and shall notify the taxable person thereof, no appeal shall lie against such decision.

(3) If a taxable person does not meet the requirements for application of a special scheme, the Tax Office shall issue a decision about not permitting the application of the special scheme; the taxable person can file appeals against the decision.

(4) The taxable person mentioned in paragraph (2) must not be identified for application of the special scheme in other Member State.

(5) When applying the special scheme, the taxable person mentioned in paragraph (2) shall use the VAT identification number assigned to the taxable person in the Slovak Republic as a taxpayer under § 4, § 4b, § 4c or § 5, or the VAT identification number assigned to the taxable person under §7, §7a or under paragraph (2).

(6) The taxable person mentioned in paragraph (2) shall apply the special scheme on all goods and services under §68 paragraph (1) subparagraph (b).

(7) The taxable person mentioned in paragraph (1) subparagraph (b), the second and the fourth sentence, whom the tax office permitted application of the special scheme in the Slovak Republic, shall be bound by its decision to apply the special scheme in the Slovak Republic until the end of the second calendar year following the calendar year, in which the taxable person started applying the special scheme.

(8) The taxable person mentioned in paragraph (2) shall notify the Tax Office of any change in the data given in the notification of commencement of the activities pursuant to paragraph (2).

(9) The taxable person mentioned in paragraph (2) shall notify the Tax Office of termination of activities or a change in the activities to the extent that the taxable person no longer meets the conditions for application of the special scheme.

(10) The Tax Office shall cancel the permission to apply the special scheme granted to the taxable person mentioned in paragraph (2), if

- a) the Tax Office is notified that the taxable person ceased to carry out the activity under §68 paragraph (1) subparagraph (b),
- b) it is assumed that the activities under §68 paragraph (1) subparagraph (b) carried out by the taxable person have ceased,
- c) the taxable person no longer meets the conditions for the use of the special scheme, or
- d) the taxable person persistently fails to comply with the rules of the special scheme.

(11) The Tax Office shall issue a decision about cancellation of the permission under paragraph (10). Appeals by the taxable person mentioned in paragraph (2) may lie against the decision. The filing of the appeal shall have no suspensory effect. Cancellation of the permission shall invalidate the tax identification number for the purposes of applying this special scheme.

(12) The tax period, for which the taxable person mentioned in paragraph (2) shall file a tax return under §68 paragraph (2), is a calendar quarter; the tax return shall also be filed for the tax period in which no goods or services under §68 paragraph (1) subparagraph (b) were supplied. The tax return shall be filed by the end of the calendar month following the end of the tax period covered by the tax return. If the deadline for tax return filing falls on a Saturday or Sunday or a rest day, then that day shall be the deadline.

(13) A tax return filed by a taxable person mentioned in paragraph (2) shall provide the following details:

- a) VAT identification number assigned in the Slovak Republic,
- b) total value of goods and services under §68 paragraph (1) subparagraph (b) excluding tax, supplied in the tax period, the amount of tax for each tax rate, the tax rate and total amount of due tax, in a breakdown by Member States of consumption, in which the tax liability arose.

(14) If goods are dispatched or transported from other Member States, in the tax return, the taxable person mentioned in paragraph (2) shall also indicate the total value of goods supplied under §68 paragraph (1) subparagraph (b) excluding tax, the amount of tax for each tax rate, the tax rate and total amount of due tax, in a breakdown by Member States, from which the goods are dispatched or transported, if the supply is in form of:

- a) intra-Community distance sales of goods under §14 paragraph (1) subparagraph (a),
- b) intra-Community distance sales of goods under §8 paragraph (7), the first sentence, and certain domestic supply of goods under §68 paragraph (1) subparagraph (b), the third sentence.

(15) If the taxable person mentioned in paragraph (2) supplies goods in accordance with paragraph (14) subparagraph (a) above, the tax return shall include the VAT identification number, or the tax identification number assigned by the Member State from where the goods were dispatched or transported. If the taxable person mentioned in paragraph (2) supplies goods under paragraph (14) subparagraph (b) above, the tax return shall include the VAT identification number or the tax identification number, if assigned by the Member State from where the goods were dispatched or transported.

(16) If the taxable person mentioned in paragraph (2) has one or more fixed establishments in other Member States, from where the taxable person supplies services under §68 paragraph (1) subparagraph (b), in the tax return, the taxable person shall indicate data pursuant to paragraph (13) subparagraph (b) for each Member State where the taxable person has an fixed establishment and a VAT identification number of the fixed establishment or the tax identification number of the fixed establishment.

(17) The amounts in the tax return shall be stated in euros. If the payment for goods and services supplied under §68 paragraph (1) subparagraph (b) is made in a currency other than EUR, the amount shall be converted to euros using the reference exchange rate determined and announced by the European Central Bank or by the National Bank of Slovakia<sup>5a)</sup> valid as at the last day of the tax period or on the following day, provided that no exchange rate is determined and announced on the last day of the tax period.

(18) The tax shall be paid in euros to the applicable account of the tax office by the end of the deadline for filing the tax return, with reference to the respective tax return. If the deadline for payment of the tax falls on a Saturday or Sunday or a rest day, then that day shall be the deadline. The payment date shall mean the date when the payment is credited to the account of the tax office.

(19) Any change in data from the original tax return shall be reported by the taxable person mentioned in paragraph (2) in the following tax return within three years from expiration of the deadline for filing the original tax return. In the following tax return, the taxable person shall indicate the Member State of consumption, the tax period and the amount of the tax resulting from the correction. If the payment for supplied goods and services under §68 paragraph (1) subparagraph (b) is made in a currency other than EUR, the correction of the amount shall be converted using the exchange rate which should have been used for conversion of the payment for the goods and services supplied under paragraph (17).

(20) The taxable person mentioned in paragraph (2) shall keep records of the goods and services supplied under §68 paragraph (1) subparagraph (b). The records shall be kept in a scope defined by a special regulation<sup>28ac)</sup> so that the tax administrator in the Member State of consumption could verify correctness of the tax liability stated in the tax return. The taxable person shall retain the records for ten years from the end of the year, in which the goods or services under §68 paragraph (1) subparagraph (b) were supplied. Upon request, the taxable person under the first sentence shall submit the records to the Tax Office.

## §68c

### Special tax scheme for distance sales of goods imported from third countries

(1) For the purpose of application of the special scheme under paragraphs (2) through (25) below:

- a) a taxable person not established in the European Union shall mean a taxable person, which does not have a seat or a fixed establishment in the territory of the European Union,
- b) an intermediary shall mean a taxable person having a seat or an establishment in the territory of the European Union, and which has been appointed by the taxable person carrying out distance sales of goods imported from third countries as the person liable to pay tax and to comply with obligations defined in this special scheme, in the name and at the account of the taxable person,
- c) the Member State of identification shall mean the Member State,
  1. chosen by the taxable person not established in the European Union for application of the special scheme,
  2. in which the taxable person has a fixed establishment and is chosen by the taxable person for application of the special scheme, provided that the taxable person does not have a seat in the territory of the European Union and has one or more fixed establishments in the territory of the European Union,
  3. in which the taxable person has a seat, if it has a seat in the European Union,
  4. in which the intermediary has a seat, if it has a seat in the European Union,
  5. in which the intermediary has a fixed establishment and is chosen by the intermediary for application of the special scheme, provided that the intermediary does not have a seat in the territory of the European Union and has one or more fixed establishments in the territory of the European Union,
- d) the Member State of consumption is the Member State in which the dispatch or transport of the goods to the customer ends.

(2) The special tax scheme under paragraphs (4) through (25) for distance sales of goods under §68 paragraph (1) subparagraph (c) can be applied by

- a) a taxpayer that does not use a special tax scheme under § 68g and has a registered office in the territory of the country, or has an establishment in the territory of the country if the taxpayer does not have a registered office in the territory of the European Union;
- b) a taxable person having a registered office or a fixed establishment in a third country, with which the European Union has signed an agreement on mutual assistance to combat frauds and to recover VAT debts, and carrying out distance sales of goods from that third country,
- c) a taxable person not established in the European Union other than the taxable person under (b) above, only if the taxable person is represented by an intermediary having a registered office in the Slovak Republic or, if the intermediary does not have a seat in the European Union, having a fixed establishment in the Slovak Republic,
- d) a taxable person established in the European Union, except for a taxable person that does not meet the conditions set forth in subparagraph (a), or is not identified for tax purposes under a provision of a law equivalent to § 4b or § 4c that is in force in another Member State, or that is identified in another Member State for a special scheme for small enterprises or a taxable person under (b) above, if the taxable person decides to be represented by an intermediary having a registered office in the Slovak Republic, or if the intermediary does not have a registered office in the European Union, having a fixed establishment in the Slovak Republic.

(3) The special tax scheme under paragraphs (4) through (25) only refers to goods, which are not subject to excise tax, are imported from the territory of third countries in a consignment, the intrinsic value of which does not exceed EUR 150.

(4) If a taxable person which carries out distance sales of goods under §68 paragraph (1) subparagraph (c) and which is not represented by an intermediary, decides to apply a special scheme and the Member State of identification is the Slovak Republic, or the Slovak Republic is chosen by the taxable person as the Member State of identification, the taxable person shall notify the Tax Office of the decision before application of the special scheme begins. The notification shall include the following details: business name, address, electronic address including websites, VAT identification number or the national tax identification number and other data required under special regulation.<sup>28aa)</sup> If the taxable person meets the requirements for application of the special scheme, the tax office shall inform the taxable person that the application of the special scheme has been permitted; no appeal shall lie against such decision.

(5) If an intermediary decides to apply a special scheme on behalf of the represented taxable person, which carries out or intends to carry out distance sales of goods under §68 paragraph (1) subparagraph (c), and the Member State of identification is the Slovak Republic, then the intermediary shall notify the Tax Office of the decision before the application of the special scheme on behalf of the taxable person begins. The notification shall include the following details: business name, address, electronic address, the intermediary's VAT identification number and other data required under special regulation.<sup>28aa)</sup> If the intermediary meets the requirements for application of the special scheme on behalf of the

represented taxable person, the Tax Office shall inform the intermediary that the application of the special scheme on behalf of the represented taxable person has been permitted; no appeal shall lie against such decision.

(6) If a taxable person which carries out distance sales of goods under §68 paragraph (1) subparagraph (c) and is represented by an intermediary, decides to apply a special scheme and the Member State of identification is the Slovak Republic, then the intermediary shall notify the Tax Office of the taxable person before the taxable person starts applying the special scheme. The notification filed by the intermediary shall include the following details: the intermediary's registered identification number assigned under paragraph (7) subparagraph (b) below and the business name, address, electronic address including websites, VAT identification number or the national tax identification number of the represented taxable person. If the represented taxable person meets the requirements for application of the special scheme, the Tax Office shall inform the intermediary that the application of the special scheme by the taxable person has been permitted; no appeal shall lie against such decision.

(7) For the purpose of application of the special scheme, the Tax Office shall assign:

- a) VAT identification number with prefix of "IM" to the taxable person not represented by an intermediary,
- b) a registered identification number with prefix of "IN" to the intermediary,
- c) a VAT identification number with prefix of "IM" to the intermediary for each taxable person represented by the intermediary.

(8) The VAT identification number assigned under paragraph (7) subparagraphs (a) and (c) above and the registered identification number assigned under paragraph (7) subparagraph (b) above can only be used for application of the special scheme.

(9) A taxable person holding a permission for application of the special scheme under paragraphs (4) through (25) hereof, shall apply special scheme on all distant sales of goods under §68 paragraph (1) subparagraph (c).

(10) A taxable person carrying out distance sales of goods imported from the territory of third countries, can designate just one intermediary for application of the special scheme.

(11) If a taxable person under paragraph (4) or paragraph (6) does not meet the requirements for application of the special scheme or the intermediary under paragraph (5) not meet the requirements for application of the special scheme on behalf of the represented taxable person, the tax office shall issue a decision of not permitting application of the special scheme. Appeals may lie against the decision.

(12) A taxable person mentioned in paragraph (1) subparagraph (c), the second sentence, and the intermediary mentioned in paragraph (1) subparagraph (c), the fifth sentence, whom the Tax Office permitted to use the special scheme in the Slovak Republic, are bound by their decision to apply the special scheme in the Slovak Republic until the end of the second calendar year following the calendar year, in which they started using the special scheme.

(13) A taxable person under paragraph (4) or the intermediary under paragraph (5) shall notify the Tax Office of any change in data provided in notifications under paragraphs (4), (5) or (6).

(14) A taxable person under paragraph (4) or the intermediary under paragraph (5) shall notify the tax office of termination of their activities or a change in their activities to the extent that they no longer meet the requirements for using the special scheme.

(15) The tax office shall cancel the permission to use the special scheme granted to a taxable person not represented by an intermediary, and shall withdraw the VAT identification number assigned under paragraph (7) subparagraph (a) above, if

- a) the taxable person has notified the Tax Office that the taxable person no longer carries out the activities under §68 paragraph (1) subparagraph (c),
- b) it is assumed that the activities carried out by the taxable person under §68 paragraph (1) subparagraph (c),
- c) the taxable person no longer meets the conditions for the use of the special scheme, or
- d) the taxable person persistently fails to comply with the rules of the special scheme.

(16) The Tax Office shall cancel the intermediary's permission to use the special scheme on behalf of the represented taxable person and shall withdraw the registered identification number assigned under paragraph (7) subparagraph (b) above, if the intermediary

- a) during two consecutive calendar quarters did not act as an intermediary,
- b) no longer meets the conditions necessary to act as an intermediary, or
- c) persistently fails to comply with the rules of the special scheme.

(17) The Tax Office shall cancel the permission to use a special scheme granted to a taxable person represented by an intermediary, and shall withdraw the VAT identification number assigned under paragraph (7) subparagraph (c) above, if

- a) the intermediary notifies the Tax Office that the taxable person ceased to carry out the activities under §68 paragraph (1) subparagraph (c),
- b) it is assumed that the activities carried out by the taxable person under §68 paragraph (1) subparagraph (c) have ceased
- c) the taxable person no longer meets the conditions necessary for use of this special scheme,
- d) the taxable person persistently fails to comply with the rules of the special scheme, or
- e) the intermediary notifies the tax office that the intermediary no longer represents the taxable person.

(18) The Tax Office shall issue a decision on cancellation of the permission under paragraph (15), (16) or paragraph (17). Appeals may lie against the decision. The filing of the appeal shall have no suspensory effect.

(19) Upon distance sales of goods under §68 paragraph (1) subparagraph (c) with application of the special scheme, the tax liability arises on the moment of delivery of the goods; goods are regarded as delivered on the date of receiving the payment.

(20) The tax period, for which the taxable person and the intermediary shall file the tax return under §68 paragraph (2), is a calendar month; the tax return shall also be filed for the tax period during which no distance sales of goods under §68 paragraph (1) subparagraph (c) were made. The tax return shall be filed by the end of the calendar month following the end of the tax period covered by the tax return. If the end of the deadline falls on a Saturday or Sunday or a rest day, then that day shall be the deadline.

(21) The tax return shall include the following data:

- a) identification numbers under paragraph (7),

b) total value of distance sales of goods under §68 paragraph (1) subparagraph (c) excluding tax, which resulted in tax liability in the tax period, the amount of tax for each tax rate, the tax rate and total amount of due tax, in a breakdown by Member States of consumption, in which the tax liability arose.

(22) The amounts in the tax return shall be stated in euros. If the payment for distance sales of goods under §68 paragraph (1) subparagraph (c) is made in a currency other than EUR, the amount shall be converted to euros using the reference exchange rate determined and announced by the European Central Bank or by the National Bank of Slovakia<sup>5a)</sup> valid as at the last day of the tax period or on the following day, provided that no exchange rate is determined and announced on the last day of the tax period.

(23) The tax shall be paid in euros to the relevant account of the tax office by the end of the deadline for filing the tax return, with reference to the relevant tax return. If the deadline for payment of the tax falls on a Saturday or Sunday or a rest day, then that day shall be the deadline. The payment date shall mean the date when the payment is credited to the account of the tax office.

(24) Any change in the data in the original tax return shall be reported in the following tax return within three years from the deadline for filing the original tax return. In the following tax return, the taxable person shall indicate the Member State of consumption, the tax period and the amount of the tax resulting from the correction. If the payment for distance sale of goods under §68 paragraph (1) subparagraph (c) is made in a currency other than EUR, the correction of the amount shall be converted using the exchange rate which should have been used for conversion of the payment for the goods supplied under paragraph (22).

(25) The taxable person using a special scheme and not being represented by an intermediary, and the intermediary shall keep records of distance sales of goods under §68 paragraph (1) subparagraph (c) in a scope defined by a special regulation,<sup>28ac)</sup> so that the tax administrator in the Member State of consumption could verify correctness of the tax liability stated in the tax return. The records shall be retained for ten years from the end of the year, in which the goods were supplied. Upon request, the entities under the first sentence shall submit the records to the Tax Office.

## § 68ca

### Tax administration in making use of special schemes

(1) If the Member State of identification is the Slovak Republic, then the tax administration of the special tax schemes for goods and services supplied under §68 paragraph (1) with the place of supply in another Member State, which is the Member State of consumption, shall be governed by a special regulation,<sup>33)</sup> unless the special regulation<sup>28ad)</sup> and § 68a through § 68c state otherwise.

(2) If the Member State of consumption is the Slovak Republic, the tax administration shall be governed by a special regulation,<sup>33)</sup> unless the special regulation<sup>28ad)</sup> states otherwise. A taxable person identified for application of a special scheme under provisions of an act valid in another member state equivalent to §68a through § 68c, shall submit documents to the Tax Office electronically; the communication shall be governed accordingly by § 68 paragraph (3). Documents are delivered to the taxable person under the second sentence to the electronic address communicated to the Member State of identification upon commencement of the activities; the communication shall be governed accordingly by §68 paragraph (4).

(3) If a special scheme under §68c is applied on supplied goods and the Member State of consumption is the Slovak Republic, then the taxable person represented by an intermediary and the intermediary applying the special scheme on behalf of the taxable person, shall be jointly and severally liable for any outstanding tax on goods sold.

(4) If the Member State of consumption is the Slovak Republic and a foreign person files a tax return indicating an incorrect tax or not disclosing the tax at all, then the tax or the difference in tax shall be determined in accelerated tax assessment proceedings.<sup>33)</sup>

(5) If a taxable person identified for use of a special scheme under §68a through § 68c or under provisions of the act valid in the other Member State and equivalent to § 68a through § 68c, corrects an incorrectly reported amount of tax or a tax not disclosed in the tax return, then Part 3 of the tax return in the scope of the corrections shall be regarded as an additional tax return.

(6) If the Member State of consumption is the Slovak Republic, the person who applies or applied a special scheme pursuant to § 68a to § 68c or pursuant to the provisions of the law in force in another Member State corresponding to § 68a to § 68c,

a) is obliged to submit a special form to the Tax Office by electronic means within 30 days from the date of the finding that such person did not file a tax return, if more than three years have elapsed since the deadline for filing the original tax return,

b) is obliged to submit a special form to the Tax Office by electronic means within 30 days from the date of finding that such person did not state the tax, or the tax should be higher than stated in the filed tax return, if more than three years have elapsed since the deadline for filing the original tax return,

c) is obliged to submit a special form to the Tax Office by electronic means within 30 days from the date of finding that such person did not state the tax, or the tax should be higher than stated in the filed final tax return<sup>28ae)</sup> or previous tax returns after filing the final tax return, or

d) may submit a special form to the Tax Office by electronic means if such person found out that the tax should be lower than stated in the filed tax return, if more than three years have elapsed since the deadline for filing the original tax return, in the filed final tax return or in previous tax returns after filing the final tax return.

(7) The special form referred to in paragraph (6) shall state

a) the tax period for which the tax return was not filed and all the data necessary to calculate the total tax due on goods and services, if it is an obligation under paragraph (6) subparagraph (a),

b) the tax period to which the correction relates and the amount of tax resulting from the correction, if it is a correction under paragraph (6) subparagraphs (b) to (d).

(8) The special form referred to in paragraph (6) shall be considered as a tax return; a model for a special form shall be published by the financial directorate on the website of the financial directorate. If the correction under paragraph (6) subparagraphs (b) to (d) concerns the incorrect amount

of tax or tax not stated in the tax return, final tax return or in the tax return filed before the filing of the final tax return, part of the special form is considered as an additional tax return within the scope of these corrections.

(9) The person pursuant to paragraph (6) is obliged, within a deadline for filing a special form pursuant to paragraph 6 subparagraphs (a) to (c), to pay the tax calculated on the basis of the information provided under paragraph (7) subparagraph (a) or resulting from a correction pursuant to paragraph (7) subparagraph (b).

#### § 68cb

##### Special scheme for reporting and payment of tax on imported goods

(1) If special scheme under §68c is not applied on goods which are not subject to excise tax imported to the Slovak Republic in a consignment, the intrinsic value of which does not exceed EUR 150, and the dispatch or transport of the goods ends in the Slovak Republic, then, upon request, the customs office shall permit use of the special scheme under paragraphs (4) through (8) by the person submitting the goods to the customs office on behalf of the person for whom the goods are intended.

(2) The person which decides to use the special scheme under paragraphs (4) through (8), shall file an electronic application to the customs office, indicating the person's business name, address, electronic address and the Economic Operators Registration and Identification (EORI) number. In the application, the person shall make the following representations in relation to importation of the goods under paragraph (1) above:

- a) the person will submit a customs declaration to the Customs Office,
- b) the person will submit the goods and related documents to the Customs Office,
- c) the person will ensure collection of the tax in correct amount from the person for whom the goods are intended.

(3) The Customs Office shall electronically notify the applicant under paragraph (2) of the permission to make use of the special scheme under paragraphs (4) through (8). The issuance of the decision and appellate procedure shall be governed by the Rules of Administrative Procedure.

(4) The person holding the permission under paragraph (3), shall collect tax from the person for whom the imported goods are intended and the collected tax shall then be paid to the Customs Office.

(5) The person for whom the imported goods are intended shall pay the tax applicable on the goods, to the holder of the permission under paragraph (3).

(6) The holder of the permission under paragraph (3) shall pay total amount of the tax collected from the person under paragraph (5) and applicable on goods imported in the calendar month, for which the report under paragraph (7) is filed, to the Tax Office by the 16th day of the calendar month following the calendar month in which the goods were imported.

(7) Every month, the holder of the permission under paragraph (3) shall file an electronic report by the end of the calendar month following the calendar month in which the goods were imported. In the report, the person shall disclose total amount of the tax collected from the person under paragraph (5) and applicable to goods imported in the calendar month covered by the report, and the reference numbers of customs declarations related to the tax.

(8) The holder of the permission under paragraph (3) shall keep records of imported goods in respect of which the special scheme was applied. The records shall be kept in a scope making it possible for the Customs Office to verify correctness of the amount of tax declared in the report and shall be retained for ten years from the end of the year in which the goods were imported. Upon request, the person under the first sentence shall make the records available in electronic form for inspection by the Customs Office.

(9) The holder of the permission under paragraph (3) shall electronically notify the Customs Office of any change in data included in the application under paragraph (2).

(10) The holder of the permission under paragraph (3) who decides to no longer use the special scheme, shall notify thereof the Customs Office.

(11) The Customs Office shall cancel the permission granted to the holder of the permission under paragraph (3) to use a special scheme, if the person

- a) notifies the Customs Office of the decision to no longer apply the special scheme under paragraph (10) or
- b) persistently fails to comply with the rules of the special scheme.

(12) The Customs Office shall issue a decision on cancellation of the permission under paragraph (11). Appeals may lie against the decision. The issuance of the decision and appellate procedure shall be governed by the Rules of Administrative Procedure.

#### § 68d

##### Special Tax Scheme Based on the Receipt of Payment for the Supply of Goods or Services (Cash Accounting Scheme)

(1) A taxpayer registered according to § 4 may decide to apply special scheme according to paragraphs (3) through (13) if

- a) the taxpayer does not reach the turnover of EUR 100,000 for the previous calendar year and reasonably believes that it will not reach the turnover of EUR 100,000 in the current calendar year; and
- b) bankruptcy of the taxpayer is not announced, or the taxpayer does not start liquidation.

(2) A taxpayer who meets the conditions according to paragraph (1) and who has decided to apply the special tax scheme according to paragraphs (3) through (13) shall apply the scheme since the first day of the tax period. The taxpayer shall notify the Tax Office in writing of the starting date of the special tax scheme application not later than by the end of the calendar month in which it started to apply the special tax scheme.

- (3) The special tax scheme relates to supplies of goods and services for consideration in the territory of the country in which case the taxpayer is obliged to pay tax according to § 69 paragraph (1), except for the supply of goods and services according to § 43 and § 47.
- (4) If the special tax scheme is applied, the tax liability shall arise on the day of receipt of the payment for the goods or services which are or are to be supplied, namely from the received payment; if the taxpayer assigns a receivable, the tax liability shall arise on the receivable assignment day and the tax base is the price, excluding tax, required for the supply goods or services. An invoice issued by the taxpayer according to paragraph (2), except for the invoice according to § 74 paragraph (3) subparagraphs (a) and (b) which is issued against payment receipt, has to contain also a clear and legible word information "tax is applied on the basis of payment receipt". If the taxpayer fails to state such a word information in the invoice, the tax liability shall arise according to § 19. The taxpayer may not correct the original invoice by supplementing the word information "tax is applied on the basis of payment receipt".
- (5) The right to deduct tax from goods and services, which (the tax) was claimed from the taxpayer according to paragraph (2) by another taxpayer, shall arise on the day of payment for the goods or services by the taxpayer according to paragraph (2) to the supplier; if the taxpayer pays for goods or services to a person other than the supplier owing to assignment of the receivable, then the entitlement to the tax refund shall arise on the date of payment to that other person. If the taxpayer according to paragraph (2) pays only part of the consideration for the goods or services, the right to deduct tax shall arise in proportionate amount according to the amount of the sum paid by the taxpayer.
- (6) If the taxpayer according to paragraph (2) applies deduction of tax in relation to the capital goods referred to in § 54 paragraph (2) not sooner than after the end of the calendar year in which the period for adjustment of the deducted tax started to pass according to § 54, § 54a or § 54d, then when making the tax deduction and settlement of proportionate tax deduction, if any, the taxpayer is obliged to take into consideration the change or changes of the purpose of use of the capital goods and change or changes in the scope of use of the capital goods if these changes occur in the period since the start of passing of the period for the adjustment of deducted tax until the end of the calendar year in which the taxpayer applies the tax deduction.
- (7) The taxpayer according to paragraph (2) can apply the tax deduction according to § 55 on the goods and services for which the taxpayer paid to the supplier. If the taxpayer pays only part of the consideration, it can only apply the tax deduction proportionally according to the amount of the sum paid by the taxpayer.
- (8) If, after the end of the tax period in which the tax liability arose, there occurs the circumstance according to § 25 paragraph (1) which results in a reduction of the arisen tax liability, the taxpayer according to paragraph (2) shall state correction of taxable amount and tax in the tax return for the tax period in which it returned the payment, namely in the extent of the returned payment. If the correction of taxable amount results in an increase of the taxable amount, the taxpayer according to paragraph (2) shall state the correction of the taxable amount and tax in the tax return for the tax period in which it received the payment, namely in the extent of the received payment.
- (9) The taxpayer according to paragraph (2) has the right to correct the deducted tax in the case of an increase of taxable amount, namely in the tax period in which it paid to the supplier and in the amount corresponding to the sum paid by the taxpayer.
- (10) The taxpayer according to paragraph (2) may decide to cease the application of special tax scheme. The taxpayer is obliged to cease the application of special tax scheme on the last day of the calendar year in which the taxpayer notified the tax office of its decision in writing.
- (11) The taxpayer is obliged to cease the application of special tax scheme if
- a) the taxpayer reaches the turnover of EUR 100,000 in the current calendar year, namely on the last day of the tax period in which the taxpayer reached the turnover;
  - b) the taxpayer becomes a member of a group, namely on the day prior to the day when it became member of a group;
  - c) bankruptcy of the taxpayer is announced or the taxpayer starts liquidation, namely on the day prior to the announcement of bankruptcy or the start of liquidation;
  - d) it is dissolved without liquidation, namely on the day prior to the day of its dissolution;
  - e) it is a natural person who continues to pursue the business of a deceased taxpayer according to § 83, namely on the last day of the last tax period in which the inheritance proceedings are completed;
  - f) there occurs an event for the change of registration for tax according to § 6a paragraph (2), namely since the day prior to the day when that event occurred.
- (12) The taxpayer or taxpayer's legal successor shall notify the tax office in writing of the date of cessation of the application of special tax scheme according to paragraph (11) not later than within five days after the end of the tax period in which it ceased to apply the special tax scheme.
- (13) On the last day of the tax period in which the taxpayer ceased the application of special tax scheme and on the day upon the lapse of which a legal person or natural person ceased to be a taxpayer according to § 81 paragraph (4), there shall arise tax liability for the supply of goods and services for the period of application of special tax scheme which would have arisen if the taxpayer did not apply the special tax scheme, except for the tax liability which arose for the tax periods in which the taxpayer applied special tax scheme. In that tax period, the taxpayer may deduct tax from the goods and services in which case there would have arisen the right to deduct tax in the period of application of special tax scheme if the taxpayer did not apply the special tax scheme, except for the tax which the taxpayer already deducted.
- (14) The Tax Office shall impose a fine up to the amount of EUR 10,000 if
- a) the taxpayer applies special tax scheme and fails to comply with the conditions according to paragraph (1);
  - b) the taxpayer continues in the application of special tax scheme after the day when it was obliged to cease the application of special tax scheme according to paragraph (10) or paragraph (11);
  - c) the taxpayer according to paragraph (2) fails to state in the invoice the word information according to paragraph (4).
- (15) When determining the fine according to paragraph (14), the Tax Office shall take into consideration the gravity and duration of the unlawful situation.

(16) On the website of the Financial Directorate, the Financial Directorate shall publish a list of taxpayers who notified in writing the start of application of the special tax scheme, taxpayers who notified in writing the cessation of application of the special tax scheme, and the taxpayers who were applying the special tax scheme and their registration for tax was cancelled.

(17) The notification according to paragraphs (2), (10) and (12) shall be filed on a form the sample of which will be published by the Financial Directorate on the website of the Financial Directorate.

### **Special schemes for small enterprises**

#### **§ 68e**

For the purposes of the application of the special schemes under Sections 68f and 68g,

a) annual turnover in the territory of the country shall be the total annual value exclusive of tax of the goods and services supplied by the taxable person during the calendar year which are included in turnover pursuant to § 4 paragraph (15),

b) annual turnover within the Union shall be the total annual value exclusive of tax of the goods and services supplied by the taxable person within the territory of the European Union during the calendar year which are included in turnover pursuant to § 4 paragraph (15) and pursuant to the provisions of laws in force in the other Member States equivalent to § 4 paragraph (15).

#### **§ 68f**

### **Special scheme for the application of tax exemption by small enterprises of foreign persons**

(1) For the purposes of the application of the special scheme under paragraphs (2) to (7),

a) a small enterprise of a foreign person is a taxable person that has a registered office, place of business or has domicile or habitual residence in the territory of another Member State; if

1. the value exclusive of tax of the goods and services supplied by such person and included in the annual turnover within the territory of the country does not exceed EUR 62,500 in the current calendar year and, at the same time, the value exclusive of tax of the goods and services supplied by this person and included in the annual turnover within the territory of the country did not exceed EUR 50,000 in the preceding calendar year; and

2. the value exclusive of tax of the goods and services supplied by such person and included in the annual turnover within the Union does not exceed EUR 100,000 in the current calendar year and, at the same time, the value net of tax of the goods and services supplied by this person and included in the annual turnover within the Union did not exceed EUR 100,000 in the preceding calendar year; and

b) the Member State of establishment is another Member State in the territory of which the foreign person's small enterprise has its registered office, place of business or has domicile or habitual residence .,

(2) The supply of goods and services carried out within the territory of the country by a small enterprise of a foreign person shall be exempt from tax if the small enterprise of a foreign person is identified for this special scheme in the Member State of establishment and the exemption shall be effective from the day on which the competent authority of the Member State of establishment notified the small enterprise of a foreign person of its individual identification number with the suffix EX for the territory of the country, until the day referred to in paragraph (5) or until the moment referred to in paragraph (6).

(3) A small enterprise of a foreign person shall not be obliged to file a tax registration application according to § 4 or § 5 and to file a tax return according to § 78 in connection with a supply of goods and services that are exempt from tax under paragraph (2) within the territory of the country.

(4) If a small enterprise of a foreign person fails to fulfil an obligation under a law in force in the Member State of establishment equivalent to § 68g paragraph (8), it shall be obliged to report the supply of goods and services exempt from tax under paragraph (2) for the relevant calendar quarter to the tax office by electronic means using a form to be determined and published by the Financial Directorate on its website, which report must be submitted by the end of the calendar month following the calendar month in which the time limit for fulfilling this obligation has expired; this obligation shall apply to the small enterprise of a foreign person irrespective of whether or not it supplied any such goods or services in the relevant calendar quarter. Where the small enterprise of a foreign person shall not be obliged to submit documents in the manner provided in the relevant law,<sup>28ab)</sup> the method of submitting the form referred to in the first sentence shall be determined by the Financial Directorate and published on its website.

(5) When a small enterprise of a foreign person opts not to apply tax exemption under paragraph (2) any longer, the exemption shall cease to be applied

a) from the first day of the calendar quarter following the calendar quarter in which the small enterprise of a foreign person notified the competent authority of the Member State of establishment of the decision to end the application of the tax exemption within the territory of the country; or

b) from the first day of the second month of the calendar quarter following the calendar quarter in which the small enterprise of a foreign person notified the competent authority of the Member State of establishment of its decision to end the application of tax exemption within the territory of the country if the decision was notified during the last month of the calendar quarter.

(6) A taxable person that has a registered office, place of business or has domicile or habitual residence, in the territory of another Member State shall not be allowed to apply tax exemption under paragraph (2) with effect from

a) the first day of the calendar year following the calendar year in which the value exclusive of tax of the goods or services supplied by this taxable person and included in the annual turnover within the territory of the country exceeded EUR 50,000;

b) the supply of goods or services whereby the value exclusive of tax of the goods or services supplied by this person and included in the annual turnover within the territory of the country for the current calendar year exceeded EUR 62,500; or

c) the supply of goods or services whereby the value exclusive of tax of the goods or services supplied by this person and included in the annual turnover in the Union for the current calendar year exceeded EUR 100,000.

(7) A taxable person referred to in paragraph (6) shall not be allowed to apply tax exemption under paragraph (2) during the calendar year following the calendar year in which it exceeded the turnover threshold laid down in paragraph (6), subparagraphs (a), (b) or (c).

(8) If the competent authority of the Member State of establishment has not notified or confirmed to the taxable person the individual identification number with the EX suffix for the territory of the country because the taxable person does not meet the conditions for the use of the special scheme under paragraphs (2) to (7), the taxable person may submit a complaint in the Slovak language or English language to the local competent Tax Office within 30 days from the date when the taxable person was notified of this fact by the competent authority of the Member State of establishment. The complaint must be factually justified, and the taxable person shall be obliged to prove that the complaint has been submitted within the time limit laid down in the first sentence.

## § 68g

### **Special scheme for the application of tax exemption in another Member State by small enterprises of persons established within the territory of the country**

(1) For the purposes of the application of the special scheme under paragraphs (2) to (16), a small enterprise of a person established within the territory of the country is a taxable person that has a registered office, place of business or has domicile or habitual residence, within the territory of the country if the value exclusive of tax of the goods and services supplied by this person and included in the annual turnover in the Union in the current calendar year does not exceed EUR 100,000 and, at the same time, the value exclusive of tax of the goods and services supplied by this person and included in the annual turnover in the Union in the preceding calendar year did not exceed EUR 100,000.

(2) If a taxable person that has a registered office, place of business or has domicile or habitual residence, in the territory of the country intends to use the special scheme, such taxable person shall be obliged to notify the Tax Office of this fact in advance using a form to be determined and published by the Financial Directorate on its website. The notification referred to in the first sentence shall mainly state

- a) the taxable person's registered name or business name, scope of business, legal form and address;
- b) the Member State(s) in which the taxable person intends to use the special scheme, including indicating the tax identification number or tax registration number assigned to the taxable person in the relevant Member State, if any;
- c) the total value exclusive of tax in Euros of the goods and services supplied by the taxable person in the territory of the European Union and included in the annual turnover in the Union for the calendar year preceding the calendar year in which the notification is submitted, broken down by Member State and by the Member State's limit for each business line, where applicable, or 0' if it did not supply any such goods or services in those Member States in the relevant period;
- d) the total value exclusive of tax in Euros of the goods and services supplied by the taxable person in the territory of the European Union and included in the annual turnover in the Union for the period from the beginning current calendar year to the date of the notification, preceding the calendar year in which the notification is submitted, broken down by Member State and by the Member State's limit for each business line, where applicable, or 0' if it did not supply any such goods or services in those Member States in the relevant period.

(3) Where it is not possible in another Member State to use the special scheme for the period of two calendar years following the calendar year in which the annual turnover threshold determined by this Member State was exceeded, the value for the purposes of paragraph (2) subparagraph (c) shall be the total value exclusive of tax of the goods and services supplied by the taxable person in this Member State during the two calendar years preceding the calendar year in which the notification pursuant to paragraph (2) is submitted.

(4) If the notification submitted pursuant to paragraph (2) contains incomplete or inaccurate data, or if any event has occurred due to which the data have changed, the taxable person shall be obliged to submit a corrective notification immediately after discovering the incompleteness or inaccuracy of the data, or immediately after the occurrence of the event due to which the data included in the notification have changed.

(5) If the taxable person referred to in paragraph (2) is a small enterprise of a person established within the territory of the country, the Tax Office shall assign an individual identification number with the suffix EX to the taxable person and inform it of each Member State referred to in paragraph (2) subparagraph (b) which has confirmed in the manner provided in the relevant law<sup>28af)</sup> that the conditions for the use of the special scheme in its territory have been met, and each Member State which has confirmed in the manner provided in the relevant law that the small enterprise of a person established within the territory of the country does not meet the conditions for the use of the special scheme in its territory. The decision referred to in the first sentence must be delivered to the small enterprise of a person established within the territory of the country within 35 working days from the date of delivery of the notification referred to in paragraph (2), or within 35 working days from the date of delivery of the corrective notification referred to in paragraph (4), if at least one Member State has confirmed within the deadline time limit laid down in the special regulation<sup>28af)</sup> that the conditions for the use of the special scheme in its territory are met, or immediately after the first such confirmation was delivered after the expiry of the time limit laid down in the special regulation; if the confirmation by the Member State referred to in paragraph (2) subparagraph (b) that the conditions for the use of the special scheme in that Member State is not received by the date the decision is to be issued, or if the Member State referred to in paragraph (2) subparagraph (b) has asked the Tax Office to extend the time limit laid down in the relevant law, the Tax Office shall notify the small enterprise of a person established within the territory of the country of the confirmation that the conditions for the use of the special scheme in the territory of the Member State concerned have or have not been met as soon as it is received. If all Member States referred to in paragraph (2) subparagraph (b) have confirmed that the small enterprise of a person established within the territory of the country does not meet the conditions for the use of the special scheme in their territory, the Tax Office shall not assign any individual identification number with the suffix EX to the small enterprise of a person established within the territory of the country; the decision to that effect must be delivered to the small enterprise of a person established within the territory of the country within 35 working days from the date of delivery of the notification referred to in paragraph (2), or within 35 working days from the date of delivery of the corrective notification referred to in paragraph (4) if confirmation that the conditions have not been met was received from all Member States within the time limit laid down in the relevant law, or immediately after the Tax Office receives the confirmation from the last Member State. A decision referred to in the first sentence or the third sentence cannot be appealed.

(6) If the Member State referred to in paragraph (2) subparagraph (b) has confirmed in the manner provided in the relevant law that the small enterprise of a person established within the territory of the country does not meet the conditions for the use of the special scheme in its territory, the filing of a complaint by the small enterprise of a person established within the territory of the country shall be governed by the laws of that Member State.

(7) If the taxable person referred to in paragraph (2) is not a small enterprise of a person established within the territory of the country, the tax office shall not assign any individual identification number with the suffix EX. The decision referred to in the first sentence must be delivered to the taxable person within 35 working days from the date of receipt of the notification referred to in paragraph (2), or within 35 working days from the date of receipt of the corrective notification referred to in paragraph (4).

(8) By the end of the calendar month following the end of the calendar quarter in which the special scheme was used, the small enterprise of a person established within the territory of the country must submit a report on a form to be determined and published by the Financial Directorate on its website; if the end of the period for submitting the report falls on Saturday, Sunday or a public holiday, that day shall be last day of the submission period. A small enterprise of a person established within the territory of the country shall declare the following data in the report referred to in the first sentence:

- a) the individual identification number with the suffix EX;
- b) the total value net of tax in euros of the goods and services supplied in the territory of the country in the relevant calendar quarter and included in turnover pursuant to § 4, paragraph (15), or '0' if it did not supply any such goods or services in the territory of the country in the relevant calendar quarter;
- c) the total value net of tax in euros of the goods and services supplied in other Member States in the relevant calendar quarter and included in turnover pursuant to the provisions of the laws equivalent to § 4, paragraph (15) that are in force in the Member States concerned, broken down by Member State and by the Member State's limit for each business line, where applicable, or '0' if it did not supply any such goods or services in other Member States in the relevant calendar quarter.

(9) If the small enterprise of a person established within the territory of the country has submitted the notification referred to in paragraph (2)

- a) before the calendar quarter in which it started to use the special scheme, it shall be obliged to also declare in the first report pursuant to paragraph (8), as a part of the figures referred to in paragraphs (8) subparagraphs (b) and (c), the values referred to in paragraphs (8) subparagraphs (b) and (c) of goods and services supplied during the period from the submission of the notification referred to in paragraph (2) until the end of the calendar quarter in which the notification was submitted;
- b) during the calendar quarter in which it started to use the special scheme, it shall not include in the figures referred to in paragraph (8) subparagraphs (b) and (c) in the first report pursuant to paragraph (8) any values of supplied goods and services referred to in paragraphs (8) subparagraphs (b) and (c) that it already declared in the notification.

(10) If the report submitted pursuant to paragraph (8) contains incomplete or inaccurate disclosures, or if any event has occurred due to which the reported data have changed, the small enterprise of a person established within the territory of the country shall be obliged to submit a corrective report for the calendar quarter concerned immediately after discovering the incompleteness or inaccuracy of the disclosures, or immediately after the occurrence of the event due to which the reported data have changed.

(11) If a small enterprise of a person established within the territory of the country receives a payment in a foreign currency for the supply of goods or services made in another Member State, for the purpose of fulfilling the obligation laid down in paragraph (2) subparagraphs (c) and (d) and paragraph (8) subparagraph(c), this payment shall be converted to Euros using the reference exchange rate determined and announced by the European Central Bank on the first day of the relevant calendar year, or the next day if no such exchange rate was determined and announced on the first day of the relevant calendar year.

(12) If a small enterprise of a person established within the territory of the country referred to in paragraph (5) also intends to use the special scheme in a Member State other than the one in which it has been using the special scheme, it shall be obliged to notify the Tax Office accordingly in advance using the form referred to in paragraph (2); if the small enterprise of a person established within the territory of the country gives such notification before the receipt of the tax authority's notice confirming the fulfilment or non-fulfilment of the conditions for the application of the special scheme in the territory of the last of the Member States referred to in paragraph (2) subparagraph (b), the notification shall be deemed given by the small enterprise of the person established within the territory of the country on the date of receipt of the tax authority's notice.

The notification referred to in the first sentence must contain the individual identification number with the suffix EX that was assigned to the small enterprise of a person established within the territory of the country. The small enterprise of a person established within the territory of the country is not obliged to include in the notification referred to in the first sentence details listed in paragraph (2) subparagraphs (c) and (d) that were disclosed in the report submitted under paragraph (8); where the submitted notification includes incomplete or inaccurate data, any event has occurred due to which the reported data have changed, the small enterprise of a person established within the territory of the country shall follow, *mutatis mutandis*, paragraph (4). If the Member State in which the small enterprise of a person established within the territory of the country intends to use the special scheme has confirmed in the manner provided in the relevant law that the conditions for the use of the special scheme in its territory are met, the Tax Office shall notify the small enterprise of a person established within the territory of the country accordingly. If the Member State in which the small enterprise of a person established within the territory of the country intends to use the special scheme has confirmed in the manner provided in the relevant law that the conditions for the use of the special scheme in its territory are not met, the Tax Office shall notify the small enterprise of a person established within the territory of the country accordingly; the filing of a complaint by the small enterprise of a person established within the territory of the country shall be governed by paragraph (6). The Tax Office's action under of the fourth sentence or the fifth sentence shall follow, *mutatis mutandis*, paragraph (5).

(13) If a small enterprise of a person established within the territory of the country decides not to use, or to end the use of, the special scheme in any Member State notified by the Tax Office pursuant to paragraph (5) or paragraph (12), it shall be obliged to notify the tax office accordingly in advance using the form referred to in paragraph (2). The notification referred to in the first sentence must contain the individual identification number with the suffix EX that was assigned to the small enterprise of a person established within the territory of the country and the designation

of each Member State in which the small enterprise of the person established within the territory of the country has decided not to use the special scheme, or an indication that the small enterprise of a person established within the territory of the country has decided to end the use of the special scheme. The small enterprise of a person established within the territory of the country must cease to use the special scheme in the Member State designated in the notification referred to in the first sentence, or in any Member State if it has indicated in the notification that it has decided to end the use of the special scheme, from the first day of the next calendar quarter following the submission of the notification, or the first day of the second calendar month of the next calendar quarter if the notification was submitted during the last month of the preceding calendar quarter. If the small enterprise of a person established within the territory of the country has indicated in the notification referred to in the first sentence that it has decided to end the use of the special scheme, the Tax Office shall issue a decision on the withdrawal of the individual identification number with the suffix EX as of the date from which the small enterprise of a person established within the territory of the country shall no longer be allowed to use the special scheme; the decision shall be unappealable.

(14) If the value net of tax of the goods and services supplied by the taxable person and included in the annual turnover in the Union exceeds EUR 100,000 in the current calendar year, the taxable person shall be obliged to cease to use the special scheme with effect from the date when the supply whereby this turnover threshold was exceeded is made; at the same time, the taxable person shall be obliged to submit within 15 working days from this date a report referred to in paragraph (8) for the period from the beginning of the relevant calendar quarter to the date when the value exclusive of tax of the goods and services supplied and included in the annual turnover in the Union exceeded EUR 100,000.

(15) The Tax Office shall immediately

a) issue a decision on the withdrawal of the individual identification number with the suffix EX if

1. the annual turnover in the Union of the small enterprise of a person established within the territory of the country in the current calendar year, as disclosed in the report referred to in paragraph (8) or in paragraph (14), as applicable, exceeded EUR 100,000;

2. the small enterprise of a person established within the territory of the country has stopped doing business within the meaning of § 3;

3. the small enterprise of a person established within the territory of the country no longer has its registered office, place of business or domicile, or has ceased to habitually reside, within the territory of the country;

4. having submitted a notification referred to in subparagraph (b), the small enterprise of a person established within the territory of the country does not use the special scheme in the territory of any other Member State;

5. a small enterprise of a domestic taxable person has become a member of a group pursuant to § 4b or § 4c,

b) notify the small enterprise of a person established within the territory of the country that the competent authority of another Member State in which the small enterprise of a person established within the territory of the country was using the special scheme has notified that the small enterprise of a person established within the territory of the country is not eligible for the application of tax exemption, or that the tax exemption ceased to apply, in the territory of that other Member State; the filing of a complaint by the small enterprise of a person established within the territory of the country shall be governed by paragraph (6).

(16) The submission of documents for the purposes of the application of this special scheme shall be made by electronic means in the manner provided in the relevant law. <sup>28ag)</sup>

## § 69

### Persons Liable for Tax Payment to the Tax Administrator

(1) A taxpayer, who supplies goods or services within the territory of the country, shall be liable to pay the tax, unless provided otherwise by this Act.

(2) A taxable person who has his registered office, place of business fixed establishment or domicile or habitual residence within the territory of the country, shall pay tax for

a) services referred to in § 16 paragraphs (1) through (4), (10) and (11) provided to this taxable person by a foreign taxable person, that is not a small enterprise of a foreign person applying tax exemption under § 68f paragraph (2), from other Member State or a foreign taxable person from a third country, if the place of supply of the service is within the territory of the country,

b) goods supplied to this taxable person by a foreign taxable person, that is not a small enterprise of a foreign person applying tax exemption under § 68f paragraph (2) from other Member State or a foreign taxable person from a third country, if the place of supply of the goods is within the territory of the country, except for:

1. distance sales of goods under §14 paragraph (1),

2. goods referred to in Part I of Annex No. 9, the supply of which in a public customs warehouse of type I may not be subject to exemption from tax pursuant to § 48c paragraph (1) subparagraph (a),

3. goods referred to in Part I of Annex No. 9, the supply of which in a special warehouse may not be subject to exemption from tax pursuant to § 48c paragraph (1) subparagraph (b),

4. goods referred to in Part II of Annex No. 9, the supply of which in a tax warehouse may not be subject to exemption from tax pursuant to § 48c paragraph (2) subparagraph (c).

(3) A taxable person and a legal person which is not a taxable person and is registered for tax purposes pursuant to §7 shall be liable to pay tax in respect of a service supplied by a foreign person, that is not a small enterprise of a foreign person applying tax exemption under § 68f paragraph (2), from another Member State or by a foreign person from a third country if the place of service supply pursuant to §15 paragraph (1) is within the territory of the country.

(4) For the purposes of determining the person liable to pay the tax pursuant to §69, also a person with a fixed establishment within the territory of the country shall be considered a foreign person if that fixed establishment is not involved in the supply by such person of the goods or services within the territory of the country.

(5) Each person, that states the tax on an invoice or another document on the sale of goods, shall be liable to pay this tax.

- (6) In the case of the acquisition of goods from another Member State within the territory of the country, the person that acquired the goods in accordance with § 11 and § 11a is obliged to pay tax.
- (7) The tax in respect of a trilateral transaction in accordance with § 45 is to be paid by a person who is the second customer.
- (8) A person who is a debtor under customs laws shall be obliged to pay the tax on importation, except as otherwise provided in § 84a paragraph (3).
- (9) The taxpayer who has been assigned a tax identification number under § 4, § 4b, § 4c or § 5 or person registered for tax according to § 7 or § 7a to whom a product is delivered according to § 13 paragraph (1) subparagraphs (e) and (f) is obliged to pay tax on the product if it is delivered by a foreign person.
- (10) If gold is supplied in the form of raw material or semi-finished product, the purity of which equals to or is greater than 325 thousandth, the tax for such goods shall be paid by the taxpayer who has been assigned a tax identification number under § 4, § 4b, § 4c or § 5 and to whom such gold was supplied. If the supply of gold pursuant to the first sentence is mediated by an agent who acts in the name and for the account of another person, the tax shall be paid by the taxpayer who is the recipient of mediated service.
- (11) When investment gold under § 67 paragraph (1) subparagraph (a) is supplied by a taxpayer who has been assigned a tax identification number under § 4, § 4b, § 4c or § 5 and who opted for taxation under § 67 paragraph (4), the tax shall be paid by the taxpayer to whom such gold was supplied. If the supply of gold as per the first sentence is mediated by an agent who acts in the name and for the account of another person, the tax shall be paid by the taxpayer who is the recipient of mediated service.
- (12) The taxpayer who has been assigned a tax identification number under § 4, § 4b, § 4c or § 5 and who is the recipient of a supply from another taxpayer who has been assigned a tax identification number under § 4, § 4b, § 4c or § 5 shall be obliged to pay the tax attributable to
- a) the supply of metal waste and scrap metal in the territory of the country; metal waste and scrap metal means metal waste and scrap metal generated as part of manufacturing or metalworking processes and metal items that are broken, cut, worn or otherwise rendered unusable;
  - b) the transfer of greenhouse gas emission quotas under a separate regulation<sup>28b)</sup> in the territory of the country;
  - c) the supply of immovable property or a part thereof in the territory of the country, where the supplier has opted for taxation of the supply pursuant to §38(8);
  - d) the supply of immovable property or a part thereof in the territory of the country sold by a debtor recognised by a court or another state authority under a compulsory sale procedure;<sup>28c)</sup>
  - e) the supply of goods that constitute collateral securing a creditor's receivable in the exercise of the right arising from that receivable;<sup>28d)</sup> in the case of a collateral assignment, the recipient of the transaction means the taxpayer whose receivable has been secured and the taxpayer who has acquired the collateral,
  - f) supplies of goods under chapters 10 and 12 of the Common Customs Tariff,<sup>28da)</sup> which are not typically intended in the unaltered state for final consumption, except for the supply of goods where simplified invoice is issued under § 74 paragraph (3) subparagraphs (a) or (b),
  - g) supplies of goods under chapter 72 of the Common Customs Tariff<sup>28da)</sup> and under tariff headings 7301, 7308 and 7314 of the Common Customs Tariff<sup>28da)</sup> other than those specified under subparagraph (a) above, except for the supply of goods where simplified invoice is issued under § 74 paragraph (3) subparagraphs (a) or (b),
  - h) supplies of mobile telephones, being devices made or adapted for use in connection with a licensed network and operated on specified frequencies, whether or not they have any other use, if the taxable amount in the invoice for the supply of mobile telephones is EUR 5,000 and more;
  - i) supplies of integrated circuit devices such as microprocessors and central processing units in a state prior to integration into end user products, if the taxable amount in the invoice for the supply of mobile telephones is EUR 5,000 and more;
  - j) the supply of building works, including the supply of a structure or its part according to § 8 paragraph (1) subparagraph (b) which belong in the Section F of a special regulation,<sup>28db)</sup> and the supply of goods with the installation or assembly if the installation or assembly belongs in the Section F of a special regulation.<sup>28db)</sup>
- (13) The taxpayer that has been supplied or is to be supplied goods and services in the territory of the country shall be held liable pursuant to §69b for the tax arising from the previous stage, as stated on an invoice, if the supplier failed to pay the tax stated on the invoice or became unable to pay that tax, provided that, at the time when the tax became chargeable, the taxpayer knew or, based on sufficient reasons, should and could have known that the entire tax or a portion of the tax on goods or services would not be paid. A sufficient reason based on which the taxpayer should and could have known that the entire tax or a portion of the tax on goods or service would not be paid is the fact that
- a) the consideration for the supply stated on the invoice is, without any economic justification, unreasonably high or unreasonably low;
  - b) at the time when the tax became chargeable, its statutory body or a statutory body member or a member was a statutory body, a statutory body member or a member of the taxpayer that supplies the goods or services.
  - c) the consideration for the supply or part thereof was paid to another account held with the payment service provider or with a foreign payment service provider than the supplier's bank account, which was published, on the day of making the payment, in the list of bank accounts notified pursuant to § 6 paragraphs (1) to (3) or pursuant to § 85kk in the manner according to § 6 paragraph (5); the day of making the payment shall be deemed to be the day on which the taxpayer instructs the payment service provider or foreign payment service provider to credit or transfer funds as consideration for the supply to the account held with the payment service provider or the foreign payment service provider.
- (14) If the Tax Office ascertains that reasons have occurred with respect to a taxpayer to cancel its registration pursuant to §81 paragraph (4) b)(2), the financial directorate shall publish that taxpayer in the list of such persons, available at the financial directorate web portal.
- (15) A taxpayer who has been assigned a tax identification number under § 4, § 4b, § 4c or § 5 and who also performs activities which are not subject to tax pursuant to § 2 paragraph (1) subparagraphs (a) or (b) shall be deemed as the recipient of supplies in the position of a taxpayer for all supplies according to paragraph (12) subparagraphs (a),(c) through (e) and (j) which are supplied to other taxpayer, who has been assigned a tax identification number under § 4, § 4b or § 5.

(16) If a taxpayer who has been assigned a tax identification number under § 4, § 4b, § 4c or § 5 supplies construction works or supplies goods for installation or assembly and deems such construction works or goods for installation or assembly a supply within the meaning of paragraph (12), subparagraph (j) and the invoice issued in respect thereof contains the verbal reference "reverse charge mechanism", the person liable for the payment of the tax shall be the taxpayer who has been assigned a tax identification number under § 4, § 4b, § 4c or § 5 and is the recipient of the supply.

#### § 69a

##### Tax representative at import of goods

(1) Importer that is a foreign person and is not a taxpayer in accordance with this Act, may have a tax representative for the purpose of exercise of exemption from the tax in accordance with § 48 paragraph (3). The tax representative shall only be a payer with its seat or domicile within the territory of the country. The tax representative shall have written full powers with an officially-attested signature and a special tax identification number allocated by the Tax Office Bratislava to represent the importer.

(2) The written authorisation in accordance with paragraph (1) shall include

- a) a declaration of the donor of power about the tax representation on behalf of and on the account of the importer for the purpose of exemption from tax in accordance with § 48 paragraph (3) and the consequent supply of the goods to another Member State,
- b) a declaration that the donor of power is a foreign person and is not a taxpayer in accordance with this Act,
- c) an authorisation from the tax representative for filing the tax return and the recapitulative statement.

(3) At the taxpayer's request, the Bratislava Tax Office shall assign a special tax identification number to the tax representative under which the tax representative shall act on behalf of the represented importer, no later than within seven days from the date of delivery of the request; no appeal shall lie against such decision. The tax representative may act on behalf of several represented importers under this special tax identification number.

(4) The tax representative is obliged to keep records on import and the consequent supply to other member states separately for every represented importer. The record must contain the surname and name, or the business name, of the represented importer and the address of its seat, place of business, establishment, domicile or habitual residence, and the number of the decision issued in a customs procedure under which the goods were placed under a proposed customs regime.

(5) The tax representative is obliged to file a tax return to the Tax Office Bratislava for the period of a calendar month on behalf of the represented importers within 25 days after the end of the quarter-year. The tax representative is obliged to attach a list of the represented importers to the tax return as well as the sums of all the tax bases of the goods declared by it separately for every represented importer.

(6) The tax representative is obliged to file a recapitulative statement for all the represented importers in accordance with section 80 to the Tax Office Bratislava for the period of a calendar month, within 25 days of the end of the calendar month.

(7) The tax representative holds the rights and duties of the represented person, within the scope of its acting on behalf of the represented importer regarding exemption from tax, in accordance with § 48 paragraph (3) based on the granted authorisation.

(8) The Bratislava Tax Office shall cancel the tax representative's special tax identification number, if the tax representative

- a) has repeatedly breached the obligations under paragraphs (4) through (6);
- b) has requested revocation of the special tax identification number;
- c) did not represent any importer for a period of 12 calendar months;
- d) has ceased to be a taxpayer;
- e) was not entitled to act on behalf of the importer based on a written authorisation.

(9) No appeal shall lie against the decision by which the Bratislava Tax Office cancelled a special tax identification number for the tax representative pursuant to paragraph 8 subparagraph (b).

(10) If the importer that is a foreign person chooses a tax representative, it is not obliged to file an application for tax registration in accordance with § 5.

#### § 69aa

~~Tax representative for acquisition of goods from other Member State, provided that the goods are intended for delivery to other Member State or to a third country~~

~~(1) A foreign entity who within the territory of the country acquires goods from other Member State in accordance with § 11, for the purpose of supplying the goods with tax exemption pursuant to § 43 or § 47 or by distance sales of goods within the territory of the European Union, can be represented by a tax representative if~~

- ~~a) the goods are supplied by the foreign entity exclusively using an electronic communication interface such as electronic marketplace, electronic platform, electronic portal or any similar electronic instrument,~~
- ~~b) the foreign entity is not a taxpayer under this Act and~~
- ~~c) the foreign entity does not supply any goods and does not provide any services which would make the foreign entity liable to pay tax within the territory of the country, if the entity had the status of a taxpayer hereunder.~~

~~(2) A tax representative can represent a foreign entity per paragraph (1) only regarding acquisition of goods in the territory of the country from other Member State pursuant to § 11 and subsequent supply of the goods with tax exemption pursuant to § 43 or § 47 or distance sales of goods within the territory of the European Union. In the matter per the first sentence above, a foreign entity can be represented by only one tax representative.~~

~~(3) A tax representative pursuant to paragraph (2) can only be a taxable person having a registered office or residing in the territory of the country, holding a written power of attorney to represent the foreign entity and shall have a unique tax identification number assigned by Bratislava Tax Office.~~

~~(4) The tax representative pursuant to paragraph (2) above has rights and obligations of the represented foreign entity resulting from this Act and from a special regulation<sup>33)</sup> in the scope acting on behalf of the represented foreign entity.~~

~~(5) The written power of attorney pursuant to paragraph (3) shall include:~~

- ~~a) declaration of the foreign entity on authorizing the tax representative to act in accordance with paragraph (2) on behalf of the foreign entity and at the foreign entity's expense;~~
- ~~b) authorization of the tax representative to file the tax return, the VAT Control Statement and the recapitulative statement;~~
- ~~c) declaration of the foreign entity that the foreign entity is not a taxpayer under this Act;~~
- ~~d) effective date of the Power of Attorney.~~

~~(6) Upon the taxable person's request, Bratislava Tax Office shall, within seven days from receiving the request, issue a special tax identification number under which this taxable person shall act as a tax representative pursuant to paragraph (2) on behalf and at the expense of the represented foreign entity; no appeal shall lie against such decision. The tax representative pursuant to paragraph (2) can act under the unique tax identification number on behalf and at the expense of several foreign entities. The request pursuant to the first sentence shall be filed using the form, the template of which is published by the Financial Directorate on the website of the Financial Directorate.~~

~~(7) The tax representative pursuant to paragraph (2) shall communicate to Bratislava Tax Office the name and surname or the trade name of the represented foreign entity and the address of the foreign entity's seat, place of business, fixed establishment, residence or the place where the foreign entity usually resides; the information shall be provided within ten days from the end of the calendar month in which the power of attorney pursuant to paragraph (3) was granted, and within ten days from the end of the calendar month in which the power of attorney pursuant to paragraph (3) was cancelled or renounced. The notification pursuant to the first sentence shall be filed using the form, the template of which is published by the Financial Directorate on the website of the Financial Directorate.~~

~~(8) The tax representative pursuant to paragraph (2) shall keep records separately for each represented foreign entity, by tax periods, indicating the following data:~~

- ~~a) name and surname or the trade name of the represented foreign entity and the address of the foreign entity's seat, place of business, fixed establishment, residence or the place where the foreign entity usually resides;~~
- ~~b) taxable amount for each acquisition of goods in the territory of the country from other Member State pursuant to § 11, the amount of tax and tax deduction on those goods;~~
- ~~c) taxable amount for each acquisition of goods exempt from tax pursuant to § 43 or § 47;~~
- ~~d) taxable amount for each acquisition of goods through distance sales of goods within the territory of the European Union.~~

~~(9) The tax period of the represented foreign entity is the calendar month. The tax representative pursuant to paragraph (2) shall file one common tax return, one common VAT Control Statement and one common recapitulative statement for the represented foreign entities, which shall provide data for all represented foreign entities; the recapitulative statement shall be filed for calendar month.~~

~~(10) If a foreign entity represented by a tax representative pursuant to paragraph (2) is to supply goods or services in the territory of the country and, as a result thereof, the foreign entity would no longer comply with paragraph (1) subparagraph (c), then the foreign entity shall, not later than as at the day preceding the delivery date of the goods or services, apply for tax registration pursuant to § 5 and shall renounce in writing the power of attorney granted pursuant to paragraph (3).~~

~~(11) The tax representative pursuant to paragraph (2) shall be jointly and severally liable for the tax on goods supplied pursuant to paragraph (10), provided that upon acquisition of the goods in the territory of the country from other Member State, the tax representative was representing the foreign entity and at the moment of supply, the power of attorney has not been withdrawn or renounced in writing.~~

~~(12) If a foreign entity represented by a tax representative pursuant to paragraph (2) delivers goods or services in the territory of the country and, as a result thereof, the foreign entity no longer complies with paragraph (1) subparagraph (c), and the foreign entity fails to renounce the power of attorney in writing pursuant to paragraph (3) not later than as at the day preceding the delivery date of the goods or services, then Bratislava Tax Office shall impose a fine on the foreign entity up to EUR 10,000.~~

~~(13) The Bratislava Tax Office shall cancel the tax representative's special identification number pursuant to paragraph (2) if the tax representative requests its cancellation; no appeal shall lie against such decision.~~

~~(14) Bratislava Tax Office may cancel the tax representative's special tax identification number, if the tax representative:~~

- ~~a) is repeatedly in breach of the obligations under paragraph (7), paragraph (8) and paragraph (9);~~
- ~~b) have not represented any foreign entity during 12 calendar months;~~
- ~~c) was not authorised to act on behalf of the foreign entity based on power of attorney pursuant to paragraph (3).~~

§69b

Guaranteeing the tax

- (1) The tax specified on the invoice which the supplier failed to pay within a due date pursuant to §78, or only paid a portion thereof (hereinafter the "unpaid tax"), shall be paid by the taxpayer that is held liable for tax pursuant to §69 paragraph (13) (hereinafter the "guarantor"), unless § 69c paragraph (2) states otherwise.
- (2) The dissolution of the supplier without a legal successor is without prejudice to the guarantor's obligation to guarantee the tax.
- (3) The Tax Office competent for the supplier (hereinafter "tax office of the supplier") shall issue a decision imposing the obligation on the guarantor to pay the unpaid tax.
- (4) The Tax Office of the supplier shall indicate the amount of the unpaid tax in the decision pursuant to paragraph (3) above. The guarantor shall be obliged to pay the unpaid tax within the deadline of eight days of the delivery of the decision. The guarantor may file an appeal against the decision within eight days of its delivery; the appeal has no suspensory effect.
- (5) With respect to the payment of the unpaid tax, the guarantor is entitled to review the file concerning the unpaid tax to the extent necessary to seek a remedy.
- (6) If the guarantor claims an excess deduction which should be refunded pursuant to §79, the Tax Office of the supplier shall use this excess tax or a portion thereof to pay the unpaid tax or its portion. The use of the excess tax or a portion thereof shall be specified in a decision issued by the Tax Office of the supplier. The guarantor may file an appeal against the decision; the appeal has no suspensory effect. The use of the excess tax pursuant to this paragraph shall take precedence over the use of the excess tax pursuant to a separate regulation.<sup>33)</sup>
- (7) If the guarantor has paid the unpaid tax and the Tax Office has used the excess tax to pay the unpaid tax, the Tax Office shall immediately return to the guarantor the amount of tax which is in excess of the amount of the unpaid tax.
- (8) If the guarantor has paid the unpaid tax or a portion thereof while the unpaid tax or a portion thereof have also simultaneously been paid by the supplier and the total amount of the tax paid both by the guarantor and the supplier is in excess of the amount of the unpaid tax referred to in paragraph (1) above, the Tax Office shall immediately return the amount paid by the guarantor, which is in excess of the unpaid tax, to the guarantor.

#### § 69c

##### Special method of tax payment

- (1) The tax stated on the invoice, which the supplier is obliged to pay based on the supply of goods or services pursuant to § 69 paragraph (1), may, no later than before the receipt of the decision pursuant to § 69b paragraph (3), be paid in the manner according to a special regulation<sup>28dba)</sup> to the account number of the tax administrator kept for the supplier according to a special regulation<sup>28dbb)</sup> by the taxpayer (customer) who knew at the time of tax liability or should have known and could have known on sufficient grounds specified in § 69 paragraph (13) that all or part of the tax on the goods or services would not be paid.
- (2) If unpaid tax arose pursuant to § 69b paragraph (1) and the taxpayer (customer) has paid the tax pursuant to paragraph 1, the procedure pursuant to § 69b shall not apply; if the supplier's tax office has issued a decision pursuant to § 69b paragraph (3), this decision shall be repealed by payment of the tax.
- (3) The tax paid pursuant to paragraph (1) shall constitute a tax overpayment of the supplier if the supplier has paid the tax within the due date pursuant to § 78; the taxpayer (customer) who has paid the tax pursuant to paragraph (1) may not request re-charging of the tax overpayment pursuant to a special regulation.<sup>28dbc)</sup>
- (4) If the taxpayer (customer) has paid the tax pursuant to paragraph (1) and the supplier has not paid the tax within the due date pursuant to § 78 for the tax period in which the supplier became liable to tax based on the supply of goods or services to which the tax stated on the invoice relates, the tax paid pursuant to paragraph (1) shall apply to this payment. The positive difference between the tax paid under paragraph (1) and the amount of tax applied under the first sentence shall be the tax overpayment of the supplier; the taxpayer (customer) who has paid the tax pursuant to paragraph (1) may not request re-charging of the tax overpayment pursuant to a special regulation.
- (5) If the tax office initiates a tax audit within the period for refunding the tax overpayment pursuant to paragraph (3) or pursuant to paragraph (4), the tax office shall refund the tax overpayment within ten days of the end of the tax audit, unless the tax audit finds a difference in the amount of this overpayment; otherwise, within ten days after the decision enters into force.
- (6) The Tax Office shall refund the tax overpayment pursuant to paragraph (3) or pursuant to paragraph (4) to the bank account notified pursuant to § 6 paragraphs (1) to (3) or according to § 85kk in the manner according to § 6 paragraph (5) and if the supplier has not fulfilled such an obligation, the tax office shall refund the tax overpayment within ten days from the day when the supplier subsequently fulfilled such an obligation; this is without prejudice to the procedure under the special regulation.<sup>27bd)</sup>

##### Obligations of Persons Liable for Tax Payment

#### § 70

##### Keeping of Records

- (1) A taxpayer shall be obliged to keep detailed records by individual tax periods on supplies of goods and services and on goods and services accepted; he shall keep separate records on supplies of goods and services to another Member State, on acquisition of goods from another Member State, on acceptance of goods and services from another Member State and on importation of goods. The records shall indicate the data

necessary for the tax to be correctly established. For the purposes of tax deductions, a taxpayer shall keep records itemised by goods and services, which qualify for the tax deduction, do not qualify for the tax deduction, and qualify for a pro rata tax deduction; in the records, the taxpayer shall indicate the tax period, in which tax deduction or pro rata tax deduction was performed. A taxpayer shall also keep records on payments received prior to the supply of goods and services and on payments made prior to the supply of goods and services. A member of the group shall keep separate records on the supply of goods and services to other members of the group.

(2) The taxpayer shall keep detailed records, divided by individual tax periods, of

- a) the goods supplied pursuant to § 8 paragraph (3);
- b) the goods transferred pursuant to § 8 paragraph (4) subparagraphs (f), (g) and (h) from the territory of the country to another Member State;
- c) the service supplied pursuant to § 9 paragraphs (2) and (3) with the exception of services exempt from tax pursuant to § 28 through §41; supply of goods in accordance with § 47 (13);
- d) the supply of service with a place of supply in a third country, the supply of service with a place of supply under § 15 paragraph (1) in another Member State, which is exempt from tax, and the supply of service with a place of supply under §16 paragraphs (1) to (4), (10) and (11) in another Member State;
- e) the supply of goods with installation or assembly with a place of supply in another Member State provided that the transport of those goods begin within the territory of the country;
- f) the supply of goods pursuant to § 47 paragraph (13)
- g) transfer of goods, return of goods or replacement of the taxable person pursuant to § 8a paragraph (1) (c) under call-off stock regime, in the scope defined by a special regulation,<sup>28dc)</sup>
- h) goods dispatched or transported for the taxpayer to the territory of the country from other Member State under call-off stock regime, in the scope defined by a special regulation
- i) correction of the tax base under § 25 and § 25a,
- (j) the correction of deducted tax under § 53, § 53a and § 53b paragraphs (1) and (2) and correction of corrected deducted tax under § 53b paragraph (4).

(3) A taxpayer shall keep separate records necessary to identify movable tangible property from another Member State, which he is to work on or which he is to appraise, when effecting such work for a person identified for tax purposes in another Member State.

(4) A person registered for tax purposes pursuant to § 7 or § 7a shall keep records of:

- a) the goods acquired from another Member State;
- b) the services supplied, with place of supply in another Member State pursuant to §15 paragraph (1);
- c) the services received, in respect of which the person is liable to pay the tax pursuant to § 69 paragraph (3);
- d) the goods sent or transported for the person to the territory of the country from other Member State under call-off stock regime, in the scope defined by a special regulation.<sup>28dc)</sup>

(5) A taxpayer who has the tax liability on returnable packages under § 19 paragraph (10) shall keep, for the purposes of assessing the taxable amount separate records on the number of all returnable packages marketed along with goods within the territory of the country and on the number of all empty returnable packages returned from the market in the territory of the country.

(6) The taxpayer that purchases a land motor vehicle referred to in §11 paragraph (11) subparagraph (a) from another Member State, which is or was registered in a vehicle register in another Member State, from a person identified for tax purposes in another Member State for re-sale and these goods are dispatched or transported to the territory of the country, shall be obliged to keep records on such goods. The records on each land motor vehicle purchase must contain the following:

- a) the name and surname of the seller, or the business name of the seller, and the address of its seat, place of business, establishment, domicile or habitual residence and its tax identification number assigned in another Member State;
- b) the value of the goods;
- c) the vehicle identification number (VIN);<sup>28e)</sup>
- d) the number of kilometres travelled;
- e) the date of first entry of the goods into service;
- f) the invoice issue date;
- g) the goods acquisition date;
- h) the information which the seller is required to include in the invoice under the laws applicable in the Member State in which the dispatch or transport of the goods started on whether the goods were supplied exempt from tax or whether the seller applied a special tax arrangement for the sale of second-hand goods.

(7) The taxpayer shall be obliged to deliver to the tax office, for each tax period in which he purchased goods pursuant to paragraph (6) above, the records referred to in that paragraph (6) within the deadline for the submission of a tax return. Records shall be filed using the form, the template of which is published by the Financial Directorate on the website of the Financial Directorate.

(8) If the taxpayer fails to deliver the records referred to in paragraph (6) to the Tax Office, if he delivers those records with a delay or if he provides untrue data in those records, the Tax Office shall impose a fine on the taxpayer up to the amount of EUR 10,000. When determining the amount of the fine, the Tax Office shall take into consideration the gravity of the unlawful situation.

(9) The taxpayer shall be obliged to keep detailed records of the capital goods referred to in § 54, paragraph (2) that demonstrate the use of the capital goods for a business purpose that is subject to a tax deduction option or tax exemption without a tax deduction option or a proportional tax deduction option, and the proportions of the business and non-business uses of the capital goods.

(10) A taxable person other than the one under §8 paragraph (7) facilitating supply of goods or provision of services under a special regulation <sup>28f)</sup> to a person other than a taxable person in the territory of the European Union using an electronic communication interface, such as an electronic

marketplace, electronic platform, electronic portal or other similar electronic means, shall retain records of the supplies. The taxable person under the first sentence shall keep detailed records <sup>28j)</sup> so that the tax office could verify correctness of the amount of tax applicable to the goods or services supplied, with the place of supply in the Slovak Republic. Upon request, the taxable person under the first sentence shall make the records electronically available to the Tax Office.

(11) The records kept under

- a) paragraphs (1) to (6) and (10) shall be retained until the end of the calendar year in which ten years have elapsed since the end of the year to which they relate;
- b) paragraph (9) relating to capital goods referred to in § 54 paragraph (2) subparagraphs (a) and (d) shall be retained until the end of the calendar year in which ten years have elapsed since the end of the year in which the right to deduct tax arose for these capital goods under § 49 paragraph(1);
- c) paragraph (9) relating to capital goods referred to in § 54 paragraph (2) subparagraph (b) and (c) shall be retained until the end of the period for the adjustment of deducted tax under § 52 subparagraph (2) paragraph (b).

§ 70a

Payment service providers

(1) For the purposes of this provision,

- a) a provider of payment services is a provider of payment services within the meaning of the relevant law;<sup>28h)</sup>
- b) a domestic payment service provider is a payment service provider referred to in subparagraph (a) whose home Member State or host Member State is the Slovak Republic;
- c) a payment service is a payment service within the meaning of the relevant law;<sup>28i)</sup>
- d) a payment is a payment transaction<sup>28j)</sup> or a cash transfer<sup>28k)</sup>;
- e) a payment provider is a taxpayer within the meaning of the relevant law;<sup>28l)</sup>
- f) a payee is a payee within the meaning of the relevant law;<sup>28m)</sup>
- g) a home Member State is a home Member State within the meaning of the relevant law;<sup>28n)</sup>
- h) a host Member State is a host Member State within the meaning of the relevant law;<sup>28o)</sup>
- i) a cross-border payment is a payment where the payment provider is located in a Member State determined pursuant to paragraph (6) and the payee is located in another Member State or in a third country identified pursuant to paragraph (7).

(2) A domestic payment service provider is obliged to keep for the purpose of checking the delivery of goods or the delivery of a service where the place of delivery is located in the territory of the European Union, the records referred to in paragraph (8) about the payee and the cross-border payment for which a payment service was provided by the payment service provider, which records shall be kept for any calendar quarter in which payment services corresponding to more than 25 cross-border payments to the same payee were provided by the payment service provider. The number of cross-border payments according to the first sentence shall be determined on the basis of the payment services provided by the domestic payment service provider and the identifiers specified in paragraph (7). If the domestic payment service provider has knowledge of the payee having several identifiers, the number of cross-border payments shall be determined on the basis of the payee.

(3) The obligation provided in paragraph (2) shall apply to the domestic payment service provider

- a) the payee;
- b) the payment provider, if none of the payee's payment service providers is located in the territory of the European Union.

(4) In order to determine the number of cross-border payments for the purposes of paragraph (2), the domestic payment service provider of the payment provider falling under paragraph (3) subparagraph (b) shall be obliged to include all payment services provided to the payment provider that correspond to cross-border payments to the same payee.

(5) The domestic provider of payment services falling under paragraph (3) shall be obliged to

- a) keep the records referred to in paragraph (8) in an electronic format for a period of three calendar years from the end of the calendar year in which the payment was made;
- b) make the records referred to in paragraph (8) available to the Financial Directorate by electronic means, using an electronic form, no later than the end of the calendar month following the calendar quarter to which the records relate within the meaning of the relevant law<sup>28p)</sup>.

(6) For the purposes of this provision, the location of the payment provider that makes the cross-border payment shall be the Member State identified on the basis of the

- a) IBAN of the payment provider's payment account, or any other identifier that identifies the payment provider and its location; or
- b) BIC or any other business identification code that identifies the payment service provider acting on behalf of the payment provider and its location, if identifiers referred to in subparagraph (a) are not available.

(7) The location of the payee of the cross-border payment shall be the Member State or third country identified on the basis of the:

- a) IBAN of the payee's payment account, or any other identifier that identifies the payee and their location; or
- b) BIC or any other business identification code that identifies the payment service provider acting on behalf of the payee and its location, if identifiers referred to in subparagraph (a) are not available.

(8) The records referred to in paragraph (2) which the domestic payment service provider is obliged to keep under paragraph (3) must include the

- a) BIC or any other business identification code that identifies the payment service provider;
- b) name and surname of the payee, or registered name or trading name of the payee, as listed in the records of the payment service provider;
- c) tax identification number or national tax number of the payee, if available;
- d) IBAN or any other identifier that identifies the payee and their location, if IBAN is not available;
- e) BIC or any other business identification code that identifies the payment service provider acting on behalf of the payee and its location, if the payee receives cash without holding a payment account;

- f) address of the payee, if available, as listed in the records of the payment service provider;
- g) details of all cross-border payments, as referred to in paragraph (2);
- h) details of any returned payments related to the cross-border payments referred to in subparagraph (g).

(9) As regards the details referred to in paragraph (8) subparagraph (g), the following shall be reported:

- a) date and time of the payment;
- b) the amount and currency of the payment;
- c) the Member State of origin of the payment received by the payee, or received on behalf of the payee, and the type of identifiers used for the identification of the Member State under paragraph (6);
- d) any information that identifies the payment;
- e) information about a payment made in the premises of the supplier of goods or services, if the payment service provider is aware thereof.

(10) As regards the details referred to in paragraph (8) subparagraph (h), the following shall be reported:

- a) the date and time of the return of the payment;
- b) the amount and currency of the returned payment;
- c) the Member State of destination of the returned payment and the type of identifiers used for the identification of the Member State under paragraph (6).

(12) Failure to fulfil the obligation laid down in paragraph (11) shall constitute an administrative offence under the relevant law<sup>28r</sup>.

## §71

### Invoice

(1) For the purposes of this Act,

- a) invoice means any document or message prepared in a paper or electronic form pursuant to this Act or pursuant to the laws applicable in another Member States that govern the issue of invoices;
- b) electronic invoice is an invoice that contains the data specified in § 74 and has been issued and received in any electronic format; the electronic invoice may only be issued with consent from the recipient of the goods or services;
- c) authenticity of the origin of an invoice means the assurance of the identity of the supplier of goods or services, or of the person who issued the invoice on behalf of the supplier;
- d) integrity of the content of an invoice means that the content of the invoice has not been altered;
- e) electronic data interchange means the electronic transfer, from computer to computer, of data using an agreed standard to structure an electronic data interchange message.

(2) Any document or message that alters the original invoice and specifically and uniquely relates to that invoice shall also be considered an invoice. The invoice under the first sentence is not a corrective document under § 25a.

(3) A taxable person is required to ensure the authenticity of the origin, the integrity of the content and the legibility of an invoice from the point in time of issue until the end of the period for storage of the invoice. The means of ensuring the authenticity of the origin, the integrity of the content and the legibility of the invoice may include

- a) business control mechanisms which ensure the creation of a reliable audit trail between an invoice and documents concerning a supply of goods or services;
- b) a qualified electronic signature pursuant to a separate regulation<sup>29</sup> or relevant legislation applicable in another Member State governing the use of a qualified electronic signature;
- c) an electronic data interchange, where the agreement relating to the exchange provides for the use of procedures guaranteeing the authenticity of the origin and the integrity of the data content;
- d) other means to ensure the authenticity of the origin and the integrity of the content of an invoice.

## §72

### Persons liable to issue invoices

(1) The taxpayer shall issue an invoice pursuant to this Act in the case of

- a) a supply of goods or services with the place of supply in the territory of the country to another taxable person or to a legal entity that is not a taxable person;
- b) a supply of goods or services with the place of supply in another Member State where the person liable to pay the tax is the recipient of the goods or services, even if the supply of goods and services is exempt from tax;
- c) a supply of goods or services with the place of supply in a third country to a taxable person;
- d) distance sales of goods within the territory of the European Union with the place of supply in the Slovak Republic, excluding distance sales of goods in respect of which the supplier applies the special scheme under § 68b,
- e) a supply of goods exempt from tax under § 43;
- f) a receipt of the payment prior to the supply of goods pursuant to subparagraphs (a) through (d) above;
- g) a receipt of the payment prior to the supply of services pursuant to subparagraphs (a) through (c) above;
- h) a supply of service referred to in § 16 paragraph (14) with a place of supply in another Member State to a legal entity that is not a taxable person and is not identified for tax purposes in another Member State, provided a separate regulation is applied under §68a or §68b.

(2) The taxable person that is not a taxpayer and has supplied services with the place of supply referred to in §15 paragraph (1) in another Member State or in a third country shall issue an invoice pursuant to this Act upon the supply of services and receipt of the payment prior to the supply of services.

(3) A foreign person from a third country is obliged to issue an invoice hereunder when supplying goods or service with a place of supply in the Slovak Republic; this shall not apply if such person has an establishment in the territory of the European Union, participating in that supply.

(4) A foreign entity represented by a tax representative pursuant to § 69a ~~or § 69aa~~ shall issue an invoice hereunder when supplying goods with place of delivery in this country.

(5) Any person that supplies a new means of transport from the territory of the country to another Member State shall issue an invoice pursuant to this Act for the supply of that new means of transport.

(6) An invoice may also be issued by the customer or a third person in the name and on behalf of the supplier of goods or services. The customer may issue an invoice in the name and on behalf of the supplier if a written agreement on the issue of invoices has been concluded between the supplier and the customer, which must contain the terms and conditions that must be complied with for the supplier to accept invoices issued by the customer. The invoice in the name and on behalf of the supplier shall be issued by the customer in compliance with the laws of a Member State in which the place of supply of goods or services is located.

(7) The responsibility for the accuracy of data contained in an invoice and for its timely preparation is borne by the supplier of goods or services even if the invoice has been issued by the customer or a third person.

(8) The obligation to issue an invoice pursuant to paragraphs (1) and (2) above does not apply to a supply of goods or services with the place of supply in the territory of the country which are exempt from tax pursuant to § 28 through § 42 and to a supply of insurance and financial services pursuant to § 37 and § 39 with the place of supply in the territory of other Member State or in a third country.

### §73

#### Time limit for the issuance of an invoice

(1) An invoice referred to in § 72 must be issued within 15 days

- a) from the date of supply of the goods or services, except as otherwise provided in paragraph (2);
- b) from the date of receipt of a payment on account before the supply of goods or services, or by the end of the calendar month in which the payment was received, except as otherwise provided in paragraph (2);
- c) from the end of the calendar month in which goods exempt from tax under § 43 were supplied;
- d) from the end of the calendar month in which a service was supplied, or a payment on account before the supply of the service was received, where the place of supply within the meaning of § 15 paragraph (1) is in another Member State;
- e) from the end of the calendar month in which an event decisive for the correction of the taxable amount within the meaning of § 25 paragraph (1) occurred.

(2) If a taxpayer who fulfilled the registration obligation laid down in § 4 paragraph (2) or § 5 paragraphs (3) or (5) within the prescribed limit, or fulfilled the notification obligation laid down in § 4 paragraph (5) within the prescribed limit (hereinafter referred to as "taxpayer who has fulfilled the registration obligation") does not have a tax identification number assigned under § 4 or § 5 by the end of the time limit for the issuance of an invoice pursuant to paragraph (1), subparagraph (a) or subparagraph (b), the taxpayer shall be obliged to issue the invoice within five working days from the date of receipt of the tax registration decision, as provided in § 4 paragraph (4) or § 5 paragraphs (3) or (5).

### §74

#### Content of invoice

(1) An invoice issued by a person referred to in § 72 must contain

- a) the name and surname of the taxable person, or the business name of the taxable person, the address of its seat, place of business, establishment, domicile or habitual residence, and its tax identification number under which the goods or services were supplied by that person;
- b) the name and surname of the recipient of goods or services, or the business name of the recipient of goods or services, the address of its seat, place of business, establishment, domicile or habitual residence, and its tax identification number, under which the customer received a supply of goods or services,
- c) the invoice sequential number,
- d) the date when the goods or services were supplied or when the payment was received, if this date can be determined and differs from the invoice issue date;
- e) the invoice issue date;
- f) the quantity and type of goods supplied or the extent and type of services rendered;
- g) the taxable amount for each tax rate, the unit price less the tax and reductions and discounts, if these are not included in the unit price,
- h) the tax rate or tax exemption applied; in the case of tax exemption, a reference shall be made to the applicable provision of this Act or of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax as amended, or the mention "supply exempt from tax" shall be included;
- i) the amount of the tax due, in euro, with the exemption of the amount of tax applied under a special tax arrangement pursuant to § 66;
- j) the mention "Self-billing", where the invoice is issued pursuant to § 72 paragraph (6) by the customer that is the recipient of goods or services;
- k) the mention "Reverse charge" where the recipient of goods or services is a person liable to pay the tax;
- l) the information about a new means of transport supplied, as per §11 paragraph (12);
- m) the mention "Margin scheme – Travel agents" where a special arrangement pursuant to § 65 is applied;
- n) the mention "Margin scheme – Second-hand goods", "Margin scheme – Works of art" or "Margin scheme – Collectors' items and antiques", depending on the type of goods with respect to which a special arrangement pursuant to § 66 is applied;
- o) the name and surname or the trade name of the tax representative pursuant to § 69a ~~or § 69aa~~, the address of the tax representative's

registered office or residence or the tax representative's unique tax identification number, provided that the foreign entity is represented by a tax representative pursuant to § 69a or § 69aa.

(2) An invoice issued upon a supply of goods or services with the place of supply in another Member State, where the person liable to pay the tax is the recipient of goods or services, does not have to contain the data referred to in paragraph (1) subparagraphs (g) through (i) provided that the taxable amount can be determined by a reference made to the quantity or extent and type of goods supplied or services rendered.

(3) The taxpayer and the taxable person that is not a taxpayer may issue a simplified invoice which does not contain all the data specified in paragraph (1) above. A simplified invoice means

- a) any document on the goods or services if the price, tax included, is not higher than EUR 100; the document does not have to contain the data specified in paragraph (1) subparagraph (b) above and the unit price referred to in paragraph (1) subparagraph (g) above;
- b) a receipt generated by the online/virtual cash register application e-kasa client pursuant to the relevant law<sup>29a)</sup> if the price inclusive of tax of the goods or service does not exceed EUR 400, and a receipt generated by a self-service fuelling machine if the price inclusive of tax of the goods that is paid by electronic means does not exceed EUR 400; such receipt does not have to contain the details referred to in paragraph (1), subparagraph (b) and the unit price referred to in paragraph (1), subparagraph (g),
- c) an invoice pursuant to § 71 paragraph (2); the invoice must contain the sequential number of the original invoice and the data that have been altered.

(4) A simplified invoice referred to in paragraph (3) subparagraphs (a) and (b) above shall not be issued for a supply of goods or services pursuant to §72 paragraph (1) subparagraphs (b), (d) and (e).

(5) For the purposes of a simplified invoice issued under paragraph (3), subparagraph (b), the tax identifier assigned to the taxpayer under the relevant law <sup>29aaa)</sup> may be used as the tax identification number if the taxpayer that has fulfilled the registration obligation has not been assigned a tax identification number under § 4 as of the date the simplified invoice is issued.

(6) Where goods or services are supplied by a group, the data required to be contained in the invoice pursuant to paragraph (1) subparagraph a) above mean the name and the address of the seat, place of business or establishment of a group member which supplies those goods or services, and the tax identification number of the group.

(7) Where electronic invoices are sent or made available to the same recipient in a single batch, the details common to the individual invoices may be mentioned only once where, for each invoice, all the information is accessible.

## §75

### Summary invoice

(1) The taxpayer and the taxable person that is not a taxpayer may issue a summary invoice for several separate supplies of goods or services or for several payments received prior to the supply of goods or services, which shall, however, cover a period not longer than a calendar month; a summary invoice must be issued within 15 days of the end of a calendar month.

(2) If a payment agreement which constitutes a part of a contract on the supply of electricity, gas, water or heat covers a period of not more than 12 calendar months and an agreement on rent payments which constitutes part of a lease agreement contain the data specified in § 74 paragraph (1), the taxpayer is not required to issue an invoice for each repeated supply of goods or services, provided that the place of supply of goods or services is located in the territory of the country.

## §76

### Storage of invoices

(1) The taxpayer shall be obliged to store

- a) copies of invoices issued by the taxpayer or issued in his name and on his behalf by the customer or a third person, and received invoices issued by a taxable person or a third person in his name and on his behalf, for the period of ten years subsequent to the year to which they refer;
- b) received invoices pertaining to capital goods referred to in § 54 paragraph (2) subparagraphs (b) and (c), until the end of the period for the adjustment of tax deductions pursuant to § 54 and § 54a;
- c) import documents and export documents certified by a customs authority, until the end of a calendar year in which ten years will have passed since the end of the year to which they refer.

(2) The taxable person that is not a taxpayer shall be obliged to store

- a) copies of invoices pursuant to § 72 paragraph (2) issued by that person or issued in his name and on his behalf by a customer or a third person, for the period of ten year subsequent to the year to which they refer;
- b) received invoices pertaining to goods and services in respect of which that person is liable to pay the tax, for the period of ten years after the year to which they refer.

(3) The legal entity that is not a taxable person shall store received invoices for goods and services in respect of which it is liable to pay the tax for the period of ten years after the year to which they refer.

(4) Any person that sells a new means of transport to another Member State and any person that has purchased a new means of transport from another Member State shall be obliged to store the invoice on the sale or purchase of the new means of transport for the period of ten years after the year in which the sale or purchase took place.

(5) Invoices referred to in paragraph (1) through (3) must be stored in their original form in which they were sent or made available. The taxable person that stores invoices by electronic means shall be obliged to enable the Tax Office, for control purposes, to access, download and use such invoices.

(6) Electronic storage of an invoice means storage of data using electronic equipment for processing (including digital compression) and storage, employing wire, radio, optical or other electromagnetic means.

(7) Where an issued or received invoice has been executed in a foreign language, the taxpayer and the taxable person that is not a taxpayer shall be obliged to ensure its translation into Slovak language if so, requested by the Tax Office for control purposes; this is without prejudice to the provision of a separate regulation<sup>29aa)</sup>.

#### §76a Delivery service

(1) *'Delivery service' is a service for sending and delivering electronic invoices which is provided by a certified delivery service provider.*

(2) A certified delivery service provider shall be obliged to ensure that the delivery service makes it possible to:

- (a) automatically checks compliance with the formal requirements of electronic invoices,
- (b) ensure a high level of reliability of both sender and recipient identification
- (c) ensure the authenticity of the origin, integrity of the content and readability of the electronic invoice from its sending to its delivery to the addressee
- (d) prove the date and time of sending, delivery and receipt of the electronic invoice,
- (e) automatically fulfill information obligations pursuant to Sections 80, 80a and 85o.

(3) If there is a standard in the European Union for the exchange of electronic documents based on uniform rules of a managed infrastructure and procedures that is administered by a person other than established for profit-making purposes and that ensures compliance with the conditions provided in paragraph (2), letters (a) to (d) (hereinafter referred to as "European Delivery Standard"), the delivery service shall be provided in accordance with the terms of such European Delivery Standard and using tools and procedures according to that European Delivery Standard, if it is generally accepted and widespread in the Member States.

(4) The requirement for general acceptance and widespread adoption provided in paragraph (3) shall be met if the European Delivery Standard is available and used for delivery services in at least half of the Member States and if the public authorities of at least half of the Member States participate in the operation of the person administering the European Delivery Standard.

(5) The Financial Directorate shall keep a register of European Delivery Standards and certified delivery service providers operating in the Slovak Republic and publish the register on its website.

(6) The Financial Directorate shall enter in the register referred to in paragraph (5) European Delivery Standards that are generally accepted and widespread in the Member States.

(7) A person may provide delivery services in the Slovak Republic as a certified delivery service provider, if it is entered in the register referred to in paragraph (5); the foregoing is without prejudice to any other applicable conditions for doing business in this field and other requirements provided in relevant laws.

(8) A person that has submitted an application for registration pursuant to paragraph (5) shall be registered by the Financial Directorate as a certified delivery service provider within 30 days from the date of submission of the application, if that person

- (a) has its registered office or place of business within the territory of the European Union;
- (b) is of good repute and its statutory body or a member of the statutory body is of good repute; for the purposes of this Act, a person who has been legally convicted of an intentional crime shall not be considered to be of good repute;
- (c) demonstrates that the conditions provided in paragraph (2) are met;
- (d) demonstrates that is authorised to provide a delivery service in accordance with the terms of the European Delivery Standard and using tools and procedures according to the European Delivery Standard.

(9) The application referred to in paragraph (8) shall be accompanied by documents proving that the conditions provided in paragraph (8), letters (a), (c) and (d) are met. To prove good repute pursuant to paragraph (8), letter (b), the person shall provide

- (a) An Extract from the Criminal Register<sup>29aad)</sup> not older than 3 months; or
- (b) A different document, equivalent to an extract from the Criminal Register, issued by the competent authority of the Member State in which the person has their registered office or place of business, if the person is a foreign person.

(10) If the person that submitted the application pursuant to paragraph (8) does not meet the conditions provided in paragraph (8), the Financial Directorate shall issue the decision not to enter the person in the register within 30 days from the date of receipt of the application; the decision shall be unappealable.

(11) The Financial Directorate shall immediately delete from the register referred to in paragraph (5) a person that

- (a) has submitted a request for deletion from the register referred to in paragraph (5);
- (b) does not meet the conditions provided in paragraph (2) or paragraph (8); or
- (c) has ceased to exist without a legal successor.

(12) The decision referred to in paragraph (11), letters (a) and (b) shall be unappealable; if the Financial Directorate deletes from the register referred to in paragraph (5) a person that has ceased to exist without a legal successor, no decision shall be issued.

(13) The entry of a person into the register referred to in paragraph (5) and the deletion of a person from the register shall be governed by the Code of Administrative Procedure.

(14) The service of documents concerning the entry of a person into the register referred to in paragraph (5) and the deletion of a person from the register shall follow the procedure laid down in the relevant law; <sup>33a)</sup> if the person seeking entry into the register referred to in paragraph (5) is a foreign person and does not have an activated electronic mailbox under the relevant law, <sup>33a)</sup> such person shall be obliged to appoint a service agent having an activated electronic mailbox under the relevant law for the service of documents.

(15) The Financial Directorate shall manage the cooperation of the Slovak Republic with the person administering the European Delivery Standard.

## § 77

### Tax Period

(1) A tax period applicable to a taxpayer is a calendar month, except for paragraph (2) below.

(2) A taxpayer may opt for a calendar quarter year tax period provided that more than 12 calendar months have lapsed since the end of the calendar month in which he became a taxpayer who has been assigned a tax identification number under § 4, § 4b, § 4c or § 5 and that he has not reached a turnover of EUR 100,000 for the period of previous 12 successive calendar months.

(3) If the taxpayer opts for a calendar quarter year tax period referred to in paragraph (2) above, the taxpayer shall notify the Tax Office of this change within 25 days of the end of the calendar month in which he met the conditions pursuant to paragraph (2). The tax period may only be changed to a calendar quarter year as of the first day of the calendar quarter year subsequent to the calendar month in which the taxpayer met the conditions pursuant to paragraph (2). If the taxpayer ceases to meet the conditions pursuant to paragraph (2) during the tax period, the ongoing tax period shall end on the last day of the calendar month in which it ceased to meet such conditions.

(4) If an enforceable declaration of bankruptcy against a taxpayer has been issued, the taxpayer's ongoing tax period shall terminate as of the day preceding the day on which the declaration of bankruptcy has been issued. The next tax period of the taxpayer shall begin as of the day on which the enforceable bankruptcy declaration has been issued and shall end as of the last day of the calendar month in which the enforceable declaration of bankruptcy has been issued. Following the end of the tax period referred to in second sentence, the tax period of such taxpayer shall be calendar month.

(5) On the day when the bankruptcy is cancelled, the ongoing tax period of a taxpayer shall terminate. The next tax period for the taxpayer shall start on the day following the cancellation of bankruptcy and end on the last day of the calendar month, in which the bankruptcy is cancelled. Following the end of a tax period referred to in the second sentence, a tax period for such taxpayer shall be a calendar month, up until the end of the calendar month, in which the bankruptcy is cancelled, and a tax period for the next calendar year shall be determined in accordance with paragraphs (1) to (4).

## § 78

### Tax Return and Tax Due Date

(1) The tax, which the taxpayer shall be obliged to pay, shall be due within 25 days of the end of the tax period in which the tax became chargeable on a taxable transaction, with the exemption of the tax imposed by a Customs Authority on the importation of goods, which shall be due within the deadline applicable to customs duties pursuant to customs regulations. Where a taxpayer applies tax deductions, a deductible tax shall be deducted from the total tax due, with the exemption of the tax imposed by a Customs Authority on the importation of goods, and this positive difference (hereinafter "the own tax liability") shall be stated in a tax return.

(2) A taxpayer who

a) has a registered office, place of business or fixed establishment within the territory of the country, and in the absence of such place, who has domicile or habitual residence within the territory of the country, shall be obliged to file a tax return and pay the tax for which the taxpayer is liable within 25 days from the end of each tax period, except a taxpayer who

1. has fulfilled the registration obligation under § 4 but has not been assigned a tax identification number under § 4 by the end of the time limit for filing the tax return for the first tax period; such taxpayer shall be obliged to file a tax return and pay the tax for which the taxpayer is liable within five working days from the date of receipt of the tax registration decision referred to in § 4 paragraph (4),

2. makes solely exempt supplies in the territory of the country within the meaning of § 28 to § 42; such taxpayer shall be subject to the obligation to file tax returns starting from the tax period in which the taxpayer has become liable for the payment of tax on a taxable transaction that is not exempt under § 28 to § 42, or from the first tax period if the taxpayer became a taxpayer on 1 January of the calendar year following the calendar year in which the turnover threshold laid down in § 4 paragraph (1) subparagraph (a) was exceeded solely through the supply of goods and services that are exempt from tax under § 37 to § 39 and the taxpayer supplied in the territory of the country goods or a service that is not exempt from tax under § 28 to § 42 during the period between the date the turnover threshold was exceeded and 31 December of the current calendar year,

b) is a foreign person obliged, except as otherwise provided in paragraph (9), to file a tax return and pay the tax for which the taxpayer is liable

within 25 days from the end of the tax period in which the obligation to pay tax arose, or the taxpayer supplied goods exempt from tax under § 43 or § 47, or acquired goods subject to tax exemption under § 44, or has applied tax deduction; if the taxpayer who has fulfilled the registration obligation under § 5 has not been assigned a tax identification number under § 5 by the end of the time limit for filing the tax return for the first tax period, the taxpayer shall be obliged to file a tax return and pay the tax for which the taxpayer is liable within five working days from the date of receipt of the tax registration decision referred to in § 5 paragraphs (3) or (5).

(3) If a person, who is not a taxpayer, incurs a liability to pay the tax (§ 69), such a person shall be obliged to file a tax return within 25 days of the end of a calendar month, in which the tax liability is incurred, and to pay the tax within the same time limit, save as exemptions according to paragraph (4). A person that is not a taxpayer is not required to pay the tax, if the tax to be paid does not exceed EUR 5.

(4) On acquisition of a new means of transport from another Member State, a person who is not registered for tax purposes shall be obliged to file a tax return within seven days of such acquisition and to pay the tax within the same time limit. If the person referred to in the first sentence has not been notified of the account number with the tax administrator kept for this person, the person shall be obliged to pay the tax within seven days from the date of receipt of the notification.

(5) Any person, who incidentally acquires a new means of transport from another Member State, shall be obliged, at request from the Tax Office, to also attach to his tax return a certified copy of a document on such purchase and to furnish additional information necessary to correctly establish the tax.

(6) A person who is not a taxpayer and who incidentally supplies a new means of transport to another Member State, shall claim the tax deduction in his tax return. The Tax Office shall refund the claimed deduction within 30 days of filing the tax return.

(7) In his tax return, any person obliged to file a tax return shall state all the data necessary to calculate the total tax due and the total deductible tax, including the total value of goods and services attributable to the total tax and to the tax deduction, as well as the total value of goods and services exempt from the tax. The value of goods and services exempt from the tax shall be stated in a tax return for a tax period, in which the goods or service are supplied. The data in a tax return shall be rounded down to the nearest euro cent up to EUR 0.005 and rounded up starting from EUR 0.005.

(8) The provision of paragraphs (2) to (7) shall not apply to the filing of a tax return under the special arrangements as per § 68.

(9) A taxpayer who has failed to fulfil the registration obligation shall be obliged to file a tax return for each tax period for which a tax return was not filed within the time limit provided in paragraph (2) as a result of the failure to fulfil the obligation and the filings shall be made in a chronological order, starting with the first tax period; where the taxpayer is a foreign person, the taxpayer shall also be obliged to file a tax return for a tax period for which the taxpayer would otherwise not be required to make such filing pursuant to paragraph (2), subparagraph (b).

#### §78a

##### Control statement

(1) The taxpayer shall file, by electronic means, the control statement for every tax period for which it is required to file the tax return and shall do so within 25 days following the end of the tax period. Where the taxpayer who has fulfilled the registration obligation does not have a tax identification number assigned under § 4 or § 5 by the end of the time limit for the filing of a control statement pursuant to the first sentence for the first tax period, the taxpayer shall be obliged to file the control statement within five working days from the date of receipt of the tax registration decision, as provided in § 4 paragraph (4) or § 5 paragraphs (3) or (5). The taxpayer is not required to file a control statement for the tax period for which it files the tax return and in which the taxpayer

- a) shall not be required to provide any data on taxable transactions;
- b) shall be required to only provide data on the supply of goods exempt from the tax pursuant to § 43 or § 47, at the same time, in which the data on tax deduction is not to be provided or in which only the tax deduction pursuant to § 49 paragraph (2) subparagraph (d) is to be indicated by the taxpayer.

(2) The control statement shall contain the data on the tax liability and tax deduction for the applicable tax period disaggregated by:

- a) data from each invoice which the taxpayer was required to issue pursuant to § 71 through § 75 for the supply of goods and services, in respect of which it was a person liable to pay the tax in the territory of the country and which are not exempt from tax, with the exception of a simplified invoice, or invoices in respect of which the tax shall be paid in the territory of the country by the recipient of the supply pursuant to § 69 paragraph (12) subparagraphs (f) through (j), with the exception of a simplified invoice;
- b) data from each received invoice for the supply of goods and services,
  - 1. in respect of which the person liable to pay tax is the recipient of the supply pursuant to § 69 paragraphs (2), (3), (6), (7) and (9) through (12) and which are not exempt from tax;
  - 2. which are, or which are to be, supplied by other taxpayer liable to pay tax pursuant to § 69 paragraph (1) and for which the recipient of the supply applies the tax deduction in the applicable tax period;
- c) data from each invoice pursuant to § 71 paragraph (2);
- d) data on the supply of goods and services other than those specified under subparagraph (a), for which the taxpayer is liable to pay tax in the territory of the country;
- e) details of correction of the tax base under § 25a and data about correction of the deducted tax under § 53b.

(3) If the taxpayer shall not be required to hold an invoice to exercise the right to deduct tax pursuant to § 51 paragraph (1) subparagraph (b), the data stated in the control statement must be based on a different document concerning the supply of goods or a service and if the taxpayer exercises the right to deduct tax pursuant § 51 paragraph (1) subparagraph (c) based on a different document than an invoice it state the data in the control statement from this different document.

(4) Based on invoices pursuant paragraph (2) or based on a document pursuant to paragraph (3), the control statement shall contain the following data:

- a) the customer's tax identification number or the supplier's tax identification number, under which the goods or services were, or are to be, supplied;
- b) the sequential number of the invoice or the identification number of the document pursuant to paragraph (3), if the document contains such number;
- c) the date of supply of goods or a service, or the date of the receipt of a payment, if the tax became chargeable as a result of the receipt of such payment;
- d) the taxable amount and the amount of the tax, in EUR;
- e) the tax rate;
- f) the amount of the deducted tax;
- g) the type and the quantity of goods, if the invoice is made out in respect of the supply of goods for which the recipient of the supply pursuant to § 69 paragraph (2) subparagraphs (h) and (i) is liable to pay the tax.

(5) If an invoice is issued in respect of the supply of goods for which the recipient of the supply pursuant to § 69 paragraph (12) subparagraphs (f) and (g) is liable to pay the tax, the control statement shall also contain the first four digits of the numeric code pursuant to a separate regulation<sup>28da</sup> and the quantity of goods.

(6) If the taxpayer holds simplified invoices pursuant to § 74 paragraph (3) subparagraphs (a) and (b) in respect of the supply of goods and services, the control statement shall contain for purposes of paragraph (2) subparagraph (b) point 2, the sum of all taxable amounts, the total tax amount and the total deducted tax amount for all received simplified invoices in respect of which the taxpayer applies tax deduction for the applicable tax period. If the total deducted tax amount for simplified invoices for a given tax period is more than EUR 3000 the taxpayer shall be obliged to declare separately the total amount of taxable base, total amount of tax and total amount of deducted tax according to particular suppliers of goods and services with indication of their VAT identification number.

(7) Based on an invoice pursuant to § 71 paragraph (2), the control statement shall contain data pursuant to paragraph (4) subparagraphs (a) and (b), the sequential number of the original invoice, the data pursuant to paragraph (4) subparagraphs (d) through (g) and paragraph (5), in the event of any changes thereto. If the taxpayer does not hold an invoice and corrects the deducted tax pursuant to § 53 paragraph (1), the control statement shall contain data as per the first sentence, except for data pursuant to paragraph (4) subparagraph (b).

(8) In respect of the supply of goods and services pursuant to paragraph (2) subparagraph (d), the control statement shall contain the following data:

- a) the total amount of turnovers pursuant to a separate regulation) registered by an [eKasa cash register<sup>29a</sup>](#), disaggregated by the taxable amount and the tax due broken down by tax rate;
- b) the sum of all taxable amounts, including taxable amount corrections, and the total tax due disaggregated by tax rate in respect of transactions not registered by the electronic cash register.<sup>29a</sup>)

(9) In case of correction of the taxable amount under § 25a,

a) where the taxpayer is liable to make a corrective document, the following data shall be reported in the VAT Control Statement:

1. the customer's VAT identification number,
2. numerical identification of the corrective document,
3. serial number of the invoice for delivery of the goods or services to which the correction of the taxable amount relates,
4. amount by which the taxable amount and the tax were corrected,
5. VAT rate,

b) where the taxpayer is not obliged to make a corrective document, the VAT Control Statement shall indicate the amount by which the taxable amount and the tax were corrected.

(10) When correcting the deducted tax under § 53b(1)(b) and corrected deducted tax under Article 53b(4)(b), the VAT Control Statement shall include the following details:

- a) the supplier's VAT identification number,
- b) numerical identification of the corrective document,
- c) serial number of the invoice for delivery of the goods or services to which the correction of the tax base relates,
- d) amount by which the deducted tax is corrected,
- e) VAT rate.

(11) When correcting the deducted tax under § 53b paragraph (1) subparagraph (a) or paragraph (2) and correcting the corrected deducted tax under § 53b paragraph (4) subparagraph (a), the VAT Control Statement shall include the details listed in paragraph (10) subparagraphs (a), (d) and (e) and the serial number of the invoice for the delivery of the goods or service to which the correction relates.

(12) If the taxpayer who submitted the control statement finds out, before the expiry of the time limit for its submission, that the data presented therein is incomplete or incorrect, the taxpayer shall submit a corrective control statement; the originally submitted control statement is not considered. If the taxpayer who submitted the control statement finds out, after the expiry of the time limit for its submission, that the data

presented therein is incomplete or incorrect, the taxpayer shall submit an additional control statement containing only the additional or corrected data.

(13) If the control statement is not submitted within the time limit as per paragraph (1), the tax office shall request the taxpayer to submit it. In the case of any doubts regarding the correctness, truthfulness or completeness of the submitted control statement or the truthfulness of the data presented therein, the tax office shall notify the taxpayer, who filed the control statement, of these doubts and shall invite him to make a statement to the data, complete the incomplete data, explain the uncertainties and correct the untrue data or prove the truthfulness of the data. Based on such notice, the taxpayer shall be obliged to correct the deficiencies of the filed control statement within 5 working days of the delivery of the notice.

(14) A taxpayer who has failed to fulfil the registration obligation shall be obliged to file a control statement for each tax period for which a control statement was not filed within the time limit provided in paragraph (1) because of the failure to fulfil the obligation and the filings shall be made in a chronological order, starting with the first tax period.

(15) If the taxpayer fails to deliver the control statement to the tax office, delivers the control statement with a delay, provides incomplete or untrue data in the control statement or fails to correct, within the time limit specified by the tax office in the notice, errors in the submitted control statement, the tax office shall impose a fine of up to EUR 10,000 upon the taxpayer. If the taxpayer has repeatedly breached its obligations under the first sentence, the office shall impose a fine of up to EUR 100,000. When determining the amount of the fine, the tax office shall take into consideration the gravity and duration of the unlawful situation.

(16) The taxpayer shall provide data pursuant to paragraphs (2) through (11) in the control statement disaggregated in a manner that will be determined by a generally binding regulation to be issued by the Ministry of Finance of the Slovak Republic. The control statement is to be submitted in the Extensible Markup Language (XML) format, the data interface description of which is published on the website of the Financial Directorate; no account is taken of a control statement delivered by the payer otherwise.

## § 79

### Excess Deduction

(1) If, during a tax period, a taxpayer becomes entitled to an excess deduction, he shall deduct this excess amount from the due tax in the next tax period with exemption under paragraph (2). If the taxpayer cannot deduct excessive deduction from its own tax obligation in the following taxation period, the Tax Office shall return the non-deducted excessive deduction or its non-deducted part no later than 30 days after filing the tax return for the taxation period following the taxation period, in which the excessive deduction was created, or 30 days after the expiration of the period for filing the tax return if the taxpayer is not obliged to file the tax return (§ 78 paragraph 1) for the taxation period following the taxation period, in which the excessive deduction was created. If a taxpayer incurs excess deduction in the last tax period in which it ceased to be a taxpayer, the Tax Office shall refund the excess deduction within 30 days following the lapse of the deadline for the filing of the tax return for that tax period. For the purposes of this Act, an excess deduction shall mean a positive difference between the total amount of deductible tax for the given tax period and the total amount of tax for the given tax period, except for the tax on importation of goods.

(2) The Tax Office shall return excess deduction within 30 days of the expiration of the time limit for the filing of a tax return for the taxation period in which the excess deduction was created, if

- a) the taxpayer's taxation period is a calendar month,
- b) the taxpayer has been a taxpayer, who has been assigned a tax identification number under § 4, § 4b, § 4c or § 5, for at least 12 calendar months preceding the end of the calendar month in which the excess deduction was created
- c) the taxpayer did not owe, for the period of 6 calendar months preceding the end of the calendar month in which the excess deduction was created, any tax arrears or customs arrears to the Tax Office or the Customs Office, or arrears arising from mandatory social insurance contributions pursuant to separate regulations more than EUR 1,000 in aggregate.<sup>29b)</sup>

(3) The taxpayer who meets the requirements under paragraph (2) shall indicate this information in the tax return for the taxation period in which the excess deduction was created.

(4) If, within the time limit for the excess deduction refund under paragraphs (1) or (2) a notice of error corrections of the filed tax return, a notice to submit control statement or a notice of error corrections in the submitted control statement were sent, the time limit for refund of excess deduction does not lapse as of the day of the notice delivery until the day errors are corrected.

(5) If the taxpayer claims the excess deduction or raises the excess deduction by the additional tax return filed after filing of tax return for the taxation period following the taxation period in which the excess deduction was created, the Tax Office shall return the excess deduction or the amount by which the excess deduction was exceeded within 30 days from filing of the additional tax return. If, after excess deduction refund under § 79 paragraph (2), the taxpayer raises the excess deduction by the additional tax return, the Tax Office shall return the amount by which the excess deduction was exceeded within 30 days from the filing of the additional tax return. Where a notice to remove deficiencies in the submitted additional tax return or to correct errors in the submitted additional control statement have been sent within the time limit for refunding the excess deduction, the time limit for refunding the excess deduction is suspended for the period from the day of delivery of the notice until the day on which the deficiencies are removed.

(6) If, within the time limit for refunding the excess deduction as per paragraphs (1), (2) or paragraph (5) the Tax Office initiates a tax audit, the Tax Office shall refund the excess deduction within ten days of the completion of the tax audit in the amount determined by the Tax Office; if a portion of the excess deduction was returned pursuant to paragraph (7), the Tax Office shall return the difference between the excess deduction at the amount determined by the Tax Office and the excess deduction returned pursuant to paragraph (7). If, after refunding the excess deduction, there is a positive difference between the excess deduction indicated on the final decision and the excess deduction refunded as per the first sentence, the Tax Office shall return the difference within ten days of the date when the decision became final. If the Tax Office does not discover excessive deduction in the course of its tax audit initiated within the time limit for refunding the excess deduction pursuant to paragraphs (1), (2) or paragraph (5) and an excessive deduction is awarded in a final decision, the Tax Office shall refund the excessive deduction indicated on the final decision

within ten days of the date when the decision became final. If a taxpayer does not enable the performance of the tax audit within three months of its commencement date, the entitlement to a refund of the excessive deduction expires on the last day of the third month in the amount claimed in the tax return or additional tax return.

(7) If the Tax Office initiates a tax audit pursuant to paragraph (6) it shall return a portion of the excess deduction before the end of such tax audit in the amount defined in the interim protocol completed pursuant to a separate regulation<sup>29c</sup>. The Tax Office shall return a portion of the excess deduction within ten days from the date on which the interim protocol is sent.

(8) If the excess deduction was refunded within the time limit under paragraph (2) based on untrue data, the Tax Office shall levy a fine of up to 1,3 % of the amount of the refunded excess deduction.

(9) The Tax Office shall return the excess deduction or part thereof to the bank account pursuant to § 6 paragraphs (1) to (3) or pursuant to § 85kk notified in the manner under § 6 paragraph (5).

(10) If the taxpayer has not fulfilled the obligation according to § 6 paragraphs (1) to (3) or pursuant to § 85kk, the Tax Office shall return the excess deduction or part thereof within ten days from the day when the taxpayer subsequently fulfilled this obligation; the time limit for repayment of the excess deduction pursuant to paragraphs (1), (2), (4), (5), (6) or paragraph (7) shall be deemed to have been complied with.

(11) Paragraphs (9) and (10) are without prejudice to the provision of the special regulation<sup>27bd</sup>.

## § 79a

### Compensation for VAT refund retained during tax audit

(1) If the Tax Office initiates a tax audit within the time limit for refund of the excess deduction in accordance with § 79, paragraphs (1), (2) or (5), and the VAT refund is not paid within six months from the last day of the time limit for refund of the excess deduction under § 79 paragraphs (1), (2) or (5), then the taxpayer shall be entitled to compensation for the retained VAT refund (hereinafter only the "interest on VAT refund") in accordance with paragraph (2).

(2) The VAT payer is entitled to receiving an interest on VAT refund in the amount equal to double the European Central Bank the double the basic interest rate valid on the first day of the calendar year for which the interest is charged; if the double the basic interest rate is below 1.5%, the interest on VAT refund is calculated using annual the double the basic interest rate of 1.5%. The interest is calculated on the amount of VAT refund for each day starting from the lapse of the six months until the day following the lapse of the time limit for the VAT refund pursuant to § 79 paragraphs (1), (2) or (5) until the VAT refund payment date (inclusive); [any period during which the tax office was not able to refund a VAT excess for the reason of the taxpayer's failure to fulfil the obligation under § 6, paragraphs \(1\) to \(3\) or § 85kk in the manner provided in § 6, paragraph \(5\) shall not be included in the calculation of interest.](#)

(3) The Tax Office shall decide on granting the interest on VAT refund under paragraphs (1) and (2) above within 15 days from payment of the VAT refund and the interest on VAT refund shall be paid to the taxpayer within 15 days from validity date of the decision on granting the interest on VAT refund to a bank account notified pursuant to § 6 paragraphs (1) to (3) or according to § 85kk in the manner according to § 6 paragraph (5) and if the taxpayer has not fulfilled such an obligation, the tax office shall pay interest on the excess deduction within 15 days from the day when the taxpayer subsequently fulfilled such an obligation.

(4) Upon occurrence of any event resulting in reduction or cancellation of an already paid VAT refund, the interest on the VAT refund is also reduced or cancelled ex off; the new decision shall supersede the initial decision on granting the interest on VAT refund. The taxpayer shall return the interest on VAT refund or a part thereof within 15 days from the effective date of the new decision to reduce or cancel the interest on VAT refund. The payback of interest on VAT refund or a part thereof is regulated by provisions on tax arrears under a special regulation.<sup>33</sup>)

(5) If, during a tax audit verifying entitlement to VAT refund, the taxpayer repeatedly failed to comply with his obligations under the tax audit, repeatedly did not take over written documents, repeatedly failed to appear before the Tax Office without an excuse after being summoned by the Tax Office or if the taxpayer was not reachable at his registered office, place of business or at the address of the establishment, then the taxpayer shall not be entitled to receiving any interest on VAT refund and the Tax Office shall issue a decision to that effect.

(6) Provisions of a special regulation <sup>33</sup>) on use of tax overpayments apply also to use of the interest on VAT refund.

(7) The Tax Office shall grant no interest on VAT refund if the amount does not exceed EUR 5."

## § 80

### Recapitulative Statement

(1) The taxpayer shall be obliged to submit a recapitulative statement for calendar month, if he:

- (a) supplied goods exempt from tax pursuant to § 43 paragraph (1) from the territory of the country to another Member State to a person identified for tax purposes in another Member State;
- (b) transferred goods exempt from tax pursuant to § 43 paragraph (4);
- (c) participated in a trilateral transaction as the first customer pursuant to § 45;

- (d) supplied a service with the place of supply in another Member State pursuant to § 15 paragraph (1) to a taxable person or a legal person which is not a taxable person and is identified for tax purposes, and such person is liable to pay the tax
- e) dispatched or transported the goods under call-off stock regime,
- f) the taxable person, for whom the goods were dispatched or transported under call-off stock regime, was replaced by a taxable person pursuant to § 8a paragraph (5),
- g) goods dispatched or transported under call-off stock regime, were returned to the territory of the country.

(2) A taxpayer may also submit recapitulative statement for a calendar quarter provided that the value of the goods referred to in paragraphs (1) subparagraphs (a) to (c) does not exceed EUR 50,000 in both the respective calendar quarter and in the preceding four calendar quarters; the possibility to submit a recapitulative statement for a calendar quarter shall cease to exist as of the end of the calendar month in which the value of the goods referred to in paragraph (1) subparagraphs (a) to (c) exceeds EUR 50,000 in the respective calendar quarter, in which case the taxpayer shall submit recapitulative statements separately for each calendar month of the respective calendar quarter.

(3) Also, the taxable person registered for tax purposes pursuant to §7 or §7a shall be obliged to submit a recapitulative statement for each calendar quarter in which the person supplied a service referred to in paragraph (1) subparagraph (d). If the taxable person is a party to a trilateral transaction as the first customer pursuant to § 45 paragraph (1) then filing the recapitulative statement is regulated by paragraph (2).

(4) A recapitulative statement must contain:

- a) tax identification number of the person submitting the recapitulative statement;
- b) for the supply of goods according to paragraph (1) subparagraph (a): tax identification number of the acquirer under which the goods were supplied to him, and the total value of goods supplied to each acquirer separately;
- c) for the supply of goods according to paragraph (1) subparagraph (b): tax identification number allocated to the taxpayer in the Member State in which the dispatch or transport of the goods ended, and the value of the goods corresponding to the taxable amount determined in accordance with § 22 paragraph (6);
- d) for a trilateral transaction according to paragraph (1) subparagraph (c): tax identification number of the second customer allocated in the Member State in which the dispatch or transport of the goods ended, and the value of the goods supplied to the second customer;
- e) for the supply of services: tax identification number of the recipient under which the service was supplied to him, and the total value of services supplied, for each recipient separately;
- f) for dispatching or transportation of goods under call-off stock regime: VAT identification number of the taxable person whom the goods are to be delivered, and, if the taxable person has been replaced by other taxable person pursuant to § 8a paragraph (5), then the VAT identification number of that taxable person.

(5) The services exempt from taxation under the laws applicable in the Member State in which the place of supply is located shall not be presented in the recapitulative statement.

(6) The value of the supplied goods and services pursuant to paragraph (4) shall be presented in the recapitulative statement for the period in which the tax became chargeable. The data in the recapitulative statement shall be presented in euros and rounded to the whole euro: rounded down if below EUR 0.5 and rounded up of EUR 0.5 or more. If the service supplier did not receive the tax identification number from the service recipient by the end of the deadline for the submission of a recapitulative statement and the service recipient informed the supplier that he had applied for the tax identification number, the service supplier shall include the supply of the service in a recapitulative statement for the period in which the tax identification number was assigned to the service recipient.

(7) If correction of the taxable amount is made pursuant to § 25, the recapitulative statement shall indicate the amount for which the taxable amount has been corrected, always for the period in which the acquirer of goods or the recipient of services was notified of the taxable amount correction.

(8) If the person who has submitted a recapitulative statement finds out, before expiry of the deadline for submission, that the information presented therein is incomplete or incorrect, he shall submit a corrective recapitulative statement. If the person who has submitted a recapitulative statement finds out, after expiry of the deadline for submission, that information presented therein is incomplete or incorrect, he shall submit an additional recapitulative statement containing only the additional or corrected information.

(9) The persons referred to in paragraphs (1) to (3) shall submit recapitulative statement by electronic means no later than within 25 days of the end of the period for which they are obliged to submit recapitulative statement. A recapitulative statement must be signed by a guaranteed electronic signature. A recapitulative statement submitted by electronic means does not have to be signed by a guaranteed electronic signature if the person who submits the recapitulative statement has concluded a written agreement with the Tax Office which contains, in particular, all the essentials of electronic delivery, the method of verifying the submissions made by electronic means and the means of evidencing delivery, and if the person who submits the recapitulative statement has communicated to the Tax Office in writing the data necessary for making such submissions, using the form available for that purpose on the website of the Financial Directorate. Where the taxpayer that has fulfilled the registration obligation does not have a tax identification number assigned under § 4 or § 5 by the end of the time limit for the filing of a recapitulative statement pursuant to the first sentence for the first tax period, the taxpayer shall be obliged to file the recapitulative statement within five working days from the date of receipt of the tax registration decision, as provided in § 4 paragraph (4) or § 5 paragraphs (3) or (5).

(10) A recapitulative statement shall be filed using a form the model of which shall be laid down in a decree to be issued by the Ministry of Finance of the Slovak Republic and promulgated in the Collection of Laws of the Slovak Republic upon publication of its full wording.

(11) If after filing the recapitulative statement the doubts on the correctness, truthfulness or completeness of the filed recapitulative statement or the truthfulness of the data indicated wherein arose, the Tax Office shall notify these doubts to the person, who filed the recapitulative statement and shall invite this person to make a statement to the data, complete the incomplete data, explain the uncertainties and correct the untrue data and prove the truthfulness of the data. Based on the notice the person who filed the recapitulative statement is obliged to correct the deficiencies of the filed recapitulative statement within 5 days from delivery of the notice.

Deregistration

## § 81

(1) The taxpayer may apply for the termination of tax registration if

- a) the taxpayer is registered under § 4 and at least one calendar year has passed from the date on which he became a taxpayer, provided that the taxpayer's turnover did not exceed EUR 50,000 in the preceding calendar year;
- b) the taxpayer is registered under § 5 and at least one calendar year has passed from the date on which he became a taxpayer, and the taxpayer reasonably intends to supply goods and services solely in the domestic territory, as provided in § 5 paragraph (2) subparagraphs (a) to (h).

(2) A taxpayer shall be obliged apply for deregistration, when he discontinued its business activities pursuant to § 3 paragraph (2). A legal entity which is dissolved without liquidation shall be obliged to notify this fact to the Tax Office prior to its dissolution.

(3) The Tax Office may cancel the tax registration

- a) based on the applicant's request pursuant paragraphs (1) and (2) if it finds out that the conditions for cancellation of registration are met;
- b) if there are no reasons for registration and it is when the taxpayer:
  1. does not, or ceased to, conduct an economic activity pursuant to § 3; or
  2. has repeatedly over a calendar year failed to comply with the obligation to submit a tax return, or control statement, has repeatedly over a calendar year failed to pay the tax charged, has repeatedly been unavailable at the address of its seat, place of business or at the address of its establishment, or has repeatedly breached its obligations during a tax audit.

(4) The Tax Office shall issue a decision on deregistration in which it specifies the date upon which a legal entity or natural person ceases to be a taxpayer; this decision cannot be appealed against. Where a legal entity is dissolved without liquidation, the Tax Office does not issue the decision, and the legal entity ceases to be a taxpayer upon the date of its dissolution. Upon the date on which a legal entity or natural person ceases to be a taxpayer, the ongoing tax period shall end, and the tax identification number shall expire; if a legal entity or a natural person makes use of the special scheme under § 68b, validity of the VAT identification number for application of the special scheme does not expire.

(5) In the last tax period, the assets in respect of which the tax was fully or partially deducted upon purchase or self-generation, or which the taxpayer acquired without tax (§ 10 paragraph (1) or (3)) and for which the tax was fully or partially deducted upon purchase or self-generation by the previous owner, shall be deemed to have been supplied by the taxpayer pursuant to § 8 paragraph (3). The tax shall be calculated on the taxable amount determined pursuant to § 22 paragraph (5) but the tax shall not exceed the deducted tax amount, except for any tax relating to assets the supply of which would be exempt from tax pursuant to § 38 paragraphs (1) or (7), which tax shall be determined as the amount by which the taxpayer would be required to adjust the deducted tax under § 54a on the grounds that the taxpayer has changed the proportion of the non-business use of the assets. For capital goods referred to in § 54 paragraph (2) subparagraph (d), the taxpayer shall be obliged to adjust the deducted tax in the last tax period using the method set out in Annex 1 on the grounds that until the expiry of the period for the adjustment of deducted tax, such assets are to be treated as if used only for a non-business purpose.

(6) Where a taxpayer deducted a proportion of the tax or made a correction of the tax deduction, he shall take this into consideration when calculating the tax on property as per paragraph (5). The rate of tax applicable at the time when the tax liability originated shall be used to calculate the tax in accordance with paragraph (6).

(7) A tax liability referred to in paragraph (5) shall not arise when a taxpayer is wound up without liquidation, and his legal successor is a taxpayer or becomes such pursuant to § 4 paragraph (1) subparagraph (c) or in accordance with § 5 paragraph (4) subparagraph (a).

(8) In the last tax period, the taxpayer becomes liable to pay back the deducted tax on payment pursuant to § 19 paragraph (4), if the goods or the service are not delivered by the end of the last day of the tax period; this obligation does not arise to the payer in case of termination without liquidation if the legal successor is a taxpayer or becomes a taxpayer pursuant to § 4 paragraph (1) subparagraph (c) or in accordance with § 5 paragraph (4) subparagraph (a).

(9) Where a taxpayer corrects the taxable amount or changes the amount of tax in respect of goods or services supplied by him to a person who is no longer a taxpayer, such a person shall be obliged to transfer back to the Tax Office the tax deduction or its proportion attributable to the correction made to the taxable amount, provided that such tax amount has not been included in the tax liability in accordance with paragraph (5). He shall transfer back the tax deduction or its proportion within ten days of the day of drawing up the invoice or from the date of receiving the corrective document under § 25a paragraph (7) subparagraph (a); if the taxpayer referred to in the first sentence has not received the correction document by the end of the calendar month following the calendar month in which it was sent to the taxpayer, the correction document shall be deemed received by the taxpayer on the last day of the next calendar month.

(10) If a taxable person registered for tax under § 4 or § 5 was notified of an individual identification number with the suffix EX for the territory of the country, such person shall cease to be a taxpayer on the date preceding the date of such notification; the tax office shall immediately inform the taxable person accordingly. The current taxation period and the validity of the tax identification number shall end upon the expiry of the date the taxable person ceased to be a taxpayer under the first sentence; the foregoing shall not affect the provisions of paragraphs (5) to (9).

## § 81a

1) The Tax Office shall cancel the registration of the group pursuant to § 4b as of 31 December of a calendar year, if the group representative files an application for group deregistration no later than by 31 October of the calendar year. Where the application for group deregistration is submitted after 31 October of a calendar year, the Tax Office shall deregister the group no later than by 31 December of the calendar year following the submission of the application.

(2) If the group pursuant to § 4b or § 4c no longer meets the requirements pursuant to §4a, the group representative shall be obliged to apply for group deregistration immediately. The group shall be deregistered by the Tax Office no later than within 30 days following the submission of the

application for group deregistration. If the Tax Office finds out that the group no longer complies with the requirements under §4a, the Tax Office shall deregister the group by exercise of its official authority.

(3) The tax identification number of the group pursuant to § 4b or § 4c shall cease to be valid as of the group deregistration date.

(4) On the day following the group pursuant to § 4b or § 4c deregistration date, the rights and obligations of the group arising from this Act shall be transferred to the group members in so far as they relate to the supply performed and received by the group members, and the group members shall become independent taxpayers. The tax office shall register these taxpayers for tax purposes and assign the tax identification numbers to the taxpayers; no appeal shall lie against such decision.

## § 82

(1) A person registered under § 7 may apply for deregistration, if the total value of goods, excluding the tax, acquired within the territory of the country from another Member State in the current calendar year does not reach EUR 14,000, and the total value of goods, excluding the tax, acquired within the territory of the country from another Member State in the previous calendar year did not reach EUR 14,000.

(2) The person registered pursuant to §7 or §7a shall be obliged to immediately apply for tax deregistration upon cessation of its business in the territory of the country.

(3)The Tax Office shall cancel the tax registration upon request pursuant to paragraphs (1) or (2), if it finds out that the requirements for tax deregistration have been met or shall perform tax deregistration by exercise of its official authority, if the person under paragraph (2) failed to comply with its obligation to file the application for tax deregistration; an appeal cannot be filed against the decision on deregistration. The Tax Office shall perform tax deregistration by exercise of its official authority, if the person registered pursuant to § 7 or § 7a became a taxpayer and shall do so as of the day on which such person became a taxpayer; the decision on deregistration is not issued by the Tax Office. Upon deregistration, the tax registration number shall cease to be valid; if a legal person or a natural person apply the special scheme pursuant to § 68b the tax registration number for application of this special scheme shall not cease to be valid.

## § 83

(1) A natural person who continues to do business after the taxpayer's death<sup>32)</sup> (hereinafter referred to as the "successor of the business") shall notify the testator's competent Tax Office of this fact no later than 30 days from the date of his death. The Tax Office shall make appropriate changes to the register, indicating the name, surname, residence of the successor of the business and a note that this is a continuation of the business after the taxpayer's death; changes in the register and the testator's tax identification number are valid until the end of the tax period in which the inheritance proceedings end. The changes made to the register shall be notified by the Tax Office to the successor of the business within ten days of the date of receipt of the notification referred to in the first sentence.

(2) During a period from the testator's death till the completion of the inheritance proceedings, the successor of business shall be deemed to be the taxpayer. In invoices drawn up till the end of its last tax period, the successor of business shall state his name, surname and place of business. The successor of business's last tax period shall be a tax period, in which the inheritance proceedings are completed. In respect of a tax return for the last tax period, the successor of business shall incur a tax liability under § 81, whilst in calculating the tax he shall draw upon the price of property established as of the day of termination of inheritance proceedings. The tax liability shall not rise in respect of property settled to a heir who will continue to pursue the business and who is a taxpayer or who applies for registration for tax purposes immediately after the completion of the inheritance proceedings. The Tax Office shall register this heir as a taxpayer as of the day of inheritance by him of the property.

(3) If, on the taxpayer's death, the business is discontinued, a tax return shall be filed by his legal successor within three months of the end of the last taxation period and he shall be obliged to pay the tax within the same time limit. In respect of a tax return for the last tax period, which is identical with a tax period in which a taxpayer ceased, the legal successor shall incur a tax liability under § 81. On the lapse of the last tax period, the tax registration number shall cease to be valid.

## § 84

The tax administration shall be governed by the provisions of a separate regulation,<sup>33)</sup> unless provided otherwise hereunder. In respect of importation of goods, the tax administration shall be executed by customs authorities, and it shall abide by customs regulations, unless provided otherwise hereunder.

### § 84a

#### Payment of tax on importation

(1) The tax shall be levied by the customs office on the importation of goods and the tax levied by the Customs Office shall be payable within the time limit for the payment of the duty set forth in customs laws, except as otherwise provided in paragraphs (2) to (5), § 21 paragraph (3) and § 84b.  
**Effective from 1 July 2025**

(2) The provision in paragraph (1) shall not apply to the importation of goods that is subject to tax liability under § 21 paragraph (1) subparagraphs (a) or (b) if

a) the taxpayer on whose behalf the customs declaration is submitted has at the time when the tax liability arises

1. registered office, place of business or fixed establishment within the territory of the country, and in the absence of such place has domicile within the territory of the country;

2. a tax identification number assigned under § 4 or § 4b; and
3. an effective authorisation granting the status of an authorised economic operator under customs laws;

**Effective from 1 July 2025**

b) the taxpayer on whose behalf the customs declaration is submitted under the centralised clearance procedure under customs laws has at the time when the tax liability arises

1. a tax identification number assigned under § 4, § 4b or § 5; and
2. an effective authorisation granting the status of an authorised economic operator under customs laws.

**Effective from 1 January 2026**

(3) The taxpayer referred to in paragraph (2) on whose behalf a customs declaration was filed for goods in respect of which a tax liability arose under § 21 paragraph (1) subparagraphs (a) or (b) shall be obliged to calculate the tax due on the importation of the goods and report it in the tax return for the tax period in which the tax liability arose; this taxpayer shall be the person liable for the payment of the tax. The taxpayer shall also report in the tax return referred to in the first sentence the imports of any tax-exempt goods.

**Effective from 1 July 2025**

(4) If the taxpayer applied the provisions of paragraph (3) and the conditions laid down in the first point of paragraph (2), subparagraph (a) have not been fulfilled, the Tax Office shall impose a fine on the taxpayer in the amount of 1.3% of the tax which would otherwise have been levied by the Customs Office on the importation of the goods if the provisions of paragraph (3) were not applied.

**Effective from 1 July 2025**

(5) The tax administration under paragraph (2) shall be carried out by the Tax Office with the application of the provisions of the relevant law<sup>33)</sup>, unless this Act provides otherwise.

**Effective from 1 July 2025**

## **§ 84b**

### **Special arrangements for the payment of tax on importation under the centralised clearance procedure**

(1) If a tax liability arose under § 21 paragraph (1) subparagraphs (a) or (b) and the customs declaration was filed under the centralised clearance procedure on behalf of a person who does not meet the conditions laid down in § 84a paragraph (2) subparagraph (b), the Customs Office shall calculate the tax immediately after releasing the goods for the proposed customs procedure and notify the tax amount to the person liable for the payment of the tax (§ 69 paragraph (8)). The provisions of customs laws concerning the notification of the customs debt shall be applied *mutatis mutandis* to the notification of the calculated tax amount. The tax referred to in the first sentence shall be due ten days after the date of notification of the tax amount.

(2) Where the person liable for the payment of the tax (§ 69 paragraph (8)) is a foreign person and does not have an activated electronic mailbox under the relevant law,<sup>33a)</sup> such person shall be obliged to choose a representative for delivery, who has an activated electronic mailbox under the relevant law before the first submission of the customs declaration under paragraph (1)".

**Effective from 1 January 2026**

## Transitional and Concluding Provisions

### **§ 85**

(1) Any period or time limit, which started to lapse before the effective date of this Act, shall be taken to be governed by the hitherto legislation, up until the time it lapses.

(2) The registration of taxpayers effected under the hitherto legislation shall be deemed to be the registration for tax purposes effected in accordance with § 4 hereof.

(3) If, on transfer or assignment of immovable property or a part thereof, which is transferred to the acquirer for use by or on 30 April 2004, no tax liability arises by and on 30 April 2004, the rise of a tax liability shall be established in accordance with the hitherto legislation.

(4) On repeated or partial supply of goods or services, in respect of which no tax liability arises by or on 30 April 2004, the rise of a tax liability shall be established in accordance with § 19 paragraphs (3) and (4) hereof.

(5) Where the taxable amount in respect of a taxable transaction is corrected by or on 31 December 2003, the rate of tax applicable at the rise of the tax liability in respect of the original taxable transaction shall be applied.

(6) The deduction of tax, which relates to taxable transactions effected by or on 30 April 2004 and which relates to goods imported by or on 30 April 2004, shall abide by the hitherto legislation, save as the deduction of tax attributable to property, which a taxpayer may deduct on his registration for tax purposes.

(7) In making preliminary tax deductions in accordance with § 50 hereof for tax periods of 2004, a taxpayer shall apply the coefficient calculated in accordance with the hitherto legislation.

(8) The capital goods as per § 54, in respect of which a taxpayer made tax deductions following 31 December 2002, shall be subject to tax deduction arrangements hereunder, save as paragraph 9.

(9) Where a taxpayer was obliged to adjust the tax deducted in respect of capital goods because of a changed use of such goods in 2003, he shall apply the hitherto legislation when making other eventual changes in the purpose of use of these goods.

(10) Any applications for deregistration filed prior to the effective date hereof, a decision on which was not made by the Tax Office by or on 30 April 2004, shall be reviewed in accordance with § 81 hereof.

(11) On the basis of an inventory count of pharmaceuticals and therapeutical aids, a pharmacy or therapeutical aid outlet may deduct the tax on such inventories that under the hitherto legislation did not qualify for such deduction; it may deduct the tax on such inventories according to an inventory count made as of 30 April 2004.

(12) A taxpayer, whose tax period is a calendar quarter, shall be obliged to separately submit a tax return modelled on a specimen stipulated hereunder for the last two months of the second calendar quarter of 2004; the taxpayer must file the tax return for the first month of the second calendar quarter of 2004 by 25 July 2004 in accordance with a specimen tax return applicable as of 30 April 2004.

(13) Any excess deductions in respect of tax periods until 31 December 2003 shall abide by § 23 of Act of the National Council of the Slovak Republic No. 289/1995 Z. z. on Value Added Tax, as amended by legislation in force until 31 December 2003.

(14) The Tax Office shall refund the tax in respect of foreign aid projects under the hitherto legislation, provided that an application for the tax refund is filed with the Tax Office by or on 30 April 2004.

(15) Whereas of 30 April 2004 goods are situated within the territory of the country and on their entry into the country they are declared to the customs office and have the status of temporarily warehoused goods or are placed under free customs zone or free customs warehouse arrangements or released under the customs warehouse procedures, inward processing procedures, temporary importation procedures, all this subject to full exemption from import duty, and such state of affairs continues till 1 May 2004, such goods shall abide by the hitherto legislation until the time when the temporary warehousing or other designation approved by customs authorities is terminated.

(16) Any goods, released under the common transit regime<sup>34)</sup> or another customs transit arrangements and such a regime prevail on 1 May 2004, shall abide by the hitherto legislation until the time this customs regime is terminated.

(17) Treated as importation of goods subject to tax shall be

a) the exclusion of goods, including an illegitimate exclusion from the temporary importation regime, under which the goods were released by or on 30 April 2004 subject to the conditions referred to in paragraph 15, if such goods were in free circulation in a country which was a Member State as of 30 April 2004 or becomes a Member State on 1 May 2004,

b) the exclusion of goods, including an illegitimate exclusion from the temporary warehousing regime, from their placement under customs arrangements referred to in paragraph 15, under which the goods were released and placed by or on 30 April 2004 subject to the conditions referred to in paragraph 15, if such goods were in free circulation in a country which was a Member State as of 30 April 2004 or becomes a Member State on 1 May 2004,

c) the termination of a regime as per paragraph 16 or violation of the conditions laid on such regime by paragraph 16, which commenced on or by 30 April 2004 subject to the conditions as per paragraph 16, if such goods were in free circulation in a country which was a Member State as of 30 April 2004 or becomes a Member State on 1 May 2004, save as cases where it is proven that the goods have not been supplied for consideration by a person who is a taxable person under the law of the country in question.

(18) Where goods are exported from a country which was a Member State as of 30 April 2004 or becomes a Member State on 1 May 2004 by or on 30 April 2004, and a person, to whom such goods are supplied, uses these goods following 30 April 2004, such a use of these goods shall be treated as importation of goods subject to the tax, provided that

a) the supply of these goods is exempt from the tax under the law of a country from which the goods are exported, and

b) by or on 30 April 2004, the goods are not imported into the territory of the country under the hitherto legislation.

(19) The goods referred to in paragraphs (17) and (18) shall not be subject to the tax, provided that

a) the goods are dispatched or transported to the territory of third countries,

b) the goods as per paragraph (17) subparagraph (a) are re-dispatched or re-transported to a Member State, from which they were exported, namely to the person who exported them, except for means of transport, or

c) the goods as per paragraph (17) subparagraph (a) shall be a means of transport, which is acquired or imported by or on 30 April 2004 in accordance with the taxation conditions in force in the domestic market of a country which was a Member State as of 30 April 2004 or becomes a Member State on 1 May 2004, and on its exportation is not exempt from the tax, and the tax attributable to this means of transport is not refunded; this condition shall be deemed to be met where the means of transport is used for the first time before 1 May 1996 or where the amount of tax on its importation is negligible.

(20) Goods released by the customs office of exportation under the exportation customs regime by or on 30 April 2004 that do not leave the territory of the country by or on that day, shall be treated as goods exported under § 37 of the hitherto legislation, provided that the goods left the territory of the country for a country which was a Member State as of 30 April 2004 or becomes a Member State on 1 May 2004, and the exit of these goods is proven by a taxpayer by the following documents instead of the customs authorities' confirmation:

a) a transport document or another document of dispatch giving the place of destination, where the transport of goods is arranged by the supplier or the customer via another person,

b) a confirmation of the acceptance of these goods by the customer or a person authorised thereby, where the transport is effected by the supplier,

c) a declaration of the customer, or a person authorised thereby, that they have transported the goods, where the transport of these goods is effected by the customer.

## § 85a

Temporary provisions on amendments effective from 1 January 2005

(1) The provisions of § 11a can also be exercised if a foreign person is a payer in accordance with this Act as of January 1, 2005 only due to the

acquisition of goods from another member state within the territory of the country and its consequent supply in accordance with § 11 paragraph (8). The supply of goods stored for the taxpayer as on December 31, 2004 is governed by the original regulation.

(2) A foreign person shall ask for cancellation of tax registration in accordance with paragraph (1) no later than until filing a tax return for the taxation period, in which the last tax liability occurred.

(3) The special modification of tax application in accordance with § 66 does not refer to the lease of a used passenger car based on a contract of lease, if the trader has already deducted the tax by December 31, 2004 when purchasing the car.

#### § 85b

(1) The Head of the Delegation of the European Commission in the Slovak Republic is entitled to a refund of the tax paid within prices for goods and services for his/her own consumption during the period from May 1st, 2004 to June 30th, 2005 under the conditions and within the scope of title of the Head of the Diplomatic Mission for refund of the tax in accordance with § 61.

(2) Members of the administrative and technical personnel of the Delegation of the European Commission in the Slovak Republic, who are not citizens of the Slovak Republic and are not permanently domiciled within the territory of the Slovak Republic, are entitled to a refund of the tax paid within prices for goods and services for their own consumption during the period from May 1st, 2004 to June 30th, 2005 under the conditions and within the scope of titles of members of the administrative and technical personnel of the diplomatic mission for refund of tax in accordance with § 61.

(3) § 62 applies to the filing of claims for refunds of tax to persons in accordance with paragraphs (1) and (2).

#### § 85c

Temporary provisions on amendments effective from 1 January 2006

(1) If goods are acquired in the territory of the country from another Member State according to § 20 paragraph (1), a tax liability does not arise provided that a tax liability arose according to § 20 paragraph (4) of the regulation valid so far.

(2) If a document about correction of a taxable amount when acquiring a goods in the territory of the country from another Member State or on delivery of a goods or service, where the acquirer of the goods of the receiver of the service is liable for payment of tax, is issued by 31 December 2005 inclusive, and the acquirer of the goods or the receiver of the service received the document after 31 December 2005, the difference between the original taxable amount and the corrected taxable amount and the difference between the original tax and the corrected tax will be specified in the tax return for the tax period in which he received the document about correction of the taxable amount.

(3) For a goods released to the temporary importation arrangements with partial exemption from import duty by 31 December 2005 inclusive, partial exemption from tax according to the regulation valid so far will be applied.

#### § 85d

Temporary provisions on amendments effective from 1 January 2008

(1) If, based on a lease agreement under which the ownership title to the subject-matter of the lease agreement is acquired not later than upon the payment of the last instalment [§ 8 paragraph (1) subparagraph (c)], the goods were handed over to the lessee prior to 31 December 2007 inclusive, and the lease had been taxed as the supply of service, the provisions of the existing regulation shall apply until the expiration of the lease.

(2) A taxpayer, who is the first one to market refundable packages along with goods within the territory of the country, is entitled to deduct the tax on refundable packages he keeps in stock as at 31 December 2007 pursuant to an inventory count carried out in compliance with a separate regulation<sup>36)</sup>, or pursuant to a physical count carried out as at 31 December 2007, provided that the taxpayer's accounting period is identical with a financial year. The taxpayer may apply the tax deduction referred to in the foregoing sentence if he has an invoice confirming the supply of refundable packages in respect of which he could not apply the tax deduction under § 49 paragraph (7) subparagraph (d) of the existing regulation.

(3) The taxpayer may apply the procedure under § 65 paragraph (10) of the Act as in force until 31 December 2007 towards a taxable person who is not a taxpayer under this Act until 31 December 2008 at the latest.

#### § 85e

Temporary provisions on amendments effective from 1 January 2009

(1) Where taxable persons reached as at 31 December 2008 the turnover pursuant to § 4 paragraphs (1) or (2) of the Act as in force until 31 December 2008, they shall be obliged to file with the Tax Office the tax registration application by or on 20 January 2009.

(2) The turnover for calendar months of the year 2008 shall be included in the turnover specified in § 4 and § 81 paragraph (1) of the Act as in force from 1 January 2009. The turnover for calendar months of the year 2008 in Slovak crowns shall be converted to the euro at the conversion rate.

(3) Where the taxable amount shall be corrected pursuant to § 25 after 31 December 2008 and shall relate to taxable transaction for which the tax became due no later than on 31 December 2008 and the payment was charged in euros, the exchange rate used at the time that the tax liability arose will be applied when correcting the taxable amount and the tax.

(4) Where the taxable amount shall be corrected pursuant to § 25 after 31 December 2008 and shall relate to taxable transaction for which the tax became due no later than on 31 December 2008 and the payment was charged in a currency other than in Slovak crowns or in euros, the conversion rate will be applied when converting Slovak crowns into euros.

(5) Where the taxable amount shall be corrected pursuant to § 25 after 31 December 2008 with a resultant decrease in the tax and shall relate to taxable transaction for which the tax became due no later than on 31 December 2008 and the payment was charged in Slovak crowns, the tax shall be corrected to a maximum of the amount of the declared original tax converted at the conversion rate.

(6) The financial threshold relating to the refund of a tax pursuant to § 57 paragraph (1) of the Act as in force until 31 December 2008 shall be applied to a tax refund for a period, which will lapse no later than on 31 December 2008.

(7) The financial threshold relating to the refund of a tax pursuant to § 59 paragraph (3) subparagraph (a) of the Act as in force until 31 December 2008 shall be applied to the refund of tax paid as part of the price of goods purchased no later than on 31 December 2008.

(8) On an invoice issued following 1 January 2009 and related to taxable transaction for which the tax became due before 1 January 2009 and the payment was charged in Slovak crowns, the details showing the taxable amount and the amount of tax shall be mentioned in euros and in Slovak crowns.

#### § 85f

Temporary provisions to amendments effective from 1 April 2009

(1) The provisions of § 55 paragraph (3), § 69 paragraph (13) and § 78 paragraph (9) in the wording effective as of 1 April 2009 shall not apply, if the obligation to file a tax registration application arose before 1 April 2009.

(2) The provisions of § 79 paragraphs (2) and (3) in the wording effective as of 1 April 2009 shall apply for the first time to the taxation period of April 2009.

#### § 85g

Temporary provisions on amendments effective from 1 July 2009

(1) A taxable person who achieved a turnover of EUR 35 000 under § 4 paragraphs (1) or (2) in wording as in force until 30 June 2009 and became a taxpayer, may apply for tax deregistration, if as of the last day of the calendar month preceding the calendar month, in which the application of tax deregistration was submitted, he did not achieved the turnover of EUR 49 790 for not more than 12 preceding consecutive calendar months.

(2) After receiving the application for tax deregistration, the Tax Office shall immediately set the date, from which the taxpayer shall no longer be considered as a taxpayer and the validity of the tax registration certificate together with validity of the tax identification number shall expire. The taxpayer is obliged to return his tax registration certificate within 10 days from the day he is no longer considered as a taxpayer.

(3) A taxpayer, who applies for tax deregistration under paragraph (1), may not deduct the tax under § 55 paragraphs (1) and (2), except the deduction of tax from the goods that he supplied as a taxpayer; if the taxpayer deducts the tax under § 55 paragraphs (1) or (2), the tax liability shall arise under § 81 paragraphs (6) and (7) in the last tax period.

(4) The Tax Office shall not register a taxable person who achieved a turnover of EUR 35 000 under § 4 paragraphs (1) or (2) in wording as in force until 30 June 2009 and who did not achieve a turnover under § 4 paragraphs (1) or (2) in wording as in force from 1 July 2009 and who filed the application for tax registration by 30 June 2009, unless the taxable person informs the tax office in writing by 15 July 2009, that the application for registration shall be considered as an application according to § 4 paragraph (4).

(5) A taxable person is not obliged to file the application for tax registration by 20 July 2009, provided that as of 30 June 2009 he achieved a turnover under § 4 paragraphs (1) or (2) in wording as in force until 30 June 2009 and did not achieve a turnover under § 4 paragraphs (1) or (2) in wording as in force from 1 July 2009.

(6) Where the taxable person was obliged to file the application for tax registration under § 4 paragraphs (1) or (2) in wording as in force until 30 June 2009 and he failed to meet this condition, the Tax Office shall not impose the penalty according to a special provision, if as of the last day of the calendar month preceding the calendar month in which the obligation to file an application for tax registration arose, the taxable person did not achieve a turnover of EUR 49 790 for not more than 12 preceding consecutive months.

#### § 85h

Temporary provisions on amendments effective as of 1 January 2010

(1) Where a service is supplied otherwise than according to paragraph (2) by a foreign person from another Member State or by a foreign person from a third country prior to the effective date of this Act and the recipient of the service was a person liable to pay the tax and the tax was not chargeable until 31 December 2009, or was chargeable only partially to the extent of the payment received pursuant to §19 paragraph (4), the tax liability arising under §19 paragraph (2) shall be based on the wording effective until 31 December 2009.

(2) Where a service is supplied in parts or repeatedly and the agreed payment covers a period longer than 12 calendar months and the tax has not become chargeable until 31 December 2009 in respect of the entire taxable amount, the tax liability arising under §19 paragraph (3) subparagraph (b) shall be based on the wording effective as of 1 January 2010.

(3) The provisions of §55a to §55g shall apply to the refund applications submitted after 31 December 2009.

(4) The refund applications of foreign persons from third countries for the period until 31 December 2009 shall be governed by the provisions §56 to §58 in the wording effective until 31 December 2009.

§ 85i

Temporary provisions on amendments effective as of 1 January 2010

(1) Deduction of the tax paid in respect of purchase or lease of the passenger car registered in the M1 category shall be governed by the provisions § 49 paragraph (7) subparagraph (a) and § 49 paragraphs (8) or (9) in the wording effective until 31 December 2009, if the purchase agreement or lease agreement of the passenger car registered in the M1 category was concluded until 31 December 2009 and the passenger car was handed over to the buyer or lessee not later than 31 December 2009.

(2) Supply of the passenger car registered in the M1 category shall be exempt from the tax, if the deduction of the tax paid in respect of its acquisition was excluded pursuant to § 49 paragraph (7) subparagraph (a) in the wording effective until 31 December 2009.

§85j

Transitional provisions on amendments effective as of 1 January 2011

(1) During the time period from 1 January 2011 until the last day of the calendar year in which the European Commission (Eurostat) publishes data<sup>36</sup> stating that the Slovak Republic's current Government Deficit is less than 3%, the standard tax rate on goods and services represents 20% of the tax base. The Ministry of Finance of the Slovak Republic shall notify the lapse of the period of application of the 20% standard tax rate pursuant to the first sentence by means of a generally binding regulation.

(2) If a taxpayer acquired or generated capital goods referred to in §54 paragraph (2) subparagraphs (b) and (c) by 31 December 2010, then §9 paragraph (2) of the regulation in effect until 31 December 2010 shall apply.

(3) If the taxpayer was obliged to carry out one or several tax deduction adjustments in respect of capital goods referred to in § 54 paragraph (2) subparagraphs (b) and (c) in the course of 2004 through 2010, the tax deduction adjustment period for these goods represents ten years, pursuant to § 54 paragraph (4) of the regulation in effect until 31 December 2010, while the taxpayer shall carry out every change of the purpose of use in line with the procedure stipulated in Annex 1 of the regulation in effect until 31 December 2010.

(4) A refund application pursuant to § 55a paragraph (1) and § 55f paragraph (1) in respect of the year 2009 may be filed by 31 March 2011 at the latest.

(5) The time limit pursuant to § 79 paragraph (4) of the regulation in effect from 1 January 2011, concerning the expiry of the entitlement to an excessive deduction refund, does not apply to excessive deductions claimed in tax periods ending on 31 December 2010 at the latest.

85k

Transitional provisions on amendments effective as of 1 January 2012

If the excess deduction is claimed for taxation periods, that end not later than 31 December 2011 and is returned based on untrue data within a time limit under § 79 paragraph (2), the Tax Office shall levy a fine under a special act effective until 31 December 2011.

§85ka

Transitional provision on amendments effective from 1 October 2012

The taxpayer whose tax period was a calendar quarter year on 30 September 2012 may continue with this tax period, however not longer than until the end of the calendar quarter year in which he will cease to meet the conditions pursuant to § 77 paragraph (2).

§85kb

Transitional provisions on amendments effective from 1 January 2014

(1) The tax registration application filed before 1 January 2014 by a taxable person conducting business jointly with another taxable person based on a contract of association or a similar contract shall be treated as application filed pursuant to § 4 paragraphs (1) or (2) in the wording effective from 1 January 2014.

(2) A tax representative pursuant to § 4 paragraph (3) in the wording effective until 31 December 2013 shall provide in its tax return, additional tax return, recapitulative statement and additional recapitulative statement the data concerning the common business of the association for the period until the end of the calendar year 2013. All members of the association shall be jointly and severally liable for the tax in respect of their common business until the end of the calendar year 2013.

(3) The obligation to continue in the adjustment of the deducted tax pursuant to § 54b paragraph (1) shall apply to the capital goods of an enterprise or a part of an enterprise acquired after 1 January 2014.

#### §85kc

Transitional provisions on amendments effective from 1 January 2015

(1) The provision of § 4 paragraph (3) second sentence in force until 31 December 2014 are applied for tax registration applications filed until 31 December 2014.

(2) A taxable person with VAT identification number pursuant to § 68 in force until 31 December 2014 is considered a taxable person with VAT identification number pursuant to § 68a.

(3) If a taxable person not established in the European Union seeks to apply the special scheme pursuant to § 68a in force from 1 January 2015 beginning on 1 January 2015, it shall notify the Tax Office Bratislava the commencement of activities and all data pursuant to § 68a paragraph (2) in force from 1 January 2015 electronically by the end of the calendar year 2014. The Tax Office Bratislava shall notify the taxable person electronically if it authorises the application of the special scheme and shall assign it a VAT identification number.

(4) If a taxable person not established in the Member State of consumption seeks to apply the special scheme pursuant to § 68a in force from 1 January 2015 beginning on 1 January 2015 it shall notify the Tax Office the commencement of activities electronically by the end of the calendar year 2014. The Tax Office shall notify such taxable person electronically that it authorises the application of the special scheme.

(5) The provision of § 85j paragraph (1) shall not be applicable as of 1 January 2015.

#### § 85kd

Temporary provisions on amendments effective from 1 January 2016

(1) The provisions of § 4 paragraph (3) and § 4c in the wording effective until 31 December 2015 shall apply to the tax registration applications filed according to § 4 paragraph (2) before 31 December 2015.

(2) The provisions of § 79 paragraph (2) subparagraph (c) in the wording effective from 1 January 2016 shall be used for the first time for the tax period of December 2015.

(3) The deadline according to § 79 paragraph (6) in the wording effective from 1 January 2016 shall apply to the excess deductions claimed not sooner than for the tax period of January 2016.

#### § 85ke

Transitional provision on amendments effective from 1 January 2017

A taxpayer is entitled to an interest on VAT refund under § 79a although the tax audit within the time limit for payment of VAT refund pursuant to § 79 paragraphs (1), (2) or (5) started before 1 January 2017 and is not completed as at 1 January 2017. The provision of § 79a shall not apply if the tax audit within the time limit for payment of VAT refund under § 79 paragraphs (1), (2) or (5) is completed by 31 December 2016, inclusive.

#### § 85kf

Transitional provisions on amendments effective from 1 January 2018

(1) After goods are released to the temporary importation arrangements with partial exemption from import duty until 31 December 2017, inclusive, then the tax liability upon importation of the goods shall arise from the moment of termination of the arrangements.

(2) The treatment of the deducted tax pursuant to § 54 and § 54a shall not apply to tax deducted before 1 January 2018 referring to a structure or a part of a structure other than those specified in § 54 paragraph (2) subparagraphs (b) and (c), in the wording effective until 31 December 2017.

(3) A taxable person which is a party to a trilateral transaction as the first customer pursuant to §45 paragraph (1), in the wording effective from 1 January 2018 and registered for tax pursuant to § 7 or § 7a shall file a recapitulative statement pursuant to § 80 paragraph (2) for periods starting not earlier than 1 January 2018.

#### § 85kg

Transitional provisions on amendments effective as of 1 January 2019

(1) The turnover under §4 paragraph (7) in the version in force from 1 January 2019 shall also include turnover achieved under §4 paragraph (7) in the version in force until 1 December 2018. The turnover under §4 paragraph (7) in the version in force from 1 January 2019 shall also include the value exclusive of tax of the supplied goods and services in an amount in which it has not been included in the turnover under §4 paragraph (7) in the version in force until 1 December 2018. §4 paragraph (7) in the version in force until 31 December 2018 shall apply to goods and services supplied in the period monitored under §4 paragraph (1) and not included in the turnover until 31 December 2018.

(2) Decisions on lodging a tax guarantee under § 4c issued until 31 December 2018 are repealed. The Tax Office shall return, until 28 February 2019, a tax guarantee or part thereof lodged in the form of a cash deposit made to the account of the Tax Office, which had not been used for settlement of the tax arrears until 31 December 2018. Prior to returning the tax guarantee, the Tax Office shall apply, mutatis mutandis, a procedure under a separate regulation.<sup>4d)</sup>

(3) The provisions of §9a and §22 paragraph (10) shall apply to vouchers issued after 30 September 2019.

(4) When supplying a construction or part of construction, § 38 paragraph (1) subparagraphs (b) and (c) and paragraph (7) subparagraphs (b) and (c) in the version in force from 1 January 2019 shall apply where the construction works commenced after 31 December 2018.

(5) The provision of § 38 paragraph (5) in the version in force from 1 January 2019 shall apply to an immovable property lease agreement concluded after 31 December 2018, under which the immovable property was handed over for use after 31 December 2018.

(6) The coefficient under § 50 paragraph (4) for the calendar year of 2018 and for the financial year which started until 31 December 2018 shall be calculated under § 50 paragraph(2) in the version in force until 31 December 2018.

#### § 85kh

Transitional provisions on amendments effective as of 1 January 2020

Goods transferred from other Member State to the territory of the country under the terms defined in § 11a in the wording effective until 31 December 2019 are subject to § 11a in the wording effective until 31 December 2019.

#### § 85ki

Transitional provisions on amendments effective as of 1 January 2021

Template of tax return for tax under Annex to the Measure No. MF/014640/2019-731 of the Ministry of Finance of the Slovak Republic of 28 October 2019, enacting the template of the value-added tax return (Announcement No. 404/2019 Coll.) shall be used when filing tax returns for periods ending on or before 31 December 2020, and when filing tax returns under § 78 paragraph (4), if the tax becomes chargeable on or before 31 December 2020.

#### § 85kj

Transitional provisions on amendments effective as of 1 July 2021

(1) If a taxable person which is not established in the territory of the European Union (other than a taxable person applying the special scheme under § 68a in the wording effective until 30 June 2021) wishes to apply, from 1 July 2021, the special scheme under § 68a in the wording effective from 1 July 2021, the taxable person shall, on or after 1 April 2021 and not later than 10 June 2021, electronically notify Bratislava Tax Office of commencement of the activities. The notification shall include: the business name, address, electronic address including websites, the national tax identification number (if assigned to the taxable person), declaration that the taxable person does not have a seat or a permanent establishment in the territory of the European Union, and other data required under a special regulation.<sup>28aa)</sup>

(2) If a taxable person (other than a taxable person applying the special scheme under § 68b, in the wording effective until 30 June 2021) wishes to apply, from 1 July 2021, the special scheme under § 68b in the wording effective from 1 July 2021, then the taxable person shall, on or after 1 April 2021 and not later than 10 June 2021, electronically notify Bratislava Tax Office of commencement of the activities. If the taxable person wishing to apply the special scheme under § 68b in the wording effective from 11 July 2021, does not have a VAT identification number assigned in the Slovak Republic, then the notification of commencement of the activities shall include the following data: the business name, address, electronic address including websites and other data required under a special regulation.<sup>28aa)</sup>

(3) If a taxable person, which is not represented by an intermediary in accordance with § 68c paragraph (1) subparagraph (b) in the wording effective from 1 July 2021, wishes to apply, from 1 July 2021, the special scheme under § 68c in the wording effective from 1 July 2021, the taxable person shall, on or after 1 April 2021 and not later than 10 June 2021, electronically notify Bratislava Tax Office of commencement of the activities. The notification shall include: the business name, address, electronic address including websites, other data required under a special regulation<sup>28aa)</sup> and VAT identification number or the national tax identification number.

(4) If the intermediary wishes to apply, from 1 July 2021, a special scheme under § 68c in the wording effective from 1 July 2021 at the expense of the taxable person, then the intermediary shall notify, on or after 1 April 2021 and not later than 10 June 2021 electronically notify the Tax Office of commencement of the activities. The notification shall include: the intermediary's business name, address, electronic address, other data required under a special regulation<sup>28aa)</sup> and the intermediary's VAT identification number.

(5) If a taxable person, represented by an intermediary, wishes to apply, from 1 July 2021, a special scheme under § 68c in the wording effective from 1 July 2021, then the intermediary shall, on or after 1 April 2021 and not later than 10 June 2021, electronically notify the Tax Office of commencement of the activities. The notification shall include: the taxable person's business name, address, electronic address including websites, other data required under a special regulation<sup>28aa)</sup> and the taxable person's VAT identification number or national tax identification number.

(6) The VAT identification number assigned to a foreign person under § 6 in the wording effective until 30 June 2021 is regarded as the VAT identification number assigned to a foreign entity under § 5. A certificate of VAT registration issued to a foreign entity under § 6 in the wording effective until 30 June 2021 is regarded as a certificate of VAT registration issued to a foreign entity under § 5.

#### § 85kk

Transitional provision on amendment effective as of 15 November 2021

By 30 November 2021, a taxable person who is a taxpayer as of 15 November 2021 is obliged to notify the Financial Directorate in the manner pursuant to § 6 paragraph (5) of any bank account; this shall not apply if it is an account other than a payment account<sup>5)</sup> intended for the settlement of payment operations kept for the payment service provider.

#### § 85kl

Transitional provisions on amendments effective as of 1 January 2022

(1) The provision of § 4b paragraph (2) fourth sentence in force until 31 December 2021 shall apply to the registration of a group after 31 December 2021 whose members were registered for tax purposes before 1 January 2022.

(2) The provision of § 4b paragraph (5) fifth sentence in force until 31 December 2021 shall apply to the application for a change of registration of a group filed after 31 December 2021 whose joining member was registered for tax purposes before 1 January 2022.

(3) If, after 31 December 2021, a fact occurred on the basis of which the taxpayer's registration was changed pursuant to § 6a, a taxable person who was registered for tax purposes pursuant to § 4 or pursuant to § 5 before 1 January 2022 shall be obliged to submit, together with the notification pursuant to § 6a paragraphs (1) or (2), also a certificate of tax registration to the Tax Office.

(4) Upon request, the Customs Office shall refund the tax paid on importation of goods imported between 1 January 2021 and 31 December 2021 by the European Commission, agency or a body established under European Union law, in so far as those goods are intended or were intended and used for the performance of tasks entrusted to them by European Union law associated with the COVID-19 pandemic; this shall not apply if the European Commission, agency or a body established under European Union law used or will use the imported goods for the purpose of further supply for consideration.

(5) If, after submitting the application pursuant to paragraph (4), the conditions for a tax refund in respect of importation of goods pursuant to paragraph (4) are no longer met, the European Commission, agency or body established under European Union law shall be obliged to inform the Customs Office of this fact without undue delay.

(6) If the conditions for a tax refund pursuant to paragraph (4) are no longer met and the decision on the tax refund has already been issued, the Customs Office shall repeal this decision.

(7) If the decision has been repealed pursuant to paragraph (6) and the tax has already been refunded, the Customs Office shall impose the tax at the rate applicable at the time; if the conditions for a tax refund pursuant to paragraph (4) are partially not met, the Customs Office shall impose the tax at the rate applicable at the time, equal to the difference between the tax amount initially refunded and the tax to the refund of which the European Commission, agency or body established under European Union law are entitled.

(8) The provision of § 62aa shall apply to goods or services supplied in the Slovak Republic from 1 January 2021 to the European Commission, agency or a body established under European Union law, in so far as those goods or services are or were intended for the performance of tasks entrusted to them by European Union law associated with the COVID-19 pandemic; this shall not apply if the European Commission, agency or a body established under European Union law used or will use these goods or services for the purpose of further supply for consideration.

(9) The provision of § 81 paragraph (4) last sentence in force until 31 December 2021 shall apply to the cancellation of tax registration of a taxpayer who was registered for tax purposes before 1 January 2022.

(10) The provision of § 81a paragraph (3) last sentence in force until 31 December 2021 shall apply to the cancellation of registration of a group which was registered for tax purposes before 1 January 2022.

(11) The provision of § 82 paragraph (3) last sentence in force until 31 December 2021 shall apply to the cancellation of tax registration of a person who was registered for tax purposes before 1 January 2022.

(12) The provision of § 83 paragraph (1) last sentence in force until 31 December 2021 shall apply to the appendix to the certificate of tax registration indicated before 1 January 2022.

(13) The provision of § 83 paragraph (3) last sentence in force until 31 December 2021 shall apply in the event of death of a taxpayer who was registered for tax purposes before 1 January 2022.

#### § 85km

Transitional provisions concerning the legislation effective as of 01 January 2023

(1) The Tax Office shall stay the registration procedure under the relevant law<sup>38)</sup> if the taxable person has reached in the preceding twelve consecutive calendar months a turnover of EUR 49,790 derived solely from the supply of goods and services that are exempt from tax under §37 to § 39 and submitted the tax registration application under § 4 paragraph (1), as effective until 31 December 2022, and this taxable person has withdrawn the tax registration application before the date of delivery of the tax registration decision.

(2) The provision of § 25a paragraph (2) subparagraph (a) effective from 01 January 2023, shall apply to claims for the delivery of goods or services for which 150 days since the due date have expired after 31 December 2022.

(3) The provisions of § 25a paragraph (2) subparagraph (a) and paragraphs 5(a) and 5(b) effective from 01 January 2023, shall apply to claims for the delivery of goods or services to which paragraph (2) does not apply.

(4) The provision of § 25a paragraph (2) subparagraph (f) effective until 31 December 2022 shall apply to claims for the delivery of goods or services to which paragraph (2) does not apply.

(5) If the taxpayer receives a correction document under § 25a paragraph (7) subparagraph (a) after 31 December 2022 for the reason that the supplier corrected the taxable amount under § 25a paragraph (3) because the claim became unenforceable within the meaning of § 25a paragraph (2) subparagraphs (a) or (f) effective until 31 December 2022, the taxpayer shall be obliged to correct the deducted tax in the tax period in which the correction document was received. The correction of the deducted tax shall be governed by § 53b effective until 31 December 2022 the obligation to report the correction of the deducted tax in the VAT Control Statement shall be governed by § 78a effective until 31 December 2022.

(6) Where the taxpayer is not obliged to correct the deducted tax under § 53b paragraph (1) subparagraph (a) effective from 01 January 2023 and the supplier corrected the taxable amount under § 25a paragraph (3) because their claim became unenforceable within the meaning of § 25a paragraph (2) subparagraph (a) effective from 01 January 2023, the taxpayer shall be obliged to correct the deducted tax in the tax period in which they receive a correction document under § 25a paragraph (7) subparagraph (a). The correction of the deducted tax shall be governed by § 53b effective until 31 December 2022 and § 53b paragraph (8) effective from 01 January 2023 and the obligation to report the correction of the deducted tax in the VAT Control Statement shall be governed by § 78a effective until 31 December 2022.

(7) The taxpayer shall have the right to correct the corrected deducted tax if they receive a correction document under § 25a paragraph (7) subparagraph (a) after 31 December 2022 for the reason that the supplier corrected the taxable amount under § 25a paragraph (6) because they received any payment in connection with a claim which is unenforceable within the meaning of § 25a paragraph (2) subparagraphs (a) or (f) effective until 31 December 2022. The correction of the corrected deducted tax shall be governed by § 53b effective until 31 December 2022 the obligation to report the correction of the corrected deducted tax in the VAT Control Statement shall be governed by § 78a effective until 31 December 2022.

(8) The obligation to file a tax return under § 78 paragraph (9) shall not apply to a taxable person that reached in the preceding twelve consecutive calendar months a turnover of no more than EUR 49,790 derived solely from the supply of goods and services that are exempt from tax under § 37 to § 39, and since the turnover was reached, the person has been supplying solely goods and services that are exempt from tax under § 28 to § 42, if

a) this person did not fulfil the obligation to submit the tax registration application until 31 December 2022; or  
b) this person submitted the tax registration application with a delay exceeding 30 days by 31 December 2022 and the Tax Office has stayed the registration procedure under the relevant law<sup>38)</sup> on the grounds that the tax registration application was withdrawn before the date of delivery of the tax registration decision.

(9) If the Tax Office did not start a tax audit under § 78 paragraph (9) effective until 31 December 2022 by 31 December 2022, the procedure provided in § 78 paragraph (9) effective from 01 January 2023 shall be applied.

(10) Until 31 March 2023, a reduced tax rate of 10% on the taxable amount shall be applied to passenger transport services by funiculars, teleferics and ski-lifts; admission to indoor and outdoor sports facilities for the purpose of practising sports; admission to indoor swimming pool facilities<sup>39)</sup>; and restaurant and catering services.<sup>40)</sup>

#### **§ 85kn**

##### **Transitional provisions concerning the legislation effective as of 01 January 2025**

(1) Where the taxable person achieves a turnover of EUR 49,790 pursuant to § 4 paragraph (1) as in force until 31 December 2024, the Tax Office's action shall be governed by § 4 paragraph (3) as in force until 31 December 2024.

(2) Where the taxable person became a taxpayer under § 4 paragraph (4) as in force until 31 December 2024, the Tax Office's action shall be governed by § 4 paragraph (8) as in force until 31 December 2024.

(3) Where the foreign person filed a tax registration application under § 5 paragraph (1) as in force until 31 December 2024, the Bratislava Tax Office's action shall be governed by § 5 paragraph (2) as in force until 31 December 2024.

(4) The provision of § 8 paragraph (1) subparagraph (c) as in force from 1 January 2025 shall not apply to a hire purchase arrangement signed before or on 31 December 2024.

(5) The provisions of § 55 paragraph (3) and § 69 paragraph (13) and § 78 paragraph (9) as in force until 31 December 2024 shall apply to a taxable person whose obligation to file a tax return arose under § 78 paragraph (9) as in force until 31 December 2024.

(6) The provisions of § 55 paragraphs (1) to (5) and § 78 paragraph (9) and § 78a paragraph (14), as in effect from 1 January 2025, shall apply *mutatis mutandis* to a taxable person that has not fulfilled the registration obligation under § 4 or § 5, as in effect until 31 December 2024, and that has not incurred the obligation to file a tax return under § 78 paragraph (9), as in effect until 31 December 2024; the own tax liability as such shall be due as provided in § 78 paragraph (2), as in effect from 1 January 2025. The right and the obligations provided in the first sentence shall apply to the period in which the taxable person should have been a taxpayer, which shall be determined pursuant to the last sentence of § 55 paragraph (3), as in effect until 31 December 2024, or the last sentence of § 55 paragraph (4), as in effect until 31 December 2024.

(7) For the purpose of the exercise of the right to deduct tax under § 51 in a tax return for a tax period that ended no later than 31 December 2024, a document issued under § 74 paragraph (3) subparagraph (b) as in force until 31 December 2024 shall be deemed a simplified invoice if issued by 31 December 2024.

(8) § 79 paragraph (2), as in effect from 1 January 2025, shall be applied for the first time to the tax period starting on or after 1 January 2025.

#### **§ 85l**

##### **Transitional provision for the application of self-taxation on the importation goods**

The procedure laid down § 84a shall be used for the first time on the importation of goods the tax liability in respect of which arose under § 21 paragraph (1) or subparagraph (b) after 30 June 2025.

**Effective from 1 July 2025**

### **§ 85ko Transitional provision for adjustments effective from 1 January 2025**

If after 31 December 2024, a fact occurs according to § 25 paragraph (1), which results in a reduction of the taxable amount and refers to the supply of goods or services for which the tax liability arose until 31 December 2024, and at the same time after 31 December 2024, for the purposes

- a) correction of the taxable amount according to § 25, the tax rate valid at the time the tax liability arose is used, and the taxpayer is obliged to calculate the amount of the corrected tax proportionally according to the amount in which the reduced taxable amount applies to each tax liability incurred,
- b) correction of the deducted tax according to § 53, the tax rate valid at the time the right to deduct tax arises is used, and the taxpayer is obliged to calculate the amount by which he corrects the deducted tax, proportionally according to the amount in which the reduced tax base according to § 25 applies to each created right to deduct tax.

### **85kp Transitional provisions to adjustments effective from 1 January 2025**

(1) If the first use has not occurred by 31 December 2024, the adjustment of the deducted tax shall be governed by § 53, as in effect from 1 January 2025; the foregoing shall not apply to capital goods referred to in § 54, paragraph (2), as in effect until 31 December 2024, for which the period for the adjustment of deducted tax provided in § 54, paragraph (4), as in effect until 31 December 2024, or § 54a, paragraph (2), as in effect until 31 December 2024, or § 54d, paragraph (2), as in effect until 31 December 2024, has started to run.

(2) For capital goods referred to in § 54, paragraph (2), as in effect until 31 December 2024, the adjustment of deducted tax shall be governed by § 54, § 54a, § 54d and Annex 1, as in effect until 31 December 2024, if the period for the adjustment of deducted tax provided in § 54 paragraph (4), as in effect until 31 December 2024, or § 54a paragraph (2), as in effect until 31 December 2024, or § 54d paragraph (2), as in effect until 31 December 2024, started to run by 31 December 2024.

(3) If a tax liability arises in the last tax period under § 81 paragraph (5) on assets the supply of which would be exempt from tax under § 38 paragraphs (1) or (7) and the adjustment of the deducted tax is subject to § 2, the taxpayer shall calculate the tax on such assets pursuant to § 81, paragraphs (5) and (6), as in effect from 1 January 2025.

### **§ 85l Transitional provision for self-assessment of import of goods**

The procedure under § 84a shall be applied for the first time to the import of goods for which the tax liability for the import of goods under § 21(1)(a) or (b) arose after 30 June 2025.

### **§ 85m Transitional transitional to the regulation effective from 1 July 2025**

The provision of § 61(13) in the wording effective until June 30, 2025 applies to a passenger car or commercial vehicle with an assigned diplomatic registration number EE even after June 30, 2025.

### **§ 85n Transitional provisions on the deduction of tax for certain categories of motor vehicles and goods and services related to these motor vehicles effective from 1 January 2026**

(1) A taxpayer who, from 1 January 2026 to 30 June 2028 inclusive, acquires long-term assets pursuant to § 52a paragraph (1) letter (b), which is a motor vehicle of category M1, L1e or L3e (hereinafter referred to as a "passenger motor vehicle"), other than a passenger motor vehicle pursuant to paragraph (4) or paragraph (5), shall deduct the tax applicable to this passenger motor vehicle to the extent of 50%; the use of this passenger motor vehicle for a purpose other than business shall not be deemed to be a supply of services for consideration (§ 9(2) or (3)) and, to the extent that tax has not been deducted for these goods, shall not be deemed to be a supply of goods for consideration (§ 8(3)). The provisions of § 49(4) and § 54 shall not be affected by this.

(2) A taxpayer who, from 1 January 2026 to 30 June 2028 inclusive, uses a passenger motor vehicle other than a passenger motor vehicle under paragraph (4) or paragraph (5) under a lease agreement other than a short-term lease agreement or under a similar agreement, shall deduct the tax relating to this service in the amount of 50%; the use of this passenger motor vehicle for a purpose other than business shall not be considered a supply of a service for consideration (§ 9(3)). The provision of § 49(4) shall not be affected by this.

(3) A taxpayer who, in connection with a passenger motor vehicle used for the purposes of his business, as well as for a purpose other than business, from 1 January 2026 to 30 June 2028 inclusive, receives services or acquires goods that are not capital goods pursuant to § 54(2)(a), shall deduct the tax applicable to these services or goods in the amount of 50%; the provision of § 49(4) shall not be affected by this.

(4) Paragraphs (1) to (3) shall not apply, without prejudice to the provisions of § 49 (4) and § 54, to a passenger motor vehicle that the taxpayer:

- a) acquired or uses exclusively for business, which is:
  1. short-term rental or other than short-term rental of a passenger motor vehicle.
  2. passenger transport and their luggage for consideration, including taxi services;
  3. operation of a driving school, if the passenger motor vehicle is a training vehicle; <sup>41)</sup>

b) is used exclusively as a demonstration or test passenger motor vehicle or as a replacement passenger motor vehicle provided to the taxpayer's customer for the period of repair of the customer's passenger motor vehicle or during which other services are performed on the customer's passenger motor vehicle.

(5) Paragraphs (1) to (3) shall not apply to a passenger motor vehicle which the taxpayer has acquired as long-term assets pursuant to § 52a paragraph (1) letter (b), exclusively for business purposes or a passenger motor vehicle which the taxpayer uses exclusively for business purposes,

if the taxpayer keeps detailed records pursuant to paragraph (6), demonstrating the extent to which the passenger motor vehicle is used exclusively for business purposes; the provisions of § 49(4) and § 54 shall not be affected by this.

(6) The taxpayer is obliged to keep records proving the extent of the use of a passenger motor vehicle pursuant to paragraph (5) exclusively for business purposes in electronic form separately for each acquired or used passenger motor vehicle and contain in particular

- (a) the identification number of the passenger motor vehicle VIN,
- (b) the registration number of the passenger motor vehicle, the name and type of the passenger motor vehicle,
- (c) the odometer reading of the passenger motor vehicle on the date of commencement of record keeping, at the end of each tax period and on the date of termination of record keeping,
- (d) records of each use of a passenger motor vehicle, which mainly contain the following data:
  1. serial number of the driving record,
  2. name and surname of the person who drove the passenger motor vehicle during the journey,
  3. date, time of the start of the journey and the end of the journey,
  4. purpose of the journey proving the use of the passenger motor vehicle for business,
  5. place of the start of the journey and place of the end of the journey,
  6. number of kilometers travelled for each journey, odometer reading before each journey and after each journey,
- (e) records of the acquisition of goods and receipt of services pursuant to paragraph (3) serving the operation of the passenger motor vehicle, broken down into individual goods and services, stating their specifications, purchase price excluding tax and the date of acquisition of the goods or receipt of the service.

(7) The taxpayer is obliged, upon request of the Tax Office, within the period specified in the request, to make available by electronic means the records pursuant to paragraph (6).

(8) The retention of records pursuant to paragraph (6) is subject to § 70(11)(b).

(9) The taxpayer is obliged to notify the Tax Office of the use of a passenger motor vehicle pursuant to paragraphs (4) or (5) within the deadline for filing a tax return for the tax period in which the tax deduction was claimed, on a form the template of which shall be determined and published by the Financial Directorate on the website of the Financial Directorate; in the case of a passenger motor vehicle used under a lease agreement other than a short-term lease agreement or under a similar agreement, the taxpayer is obliged to notify the use of the passenger motor vehicle pursuant to paragraphs (4) or (5) within the deadline for filing a tax return for the tax period in which the tax deduction was claimed for the first time. If the use of the passenger motor vehicle pursuant to paragraph (4) changes to use pursuant to paragraph (5) or vice versa, the taxpayer shall notify the Tax Office of this fact within the deadline for filing a tax return for the tax period in which this fact occurred. **The obligation under the first sentence shall not apply to a passenger motor vehicle acquired by taxpayer before 31 December 2025.**

(10) The provision of § 54d shall not apply to a passenger motor vehicle, **constituting capital goods under § 54 paragraph (2) letter (a)** for which tax has been deducted in accordance with paragraph (1); this shall not apply if the taxpayer, during the period for adjusting the deducted tax in accordance with § 52a(2)(a)

- (a) supplies **that** passenger motor vehicle for which tax has been deducted in accordance with paragraph (1), or
- (b) notifies the Tax Office no later than 31 December of the relevant calendar year on the form referred to in paragraph (9) that from the following calendar year he will start using **that** passenger motor vehicle for which he has deducted the tax pursuant to paragraph (1) exclusively pursuant to paragraph (4) or paragraph (5); the taxpayer pursuant to paragraph (5) is obliged to keep records pursuant to paragraph (6) starting from 1 January of the calendar year in which he starts using **that** passenger motor vehicle exclusively for business purposes.

#### **§ 85o Transitional provisions on electronic invoicing and electronic reporting to the Financial Directorate.**

(18) To register a person as a certified delivery service provider in the register kept by the Financial Directorate pursuant to § 76a, paragraph (5),  
(a) a proof of compliance with the condition provided in § 76a, paragraph (2), letter (e) to the extent of the provisions of paragraphs (9) to (11) shall not be required in 2026;

(b) a proof of compliance with the condition provided in § 76a, paragraph (2), letter (e) to the extent of the provisions of § 80 and § 80a in force as of 1 July 2030 shall not be required until 30 June 2030, inclusive.

(19) The Financial Directorate shall delete from the register referred to in § 76a, paragraph (5)

(a) on 1 January 2027 any person that has not provided by 15 December 2026 a proof of compliance with the conditions provided in § 76a, paragraph (2), letter (e) to the extent of the provisions of paragraphs (9) to (11);

(b) on 1 July 2030 any person that has not provided by 15 June 2030 a proof of compliance with the conditions provided in § 76a, paragraph (2), letter (e) to the extent of the provisions of § 80 and 80a in force as of 1 July 2030.

(20) The provision of § 76a, paragraph (2), letter (e) shall not apply in relation to the provisions of § 80 in force until 30 June 2030.

(21) In the period from 1 January 2026 to 31 December 2026, an electronic invoice for the purposes of Section 76a shall mean any document or notification that contains the particulars set forth in Section 74, paragraph (1) and is produced, sent and received

(c) in an electronic document format allowing the automated and electronic processing of the document; and

(d) with a data structure that complies with the technical standard for electronic invoicing and with the list of its syntaxes pursuant to relevant law.<sup>28s)</sup>

(22) If a taxpayer referred to in § 4, 4b or 4c supplying goods with a place of delivery referred to in § 13 that is located within the domestic country, or supplying a service with a place of delivery referred to in § 15 or § 16 that is located within the domestic country, or receiving a payment before such supply of goods or a service to a taxable person having their registered office, place of business, establishment, residence or place of habitual stay within the domestic territory or a non-taxable legal entity having within the domestic territory its registered office or a place characterised by a sufficient degree of permanence and a suitable structure in terms of human and technical resources to enable it to carry out its operations, sends an electronic invoice pursuant to paragraph (21) by a delivery service in the period from 1 January 2026 to 31 December 2026 and the recipient ensures that they are able to receive the electronic invoice through a delivery service, the recipient's consent under § 71, paragraph (1), letter (b) shall not be required; the foregoing shall not apply, if the supply of goods or a service is exempt from tax under § 28 to 43 and 47, or if the taxpayer has issued a simplified invoice for the supply of goods or a service under § 74, paragraph (3), letters (a) or (b). During the period from 1 January 2026 to 31 December 2026, the recipient's consent shall be required for the production of an electronic invoice pursuant to paragraph (21) that is not sent by a delivery service.

## § 86

This Act is to transpose legally binding acts of the European Union listed in Annex 6.

## § 87

The following shall be hereby repealed:

1. Act of the National Council of the Slovak Republic No. 289/1995 Coll. on Value Added Tax, as amended by Act of the National Council of the Slovak Republic No. 200/1996 Coll., Act of the National Council of the Slovak Republic No. 386/1996 Coll., Act No. 371/1997 Coll., Act No. 60/1999 Coll., Act No. 153/1999 Coll., Act No. 342/1999 Coll., Act No. 246/2000 Coll., Act No. 524/2001 Coll., Act No. 555/2001 Coll., Act No. 511/2002 Coll., Act No. 637/2002 Coll., Act No. 144/2003 Coll. and Act No. 255/2003 Coll.,
2. Decree of the Ministry of Finance of the Slovak Republic No. 93/1996 Coll. on the scope and method for refunding the value added tax to persons from other countries, who enjoy the privileges under international treaties, as amended by Decree No. 174/1998Z. z., Decree No. 281/2000 Coll. and Decree No. 424/2001 Coll.,
3. Decree of the Ministry of Finance of the Slovak Republic No. 94/1996 Coll. on the scope and method for refunding the value added tax, which arises from international treaties in respect of foreign aid projects.

## § 87a

Repealing provision effective from 1 January 2021

Hereby, repealed is the provision of the Measure No. MF/014640/2019-731 of the Ministry of Finance of the Slovak Republic of 28 October 2019, enacting the template of the value-added tax return (Announcement No. 404/2019 Coll.).

## § 88

This Act became effective on the day when the Treaty of accession of the Slovak Republic to the European Union came into force (May 1<sup>st</sup>, 2004).

### FOOTNOTES:

<sup>1)</sup> For example, Act No. 36/1967 Coll. on Court Experts and Interpreters, as amended by Act No. 238/2000 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll. on Court Executors and Executions (the Rules of Execution) and on the Amendment of Other Laws, as amended, Act of the Slovak National Council No. 323/1992 Coll. on Notaries Public and Notarial Activities (the Notarial Procedures), as amended, Act No. 237/1991 Coll. on Patent Agents, as amended by Act of the National Council of the Slovak Republic No. 90/1993 Coll., Act of the Slovak National Council No. 10/1992 Coll. on Private Veterinaries and on the Chamber of Veterinaries of the Slovak Republic, as amended by Act No. 337/1998 Coll.

<sup>2)</sup> Act of the National Council of the Slovak Republic No. 82/1994 Coll. on State Material Reserves, as amended.

<sup>(3)</sup> § 4(1) of Act No. 309/2023 on conversions of business companies and cooperatives and on amendments to certain laws.

<sup>4)</sup> § 4(2) of Act No. 309/2023.

<sup>4a)</sup> § 2(9) of Act No. 309/2023.

<sup>4b)</sup> § 2(9)(b) and (12) of Act No. 309/2023.

<sup>4c)</sup> § 67(1) of Act No. 563/2009.

<sup>4d)</sup> § 79(1) of Act No. 563/2009 Coll. as amended.

- 4e) § 66a of the Commercial Code.
- 4f) § 4 (3)(x) of the Act No. 35/2019 Coll. on the Financial Administration and on a change and amendments to certain laws
- 5) § 2(9) of Act No. 492/2009 Coll. on Payment Services and amendments to certain acts.
- 5a) Art. 219(1) through (3), Treaty on the Functioning of the European Union (OJ C 326, 26. October 2012).  
Art. 12(12,1) of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank (OJ C 83, 30 March 2010).  
§ 28(2) of National Council of the Slovak Republic Act No. 566/1992 Coll. on the National Bank of the Slovak Republic as amended.
- 5aa) § 4 and 5 of Act No. 406/2011 Coll. on Volunteering as amended.
- Article 111 (1) to (3) of the Treaty establishing the European Union, as amended (Official Journal C 321E, 29.12.2006).
- 5ab) Art. 5b of the Council Implementing Regulation (EU) 2019/2026 of 21 November 2019 amending Implementing Regulation (EU) No 282/2011 as regards supplies of goods or services facilitated by electronic interfaces and the special schemes for taxable persons supplying services to non-taxable persons, making distance sales of goods and certain domestic supplies of goods (OJ L 313, 4.12.2019).
- 5ac) Art. 1 par. 48 Commission Delegated Regulation (EU) 2020/877 of 3 April 2020 amending and correcting Delegated Regulation (EU) 2015/2446 supplementing Regulation No. 952/2013 of the European Parliament and of the Council as regards detailed rules specifying certain provisions of the Union Customs Code, and amending Commission Delegated Regulation (EU) 2016/341 supplementing Regulation (EU) No 952/2013 as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational (OJ L 203, 26.6.2020).
- 5ad) § 33(2) of Act No. 563/2009 Coll. on Tax Administration (Tax Procedure Code) and amendments to certain acts, as amended.
- 6) For example, Act No. 107/2004 Coll. on Excise Duty on Beer.
- 6a) Act No. 610/2003 Coll. on electronic communication.
- 6aa) § 7(1) and (2) of Act No. 529/2002 Coll. on Packages and amendments to certain acts.
- 6aaa) Art. 5a of the Council Implementing Regulation (EU) 2019/2026
- 6ab) Decree of the Ministry of the Environment of the Slovak Republic No. 732/2002 Coll. on the list of non-reusable returnable packages and on the amount of the deposit charged on such packages, and on the amount of deposit for reusable returnable packages.
- 6aba) Art.77 (1)(a) Council Regulation 2013/952 of 9 October 2013 establishing Community Customs Code (Official Journal L 269, 10.10.2013).
- 6abb) Art.79 of Council Regulation (EU) 2013/952.
- 6abba) § 156 of Act No. 563/2009 Coll., as amended
- 6abc) Art. 41a of the Council Implementing Regulation (EU) 2019/2026
- 6abd) § 2(b) of Act No. 302/2019 Coll. on the Deposit Return Scheme for Disposable Beverage Containers and on amendments to certain acts.
- 6ac) §116 of the Civil Code.
- 6aca) National Council of the Slovak Republic Act No. 233/1995 Coll., as amended.
- 6acaa) Articles 116 to 121 Council regulation No. 952/2013
- 6acb) § 11 through 107b Act No. 7/2005 Coll. on bankruptcy and restructuring and on changes and amendments to certain acts, as amended.
- 6acc) § 166 through 171d of Act No. 7/2005 Coll. as amended.
- 6acd) § 187 of the Civil Non-Dispute Procedure Code.
- 6ace) § 188 of the Civil Non-Dispute Procedure Code.
- 6acf) § 205 of the Civil Non-Dispute Procedure Code.
- 6acg) For example, § 14 paragraph 2 of the Act No 307/2016 on reminder procedures and on amendments to certain laws.
- 6ad) § 3 of Act No. 112/2018 Coll. on Social Economy and social enterprises as amended
- 6ae) § 5 (2) of Act No. 112/2018 Coll.
- 6ag) § 2 (b) of Act no. 222/2022 Coll. on state support for rental housing and on amendments to certain laws
- 6ah) § 2 (g) of Act no. 222/2022 Coll.
- 6ai) § 2 (j) of Act no. 222/2022 Coll.
- 6aj) § 2 (c) of Act no. 222/2022 Coll.
- 6b) Article 12 of Council Regulation (EEC) No. 2913/92 of 12 October 1992 establishing Community Customs Code (Official Journal L 302, 19.10.1992). §§ 16 to 18 of Act No. 199/2004 Coll. Customs Law and on the Amendment of Certain Acts as amended.
- 7) § 3 of Act No. 507/2001 Coll. on Postal Services.
- 8) Act No. 576/2004 Coll. on Healthcare and Services Relating to the Healthcare Provision, which also amends and supplements certain other acts, as amended.
- 9) Cancelled.
- 10) Cancelled.
- 11) For example, Act No. 195/1998 Coll. on Social Assistance, as amended.
- 12) Act of the National Council of the Slovak Republic No. 279/1993 Coll. on School Establishments, as amended. Act No. 29/1984 Coll. on the System of Primary and Secondary Schools (the Schooling Act), as amended. Act No. 131/2002 Coll. on Institutions of Higher Learning and on the Amendment of Certain Laws, as amended.
- 13) Act of the National Council of the Slovak Republic No. 5/2004 Coll. on Employment Services.
- 14) For example, Act No. 385/1997 Coll. on the Slovak National Theatre, Act No. 114/2000 Coll. on the Slovak Philharmonic Orchestra, Act No. 68/1997 Coll. on Matica slovenská, as amended by Act No. 183/2000 Coll.
- 15) Act of the National Council of the Slovak Republic No. 303/1995 Coll. on Budgeting Rules, as amended.
- 16) Cancelled
- 17) Act No. 461/2003 Coll. on Social Insurance, as amended.
- 18) Act of the National Council of the Slovak Republic No. 273/1994 Coll. on Health Insurance, the Funding of Health Insurance, on the Establishment of the General Health Insurance Company and on the Establishment of Departmental, Sectoral, Corporate and Civic Health Insurance Companies, as amended.
- 19) § 43h of Act No. 50/1976 Coll. on Land Planning and Building Regulations (the Building Act), as amended.
- 19a) §2(2) of Act of the National Council of the Slovak Republic No. 182/1993 Coll. on Ownership of Flats and Non-Residential Premises as amended.
- 19aa) Regulation (EC) No 451/2008 of the European Parliament and of the Council of 23 April 2008 establishing a new statistical classification of products by activity (CPA) and repealing Council Regulation (EEC) No 3696/93 (OJ L 145, 4.6.2008.), as amended.
- 20) Act No. 203/2011 Coll. on Collective Investment, as amended.

- 20a) Act No. 43/2004 Coll. on old-age pension savings and on amendment and supplementation of certain acts as amended by the Act No. 186/2004 Coll.
- 20b) Act No. 650/2004 Coll. on supplementary pension savings and on amendment and supplementation of certain acts.
- 21) Act of the Slovak National Council No. 194/1990 Coll. on Lotteries and Other Similar Games of Chance, as amended.
- 21a) Article 343 of the Consolidated Version of the Treaty on the Functioning of the European Union (OJ C 83, 30.3.2010). Agreement between the Government of the Slovak Republic and the Commission of the European Communities Implementing the Protocol on the Privileges and Immunities of the European Communities in the Slovak Republic (Notification of the Ministry of the Foreign Affairs of the Slovak Republic No. 553/2004 Coll.)
- 21b) Art. 335 par. 4 Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015), as amended
- 22) Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of relieves from customs duty (Official Journal L 105, 23/04/1983), as amended.
- 23) For example, Decree of the Minister of Foreign Affairs No. 157/1964 Coll. on the Vienna Convention on Diplomatic Relations, Decree of the Minister of Foreign Affairs No. 32/1969 Coll. on the Vienna Convention on Consular Relations.
- 24) For example, Decree of the Minister of Foreign Affairs No. 21/1968 Coll. on Treaty on Privileges and Immunities of International Labour Unions.
- 24a) § 115 of the Civil Code.
- 24aa) § 54 and 55 of Act No. 199/2004 Coll., as amended
- 25) Article 1 (32) of the Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015) as amended.
- 25a) § 18 (2) and (3) of Act 98/2004 Coll., as amended
- 25b) Annex No. 1 to Decree of the Slovak Office of Standards, Metrology and Testing No 161/2019 Coll. on measuring instruments and metrological control.
- 25c) § 22 (1) of Act No. 98/2004 Coll. as amended by Act No. 546/2011 Coll.
- 25d) § 23 (12) of Act No. 98/2004 Coll. as amended by later regulations.
- 25e) § 23 (9) Act No. 98/2004 Coll., as amended by later regulations.
- 25f) § 12 (1) Act No. 98/2004 Coll. as amended by later regulations.
- 26) § 22 of Act No. 595/2003 Coll. on Income Tax, as amended.
- 26a) § 2 of Construction Act (Act No. 50/1976 Coll., as amended)
- 26b) § 5 (2) of Construction Act
- 27) § 60 of Construction Act
- 27a) Act No. 595/2003 Coll., as amended.
- 27b) Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Union (Special edition OJ EU, Chapter 2/Volume 4; OJ EC L 293, 24.10.1990), as amended.
- 27ba) Commission Regulation (EC) No 1174/2009 of 30 November 2009 laying down rules for the implementation of Articles 34a and 37 of Council Regulation (EC) No 1798/2003 as regards refunds of value added tax under Council Directive 2008/9/EC (OJ L 314, 1.12.2009).
- 27bb) §10(3) of Act No. 563/2009 Coll. on the Tax Administration (Tax Administration Procedure Act) as amended by Act No. 331/2011 Coll.
- 27bc) §32 of Act No. 563/2009 Coll.
- 27bd) § 79 of Act No. 563/2009 Coll., as amended
- 27c) §72 of Act No. 563/2009 Coll.
- 27d) § 155(1)(f) point 2 of Act No. 563/2009 Coll.
- 27e) §79(3) of Act No. 563/2009 Coll. as amended by Act No. 331/2011 Coll.
- 27f) §13(6) and (9) of Act No. 563/2009 Coll.
- 27g) Annex II to Council Implementing Regulation (EU) 2022/432 of 15 March 2022 amending Implementing Regulation (EU) No 282/2011 as regards the VAT and/or excise duty exemption certificate (OJ L 88, 16.3.2022).
- 28) Act No. 213/1997 Coll. on Non-Profit Organisations Providing Community Services, as amended by Act No. 35/2002 Coll.
- 28a) Article 496 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Official Journal L 253, 11/10/1993 P. 0001 – 0766) in full wording.
- 28aa) Commission Implementing Regulation (EU) 2020/194 of 12 February 2020, laying down detailed rules for the application of Council Regulation (EU) No 904/2010 as regards the special schemes for taxable persons supplying services to non-taxable persons, making distance sales of goods and certain domestic supplies of goods (OJ L 40, 13.2.2020).
- 28ab) §13(5) and (6) and §14 of Act No. 563/2009 Coll., as amended.
- 28ac) Art. 63c of the Council Implementing Regulation (EU) 2019/2026
- 28ad) Council Implementing Regulation (EU) No 282/2011 of 15 March 2011, laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (revised) (OJ L 77, 23.3.2011) as amended.
- 28ae) Art. 61a of the Council Implementing Regulation (EU) 2019/2026.
- 28af) Article 37b(2) of Council Regulation (EU) No. 904/2010 of 7 October 2010 on administrative cooperation and combating fraud in the field of value added tax (recast) (OJ L 268, 12.10.2010), as amended.
- Article 4(3)(a) of Commission Implementing Regulation (EU) 2021/2007 of 16 November 2021 laying down detailed rules for the application of Council Regulation (EU) No. 904/2010 the special scheme for small enterprises (OJ L 407, 17.11.2021).
- 28ag) Section 13(5) of Act No. 563/2009 Coll., as amended.
- 28b) Act No. 572/2004 Coll. on emission quota trading and on the amendment of certain acts, as amended.
- 28c) For example, §134 of Act of the National Council of the Slovak Republic No. 233/1995 Coll. as amended by Act No. 341/2005 Coll., and §88 through 153 of Act No. 563/2009 Coll. as amended.
- 28d) For example, §151j and 553c of the Civil Code.
- 28da) Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987),
- 28db) Commission Regulation (EU) No 1209/2014 of 29 October 2014 amending Regulation (EC) No 451/2008 of the European Parliament and of the Council establishing a new statistical classification of products by activity (CPA) and repealing Council Regulation (EEC) No 3696/93

<sup>28dba)</sup> Decree of the Ministry of Finance of the Slovak Republic No. 378/2011 Coll. on the Method of Marking Tax Payments, as amended.

<sup>28dbb)</sup> § 67(12) of Act No. 563/2009 Coll. as amended.

<sup>28dbc)</sup> § 55(11) of Act No. 563/2009 Coll. as amended by Act No. 435/2011 Coll.

<sup>28dc)</sup> Article 54a of the Council Implementing Regulation(EU) 2018/1912 of 4 December 2018, amending the Council Implementing Regulation (EU) 2011/282, as regards the certain exemptions on intra-EU transactions (O.J. L 311. Page 7, 7/12/2018).

<sup>28e)</sup> §2(al) of Act No. 725/2004 Coll. on conditions of vehicle operation in the road traffic and on amendments to certain acts.

<sup>28f)</sup> Art. 54b of the Council Implementing Regulation (EU) 2019/2026.

<sup>28g)</sup> Art. 54c of the Council Implementing Regulation (EU) 2019/2026.

<sup>28h)</sup> § 2(3) sub-paragraphs (a) to (d) and (g) of the Act No. 492/2009, as amended by the Act No. 281/2017

<sup>28i)</sup> § 2(1) sub-paragraphs (c) to (f) of the Act No. 492/2009, as amended by the Act No. 281/2017

<sup>28j)</sup> § 2(2) of the Act No 492/2009, as amended by the Act No281/2017;

<sup>28k)</sup> § 2(8) of the Act No 492/2009, as amended by the Act No 281/2017;

<sup>28l)</sup> § 2(4) of the Act No 492/2009, as amended

<sup>28m)</sup> § 2(5) of the Act No 492/2009, as amended by the Act No 281/2017

<sup>28n)</sup> § 2(25) of the Act No 492/2009.

<sup>28o)</sup> § 2(26) of the Act No. 492/2009, as amended by the Act No 394/2011

<sup>28p)</sup> § 24b a 24e of Council Regulation (EU) No. 904/2010 of 7 October 2010 on administrative cooperation and combating fraud in the field of value added tax (recast)(OJ L 268, 12.10.2010), as amended.  
Article 4 and the Annex to Commission Implementing Regulation (EU) 2022/1504 of 6 April 2022 laying down detailed rules for the implementation of Council Regulation (EU) No 904/2010 as regards the establishment of an electronic central payment information system (CESOP) to combat VAT fraud (OJ L 235, 12.9.2022).

<sup>28r)</sup> § 154(1)(j) of Act No. 563/2009 Coll., as amended

<sup>29)</sup> Act No. 215/2002 Coll., about electronic signature and about the amendment and supplement of some laws, as amended by Act No. 679/2004 Coll.

<sup>29a)</sup> Act No. 289/2008 Coll. on the use of electronic cash registers and on amendments to Act of the Slovak National Council No. 511/1992 Coll. on administration of taxes and fees and on changes in the system of regional financial authorities as amended, as amended.

<sup>29aa)</sup> §5 of Act No. 563/2009 Coll.

<sup>29aaa)</sup> § 67(7) of Act No. 563/2009 Coll., as amended.

<sup>29aab)</sup> §7 (1) of Act No 384/2025 Coll. on on sales records and on amendments to certain laws

<sup>29aac)</sup> E.g. § 2 letter a) of Act no 215/2004 Coll. on on the protection of classified information and on amendments to certain laws

<sup>29aad)</sup> [§ 12 of Act no. 192/2023 Coll. on the criminal record and on amendments to certain laws](#)

<sup>29ab)</sup> §2(z) of Act No. 384/2025 Coll.

<sup>29b)</sup> Act No. 461/2003 Coll., as amended.

Act No. 580/2004 Coll. on Health Insurance amending and supplementing Act No. 95/2002 Coll. on Insurance system amending and supplementing certain Acts, as amended.

<sup>29ba)</sup> § 68a of Act No 563/2009 Coll. as amended by Act No. 298/2016 Coll.

<sup>29c)</sup> §47a of Act No. 563/2009 Coll. as amended by Act No. 218/2014 Coll.

<sup>30)</sup> § 25 of Act No. 595/2003 Coll., as amended.

<sup>31)</sup> Act No. 431/2002 Coll. on Accountancy, as amended by Act No. 562/2003 Coll.

<sup>32)</sup> For example, § 13(1) of Act No. 455/1991 Coll. on Sole Trading (the Trading Act) as amended.

<sup>33)</sup> Act No. 563/2009 Coll. as amended by Act No. 331/2011 Coll.

<sup>33a)</sup> Act No. 305/2013 on the exercise of public authorities' powers by electronic means and on amendments to certain laws (e-Government Act), as amended.

<sup>34)</sup> Notice of the Ministry of Foreign Affairs of the Slovak Republic No. 187/1996 Coll. on Accession of the Slovak Republic to the Treaty on Common Transit Regime, as amended by Notice No. 193/2003 Coll.

<sup>35)</sup> § 29 of Act No. 431/2002 Coll. on Accounting as amended.

<sup>36)</sup> Article 14 of Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Union (Codified version) (OJ L 145, 10.6.2009).

<sup>37)</sup> § 35b(1)(h) of Act of the Slovak National Council No. 511/1992 Coll. on Administration of Taxes and Duties and on the Changes in the System of the Territorial Financial Bodies as amended by Act No. 83/2009 Coll.

<sup>38)</sup> § 62(1)(h) of the Act No 563/2009

<sup>39)</sup> § 19(4) of the Act No. 355/2007 on the protection, promotion and development of public health and on amendments to certain laws, as amended by the Act No. 306/2012

<sup>40)</sup> Article 6 of Council Implementing Regulation (EU) No. 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (recast) (OJ L 77, 23.3.2011), as amended.

<sup>41)</sup> [§ 5\(7\) of Act No. 93/2005 Coll. on driving schools and on amendments and supplements to certain acts, as amended](#)

<sup>42)</sup> [Council of the European Parliament and Council \(EU\) 2015/1535 of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services \(codified version\) \(OJ L241, 17.9.2015\)](#)

### PROCEDURE FOR THE ADJUSTMENT OF DEDUCTED TAX ON CAPITAL GOODS

When adjusting under § 54, § 54a, § 54c, § 54d and § 85j, the taxpayer shall use the following formula:

$$DD = \frac{DV \times (A - B)}{5 \text{ or } 20}$$

Where:

DD is the result of the adjustment of deducted tax, which, represents additionally deductible tax if negative, or additionally non-deductible tax if positive;

DV is tax on the acquisition cost or self-generation cost of capital goods, provided that the value of any instalments paid in relation to the acquisition of capital goods under a lease agreement other than a lease agreement referred to in § 8 paragraph (1) subparagraph (c) is also deemed to be an acquisition cost;

A is a number between 0 and 1 representing the proportion of the amount of tax that the taxpayer deducted on capital goods at the time of their first use to the amount of tax based on the acquisition cost or self-generation cost of the capital goods; the calculated proportion shall be rounded up to two decimal places;

B is a number between 0 and 1 representing the proportion of the amount of tax that the taxpayer may deduct on capital goods to the amount of tax based on the acquisition cost or self-generation cost of the capital goods in the calendar year in which the ground for the adjustment of deducted tax has arisen; the calculated proportion shall be rounded up to two decimal places;

R is the number of calendar years remaining until the end of the period for the adjustment of deducted tax, including the year in which the purpose of use or the extent of use of the capital goods changed upon supply before the expiry of the period for the adjustment of deducted tax; otherwise, R is equal to 1."



					Tax amount in total	

Reserved for official use

**CERTIFICATE OF STATUS OF TAXABLE PERSON**

The undersigned .....  
.....  
(Name and address of a tax or another competent authority)

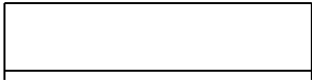
certifies that .....  
.....  
(Surname and first name or business name)

.....  
.....  
(Line of business)

.....  
.....  
(Address of the seat)

is a taxable person for the purposes of value added tax, his identification number being. . . . .  
.....  
.....

.....  
(Date)

Official stamp 

.....  
(Signature, name and capacity)

1) If the taxable person does not have a VAT identification number, the competent authority shall state the reason for this.

**Annex 4  
to Act No. 222/2004 Z. z.**

**APPLICATION  
for the VAT refund to a foreign official  
pursuant § 61 and § 62 of Act No. 222/2004 Z. z.**

Foreign official		
State	Capacity	
Address of seat (domicile)	Tax refund for a period of	
	Quarter	Year
Bank account/Bank identification code		
Telephone number	Fax number	

Amount of VAT refund claimed	
------------------------------	--

I hereby declare that the data stated in this application is true.

Place and date:.....

Signature of the foreign official

Signature of the head of mission  
(Official stamp)

**List of documents attesting to the purchase of goods and services**

Sequential No.	Purchase date	Type of goods and services purchased	Prices of goods and services purchased less the tax	Tax amount claimed
Total amount of VAT refund claimed (carryover)				

**Annex. 5**  
**to Act No. 222/2004 Z. z.**

**WORKS OF ART AND COLLECTORS' ITEMS**

Works of art are

- a) pictures, collages and similar decorative plaques, paintings and drawings, executed entirely by hand by the artist, other than plans and drawings for architectural, engineering, industrial, commercial, topographical or similar purposes, hand-decorated manufactured articles, theatrical scenery, studio back cloths or the like of painted canvas [the harmonised system numeric code (hereinafter the „CN code“) 9701],
- b) original engravings, prints and lithographs, being impressions produced in limited numbers directly in black and white or in colour of one or of several plates executed entirely by hand by the artist, irrespective of the process or of the material employed by him, but not including any mechanical or photomechanical process (CN code 9702 00 00),
- c) original sculptures and statuary, in any material, provided that they are executed entirely by the artist; sculpture casts the production of which is limited to eight copies and supervised by the artist or his successors in title (CN code 9703 00 00),
- d) tapestries (CN code 5805 00 00) and wall textiles (CN code 6304 00 00) made by hand from original designs provided by artists, provided that that there are not more than eight copies of each,
- e) individual pieces of ceramics executed entirely by the artist and signed by him,
- f) enamels on copper, executed entirely by hand, limited to eight numbered copies bearing the signature of the artist or the studio, excluding articles of jewellery and goldsmiths' and silversmiths' wares,
- g) photographs taken by the artist, printed by him or under his supervision, signed and numbered and limited to 30 copies, all sizes and mounts included.

Collectors' items are

- a) postage and revenues stamps, postmarks, first-day covers, pre-stamped stationery and the like, franked, or if unfranked not being of legal tender and not being intended for use as legal tender (CN code 9704 00 00),
- b) collections and collectors pieces' of zoological, botanical, mineralogical, anatomical, historical, archaeological, palaeontological, ethnographic or numismatic interest (CN code 9705 00 00).

## Annex No. 6 to Act No. 222/2004 Coll.

### List of transposed legally binding acts of the European Union

1. Thirteenth Council Directive 86/560/EEC of 17 November 1986 on the harmonization of the laws of the Member States relating to turnover taxes - Arrangements for the refund of value added tax to taxable persons not established in Community territory (OJ L 326, 21.11.1986; Extraordinary issue of the EU OJ, Chap. 9/vol. 1).
2. Council Directive 2006/79/EC of 5 October 2006 on the exemption from taxes of imports of small consignments of goods of a non-commercial character from third countries (codified version) (OJ L 286, 17.10.2006).
3. Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006) as amended by Council Directive 2006/138/EC of 19 December 2006 (OJ L 384, 29.12.2006).
4. Council Directive 2007/74/EC of 20 December 2007 on the exemption from value added tax and excise duty of goods imported by persons travelling from third countries (OJ L 346, 29. 12. 2007).
5. Council Directive 2008/8/EC of 12 February 2008 amending Directive 2006/112/EC as regards the place of supply of services (OJ L 44, 20.2.2008).
6. Council Directive 2008/9/EC of 12 February 2008, laying down detailed rules for the refund of value added tax, provided for in Directive 2006/112/EC, to taxable persons not established in the Member State of refund but established in another Member State (OJ L 44, 20.2.2008).
7. Council Directive 2008/117/EC of 16 December 2008 amending Directive 2006/112/EC on the common system of value added tax to combat tax evasion connected with intra-Community transactions (OJ L 14, 20. 1. 2009).
8. Council Directive 2009/69/EC of 25 June 2009 amending Directive 2006/112/EC on the common system of value added tax as regards tax evasion linked to imports (OJ L 175, 4. 7. 2009).
9. Council Directive 2009/132/EC of 19 October 2009 determining the scope of Article 143(b) and (c) of Directive 2006/112/EC as regards exemption from value added tax on the final importation of certain goods (OJ L 292, 10. 11. 2009).
10. Council Directive 2009/162/EU of 22 December 2009 amending various provisions of Directive 2006/112/EC on the common system of value added tax (OJ L 10, 15.1.2010).
11. Council Directive 2010/23/EU of 16 March 2010 amending Directive 2006/112/EC on the common system of value added tax, as regards an optional and temporary application of the reverse charge mechanism in relation to supplies of certain services susceptible to fraud (OJ L 72, 20.3.2010).
12. Council Directive 2010/45/EU of 13 July 2010 amending Directive 2006/112/EC on the common system of value added tax as regards the rules on invoicing (OJ L 189, 22.7.2010).
13. Council Directive 2010/66/EU of 14 October 2010 amending Directive 2008/9/EC laying down detailed rules for the refund of value added tax, provided for in Directive 2006/112/EC, to taxable persons not established in the Member State of refund but established in another Member State (OJ L 275, 20.10.2010).
14. Council Directive 2010/88/EU of 7 December 2010 amending Directive 2006/112/EC on the common system of value added tax, with regard to the duration of the obligation to respect a minimum standard rate (OJ L 326, 10.12.2010).
15. Council Directive 2013/43/EU of 22 July 2013 amending Directive 2006/112/EC on the common system of value added tax, as regards an optional and temporary application of the reverse charge mechanism in relation to supplies of certain goods and services susceptible to fraud (OJ L 201, 26.7.2013).
16. Council Directive 2013/61/EU of 17 December 2013 amending Directives 2006/112/EC and 2008/118/EC as regards the French outermost regions and Mayotte in particular (OJ L 353, 28.12.2013).
17. Council Directive (EU) 2016/856 of 25 May 2016 amending Directive 2006/112/EC on the common system of value added tax, as regards the duration of the obligation to respect a minimum standard rate (OJ L 142, 31.5.2016).
18. Council Directive (EU) 2016/1065 of 27 June 2016 amending Directive 2006/112/EC as regards the treatment of vouchers (OJ L 177, 1.7.2016).
19. Council Directive (EU) 2017/2455 of 5 December 2017 amending Directive 2006/112/EC and Directive 2009/132/EC as regards certain value added tax obligations for supplies of services and distance sales of goods (OJ L 348, 29.12.2017).
20. Council Directive (EU) 2018/912 of 22 June 2018 amending Directive 2006/112/EC on the common system of value added tax as regards the obligation to respect a minimum standard rate (OJ L 162, 27.6.2018).
21. Council Directive (EU) 2018/1695 of 6 November 2018 amending Directive 2006/112/EC on the common system of value added tax as regards the period of application of the optional reverse charge mechanism in relation to supplies of certain goods and services susceptible to fraud and of the Quick Reaction Mechanism against VAT fraud (OJ L 282, 12.11.2018).
22. Council Directive (EU) 2018/1910 of 4 December 2018 amending Directive 2006/112/EC as regards the harmonisation and simplification of certain rules in the value added tax system for the taxation of trade between Member States (OJ L 311, 7.12.2018).
23. Council Directive (EU) 2019/475 of 18 February 2019 amending Directives 2006/112/EC and 2008/118/EC as regards the inclusion of the Italian municipality of Campione d'Italia and the Italian waters of Lake Lugano in the customs territory of the Union and in the territorial application of Directive 2008/118/EC (OJ L 83, 25.3.2019).
24. Council Directive (EU) 2019/1995 of 21 November 2019 amending Directive 2006/112/EC as regards provisions relating to distance sales of goods and certain domestic supplies of goods (OJ L 310, 2.12.2019).
25. Council Directive (EU) 2020/284 of 18 February 2020 amending Directive 2006/112/EC as regards introducing certain requirements for payment service providers (OJ L 62, 2.3.2020).  
Effective from 1 January 2024
26. Council Decision (EU) 2020/1109 of 20 July 2020 amending Directives (EU) 2017/2455 and (EU) 2019/1995 as regards the dates of transposition and application in response to the COVID-19 pandemic (OJ L 244, 29.7.2020).
27. Council Directive (EU) 2019/2235 of 16 December 2019 amending Directive 2006/112/EC on the common system of value added tax and Directive 2008/118/EC concerning the general arrangements for excise duty as regards defence efforts within the Union framework (OJ EU L 336, 30 December 2019).
28. Council Directive (EU) 2020/285 of 18 February 2020 amending Directive 2006/112/EC on the common system of value added tax as regards the special scheme for small enterprises and Regulation (EU) No 904/2010 as regards the administrative cooperation and exchange of information for the purpose of monitoring the correct application of the special scheme for small enterprises (OJ L 62, 2.3.2020).
29. Council Directive (EU) 2020/1756 of 20 November 2020 amending Directive 2006/112/EC on the common system of value added tax as regards the identification of taxable persons in Northern Ireland (OJ EU L 396, 25 November 2020).

30. Council Directive (EU) 2021/1159 of 13 July 2021 amending Directive 2006/112/EC as regards temporary exemptions on importations and on certain supplies, in response to the COVID-19 pandemic (OJ EU L 250, 15 July 2021).
31. Council Directive (EU) 2022/542 of 5 April 2022 amending Directives 2006/112/EC and (EU) 2020/285 as regards rates of value added tax (OJ L 107, 6.4.2022).
32. Council Directive (EU) 2022/890 of 3 June 2022 amending Directive 2006/112/EC as regards the extension of the application period of the optional reverse charge mechanism in relation to supplies of certain goods and services susceptible to fraud and of the Quick Reaction Mechanism against VAT fraud (OJ L 155, 8.6.2022).
33. Council Directive (EU) 2025/516 of 11 March 2025 amending Directive 2006/112/EC as regards VAT rules for the digital age (OJ L 2025/516. 25.03.2025).

**Annex 7**  
to Act No. 222/2004 Coll. as amended by Act No. 278/2024 Coll.

**LIST OF GOODS WITH THE REDUCED TAX RATE**

Point	Numerical Codes of Common Customs Tariff <sup>1</sup>	Description of goods
1.	ex 2, ex 4, ex 7, ex 8, ex 9, ex 10, ex 11, ex 12, ex 13, ex 15, ex 16	Goods classified under the relevant heading of the Common Customs Tariff intended for human consumption or intended for the manufacture of goods suitable for human consumption, other than the goods referred to in point 2
	ex 3	Fish and crustaceans, molluscs and other aquatic invertebrates - only intended for human consumption or for the production of goods suitable for human consumption, except ornamental fish of subheadings 0301 11 and 0301 19 and the goods referred to in point 2
	ex 0504	Animal intestines, bladders and stomachs (other than fish), whole and parts thereof, fresh, chilled, frozen, salted, in brine, dried or smoked - only intended for human consumption or for the manufacture of goods fit for human consumption
	ex 17  ex 18	Sugar and confectionery - intended for human consumption only or for the manufacture of goods suitable for human consumption, except for goods of code 1702 90 71 to 1702 90 79, 1702 90 95, 1704  ex 18 Cocoa and cocoa preparations - intended for human consumption only or for the manufacture of goods suitable for human consumption, except for goods of code 1806 with the exception of goods of this code which are dietetic food according to a special regulation <sup>1c)</sup> and which are published in the list according to a special regulation <sup>1d)</sup>
	ex 19	Preparations of cereals, flour, starch or milk; confectionery - only intended for human consumption or for the production of goods suitable for human consumption, except for goods of heading 1901 20 00 for the preparation of bakery goods of heading 1905 20, 1905 31, 1905 32, 1905 90 45, 1905 90 55 or 1905 90 70, goods of heading 1904 10 and 1904 20 with added sugar according to a special regulation <sup>1a)</sup> or an ingredient according to a special regulation <sup>1b)</sup> or goods of heading 1905 20, 1905 31, 1905 32, 1905 90 45, 1905 90 55, 1905 90 70, 1905 90 80 with the exception of goods of these codes, which are dietetic food according to a special regulation <sup>1c)</sup> and which are published in the list according to a special regulation, <sup>1d)</sup> and goods of code 1905 90 80, which are bakery products containing less than 5% by weight of sucrose, invert sugar or isoglucose and unflavoured or unsalted extruded or expanded products and with the exception of goods referred to in point 2
	ex 20	Preparations of vegetables, fruit, nuts or other parts of plants – only intended for human consumption or for the manufacture of goods suitable for human consumption, except for goods of heading 2005 20 20, 2006 00, goods of heading 2007 with added sugar according to a special regulation, <sup>1a)</sup> an ingredient according to a special regulation <sup>1b)</sup> or a sweetener according to a special regulation, <sup>1e)</sup> goods of heading 2008 and goods of heading 2009 with an added sugar content exceeding 5 g per 100 ml and goods referred to in point 2

<sup>1</sup> Council Regulation (EEC) No. 2658/87 of 23 July 1987 on the Tariff and Statistical Nomenclature and on the Common Customs Tariff as amended by Council Regulation (EEC) No. 3528/89 of 23 November 1989, Council Regulation (EEC) No. 3845/89 of 18 December 1989, Council Regulation (EEC) No. 2913/92 of 12 October 1992, Council Regulation (EEC) No. 1969/93 of 19 July 1993, Council Regulation (EEC) No. 254/2000 of 31 January 2000. Regulation (EEC) No. 2658/87

	ex 21	Miscellaneous edible preparations - intended solely for human consumption or for the manufacture of goods suitable for human consumption, except for goods of subheadings 2101 12 92, 2101 20 92, 2105 00 or goods of subheadings 2106 90 20 to 2106 90 59, with the exception of goods of these subheadings which are dietetic foodstuffs under a special regulation <sup>1c)</sup> and which are published in the list under a special regulation <sup>1d)</sup>
	ex 2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter or flavouring; ice and snow - only drinking waters, excluding water supplied from the public water supply
	ex 2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, excluding fruit, nut or vegetable juices of heading 2009 – only goods which are dietetic foods according to a special regulation <sup>1c)</sup> and which are published in the list according to a special regulation, <sup>1d)</sup> goods of subheading 22021000, 220291000 and 22029919 without added sugar according to a special regulation, <sup>1a)</sup> ingredients according to a special regulation <sup>1b)</sup> or without sweetener according to a special regulation, <sup>1e)</sup> and also not containing coffee, tea or their substitutes, and goods of subheading 22029911, 22029915 and 2202 99 91 to 2202 99 99, if not containing coffee, tea or their substitutes.
	2209 00	Vinegar and substitutes for vinegar obtained from acetic acid
	ex 2301 10 00	Greaves - only those intended for human consumption or production of goods suitable for human consumption
	ex 2302	Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals or leguminous plants – intended solely for human consumption or for the manufacture of goods fit for human consumption
	ex 2303	Residues of starch manufacture and similar residues, beet-pulp, bagasse and other waste of sugar manufacture, brewing or distilling dregs and waste, whether or not in the form of pellets - intended solely for human consumption or for the manufacture of goods fit for human consumption
	ex 2304	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil - only those intended for human consumption or production of goods suitable for human consumption
	ex 2306	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable or microbial fats or oils, other than those of heading 2304 or 2305 - - only those intended for human consumption or production of goods suitable for human consumption
	2501 00 91	Salt suitable for human consumption
	2716 00 00	Electrical energy
2.	ex 0201	Meat of bovine animals, fresh or chilled excluding meat of wild bovine animals of heading 0102
	ex 0203	Meat of swine, fresh, chilled or frozen – only meat of domestic swine, fresh or chilled
	ex 0204	Meat of sheep or goats, fresh, chilled or frozen – only meat of sheep or goats, fresh or chilled, except for meat of wild sheep or goat
	ex 0207	Meat and edible offal of the poultry of heading 0105, fresh, chilled or frozen – only meat and edible offal of domestic poultry, fresh or chilled
	ex 0208 10 10	Other meat and edible meat offal, fresh, chilled or frozen – only meat and edible meat offal of domestic rabbits, fresh or chilled
	ex 0301	Live fish – only freshwater fish except for ornamental fish of heading 0301 11 00
	ex 0302	Fish, fresh or chilled, except for fish fillets and other fish meat of heading 0304 – only freshwater fish except for ornamental fish of heading 0301 11 00
	ex 0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen – only fish fillets and other fish meat (whether or not minced) of freshwater fish except for ornamental fish of heading 0301 11 00, fresh or chilled
	ex 0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter – only milk
	0403	Yogurt: buttermilk, curdled milk and cream, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa

	0405 10	Butter
	ex 0406	Cheese and cottage – only sheep cheese <sup>2</sup>
	0409 00 00	Natural honey
	0701	Potatoes, fresh or chilled
	0702	Tomatoes, fresh or chilled
	0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled
	0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled
	0705	Lettuce ( <i>Lactuca sativa</i> ) and chicory ( <i>Cichorium</i> spp.), fresh or chilled
	0707 00	Cucumbers and gherkins, fresh or chilled
	0708	Leguminous vegetables, shelled or unshelled, fresh or chilled
	0709	Other vegetables, fresh or chilled
	0808	Apples, pears and quinces, fresh
	ex 1102	Cereal flours other than of wheat or meslin – only flours from gluten-free cereals
	ex 11 03 19 90	Groats and meal from other cereals - only with a gluten content of not more than 20 mg/kg
	1105 10 00	Flour, meal and powder of potatoes
	1106 10 00	Flour, meal and powder of the dried leguminous vegetables of heading 0713
	1106 20 90	Flour, meal and powder of sago or of roots or tubers of heading 0714
	ex 1106 30	Flour, meal and powder of the products of Chapter 8 – only flour, meal and powder of fruit and nuts
	1208 10 00	Flours and meals of soya beans
	1208 90 00	Flours and meals of oil seeds or oleaginous fruits, other than those of mustard
	ex 1901 20 00	Mixes and doughs for the preparation of bakers' wares of heading 1905 - only with a gluten content not exceeding 20 mg/kg
	ex 1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products – only fresh bread according to special regulation <sup>3</sup> , bread according to special regulation <sup>3a</sup> with a gluten content not exceeding 20 mg/kg and only fresh bakery products according to special regulation <sup>4</sup> weighing 40 to 50 g or bakery products according to special regulation <sup>4a</sup> with a gluten content not exceeding 20 mg/kg
	ex 2009	Fruit or nut juices (including grape must and coconut water) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter – only juices without sugar added or juices with sugar added no more than 5 g per 100 ml
3.	ex 2844 41	Tritium and its compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing tritium or its compounds – only for healthcare purposes
	ex 2844 42	Actinium-225, actinium-227, californium-253, curium-240, curium-241, curium-242, curium-243, curium-244, einsteinium-253, einsteinium-254, gadolinium-148, polonium-208, polonium-209, polonium-210, radium-223, uranium-230 or uranium-232, and their compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing these elements or compounds – only for healthcare purposes
	ex 2844 43	Other radioactive elements and isotopes and compounds; other alloys, dispersions (including cermets), ceramic products and mixtures containing these elements, isotopes or compounds – only for healthcare purposes
	ex 2844 44 00	Radioactive residues – only for healthcare purposes
	2925 11 00	Saccharin and its salts
	2941	Antibiotics

<sup>2</sup> § 9 (2)(a) of the Special Regulation of Ministry of Agriculture and Rural Development of the SR No. 343/2016 Coll. on certain milk products

<sup>3</sup> § 2 (c) and (i) of the Special Regulation of Ministry of Agriculture and Rural Development of the SR No. 24/2014 Coll. on bakery products, pastries and pasta

<sup>3a</sup> § 2 (c) of the Special Regulation No. 24/2014 Coll.

<sup>4</sup> § 2 (e) and (i) of the Special Regulation No. 24/2014 Coll.

<sup>4a</sup> § 2 (e) of the Special Regulation No. 24/2014 Coll.

30	Pharmaceutical products
3822	Diagnostic or laboratory reagents on a backing, prepared diagnostic or laboratory reagents whether or not on a backing, whether or not put up in the form of kits, other than those of heading 3006; certified reference materials
ex 3922 90 00	Other sanitary ware of plastics – only bath seat for the use of persons with severe disabilities
ex 4901	Printed books, brochures, leaflets and similar printed matter, whether or not in single sheets, except for printed books, brochures, leaflets and similar printed matter, whether or not in single sheets, in which advertisements exceed 50% of the total content of the product
ex 4902	Newspapers, magazines and periodicals, whether or not illustrated or containing advertising material, excluding newspapers, magazines and periodicals, whether or not illustrated or containing advertising material, in which advertising and advertorials represent individually or in total more than 50% of the total content of the product, and excluding newspapers, magazines and periodicals, whether or not illustrated or containing advertising material, in which erotic content represents individually or in total more than 10% of the total content of the product
4903 00 00	Children's picture, drawing or colouring books
4904 00 00	Music, printed or in manuscript, whether or not bound or illustrated
ex 4905	Maps and hydrographic or similar charts of all kinds, including atlases, wall maps, topographical plans and globes, printed – only educational publications <sup>5</sup> approved by the authorized central body of state administration according to special regulation <sup>6</sup>
6115 10	Graduated compression hosiery (for example, stockings for varicose veins)
ex 6602 00 00	Walking sticks, seat-sticks, whips, horse-whips and similar ware – only for visually impaired and partially sighted persons
ex 8428 90 90	Other lifting, handling, loading or unloading machinery – only bath hoist for use of persons with severe disabilities
ex 8471 49 00	Other machines for automatic data-processing, presented in the form of systems – only machines with voice or tactile output for visually impaired and partially sighted persons
ex 8518 40 00	Electric low-frequency amplifiers (audio-frequency) – only individual amplifiers for hard-of-hearings, amplifiers for induction coils for hard-of-hearings, induction coils for hard-of-hearings, group amplifiers for teaching of hard-of-hearing children
ex 8523 49 10	Digital versatile discs (DVD) with recording – only books except for books, in which advertising material represents, individually or together, more than 50 % of their total content, and audio recordings with recitation of the content of books, except for audio recordings, in which the recitation of the content of books represents less than 50 % of their total content; children's picture, drawing or colouring books; music; maps and hydrographic or similar charts of all kinds, including atlases and topographical plans – only educational publications approved by the authorized central body of state administration according to special regulation
ex 8523 49 20	Other optical media (CD) with recording – only books except for books, in which advertising material represents, individually or together, more than 50 % of their total content, and audio recordings with recitation of the content of books, except for audio recordings, in which the recitation of the content of books represents less than 50 % of their total content; children's picture, drawing or colouring books; music; maps and hydrographic or similar charts of all kinds, including atlases and topographical plans – only educational publications approved by the authorized central body of state administration according to special regulation
ex 8523 51 90	Semiconductor media with recording – only books except for books, in which advertising material represents, individually or together, more than 50 % of their total content, and audio recordings with recitation of the content of books, except for audio recordings, in which the recitation of the content of books represents less than 50 % of their total content; children's picture, drawing or colouring books; music; maps and hydrographic or similar charts of all kinds, including atlases and topographical plans – only educational publications approved by the authorized central body of state administration according to special regulation
ex 8531 80 70	Other electric sound or visual signalling apparatus (other than those of heading 8512 or 8530) – only for persons with hearing and visual disability
8713	Carriages for disabled persons, also motorised or otherwise mechanically propelled
8714 20 00	Parts, and accessories of carriages for disabled persons

<sup>5</sup> § 13 (1) of the Act No. 245/2018 Coll. on education and training (School Act) as amended by the Act No. 415/2021 Coll.

<sup>6</sup> § 13 (4) and (5) of the Act No. 245/2018 Coll. as amended by the Act No. 415/2021 Coll.

	9001 30 00	Contact lenses
	9001 40	Spectacle lenses of glass
	9001 50	Spectacle lenses of other materials
	9021	Orthopaedic appliances including crutches, medical and surgical belts and trusses; splints and other appliances for treatment of fractures; artificial parts of body; hearing aids and other appliances which are worn or carried or implanted in the body, to compensate for a defect or disability
	ex 9619 00	Sanitary towels (pads) and tampons, napkins (diapers), napkin liners and similar articles, of any material – only those intended for incontinence

**Annex 7a  
to the Act No 222/2004**

**LIST OF SERVICES WITH REDUCED TAX RATE**

<b>Point</b>	<b>Codes of the statistical classification of products by activity (CPA)<sup>1)</sup></b>	<b>Service description</b>
1.	56	Food and beverage serving services - only restaurant and catering services <sup>2)</sup> consisting of the provision of beverages intended for human consumption, except providing alcoholic beverages with an alcohol content exceeding 0,5 % by volume
2.	55	Accommodation services
	56	Food and beverage serving services - only restaurant and catering services <sup>2)</sup> consisting of the provision of prepared or unprepared food intended for human consumption
	58.11.30	Online books, except for on-line books in which advertising material represents, individually or together, more than 50 % of their total content, and audio recordings with recitation of the content of the online books, except for audio recordings in which the recitation of the content of the online books represents less than 50 % of their total content
	90.02.11	Production and presentation of performing arts – only services related to admission <sup>3)</sup> to theatrical performances, puppet theatre performances, opera, ballet, musical or other similar cultural events
	90.04.10	Operation of artistic facilities – only services related to admission to theatrical performances, puppet shows, opera, ballet, musicals or other similar cultural events
	91.02.10	Museum operation services – only entrance fees to museums and exhibitions, except for exhibitions with a commercial focus
	93.11.1	Sports facility operation services - only services related to admission to sporting events
	93.13.10	Services of fitness facilities - only entrance fees to fitness facilities

1) Regulation (EC) No 451/2008 of the European Parliament and of the Council of 23 April 2008 establishing a new statistical classification of products by activity (CPA) and repealing Council Regulation (EEC) No 3696/93 (OJ L 145, 4.6.2008), as amended

2) Article 6 of Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (recast) (OJ L 77, 23.3.2011), as amended

3) Article 32 of Council Implementing Regulation (EU) No 282/2011

**Annex 8**  
**to Act No. 222/2004 Coll. as amended by Act No. 593/2007 Coll.**

**LIST OF ACTIVITIES**

1. Telecommunication services
2. Supply of water, gas, electricity and heat
3. Transport of goods
4. Port and airport services
5. Transport of persons
6. Supply of new goods produced for sale
7. Activities of agricultural mediatory agencies concerning agricultural products, performed pursuant to regulations on common organisation of the market with such products
8. Organisation of fair trades and exhibitions
9. Warehousing
10. Advertising services
11. Tourism services
12. Operation of shops for employees, operation of canteens for employees and operation of similar establishments
13. Public television and public radio activities other than those exempt from tax under § 36.

**Annex 9**  
to Act No. 222/2004 Coll. as amended by Act No. 369/2018 Coll.

**List of goods to which exemption from the tax is applicable for transactions relating to international trade**

<b>Part I.</b>	
<b>Numerical Codes of Common Customs Tariff</b>	<b>Description of goods</b>
ex2709 00 90	Petroleum oils and oils obtained from bituminous minerals, crude – Other — crude oil only
<b>Part II.</b>	
<b>Numerical Codes of Common Customs Tariff</b>	<b>Description of goods</b>
2710 12 41	Petroleum oils and oils obtained from bituminous minerals other than crude with an <b>octane number (RON) of less than 95</b>
2710 12 45	Petroleum oils and oils obtained from bituminous minerals other than crude with an <b>octane number (RON) 95 or more but less than 98</b>
2710 12 49	Petroleum oils and oils obtained from bituminous minerals other than crude with an <b>octane number (RON) 98 or more</b>
2710 19 43	Petroleum oils and oils obtained from bituminous minerals other than crude with a <b>sulphur content not exceeding 0,001 % by weight</b>
2710 19 46	Petroleum oils and oils obtained from bituminous minerals other than crude <b>with a sulphur content exceeding 0,001 % by weight but not exceeding 0,002 % by weight</b>
2710 19 47	Petroleum oils and oils obtained from bituminous minerals other than crude <b>with a sulphur content exceeding 0,002 % by weight but not exceeding 0,1 % by weight</b>
2710 19 48	Petroleum oils and oils obtained from bituminous minerals other than crude <b>with a sulphur content exceeding 0,1 % by weight</b>
2710 20 11	Petroleum oils and oils obtained from bituminous minerals other than crude with a <b>sulphur content not exceeding 0,001 % by weight</b>
2710 20 15	Petroleum oils and oils obtained from bituminous minerals other than crude <b>with a sulphur content exceeding 0,001 % by weight but not exceeding 0,002 % by weight</b>
2710 20 17	Petroleum oils and oils obtained from bituminous minerals other than crude <b>with a sulphur content exceeding</b>

	<b>0,002 % by weight but not exceeding 0,1 % by weight</b>
2710 20 19	Petroleum oils and oils obtained from bituminous minerals other than crude <b>with a sulphur content exceeding 0,1 % by weight</b>