

VAT - intra-Community transactions

Simplification measures and new recapitulative statement



Council Directive (EU) 2018/1910, of 4 December 2018, amended Council Directive 2006/112 / EC of 28 December 2006 (VAT Directive), as regards the harmonization and simplification of certain tax rules on taxation of trade between member states (intra-Community trade), measures called “quick fixes”.

In turn, the Council Implementing Regulation (EU) 2018/1912, of 4 December 2018, which amended Implementing Regulation (EU) No. 282/2011, of 15 March 2011, introduced a simplification measure on proof of transport for the purposes of applying the VAT exemption for intra-Community transfers. This measure, on which administrative instructions have been issued which can be consulted in Circular Letter No. 30218/2020

(/pt/informacao_fiscal/legislacao/instrucoes_administrativas/Documents/Oficio_Circulado_30218_2020.pdf), is directly effective in the national legal system, having been in force since January 1, 2020.

As regards the transposition of Council Directive (EU) 2018/1910, which includes measures to simplify the rules applicable to cross-border transactions, concerning the regime of sales on consignment in intra-Community transfers; chain operations; and the importance of the VAT identification number for the purpose of applying the exemption for intra-Community transfers of goods; it is still awaiting the approval of the diploma in the Assembly of the Republic, which is expected to happen after the approval of the State Budget Law for 2020.

With regard to consignment sales, the simplification adopted implies the amendment of the summary VAT declaration referred to in paragraph i), paragraph 1 of article 29 of the VAT Code and paragraph c) of no. 1 of article 23 of the VAT Regime for Intra-Community Transactions.

Given the deadlines foreseen for the submission of the summary VAT declaration, and while the new summary declaration is not approved and published, taxable persons must submit the summary declaration still in force and, if there are sales on consignment in intra-Community transfers, complete the respective Table 04, entering these operations in field 7 of Table 06 of the periodic declaration of the period to which they refer.

Upon publication of the Law and complementary legislation, administrative instructions will be issued with the purpose of safeguarding the rights and guarantees of taxable persons with regard to compliance with obligations and the normal operation of the tax.