

**PURCHASE OF GOODS FROM EU SUPPLIER WITHOUT A VAT NUMBER MAY BE REPORTED
ONLY IN VAT-7 RETURN**

We wish to alert you to a private tax ruling given by Director of Warsaw Tax Chamber ("Authority") on 6 May 2016 (ref. IPPP3/4512-93/16-2/JF) in relation to the reporting of intra-Community acquisitions of goods ("IAG") in EC Sales List vs. Polish VAT returns in a situation where the foreign supplier is not registered for intra-Community transactions or does not disclose his EU VAT number ("VAT ID") for the purposes of the transaction.

The ruling involved a company registered for intra-Community ("IC") transactions which makes IAGs in course of its business. Some of its EU suppliers refuse to disclose their VAT IDs on the invoices or are not registered for IC transactions at all. Such suppliers add VAT on their invoices to the company. The company concluded that these transactions meet the VAT Act's definition of IAG, therefore it reported them in its VAT returns. However, due to the absence of suppliers' VAT IDs it did not report the transactions in its EC Sales Lists. The result was a discrepancy between the two reports and the company was in doubt whether its approach was correct, so it requested the Authority to confirm it.

The Authority confirmed the company's approach. It held that whether or not the foreign supplier is registered for IC transactions or has a VAT ID is irrelevant for whether or not the transaction is an IAG. However, if the supplier is not so registered or does not give his VAT ID, the Polish customer is unable to report the number in his EC Sales List, but, by Article 100.8.3 VAT Act, each EC Sales List should state a proper and valid EU VAT registration number assigned to the supplier by its country.

According to the ruling, if the foreign supplier does not state his EU VAT number and the customer is unable to check it through his own means, the transaction cannot be reported in EC Sales List for objective reasons. However, the transaction does meet the statutory definition of IAG and as such is subject to Polish VAT while the customer must report it in his Polish VAT return.

This is another of a series of similar rulings from this Authority, which again confirms the approach discussed above.

If this issue pertains to your business and you are interested in our assistance, please contact your WTS&SAJA consultant or our office.

Doradztwo Podatkowe WTS&SAJA Sp. z o.o.

Delta Building, 4th floor
ul. Towarowa 35
61-896 Poznań
tel. (+48) 61 643 45 50
fax. (+48) 61 643 45 51

Warsaw Office

CENTRAL Tower, 22nd floor
Al. Jerozolimskie 81
02-001 Warszawa

This Newsletter provides general information and is designed to keep you up-to-date with changes in tax law, tax rulings and interpretations, case law development and interesting commentaries.

Doradztwo Podatkowe WTS&SAJA shall not be held legally liable for any acts or omissions that follow from the contents hereof.