

Legislation relating to the EU VAT Refund procedure

EU VAT Refund Process:

1. Application to be submitted by 30th September of the calendar year following the refund period (*Article 15(1)¹*).
2. The application is only considered submitted when the information in Articles 8, 9, and 11 are complete (*Article 15(1)*).
3. The Member State of establishment (MSE) sends the applicant an electronic confirmation of receipt 'without delay' (*Article 15(2)*).
4. The MSE has 15 days in which to forward the application to the Member State(s) of refund (MSR) (*Article 48(1) of Council Regulation (EU) No 904/2010*).
5. The MSE shall not forward the application if, during the refund period, the applicant is not a taxable person; or he carries out only exempt supplies; or he is under the special scheme for small enterprises; or he is covered by the flat rate scheme for farmers (*Article 18(1)*).
6. The MSE shall notify the applicant of the decision taken under Article 18(1) (*Article 18(2)*).
7. The MSR notifies the applicant 'without delay' and by electronic means, of the date on which it received the application (*Article 19(1)*).
8. The MSR notifies the applicant within 4 months of its decision to approve or refuse the refund application (*Article 19(2)*).
9. However, where the MSR does not consider that it has all the relevant information to make a decision, it may request, by electronic means, additional information within that four month period. Further additional information may be required. (*Article 20 (1)*).
10. The additional information is to be supplied to the MSR within one month of the request for additional information being received. (*Article 20(2)*).
11. The MSR should make a decision within 2 months of receipt of the additional information, or the expiry of the deadline for the receipt of the additional information. (*Article 21 1st paragraph*).
12. Where further additional information is required, the MSR should make a decision to make a whole or partial payment within eight months of receipt of the original application (*Article 21 2nd paragraph*).
13. The MSR has to make the payment within 10 working days of the deadlines referred to in Articles 19(2) or 21. The payment shall be made in the MSR or, at the applicant's request, in another Member State. (*Article 22(1)*).

¹ All references to Council Directive 2008/9/EC of 12 February 2008 unless otherwise stated.

Protocol concerning Member States' responsibilities, outlining which Member State the taxpayer should consult in particular situations

1. VAT refund claim submitted on the MSE (Member State of Establishment) web portal, but receipt notification not received within 2 working days:

Contact MSE.

2. VAT refund claim submitted on MSE web portal and receipt notification received, but no confirmation that claim has been sent to MSR (Member State of Refund) within 15 days:

Contact MSE

3. VAT refund claim submitted on MSE web portal and MSE has confirmed that it has been sent to MSR, but MSR has not confirmed its receipt:

Contact MSR to confirm whether or not application has been received).

4. MSR informs applicant that they have not received the VAT Refund claim:

Contact MSE to inform them of situation and request that Member State to find out what from MSR happened to the refund and determine what action may be required.

5. MSR has received VAT refund claim, but no decision or request for additional information received by claimant within four months:

Contact MSR

6. Claimant has received the decision, but not the VAT refund payment:

Contact MSR

NB – In all cases, where the claimant uses an agent, before either party contacts the MSE or MSR they must first check with the other party that they have not received or sent any relevant notifications.