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DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION
Indirect Taxation and Tax Administration
VAT and Other Turnover Taxes

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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 reflect the views of the Commission of the European Communities. Nor does it signify approval of the relevant legislation.

SLOVAK REPUBLIC

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GENERAL INFORMATION

1. IF A FOREIGN TRADER WANTS TO OBTAIN INFORMATION ABOUT YOUR VAT SYSTEM, WHOM SHOULD HE CONTACT? (ADDRESS, TELEPHONE, FAX, EMAIL)

Tax Directorate of the Slovak Republic
Public Services Department
Nová ulica 13
975 04 Banská Bystrica
Slovak Republic
Tel.: +421 48 4393 111
+421 48 4393 298 (Katarína Slížiková)
Fax: +421 48 4136 015
E-mail: info@drsr.sk

Bratislava I Tax Office
Radlinského 37
PO BOX 89
817 89 Bratislava 15
Slovak Republic
Tel.: +421 2 57378 353
Fax: +421 2 57378 900
E-mail: du.ba1@ba.drsr.sk

2. WHAT IS THE ADDRESS OF THE NATIONAL TAX ADMINISTRATION WEBSITE? WHICH CATEGORIES OF INFORMATION ON VAT ARE AVAILABLE ON THAT WEBSITE (GENERAL INFORMATION, LEGISLATION, CONTACT POINTS, FORMS, ETC.)? AND IN WHICH LANGUAGE(S)?

The address of the website of the Tax Directorate of the Slovak Republic is <http://www.drsr.sk>.

The Slovak-language version contains information on legislation, pamphlets, leaflets and other informational materials, registration information, general information on VAT, FAQs, a VAT identification number verification feature, specimen applications for VAT registration and VAT refunds, specimen tax return forms and recapitulative statements, which authorised users can fill in and submit directly, and a facility for taxable persons to make electronic enquiries (eTax).

The English-language version contains basic general information on tax administration, information on VAT legislation, with reference to provisions relating to VAT refunds for foreign entities, basic information on the registration of foreign entities, distance selling, tax representatives appointed for imports, the filing of VAT returns, VAT payments, VAT refunds, refund forms, and the contact address of the tax office competent to handle VAT refunds.

The address of the website of the Ministry of Finance of the Slovak Republic is <http://www.finance.gov.sk>. This site includes an English version of Act No 222/2004 on

Value Added Tax, as amended, as well as information in Slovak on taxes and accounting published in the Financial Bulletin (*Finančný spravodajca*) of the Ministry of Finance.

3. WHERE IS IT POSSIBLE TO FIND NATIONAL VAT LEGISLATION AND REGULATIONS? IN WHICH LANGUAGE(S) ARE THEY AVAILABLE?

The following legislation and regulations can be found in Slovak:

- Act No 222/2004 on Value Added Tax, as amended, (the “VAT Act”) at <http://jaspi.justice.gov.sk>
- Communication of the Ministry of Foreign Affairs of the Slovak Republic No 553/2004 – 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 at <http://www.zbierka.sk>
- Guidelines and Communications of the Ministry of Finance of the Slovak Republic on VAT matters at <http://www.zbierka.sk/vestniky.asp> and <http://finance.gov.sk/>

The following legislation is available in English:

- Act No 222/2004 on Value Added Tax, as amended, at <http://www.finance.gov.sk>

VAT REGISTRATION OF FOREIGN TRADERS

4. WHAT ARE THE CIRCUMSTANCES GOVERNING THE NEED TO BE REGISTERED FOR VAT?

The requirement for foreign traders to register is governed by Sections 5 and 6 of Act No 222/2004 on VAT, as amended.

A foreign trader, i.e. a legal person or a natural person who has no registered office, place of business or establishment in the Slovak Republic and who engages in business abroad must submit a VAT registration application to the Bratislava I Tax Office (Daňový úrad Bratislava I, Radlinského 37, PO Box 89, 817 89 Bratislava 15, Slovak Republic):

- prior to the commencement of operations in the Slovak Republic that are subject to VAT; or
- prior to supplying goods with a total value of at least EUR 35 000, if the trader supplies goods to the Slovak Republic by mail order, and the total value (net of VAT) of the goods supplied in a calendar year comes to at least EUR 35 000; or
- prior to the supply of goods that are subject to excise tax, if such goods are delivered by mail order to a natural person in the Slovak Republic for personal consumption.

Foreign traders may voluntarily apply to the Bratislava I Tax Office for VAT registration:

- if they supply goods to the Slovak Republic by mail order and the total value (net of VAT) in the calendar year is less than EUR 35 000.

The procedure is different for the registration of legal persons or natural persons who have their registered office or place of business abroad and operate abroad, but also engage in business in the Slovak Republic through an establishment. These foreign traders with an establishment in the Slovak Republic who generate turnover of at least EUR 49 790 within the 12 preceding consecutive calendar months are required to apply for VAT registration to the local tax office where the establishment is located by the 20th day of the calendar month following the month in which the establishment recorded this turnover (Section 4 of the VAT Act).

5. WHAT ARE THE SITUATIONS WHERE REGISTRATION IS UNNECESSARY BECAUSE THE RECIPIENT OF THE GOODS OR SERVICES IS LIABLE FOR THE TAX? IN SUCH SITUATION, IS IT POSSIBLE TO REGISTER ON A VOLUNTARY BASIS?

Under Section 5(1)(a) to (e) of the VAT Act, as amended, taxable persons who have no registered office, place of business, establishment or residence in Slovakia, or are not habitually present in Slovakia (“foreign traders”) are not required to apply to the Bratislava I Tax Office for VAT registration if they supply only:

- transport services and related ancillary services that are exempt from VAT under Section 47(6) and Section 48(8) of the VAT Act,
- services and goods for installation or assembly, where the person liable for payment of VAT is the recipient (Section 69(2) to (4)),
- natural gas and electricity, and the person liable for payment of VAT is a VAT payer or a person registered for VAT in accordance with Section 7 (Section 69(9)),
- goods from the Slovak Republic to another Member State which have been imported from a third country, and the foreign trader is represented by a tax representative in accordance with Section 69a, or
- goods within the scope of triangular trade in accordance with Section 45, where the foreign trader is the first purchaser.

The VAT Act allows foreign traders to register for VAT voluntarily in such situations.

For the purposes of Section 11a of the VAT Act, VAT registration is not necessary if foreign traders identified for VAT in another Member State dispatch or transport to the Slovak Republic from another Member State goods which are placed in storage in the Slovak Republic for subsequent delivery to a single VAT payer who is known at the time of dispatch or transportation of the goods, and this VAT payer notifies the tax office in writing in advance that in this particular case it will be the person liable for payment of VAT on the acquisition of the goods in the Slovak Republic from another Member State.

6. WHOM SHOULD A FOREIGN TRADER CONTACT TO GET REGISTERED FOR VAT? (DETAILS ABOUT THE DEPARTMENT, INCLUDING ADDRESS, TELEPHONE AND FAX E-MAIL...)

Bratislava I Tax Office
Radlinského 37
PO BOX 89
817 89 Bratislava 15

Slovak Republic
Tel.: +421 2 57378 353
Fax: +421 2 57378 900
E-mail: du.bal@ba.drsr.sk

7. PLEASE DESCRIBE THE DETAILED PROCEDURES (INCLUDING NECESSARY DOCUMENTS) FOR ISSUING VAT IDENTIFICATION NUMBERS, SPECIFICALLY TO FOREIGN TRADERS.

Further to Section 5(1) and Section 6(1) and (2) of the VAT Act, foreign traders should submit a completed application for VAT registration (a specimen application is available at <http://www.drsr.sk>) to the Bratislava I Tax Office (Daňový úrad Bratislava I, Radlinského 37, PO Box 89, 817 89 Bratislava 15, Slovak Republic).

In response, the Bratislava I Tax Office is obliged to register such foreign traders for VAT, issue them with a VAT registration certificate, and assign them a VAT identification number within seven days of receipt of the VAT registration application. On the date referred to in the VAT registration certificate, which may not be later than the 31st day from when the application for VAT registration was submitted, the foreign trader becomes a VAT payer.

Information on the registration of foreign traders is also available directly from (http://www.drsr.sk/drsr/slovak/danovy_subjekt/pokyny_dr_sr/data/mpnz0405.doc).

THRESHOLDS

8. WHICH THRESHOLD DO YOU OPERATE AS REGARDS INTRA-COMMUNITY DISTANCE SELLING UNDER ARTICLE 34 OF THE VAT DIRECTIVE (2006/112/EC)?

Foreign traders who supply goods to Slovakia by mail order and the total value of the goods supplied (net of VAT) in the calendar year is at least EUR 35 000 are required to apply to the Bratislava I Tax Office for VAT registration prior to supplying the goods that will take the cumulative total up to at least EUR 35 000 (Section 6(1) of the VAT Act).

Foreign traders may apply for VAT registration even if the value of goods supplied to Slovakia in a calendar year is less than EUR 35 000.

9. WHICH THRESHOLD DO YOU OPERATE AS REGARDS ACQUISITIONS BY NON-TAXABLE LEGAL PERSONS OR EXEMPT PERSONS UNDER ARTICLE 3(2) OF THE VAT DIRECTIVE (2006/112/EC)?

If a taxable person who is not a VAT payer, or a legal person who is not a taxable person, acquires goods in Slovakia from another Member State, he is obliged to submit an application to the tax office for VAT registration prior to acquiring goods which take the cumulative value of the goods (net of VAT) acquired from other Member States in a single calendar year up to at least EUR 13 941.45.

APPOINTMENT OF TAX REPRESENTATIVES BY FOREIGN (NON-EU) TRADERS

10. WHAT ARE THE SITUATIONS IN WHICH THE APPOINTMENT OF A TAX REPRESENTATIVE IS OBLIGATORY?

No such situations are stipulated by law.

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

Section 9 of Act No 511/1992 on the administration of taxes and charges and on changes in the system of regional financial authorities establishes common rules for the representation of Slovak and foreign traders who are unable to act personally in tax proceedings or who elect a representative pursuant to an authorisation. The tax representative acts within the scope of an authorisation granted in writing and bearing a certified signature, or granted orally and registered in the records of the tax administrator. If the scope of the authorisation is not clearly defined, the authorisation is deemed to be universal. Only one representative may be appointed per case. Representatives act in person, unless the authorisation states that another person may act on behalf of the representative, in which case the representative must confer an authorisation bearing his officially certified signature on that other person in order to carry out the acts in question. Acts carried out by such a person under an authorisation are treated as acts carried out by the representative.

12. WHAT ARE THE RIGHTS AND OBLIGATIONS OF TAX REPRESENTATIVES?

This area is not covered by legislation.

13. WHAT ACTION CAN YOU TAKE IN THE EVENT OF FAILURE BY A TRADER IN ANOTHER COUNTRY TO DESIGNATE A TAX REPRESENTATIVE IN YOUR TERRITORY?

This area is not covered by legislation.

14. IS IT NECESSARY TO SET UP A BANK GUARANTEE?

In light of the above, no.

APPOINTMENT OF TAX REPRESENTATIVES BY FOREIGN TRADERS ESTABLISHED IN THE EU

15. IS IT POSSIBLE TO APPOINT A TAX REPRESENTATIVE?

Yes.

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

Section 9 of Act No 511/1992 on the administration of taxes and charges and on changes in the system of regional financial authorities establishes common rules for the representation of Slovak and foreign traders who are unable to act personally in tax proceedings or who elect a representative pursuant to an authorisation. The tax representative acts within the scope of an authorisation granted in writing and bearing a certified signature, or granted orally and registered in the records of the tax administrator. If the scope of the authorisation is not clearly defined, the authorisation is deemed to be universal. Only one representative may be appointed per case. Representatives act in person, unless the authorisation states that another person may act on behalf of the representative, in which case the representative must confer an authorisation bearing his officially certified signature on that other person in order to carry out the acts in question. Acts carried out by such a person under an authorisation are treated as acts carried out by the representative.

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

This area is not covered by legislation.

18. ARE THERE SITUATIONS WHERE IT IS OBLIGATORY TO SET UP A BANK GUARANTEE?

In light of the above, no.

INVOICING

RULES ABOUT INVOICING

19. WHERE CAN THE RELEVANT RULES (LAWS, REGULATIONS, INSTRUCTIONS, GUIDELINES...) BE FOUND?

National legislation on taxes and accounting are published in the Collection of Laws of the Slovak Republic, and related guidelines are published in the Financial Bulletin (the journal of the Ministry of Finance of the Slovak Republic).

They are available electronically at <http://www.zbierka.sk>, <http://www.zbierka.sk/vestniky.asp>, and <http://www.finance.gov.sk> (in Slovak). There is no special act of law laying down general rules on invoicing.

For accounting purposes, Act No 431/2002 on accounting, as amended, applies the term “accounting document” (*účtovný doklad*), which is defined as a demonstrable financial record containing prescribed particulars (Section 10(1)). An accounting record may exist in paper or technical (e.g. electronic) form (Section 31).

For VAT purposes, the term “invoice” (*faktúra*) and the particulars that must feature on invoices (depending on the type of supply) are covered by Section 71 (invoices for the supply of goods and services in the Slovak Republic), Section 72 (invoices for the

supply of goods from the Slovak Republic to another Member State) and Section 73 (invoices for the supply of services from the Slovak Republic to another Member State). The procedure for issuing and storing invoices is set out in Sections 75 and 76. Certain specific types of documents are also regarded as invoices (see Section 71(3), (4), (5), (9) and Section 72(3)).

ISSUANCE OF INVOICES

20. IN WHAT CASES DOES AN INVOICE NEED TO BE ISSUED?

Under Section 71(1) of the VAT Act, a VAT payer is obliged to issue an invoice for each supply of goods and services in Slovakia to a taxable person or to a legal person who is not a taxable person. Likewise, VAT payers are required to issue invoices if payment is received before the goods are supplied or the service is completed. VAT payers issue an invoice within 15 days of the chargeability of VAT. If, in a calendar month, VAT payers are liable for VAT by virtue of receiving one or more payments and at the same time delivering the goods or services for which the payment or payments in question were received, they may issue a single invoice.

An exemption from the obligation to issue an invoice is provided for in Section 71(1) of the VAT Act, as amended, and applies to VAT payers who supply goods or services which are supplied with a VAT exemption under Sections 28 to 42 of the VAT Act.

Under Section 72(1) of the VAT Act, VAT payers are required to issue an invoice on the supply of goods from Slovakia to a person in another Member State who is identified for VAT in another Member State. VAT payers are also required to issue invoices if payment is received before the goods are supplied. VAT payers issue an invoice within 15 days of the receipt of payment.

Under Section 73(1) of the VAT Act, taxable persons registered for VAT in Slovakia are required to issue an invoice on the supply of a service where the place of supply, pursuant to Section 15(1), is in another Member State and the person liable for payment of VAT is the recipient of the service. Taxable persons are also required to issue invoices if payment is received before the provision of the service is completed. Taxable persons issue an invoice within 15 days of the supply of the service or receipt of payment.

21. WHAT ARE THE RULES ON CORRECTIVE INVOICES (CREDIT/DEBIT NOTES)?

Corrective invoices are subject to the same rules as those for regular invoices, i.e. the procedure under Section 71(1) of the VAT Act is followed when issuing such invoices. Furthermore, under Section 75(7) of the VAT Act, as amended, any document which amends or supplements an original invoice and is clearly and explicitly related to that invoice is also regarded as an invoice. Besides the mandatory particulars, such a document must also contain the serial number of the original invoice. An original invoice may also be amended or supplemented by a summary invoice.

22. WHAT IS THE TIME LIMIT FOR ISSUING INVOICES?

The time limit for issuing invoices is set out in Sections 71, 72, and 73 of the VAT Act (see above). On supplying goods or services in the Slovak Republic to a taxable person

or to a legal person who is not a taxable person, VAT payers are required to issue an invoice within 15 days from the date of chargeability of VAT (VAT becomes chargeable on the date of supply of goods or services or on the date of receipt of payment, if received before the goods or services are supplied).

Upon the supply of goods from the Slovak Republic to a person in another Member State who is identified for VAT in another Member State, VAT payers are required to issue an invoice within 15 days of supply of the goods or receipt of payment.

Upon the supply of a service where a customer in another Member State is liable for payment of VAT, VAT payers are required to issue an invoice within 15 days of supply of the service or receipt of payment.

23. WHAT ARE THE RULES FOR SUMMARY INVOICING?

Under Section 75(1) of the VAT Act, VAT payers may issue a summary invoice for multiple separate supplies of goods or services or for multiple payments received before the supply of goods or services; a summary invoice may cover no more than one calendar month. A summary invoice is issued within 15 days of the end of the calendar month.

24. WHAT ARE THE CONDITIONS IMPOSED ON SELF-BILLING?

Under Section 75(2) and (4) of the VAT Act, VAT payers may arrange for invoices to be issued via another person; such invoices must be issued in the name of and on behalf of the VAT payer supplying the goods or services. Invoices in the name of and on behalf of the VAT payer supplying the goods or services may also be issued by customers, subject to a written agreement on the issuance of invoices between the VAT payer and the customer, which must set out the conditions to be fulfilled for the supplier to accept invoices issued by the customer.

The VAT payer who supplies the goods or services is responsible for the accuracy of the information on the invoices and the timeliness of their issuance, even if an invoice is issued via a person other than the customer.

25. IS THERE ANY SPECIFIC RULE IN RELATION TO THE OUTSOURCING OF INVOICES TO A PERSON WHO IS ESTABLISHED OUTSIDE THE EU?

No.

CONTENT OF INVOICES

26. UNDER WHAT CONDITIONS MUST THE VAT NUMBER OF THE CUSTOMER BE ON THE TAX INVOICE?

Under Section 71(2), Section 72(2), and Section 73(2) of the VAT Act, the VAT identification number of recipients of goods or services must be indicated on invoices in all cases where they have been assigned such a number, i.e. this may apply both to cases where goods or services are supplied to another Member State and to cases where goods or services are supplied within the Slovak Republic.

Under Section 71(5) of VAT Act, documents generated by electronic cash registers are also regarded as invoices if the price of the goods or services, inclusive of VAT, is not more than EUR 1 659.70. In this case, the document need not include the customer's VAT number.

27. ARE THERE ANY OTHER SPECIFIC RULES IN RELATION TO THE CONTENT OF AN INVOICE?

All the particulars of invoices are set out in the following provisions of the VAT Act:

- Section 71(2) (invoices for the supply of goods and services in the Slovak Republic)
 - a) the name and address of the registered office, place of business or establishment of the VAT payer supplying the goods or services, and the VAT payer's VAT identification number;
 - b) the name and address of the registered office, place of business, establishment or residence of the recipient of the goods or services, and the recipient's VAT identification number, if any;
 - c) the serial number of the invoice;
 - d) the date on which the goods or services were supplied, or the date on which payment was received, if this date can be determined and if it differs from the date of issuance of the invoice;
 - e) the date of issuance of the invoice;
 - f) the quantity and nature of the goods supplied or the extent and nature of the services rendered;
 - g) the taxable amount, the unit price exclusive of VAT and any discounts and rebates if they are not included in the unit price;
 - h) the VAT rate or exemption particulars,
 - i) the total amount of VAT to be paid, expressed in euro.

- Section 72(2) (invoices for the supply of goods to another Member State)
 - a) the name and address of the registered office, place of business or establishment of the VAT payer supplying the goods, and the VAT payer's VAT identification number;
 - b) the name and address of the registered office, place of business or establishment of the recipient of the goods, and the recipient's VAT identification number under which the goods were ordered;
 - c) the serial number of the invoice;
 - d) the date on which the goods were supplied, or the date on which payment was received, if this date can be determined and if it differs from the date of issuance of the invoice;
 - e) the date of issuance of the invoice;
 - f) the quantity and nature of the goods supplied;
 - g) the price of the goods, the unit price exclusive of VAT and any discounts and rebates if they are not included in the unit price;
 - h) a reference to Section 42 or 43, a reference to Articles 136 and 138 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax as amended by Council Directive 2006/138/EC of 19 December 2006, or information that the supply of goods is exempt from VAT.

- Section 73(2) of the VAT Act (invoices for the supply of services to another Member State)
 - a) the name and address of the registered office, place of business or establishment of the taxable person supplying the service, and the taxable person's VAT identification number;
 - b) the name and address of the registered office, place of business or establishment of the recipient of the service, and the recipient's VAT identification number under which the service was ordered;
 - c) the serial number of the invoice;
 - d) the date on which the service was supplied, or the date on which payment was received, if this date can be determined and if it differs from the date of issuance of the invoice;
 - e) the date of issuance of the invoice;
 - f) the scope and nature of the service supplied;
 - g) the price of the service;
 - h) a reference to Sections 193 to 196 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax as amended by Council Directive 2006/138/EC of 19 December 2006, or information that the person liable for payment of VAT is the person to whom the service is supplied.

Section 10 of Act No 431/2002 on accounting, as amended, sets out the mandatory particulars of an accounting document such as an invoice, for the purposes of accounting for a transaction. An accounting document (including an invoice) is a verifiable accounting record which must include:

- a) the name of the accounting document (e.g. invoice, delivery note, or bank account statement);
- b) the content of the transaction and a specification of the parties (e.g. the supply of goods or services; a specification of the parties consistent with their entry in the Slovak Commercial Register or the Slovak Trade Register);
- c) the financial amount or information on the price per unit, and a specification of the quantity;
- d) the date of issuance of the accounting document;
- e) date on which the transaction was executed, if different from the date of issuance;
- f) the signature of the person responsible for the transaction at the entity and the signature of the person responsible for accounting;
- g) an indication of the accounts in which case the transaction is entered at entities with double-entry bookkeeping, unless this is generated by the software.

A "signature" means a handwritten signature or similar verifiable signature in technical form replacing a handwritten signature. Both forms are considered equivalent (Section 32(3)).

If an accounting document (invoice) is issued in a language other than the official language, it must meet the requirement of comprehensibility, i.e. the content of the transaction must be clearly identifiable (Section 4(8) and Section 8(5)).

ELECTRONIC INVOICING

28. AS REGARDS INVOICES SENT WITH ADVANCED ELECTRONIC SIGNATURES, IS IT OBLIGATORY TO USE QUALIFIED CERTIFICATED AND SECURE-SIGNATURE-CREATION DEVICES? IF SO, PLEASE GIVE DETAILS.

Under Section 75(6) of the VAT Act, an invoice may be sent in writing or, with the consent of the customer, electronically. The authenticity of the origin and the integrity of the content of an invoice sent or made available electronically must be guaranteed by an electronic signature pursuant to the relevant legislation (Act No 215/2002 on electronic signatures and amending certain laws, as amended by Act No 679/2004) or by electronic data interchange, if the agreement relating to the interchange stipulates use of procedures guaranteeing the authenticity of the origin and integrity of the data.

“Electronic data interchange” means the computer-to-computer transmission of data electronically using the approved standard for electronic data interchange reference structures. The electronic data interchange reference consists of a set of parts structured on the basis of an approved standard and produced in computer-readable format that can be automatically and unambiguously processed.

29. AS REGARDS INVOICES SENT BY ELECTRONIC DATA INTERCHANGE, IS AN ADDITIONAL SUMMARY DOCUMENT ON PAPER OBLIGATORY? IF SO, PLEASE GIVE DETAILS ABOUT ITS CONTENT AND PROCEDURE.

Under Section 31 of Act No 431/2002 on accounting, as amended, an accounting record (i.e. including an invoice) which is produced electronically must be convertible into paper form. Conversion to paper form is not required if a verifiable form of identification is used in a technical form replacing a handwritten signature.

Conversion from electronic to paper form and *vice versa* must take place in such a way that the content of the accounting record in the new form is identical to the content of the accounting record in the original form. This obligation is fulfilled if the entity submits the accounting record in both the original and the new form, or proves that they are identical by other means which are not challenged by any of the persons working with the converted record.

30. DO YOU ALLOW INVOICES ISSUED PURSUANT TO THE SECOND SUBPARAGRAPH OF ARTICLE 233(1) OF THE VAT DIRECTIVE (2006/112/EC) (“BY OTHER ELECTRONIC MEANS”)? IF SO, UNDER WHICH CONDITIONS AND FORMALITIES?

In accordance with Section 75(6) of the VAT Act (cited above) – electronic data interchange (EDI).

31. ANY OTHER SPECIFIC RULES IN RELATION TO ELECTRONIC INVOICING

Under Section 76(5) of the VAT Act, invoices sent or made available electronically must be legible and must not be altered over the period they are retained.

STORAGE OF INVOICES

32. WHAT ARE THE RULES ON THE PLACE OF STORAGE OF INVOICES?

Section 76 of the VAT Act provides for the storage of invoices and other documents.

VAT payers are obliged to retain:

- copies of invoices which they have issued or which have been issued on their behalf by the customer or another person;
- the originals of all invoices received;
- the originals of invoices pursuant to Section 71(9) and Section 72(3).

Taxable persons who are not VAT payers and legal persons who are not taxable persons are obliged to retain:

- invoices received.

All persons who sell a new vehicle to another Member State and all persons who purchase a new vehicle from another Member State are required to retain:

- the invoice for the sale or purchase of the new vehicle.

All the above persons are required, when retaining invoices, to guarantee the authenticity of the origin, the integrity of the content, and the legibility of invoices throughout the retention period. These documents must be retained for ten years following the year in which the sale or purchase took place.

33. IS PRIOR NOTIFICATION OF INVOICES STORED IN ANOTHER COUNTRY AN OBLIGATION? IF SO, PLEASE SPECIFY.

This area is not covered by legislation.

34. WHAT IS THE OBLIGATORY STORAGE PERIOD FOR INVOICES?

Under Section 76 of the VAT Act, VAT payers are required to retain copies of invoices for a period of ten years following the year to which they relate.

Under Section 35 of the Accounting Act (Act No 431/2002), as amended, the retention period for documents is five years following the year to which they relate.

35. WHAT ARE THE SPECIFIC RULES ON STORAGE FORM AND POSSIBLE CONVERSIONS?

Specific rules on the retention of invoices are governed by Act No 395/2002 on archives and registries, as amended by Act No 445/2008. Other rules are laid down in Decree of the Ministry of the Interior of the Slovak Republic No 628/2002 implementing certain provisions of the Act on Archives and Registries and amending certain laws.

36. ANY OTHER SPECIFIC RULES IN RELATION TO INVOICE STORAGE.

Under Sections 35 and 36 of Act No 431/2002 on accounting, as amended, entities are required to protect accounting documentation from loss, theft, destruction or damage. Accounting entities are also obliged to protect the technical equipment, data carriers and

software they use against misuse, damage, destruction, unauthorised intervention, unauthorised access, loss or theft.

Accounting records relating to tax proceedings, administrative proceedings, criminal proceedings, civil proceedings or other proceedings which are pending are retained by entities until the end of the accounting period following the accounting period in which the time limit for their review ends.

SIMPLIFIED INVOICES

37. WHAT ARE THE SITUATIONS WHERE SIMPLIFIED INVOICING IS ALLOWED PURSUANT TO ARTICLE 238 OF THE VAT DIRECTIVE? WHAT ARE THE SPECIFIC RULES?

Under Section 71(4) of the VAT Act, the following are regarded as (simplified) invoices:

- a travel ticket issued by a public passenger transport operator who is a VAT payer, provided that the ticket includes the operator's company name, the date of issuance and the price, inclusive of VAT,
- the background part of the label proving payment of the charge for use of motorways, expressways and Class I roads in the Slovak Republic, which is retained by the recipient of the service after removing the adhesive part of the label, provided that this background part contains the company name and VAT identification number of the service supplier, the date of sale of the label, the price inclusive of VAT, and the amount of VAT.

Under Section 71(5), a document issued via an electronic cash register is regarded as an invoice provided that the price of the goods or services, inclusive of VAT, is not more than EUR 1 659.70; it must, as a matter of course, contain the mandatory invoice requirements, except for the name and address of the registered office, place of business, establishment or residence of the recipient of the goods or services, the recipient's VAT identification number, if any, and the unit price exclusive of VAT.

PERIODIC VAT RETURNS

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

Under Section 78 of the VAT Act, persons obliged to submit VAT returns are:

- VAT payers, apart from VAT payers who are foreign traders, if they have no tax liability or right to deduct VAT in a tax period, except for payers who are required to make interim payments of VAT in accordance with Section 78a, and except for payers who, in a tax period, supply goods exempt from VAT under Section 43 or Section 47 or who supply goods pursuant to Section 45;
- persons who are not VAT payers but who are obliged to pay VAT due to the transfer of the tax liability to the purchaser (Section 69);
- persons who are not registered for VAT, on the acquisition of a new vehicle;

- persons who have not complied with the obligation to apply for VAT registration or who have submitted an application for VAT registration late must file a tax return for the period in which they should have been VAT payers – Section 78(9) of the VAT Act.

39. AT WHAT INTERVALS ARE VAT RETURNS TO BE SUBMITTED AND ASSOCIATED PAYMENTS TO BE MADE?

Under Section 78(1) of the VAT Act, VAT returns must be submitted within 25 days after the end of the tax period, and the actual tax liability must be paid in the same period (the excess of the total amount of VAT for the relevant tax period, apart from VAT on the importation of goods above the total amount of VAT deductible for the relevant tax period).

In general, the tax period is the calendar month. However, if VAT payers generate turnover of less than EUR 331 939.19 in the previous calendar year, the tax period is the calendar quarter (Section 77 of the VAT Act).

Where an obligation to pay VAT arises for persons who are not VAT payers (Section 69), such persons are required to submit a VAT return within 25 days of the end of the calendar month in which the tax liability arose, and to make the VAT payment in the same period, except for where a new vehicle is acquired from another Member State.

Where a new vehicle is acquired from another Member State by a person who is not registered for VAT, there is an obligation to file a VAT return within seven days of the acquisition of the new vehicle and to pay the VAT in the same period.

40. WHAT IS THE PROCEDURE FOR REFUNDS OF VAT OVERPAYMENTS REPORTED IN REGULAR VAT TAX RETURNS? WHAT IS THE TIME LIMIT FOR REFUNDS OF VAT OVERPAYMENTS, IF SUCH A TIME LIMIT EXISTS?

For the purposes of this Act, an overpayment occurs where the total amount of VAT deductible for the tax period is higher than the total amount of VAT for the tax period, excluding VAT on the importation of goods.

Under Section 79(1) of the VAT Act if, in the tax period, VAT payers have an overpayment, the VAT payers deduct the overpayment from the actual tax liability in the subsequent tax period, with the exception of paragraph (2). If the VAT payers cannot deduct overpayments from the actual tax liability in the subsequent tax period, the tax office refunds the overpayment not deducted, or the non-deducted part thereof, within 30 days of the submission of the tax return for the tax period following the tax period in which the overpayment arose, or within 30 days of the deadline for the submission of a VAT return, if VAT payers are not obliged to submit a VAT return (Section 78(1)) for the tax period following the tax period in which the overpayment arose.

An overpayment may be refunded earlier if the conditions laid down in Section 79(2) of the VAT Act are met.

Under Section 79(2) of the VAT Act, the tax office refunds the overpayment within 30 days of the deadline for the submission of the VAT return for the tax period in which the overpayment arose if:

- a) the VAT payer's tax period is the calendar month;

- b) the VAT payer has been a VAT payer for at least 12 calendar months before the end of the calendar month in which the overpayment arises, and
- c) in the 12 calendar months before the end of the calendar month in which the overpayment arises, the VAT payer has no tax arrears or arrears in customs duty in relation to a tax or customs office, and no arrears in mandatory insurance contributions under the specific regulations.

If, within the time limit for the refund of overpayments, the tax office initiates an inspection to determine the legitimacy of the claim to a refund of an overpayment, it must refund the overpayment within 10 days of the end of the inspection. If the VAT payers fail to enable an inspection to be performed within the time limit for the refund of an overpayment, the tax office refunds the overpayment within 10 days of the end of the inspection.

41. DOES A SPECIAL REGIME AS REGARDS PERIODIC VAT RETURNS EXIST FOR SMALLER TRADERS AND/OR CERTAIN CATEGORIES OF BUSINESS? IF SO, PLEASE DESCRIBE THEM.

No.

42. DO YOU OPERATE SIMPLIFIED CALCULATIONS OF TAX LIABILITY? IF SO, WHAT ARE THE QUALIFYING CRITERIA, TO WHOM DO THEY APPLY AND WHAT IS THE NATURE OF THE SIMPLIFICATION?

No.

RECAPITULATIVE STATEMENTS

43. IS IT POSSIBLE TO SUBMIT RECAPITULATIVE STATEMENTS QUARTERLY? IF SO, WHAT ARE THE CONDITIONS AND FORMALITIES?

Yes.

Under Section 80(2) of the VAT Act, VAT payers may submit a recapitulative statement for the calendar quarter if the value of the goods supplied (goods exempt from VAT under Section 43 from Slovakia to another Member State to a person identified for VAT in another Member State, goods transferred to another Member State, and the value of goods supplied in triangular trade) does not exceed EUR 100 000 in both the calendar quarter and the previous four calendar quarters; the option of submitting a recapitulative statement for the calendar quarter expires as of the end of the calendar month in which the value of the goods thus supplied exceeds EUR 100 000 in the relevant calendar quarter, and the VAT payer is required to submit a recapitulative statement separately for each calendar month of the calendar quarter.

44. IS ANY ADDITIONAL INFORMATION REQUIRED OTHER THAN THAT SET OUT IN ARTICLE 266 OF THE VAT DIRECTIVE (2006/112/EC)?

No.

45. DO YOU OPERATE SIMPLIFIED PROCEDURES AS REGARDS RECAPITULATIVE STATEMENTS AS PROVIDED FOR IN ARTICLE 269 OF THE VAT DIRECTIVE

(2006/112/EC)? IF SO, WHAT ARE THE RELATED THRESHOLDS FOR APPLYING SUCH PROCEDURES?

No.

ELECTRONIC RETURNS

46. IS IT POSSIBLE TO SUBMIT VAT RETURNS BY ELECTRONIC MEANS? IF SO, HOW AND USING WHICH TECHNOLOGY? WHO SHOULD BE CONTACTED TO APPLY TO SUBMIT RETURNS ELECTRONICALLY?

Under Act No 511/1992 on the administration of taxes and charges and on changes in the system of regional financial authorities (Section 38(3), Section 20(4) and (8)), VAT returns may be submitted electronically provided that the data content, scope and structure are identical to the specimen form (a specimen form is available from <http://www.drsr.sk>).

Automated electronic services for the submission of VAT returns may be used if they contain a secure electronic signature pursuant to Act No 215/2002 on electronic signatures and amending certain laws, as amended, or if a written agreement is concluded with the tax office on electronic delivery (in which case a secure electronic signature is not necessary), which includes, without limitation, the particulars of electronic delivery, the method for the verification of electronic submissions and the method for proving delivery. If tax returns are submitted under an agreement on electronic delivery, VAT payers must submit a “covering letter” to the tax office within five working days of dispatching the return electronically.

If VAT returns are submitted electronically or by telegraph, fax or telex and they do not contain a secure electronic signature or are not submitted in accordance with an agreement concluded with the tax office, they must also be delivered in paper form within five working days of dispatch, otherwise they will not be regarded as delivered.

47. IS IT POSSIBLE TO SUBMIT RECAPITULATIVE STATEMENTS BY ELECTRONIC MEANS? IF SO, HOW AND USING WHICH TECHNOLOGY? WHO SHOULD BE CONTACTED TO APPLY TO SUBMIT STATEMENTS ELECTRONICALLY?

Under Section 80(9) of the VAT Act effective from 1 January 2010, recapitulative statements may be submitted exclusively by electronic means within 20 days of the end of the period for which the recapitulative statement is being submitted.

When recapitulative statements are submitted electronically, a secure electronic signature may be used in accordance with Act No 215/2002 on electronic signatures and amending certain laws, as amended; alternatively, they may be submitted further to a written agreement on electronic delivery concluded with the tax office pursuant to Section 20(8) of Act No 511/1992 on the administration of taxes and charges and changes in the system of regional financial authorities.

A written agreement includes, without limitation, the particulars of electronic delivery, the method for the verification of electronic submissions, and the method for proving delivery; in addition, VAT payers notify the tax office in writing of the information necessary for service using the form provided on the website of the Tax Directorate of the Slovak Republic.

IMPORTATION OBLIGATIONS

48. WHO MAY BE DESIGNATED OR RECOGNISED AS A PERSON LIABLE TO PAY IMPORT VAT IN ACCORDANCE WITH ARTICLE 201 OF THE VAT DIRECTIVE?

Under Section 69(8) of the VAT Act, VAT must be paid on the importation of goods by the person who is the debtor under customs legislation, or by the consignee if, upon importation of the goods, the debtor under customs legislation is a foreign trader who holds a unified customs authorisation under a specific regulation issued by the customs authority of another Member State, and the debtor does not use the imported goods for its own business purposes.

49. WHAT ARE THE RULES FOR REPORTING AND PAYING IMPORT VAT?

Under Section 21(1) of the VAT Act, a tax liability arises in relation to the supply of goods:

- a) upon release of the goods for free circulation;
- b) upon placement of the goods under the inward processing procedure in the form of the drawback system;
- c) upon termination of the temporary importation procedure with partial relief from duties;
- d) for re-exported goods, upon release for free circulation from the outward processing procedure;
- e) upon the illegal importation of goods;
- f) upon removal of goods from customs supervision;
- g) in other cases where a customs debt arises on importation of goods.

The tax liability for goods in respect of the above arises on the date of receipt of a declaration of the placement of the goods under the relevant customs procedure, or on the date on which the customs debt is incurred otherwise than by receipt of a declaration. The VAT is payable within the time limit for the payment of duties under customs legislation.

For goods placed under a temporary importation procedure with partial relief from duties, the VAT is calculated as the amount at which it would be calculated for those

goods if the goods, at the moment they were placed under the temporary importation procedure with partial relief from duties, had been released for free circulation.

50. DO YOU EXERCISE THE OPTION OF “DEFERRING PAYMENTS” AS SET FORTH IN ARTICLE 211 OF THE VAT DIRECTIVE? IF SO, UNDER WHAT CONDITIONS?

No.

ADMINISTRATIVE REQUIREMENTS

51. DO YOU OPERATE A FLAT-RATE SCHEME? IF SO, TO WHOM DOES THE SCHEME APPLY?

No.

52. DO YOU OPERATE SIMPLIFIED ADMINISTRATIVE REQUIREMENTS OTHER THAN THOSE ALREADY MENTIONED? IF SO, PLEASE GIVE A DESCRIPTION.

No.

53. IN WHICH LANGUAGE(S) ARE FORMS (PERIODIC VAT RETURNS AND RECAPITULATIVE STATEMENTS) AVAILABLE OR TRANSLATED INTO?

Slovak.

RIGHT TO DEDUCTION

54. FOR WHICH CATEGORIES OF GOODS AND SERVICES IS THERE NO RIGHT OF DEDUCTION?

Under Section 49(7) of the VAT Act, VAT payers have no right of deduction in respect of:

- the purchase of goods and services for purposes of hospitality and entertainment;
- temporary items pursuant to Section 22(3) of the VAT Act; temporary items are the costs paid in the name of and on behalf of the purchaser or customer which the supplier requests from the buyer or customer.

55. ARE THERE CATEGORIES OF GOODS AND SERVICES IN WHICH THERE IS A PARTIAL RIGHT OF DEDUCTION? IF SO, WHAT IS THE PERCENTAGE?

No.