



**VAT in the European Community**

**APPLICATION IN THE MEMBER STATES,  
FACTS FOR USE BY  
ADMINISTRATIONS/TRADERS  
INFORMATION NETWORKS ETC....**

**Note**

**This document collates a range of basic information on the application of VAT arrangements in the Member States which has been obtained from the tax authorities concerned.**

**The sole purpose of distributing details of national provisions is to create a work-tool. In no way does this document necessarily reflect the views of the Commission of the European Communities. Nor does it signify approval of the relevant legislation.**

# NETHERLANDS

## **1. IF A FOREIGN TRADER WANTS TO OBTAIN INFORMATION ABOUT YOUR VAT SYSTEM, WHOM SHOULD HE CONTACT?**

Foreign traders may obtain information about the Dutch VAT system from:

Belastingdienst Particulieren/Ondernemingen Buitenland  
Postbus 2865  
NL - 6401 DJ Heerlen  
Tel.: 31 45/5736666  
Fax : 31 45/5736684

Website: [www.belastingdienst.nl](http://www.belastingdienst.nl)

## **2. WHAT ARE THE CIRCUMSTANCES GOVERNING THE NEED TO BE VAT-REGISTERED?**

VAT-registration is required in the following circumstances:

- (1) where a trader is established in the Netherlands or has a permanent establishment in the Netherlands from which it supplies services or sells goods;
- (2) where a foreign trader supplies taxable services or sells goods in the Netherlands to customers other than Dutch traders and bodies;
- (3) where traders in other Member States carry out distance sales in the Netherlands to private individuals.

## **3. PLEASE DESCRIBE THE PROCEDURES FOR ISSUING VAT IDENTIFICATION NUMBERS.**

The following procedure is followed for issuing a VAT identification number. Foreign traders (traders in another Member State or non-EC country) must apply for registration to the tax department for foreign firms/individuals at the above address in Heerlen. They will receive a questionnaire which they must complete and return. In urgent cases, a provisional number can be issued. Traders which wish to register solely in order to obtain a refund of Dutch VAT are issued with a number which cannot be used as a VAT identification number.

**4. WHICH THRESHOLD (IN NATIONAL CURRENCY) DO YOU OPERATE AS REGARDS INTRA-COMMUNITY DISTANCE SELLING UNDER ARTICLE 28B(B)(2) OF THE SIXTH DIRECTIVE AS AMENDED BY DIRECTIVE 91/680/EEC?**

€100.000.

**5. WHICH THRESHOLD (IN NATIONAL CURRENCY) DO YOU OPERATE AS REGARDS ACQUISITIONS BY NON-TAXABLE LEGAL PERSONS OR EXEMPT PERSONS UNDER THE SECOND SUBPARAGRAPH OF ARTICLE 28A(1)(A) OF THE SIXTH DIRECTIVE AS AMENDED BY DIRECTIVE 91/680/EEC?**

The threshold for special traders and legal persons other than traders is €10.000.

**6. WHAT ARE THE CONDITIONS GOVERNING THE APPOINTMENT OF A TAX REPRESENTATIVE?**

A tax representative is appointed in the following situations:

- (1) at the request of a trader which is not domiciled or established in the Netherlands;
- (2) appointment of a tax representative is compulsory if the distance-selling arrangements are applicable to the supply of goods by a foreign trader;
- (3) appointment of a tax representative is compulsory if a foreign trader trades in goods in the Netherlands under the VAT-warehouse arrangements.

Only traders established in the Netherlands may, on request, be registered as the tax representative of a foreign trader established outside the Netherlands.

**7. WHAT ARE THE RIGHTS AND OBLIGATIONS OF A TAX REPRESENTATIVE?**

A tax representative acts in place of the taxpayer in all matters regarding the rights and obligations connected with the tax return and the payment of tax, including, in the case of so-called intra-Community transactions, those obligations arising from the need to submit recapitulative statements.

The conditions are laid down in the licence (see point 6). They include the provision of a guarantee. In addition, there might be requirements regarding the recording of transactions for which he acts as representative.

The tax representative receives the same legal protection as any other taxable person.

**8. WHAT ACTION CAN YOU TAKE IN THE EVENT OF FAILURE BY A TRADER IN ANOTHER MEMBER STATE TO DESIGNATE A TAX REPRESENTATIVE IN YOUR TERRITORY?**

Under existing regulations, assessments and fines may be imposed against a foreign trader who has undertaken taxable supplies in the Netherlands without being registered there and without completing a VAT return.

## **9. WHAT ARE THE CONDITIONS GOVERNING THE ISSUE OF AN INVOICE?**

### **Who must issue an invoice?**

- (1) Traders, including persons who, through a legal fiction, become traders in respect of the supply of a new means of transport are required to issue an invoice to other traders or legal persons other than traders in respect of services or goods they have supplied and the supply of a new means of transport to a private individual.
- (2) Traders who supply goods under distance-selling arrangements must also issue invoices.

### **In what timeframe relative to the supply concerned?**

An invoice must be issued:

- (1) by ultimately the fifteenth day following the month in which the goods or services were supplied;
- (2) in the event of payment on account, the invoice must be issued before the payment takes place.

### **What information must appear on the invoice?**

The invoice must include the following particulars:

- (1) the serial number;
- (2) the date;
- (3) the date on which the goods or services were supplied;
- (4) the name and address of the trader who supplied the goods or services;
- (5) the name and address of the trader to whom the goods or services were supplied;
- (6) a clear description of the goods or service supplied;
- (7) the quantity of goods supplied;
- (8) in the following cases, the invoice must indicate the VAT identification number of both the trader supplying the goods or services and the trader to whom the goods or services are supplied:
  - (a) the intra-Community transport of goods;
  - (b) intra-Community supplies;
  - (c) services in respect of movable property for a trader which does not have a Dutch VAT identification number;
  - (d) services rendered by intermediaries, within the meaning of Article 28b(E) of the Sixth Directive;

- (e) where simplified arrangements for ABC contracts are supplied;
- (9) information necessary to determine whether a means of transport is new;
- (10) the consideration paid;
- (11) the amount of turnover tax payable in respect of the goods or services.

**10. ARE THERE EXEMPTIONS FROM THE OBLIGATION TO ISSUE AN INVOICE? IF SO, TO WHICH CATEGORIES OF BUSINESS DO THEY APPLY?**

The following are not required to issue an invoice:

- (1) traders which are natural persons resident or established in the Netherlands or having a permanent establishment there and are exempt from administrative obligations under the special scheme for small undertakings and thus are also exempt from the obligation to issue an invoice;
- (2) traders which are exempt from turnover are also exempt from the obligation to issue an invoice;
- (3) traders which transport persons by public transport or taxi, within the meaning of Article 1(1)(e) and (g) of the Passenger Transport Act;
- (4) traders which supply food and beverages for on-site consumption in a hotel, café, restaurant, boarding house or similar establishment to persons who remain in such an establishment for only a short period.
- (5) traders who supply goods to non-entrepreneurs amounting to at least:
  - 80%, of total supplies where special permission has been given in advance or
  - 90%, of total supplies where the trade takes place in a shop or
  - if 100% of the goods are supplied to one or more of 13 special groups of entrepreneurs, mentioned in legislation.

**11. UNDER WHAT CIRCUMSTANCES IS A TRADER OBLIGED TO SUBMIT A VAT RETURN?**

If issued with a return, a trader is obliged to submit it. Where a trader is not issued with a return but is liable to pay tax, he is required to request a return.

**12. AT WHAT INTERVALS ARE VAT RETURNS AND THE ASSOCIATED PAYMENTS TO BE MADE?**

The following intervals are applicable:

- (1) in principle, VAT returns have to be submitted and associated payments made every quarter;

- (2) where a business fulfils certain conditions, the interval is reduced to one month; it may also be fixed at one month if the trader so requests;
- (3) small traders may submit returns annually.

**13. DOES A SPECIAL REGIME AS REGARDS PERIODIC VAT RETURNS EXIST FOR SMALLER TRADERS AND/OR CERTAIN CATEGORIES OF BUSINESSES?**

Traders for whom the VAT payable does not exceed NLG 2 000 (€908) a year are allowed to submit their VAT return annually. Small traders which are exempt from VAT are not required to submit a return.

**14. DO YOU OPERATE SIMPLIFIED CALCULATIONS OF TAX LIABILITY?**

Traders having difficulties in meeting the deadline for calculating the correct amount of VAT due may obtain authorisation to estimate the VAT due. For this there are two systems:

- (1) The estimated amount for a return period (month or quarter) must be deducted from the correct amount in the following period.
- (2) Traders submitting monthly returns may estimate the VAT due for the first two months of a quarter. The correct amount must be settled before the last month of the quarter.

**15. AT WHAT INTERVALS ARE RECAPITULATIVE STATEMENTS TO BE SUBMITTED?**

Recapitulative statements must generally be submitted quarterly. There are, however, provisions for less frequent submission (see point 17 below).

**16. IS ANY ADDITIONAL INFORMATION REQUIRED OTHER THAN THAT SET OUT IN ARTICLE 22(6) OF THE SIXTH VAT DIRECTIVE AS AMENDED BY DIRECTIVE 91/680/EEC?**

No.

**17. WILL YOU OPERATE SIMPLIFIED PROCEDURES AS REGARDS RECAPITULATIVE STATEMENTS AS PROVIDED FOR IN ARTICLE 22(12) OF THE SIXTH VAT DIRECTIVE AS AMENDED BY DIRECTIVE 91/680/EEC?**

The Netherlands operates the following simplified procedures; traders wishing to apply them must apply to the tax administration:

- (1) the simplified procedure under Article 22(12)(a) of the Sixth VAT Directive (annual recapitulative statements) may be applied by traders with a turnover below €36.302, provided the value of intra-Community supplies of goods does not exceed €13.613;

- (2) the simplified procedure under Article 22(12)(b) of the Sixth VAT Directive (recapitulative statements submitted for the same period as the trader's VAT return) may be applied by traders with a turnover below €208.739, provided the value of their intra-Community supplies of goods does not exceed €13.613.

**18. ARE THERE FLAT-RATE SCHEMES IN OPERATION AND IF SO, WHAT ARE THE PROCEDURES USED?**

- (1) Certain retail traders who have problems calculating the VAT due on the basis of cash receipts may apply a flat-rate scheme if their supplies of goods are subject to both the reduced and the standard rate of VAT. This possibility can only be applied if the traders have difficulties in apportioning the goods sold to the different tax rates. In this case the trader has the choice between different methods of flat-rate calculation.
- (2) Traders which provide their staff with food and beverages may apply a special scheme for that purpose.
- (3) Traders applying the "scheme for farmers" are allowed not to invoice VAT to their customers. Traders purchasing goods from traders applying this scheme still have the right to deduct 5.6 % (as at December 1998) from the purchase price as input VAT.

**19. DO YOU OPERATE SIMPLIFIED ADMINISTRATIVE REQUIREMENTS APART FROM THOSE ALREADY MENTIONED?**

No.