

# FISCAL REPRESENTATION FOR THE LEVY OF VALUE ADDED TAX (VAT) IN THE NETHERLANDS



## Removal of fiscal borders within the European Community

As a result of the removal of fiscal borders within the European Union (EU) per 1 January 1993, foreign entrepreneurs more often get into touch with the Dutch VAT. The term 'foreign entrepreneurs' is understood to mean entrepreneurs who are not domiciled or resident in the Netherlands and have no permanent establishment here either.

In the Netherlands it is possible for a foreign entrepreneur to have himself represented by a tax representative. He acts on behalf of the foreign entrepreneur as regards the declaration and payment of Dutch VAT and other administrative obligations, such as the so-called listing and declaration for the Central Bureau of Statistics.

## Value Added Tax for import

In the Netherlands it is possible to shift payment of VAT which is due in case of import to the periodic domestic declaration of the Dutch importer, who has obtained a licence to do so. By appointing a tax representative a foreign entrepreneur can also avail himself of this possibility in the Netherlands.

The procedure is as follows: on behalf of the foreign entrepreneur the tax representative performs the periodic domestic declaration of VAT, in which the VAT due upon import is stated. In the same declaration, however, this VAT due is deducted again. Thus nothing is paid on balance. In the normal import declaration VAT must be paid back simultaneously with the import. Only later can this be claimed back from the Tax Department.

The possibility of applying this arrangement entails a major liquidity and financial advantage for the foreign entrepreneur.

## Tax representative

A licence for a tax representative is only granted by the Dutch Tax Department under certain conditions. The tax representative's administration must be sound enough to enable an adequate check of the foreign entrepreneur's actions.

The tax representative is also liable for the tax due and the accompanying interests on levy and collection as well as administrative fines. The tax representative must also give security.

## Forms of tax representation

There are two forms of tax representation:

- the tax representative with a limited licence,
- the tax representative with a general licence.

## Tax representative with a limited licence

The tax representative with a limited licence (hereinafter called limited tax representative) may act on behalf of the foreign entrepreneur both for the import of goods and the ensuing delivery of those goods, i.e. the onward delivery of the goods to a buyer in the European Union.

A foreign entrepreneur may use the services of more than one limited tax representative. By appointing a limited tax representative the individual registration of the foreign entrepreneur in the Netherlands becomes superfluous.

The limited tax representative is given a separate VAT-identification number. Stating this number he files his declarations and fulfils all other obligations. In connection with the shifting of VAT upon import the limited tax representative states the VAT-identification number granted to him in his capacity as limited tax representative on the import declaration. Then the levy is shifted to the limited tax representative's periodic VAT declaration.

The tax representative with a limited licence must be able to submit a declaration proving that he has been authorized by the foreign entrepreneur to act as tax representative on his behalf.

## Tax representative with a general licence

The tax representative with a general licence (hereinafter called general tax representative) may act on behalf of the foreign entrepreneur for the import and all deliveries and services for which the foreign entrepreneur must pay VAT.

A foreign entrepreneur may only use the services of one general tax representative. In this form of tax representation the foreign entrepreneur must also be registered in the Netherlands himself.

A general tax representative has one licence per foreign entrepreneur to shift the VAT upon import. The foreign entrepreneur is obliged to appoint a general tax representative if he makes distance sales to the Netherlands which are taxed in the Netherlands. Distance sales are sales in which goods are transported by or at the expense of the supplier to a buyer in another EU country who has no VAT-identification number.

The request to act as general tax representative must be accompanied by an authorization from the foreign entrepreneur.