

6. NEW LEGISLATION – MATTERS CONCERNING THE IMPLEMENTATION OF RECENTLY ADOPTED EU VAT PROVISIONS

6.2 Origin: Belgium
References: New Article 59c of the VAT Directive
Subject: Calculation of the EU place-of-supply threshold
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1. The VAT Committee **almost unanimously** agrees that when a taxable person holds a stock of goods in another Member State and that stock is considered to be a fixed establishment, the EUR 10 000 threshold referred to in Article 59c(1)(c) of the VAT Directive cannot be applied in the Member State of establishment, as that taxable person may no longer be considered to be established in only one Member State.
2. The VAT Committee **almost unanimously** agrees that for the purpose of the calculation of the aforementioned EUR 10 000 threshold only distance sales from the Member State of establishment shall be taken into account. Distance sales from another Member State where the supplier holds a stock of goods, insofar as that stock is not considered to be a fixed establishment, shall therefore not, according to the **almost unanimous** view held by the VAT Committee, be taken into account.
3. When a taxable person holds a stock of goods in another Member State and that stock is not considered to be a fixed establishment, a **large majority** of the VAT Committee agrees that any cross-border supplies of goods from such stock shall constitute distance sales made from the Member State where that stock is held. If a taxable person wants to continue to use the EUR 10 000 threshold in the Member State of establishment, the VAT Committee **almost unanimously** agrees that that person cannot, at the same time, be authorised to use the Union OSS for distance sales from a stock held in another Member State but shall register and account for VAT on such sales under the normal rules in the Member State of arrival of goods.