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Business and Consulting Company
Warsaw, Poland | Milan, Italy

Intra-Community acquisition of goods vs VAT

According to art. 20 paragraph 5 of the Law on VAT, the tax obligation in intra-Community acquisition of goods arises from the issuance of the VAT invoice by the taxpayer, but no later than on the 15th day of the month following the month in which the goods in intra-Community acquisition of goods and were delivered .

Based on art. 86 paragraph 10 of the Law on VAT, the right to deduct arises in settlement for the period in which the tax liability arose for the goods or services purchased or imported by the taxpayer. VAT can be deducted in two consecutive financial years.

Since January 2017 the right to deduct VAT in the case of intra-Community acquisition of goods arises in settlement for the period in which the tax liability arose for intra-Community acquisition of goods, provided that the taxpayer:

- receives an invoice documenting the delivery of goods, understood as intra-Community acquisition of goods, within three months of the end of the month, where in relation to the goods purchased a tax liability arose,
- will take into consideration the amount of tax due for intra-Community acquisition of goods in the tax return in which it is required to liquidate this tax, no later than three months from the end of the month, , where in relation to the goods purchased a tax liability arose.

Invoices received late

After three months, it will not be possible to prove the tax due and the input tax in the declaration for the same tax period.

As a result, because of the retroactive correction of VAT due for the period in which the tax liability arose, a tax arrears from the taxpayer will arise. The taxpayer will be required to pay interest on late payment and may also be charged with the penalty fee for the unduly settlement of VAT.



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The input VAT will be liquidated in the VAT return for the tax period in which the invoice was received.

Three important dates in relation to declarations of intra-Community acquisition of goods:

- delivery date,
- the date of issue of the invoice,
- the date of receipt of the invoice.

Similar rules on the deduction of VAT also include the provision of goods and services of which the taxpayer is the purchaser, and the intra-Community transport of own goods within the enterprise of the taxpayer.

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