

Public Consultation on the special scheme for small enterprises under the VAT Directive

Fields marked with * are mandatory.

Context

In 2017 the Commission plans, following its **VAT Action Plan** [1] and the 2017 Commission Work Programme [2], to adopt four VAT-related proposals: the proposal for a simpler and fraud-proof definitive VAT system, the proposal on VAT rates, the SME VAT package and the proposal on improved administrative cooperation.

With regard to the SME VAT package, it is worth noting that small and medium-sized enterprises [3] (hereinafter, "SMEs") are the backbone of Europe's economy, given that they make up about 98% of business [4] and create around 85% of new jobs [5]. Hence, their development is key to ensuring economic growth, innovation, job creation, and social integration in the EU. Yet many obstacles preclude SMEs from seizing the full potential of the Single Market. For instance, diverse and complex VAT rules across the EU can impose a high administrative burden on SMEs, particularly when trading with other EU Member States. This does not only hamper their growth but may even prevent them from engaging in cross-border trade and reap the benefits from the Single Market.

The current rules designed to alleviate the effects that small enterprises have in dealing with VAT are mainly laid out in a special scheme provided for under the VAT Directive [6] (hereinafter "the SME scheme"). For detailed information, please see the **glossary** in the following section.

Under the SME scheme Member States may **exempt** supplies of goods or services by SMEs with an annual turnover not exceeding a given threshold, with a view to reduce the burden of collecting tax. Such thresholds are set out in legislation, but, since they are not harmonised, vary from one Member State to another. Furthermore, the exemption is limited in scope and only applies to domestically-established SMEs and for their domestic turnover only. Foreign-based SMEs supplying goods and services to another Member State cannot benefit from this exemption, even if their turnover is very limited.

Member States may also apply to SMEs **simplified procedures** provided for in the VAT Directive, for charging and collecting VAT. The purpose of such procedures is only to reduce administrative burdens on SMEs and not to reduce the tax to be charged. Member States are not obliged to make use of simplified procedures, but if they do, they are not bound by any common standard, so the procedures put in place can vary from one Member State to another. Moreover, some of these procedures are available only to businesses covered by the SME exemption. Therefore, enterprises not applying the exemption (e.g. because their turnover exceeds the threshold, or because they have decided to opt out of the exemption) are subject to normal VAT arrangements.

The SME scheme, with its different components, suffers from **several drawbacks**.

- **It does not ensure a level playing field.** The SME scheme does not take into account the Single Market perspective since suppliers from other Member States do not get the same VAT treatment as domestic suppliers.
- **It is outdated.** The SME scheme needs updating in view of the broader reform of the VAT system towards taxation at destination [7]. With this move, small businesses having no VAT obligations in their own Member State may have to charge VAT to their customers in other Member States, as it is not possible for them to benefit from an SMEs exemption in a Member State in which they are not established (due to the strict territorial application of the exemption).
- **It is costly.** Complying with VAT rules is still excessively complex and costly for SMEs which bear proportionally higher VAT compliance costs [8] than large enterprises, in particular due to the complexity and fragmentation of the EU VAT system

Against this background, the Commission is preparing a comprehensive simplification package for SMEs that will seek to create a more business-friendly environment. In particular, the SME scheme will be reviewed, with regard to both the measures aimed at reducing the burden on SMEs of collecting tax and the simplified procedures available to SMEs.

Objective of this public consultation

This consultation aims at obtaining the views of stakeholders on

1. the current VAT provisions for SMEs and their application; and
2. possible changes as regards the VAT provisions for SMEs.

Its results will feed into the review of the SME scheme.

Target groups

This public consultation seeks the view of businesses (particularly SMEs, including farmers covered by the flat-rate scheme), business organisations (particularly those with close links to SMEs), public authorities, academia, and members of the public.

Given that one of the objectives of the public consultation is to assess the impact of the present rules, some questions are specifically addressed to businesses (section 3 and most of section 4). The other questions are addressed to all stakeholders.

[1] See Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on an action plan on VAT – Towards a single EU VAT area – Time to decide, [COM\(2016\) 148 final](#).

[2] See Commission Work programme 2017: Delivering a Europe that protects, empowers and defends, [COM\(2016\) 710 final](#).

[3] SMEs are generally defined at EU level according to the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.05.2003, p. 36). See also [here](#). With its rules for small enterprises, the VAT Directive however targets businesses operating on a much smaller scale. Only the businesses qualifying as microenterprises according to the EU definition are in VAT terms generally referred to as SMEs. The smallest among them, in particular those with an annual turnover of less than EUR 50 000, nonetheless constitute nearly 70% of all EU businesses.

[4] According to recent research carried out for the Commission by Deloitte.

[5] Data for the period 2002-2010. For more information, see [here](#).

[6] [Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax](#) (OJ L 347, 11.12.2006, p. 1).

[7] Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on an action plan on VAT – Towards a single EU VAT area – Time to decide, [COM\(2016\) 148 final](#) (p. 9). Also note that since 1 January 2015, the place of supply of telecommunications, broadcasting and electronically supplied services is also the Member State of destination. For more information, see [here](#).

[8] Please, note the difference between compliance costs and administrative burdens. Compliance costs, are those costs which encompass those investments and expenses that are faced by businesses and citizens in order to comply with substantive obligations or requirements contained in a legal rule; while administrative burdens are those costs borne by businesses, citizens, civil society organizations and public authorities as a result of administrative activities performed to comply with information obligations included in legal rules.

Section 0 - Glossary

The [VAT Directive](#) sets out several provisions, optional for Member States to apply, designed to alleviate the effects that SMEs have in dealing with VAT. Most of them, but not all, are part of a special scheme for SMEs, as explained below.

The SME scheme

The "Special scheme for small enterprises" (hereinafter, the "**SME scheme**") is laid down in Articles 281-294 of the VAT Directive and allows for both: (i) measures aimed at reducing the burden of SMEs having to collect tax, such as exemptions or graduated relief; and (ii) measures aimed at reducing the compliance costs [1] for SMEs, comprising simplified procedures for charging and collecting of VAT.

(i) Measures under the SME scheme: reduction of the burden for SMEs of collecting tax

- **SME exemption:** Member States may introduce a form of VAT relief which lowers the burden for SMEs of collecting tax and under which a business established in a particular Member State, whose turnover does not exceed the specified threshold, may be exempted from VAT. See Articles 282-292 of the VAT Directive.
- **SME graduated relief:** Another form of VAT relief which may be applied by Member States according to which the tax burden of an SME is partly reduced depending on its turnover, with the relief decreasing gradually with the increase of turnover. See Articles 282-292 of the VAT Directive.

(ii) Measures under the SME scheme: reduction of compliance costs for SMEs

- **Flat-rate scheme:** A measure that may be applied by Member States which simplifies the calculation of the VAT due by SMEs. The design of the flat-rate scheme may vary among the Member States having introduced it, with some enabling SMEs to apply a flat-rate to calculate their output VAT and others requiring SMEs to charge VAT on their outputs in accordance with the regular VAT provisions whilst allowing a fixed sum to be deducted from the amount due. See Article 281 of the VAT Directive.

Measures outside the SME scheme

There are other measures in the VAT Directive that SMEs may use, if available in their Member States. Most of them are simplified procedures, but some also aim at lowering the burden for SMEs of collecting tax (such as the flat-rate scheme for farmers).

- **Cash accounting scheme:** A measure not provided for under the SME scheme but mostly targeting SMEs that Member States may apply, under which an enterprise accounts for output VAT only once it has received payment from its customers, and only deducts input VAT on purchases once these are paid for. See Articles 66(b) and 167a of the VAT Directive. Usually, the application of the scheme is only available to enterprises not exceeding a certain threshold.
- **Other simplification measures:** Although not provided for under the SME scheme, there are simplification measures other than the flat-rate scheme which target those small enterprises which benefit from the SME exemption that Member States may apply. Such measures may bring simplification to registration, invoicing, accounting, and filing of returns. See Article 272 (d) of the VAT Directive.

- **Recapitulative statements ("EU sales lists"):** Member States which have been authorised to do so may permit certain small enterprises making intra-EU supplies to submit annual recapitulative statements indicating the enterprises in other Member States to whom they have supplied goods. Where such authorised Member States have set at over three months the tax period in respect of which taxable persons must submit their VAT returns, they may permit that recapitulative statements are submitted in respect of the same period, provided that certain conditions are met. See Articles 270 and 271 of the VAT Directive.
- **Common flat-rate scheme for farmers:** Member States may apply to farmers a flat-rate scheme, an alternative to the normal VAT regime or to the SME scheme. Farmers covered by the scheme do not charge VAT and cannot recover input VAT. Instead, they charge their customers a "flat-rate", which they do not have to hand over to the national authorities and which they keep as a compensation to offset the input VAT paid by them on their purchases. See Articles 295-305 of the VAT Directive.

Other concepts

There are other concepts not laid down in the VAT Directive, such as the one below, which are referred to in the questionnaire.

- **Occasional traders:** Persons who trade occasionally are not as such referred to in the VAT Directive. However, this concept is often used for describing private individuals whose taxable activity is only incidental. For instance, private individuals with photovoltaic installations on their homes producing electricity [2] and selling it to the general network or also private individuals who on occasion carry out economic activities outside of their main employment, such as selling products online, or sharing goods or services on collaborative economy platforms in exchange for a compensation (e.g. sharing their houses or sharing their cars).

[1] Please, note the difference between compliance costs and administrative burdens. Compliance costs, are those costs which encompass those investments and expenses that are faced by businesses and citizens in order to comply with substantive obligations or requirements contained in a legal rule; while administrative burdens are those costs borne by businesses, citizens, civil society organizations and public authorities as a result of administrative activities performed to comply with information obligations included in legal rules.

[2] See Court of Justice of the European Union (CJEU), judgment of 20 June 2013 in case C-219/12 *Finanzamt Freistadt Rohrbach Urfahr*, where it was found that individuals operating photovoltaic installation on their houses which sell electricity to the network can qualify as taxable persons for VAT purposes under certain conditions.

Section 1 - Important notice on the publication of responses

In order to ensure a fair and transparent consultation process, only responses received through this online questionnaire will be taken into account.

Contributions received are intended for publication "as submitted", that is, respondent by respondent and question by question, on the Commission's website. Below, you have the possibility to indicate whether you agree to the publication of your individual responses, and whether you prefer the responses to be published under your name or anonymously.

Furthermore, the Commission will prepare a synopsis report summarising all responses received (including those by respondents not agreeing to the publication of their answers).

* 1. Do you agree to your contribution being published?

- Yes, I consent to my answers being published under my name (except my e-mail address and the annual turnover of my company, if applicable).
- Yes, I consent to my answers being published anonymously (without name and e-mail address).
- No, I do not want my answers to be published (but they may be used internally within the Commission).

* 2. I declare that none of the information I provide in this consultation is subject to copyright restrictions.

- Yes
- No

Section 2 - General information about you

* 3. I am replying as a(n)... or on behalf of a(n)...

- Business
- Business association
- Public authority
- Academic
- Member of the public
- Other

* 4. Please enter your name or the name of your company/organisation:

Accountancy Europe

* 5. Please enter your e-mail address:

Please note that this information will not be published.

paul@accountancyeurope.eu

* 6. Please indicate the country of your head office, or the country where you live:

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

* If other, please indicate:

We are a Brussels based pan-European federation with members in all EU 28 countries

* 7. Is your business or organisation enlisted in the [Transparency Register](#)?

- Yes
- No

* If so, please indicate your register ID number:

4713568401-18

Section 3 - Information about your business

Section to be completed only if you are replying as a business.

8. What is the size of your enterprise?

- Self-employed
- Micro-enterprise (1-9 employees)
- Small enterprise (10-49 employees)
- Medium enterprise (50-249 employees)
- Other enterprises (above 249 employees)

9. What is the worldwide annual turnover of your company?

Please note that this information will not be published or will be published anonymously, depending on your reply in question 1.

- Does not exceed EUR 5 000
- EUR 5 001 - 50 000
- EUR 50 001 - 100 000
- EUR 100 001 - 500 000
- EUR 500 001 - EUR 2 000 000
- Above EUR 2 000 000

10. What is your main activity?

- Sale of goods
- Sale of services
- Both

11. What type of supplies do you make?

- Business to Business (B2B)
- Business to Consumers (B2C)
- Both

12. Which are the markets you are selling to as part of your business activity?

- National market only
- National market and market(s) of other Member States
- National market, market(s) of other Member States, and market(s) outside the EU
- Other

13. If you are selling in other Member States as part of your business activity, in how many?

- Between 1 and 3
- Between 4 and 10
- More than 10

14. Should you be selling to other Member States, how difficult is it for you to comply with VAT obligations there, compared to your Member State?

- Much more difficult
- More difficult
- Same level of difficulty
- Easier
- Much easier
- No opinion

16. To what extent are VAT obligations important in deciding to sell in other Member States or not?

- Very important
- Important
- Not very important
- Not important at all
- No opinion

Section 4 - Information about the VAT provisions for SMEs that you apply

Section to be completed only if you are replying as a business. Questions 18 (and 19, if applicable) are however open for all to reply.

The VAT Directive provides for several provisions designed to alleviate the effects that SMEs have in dealing with VAT. Some of them aim at reducing the burden of SMEs having to collect tax, and others aim at reducing compliance costs.

17. Which of the special provisions listed below do you apply?

Multiple answers possible. Please, note that the concepts below are explained in the glossary (section 0).

- SME exemption
- SME graduated relief
- Flat-rate scheme for SMEs
- Cash accounting scheme
- Other simplification measures for SMEs (in relation to registration, invoicing, accounting, and filing of returns)
- Annual recapitulative statements (EU sales list)
- Flat-rate scheme for farmers
- Other
- None

* 18. How would you assess the current **SME exemption** in your Member State?
(to be answered by all participants)

The exemption ...

- ... works perfectly well
- ... works well, but could be improved
- ... works poorly and should be improved
- ... works very poorly and should be improved
- No opinion

* 19. If you think that the **SME exemption** in your Member State could or should be improved, please indicate the reason(s) why.

(to be answered by all participants)

The exemption ...

Multiple answers possible.

- ... is too costly to apply
- ... is too complex
- ... can be detrimental to domestic SMEs not benefitting from exemption compared to those who are exempted
- ... may have a distortive effect on competition, because exemption is currently only available to domestic SMEs
- Other
- No opinion

21. If you do not benefit from the **SME exemption** in your Member State, please indicate the reason(s) why.

Multiple answers possible.

- The SME exemption is not available in my Member State
- I am not eligible, because the turnover of my enterprise exceeds the threshold
- I am not eligible, because of the type of supplies that I make
- I am not interested, because I can then not deduct input VAT
- I am not interested, for other reasons
- No opinion

22. If you sell to other Member States, would you be interested in benefitting from the **SME exemption** provided for in such other Member States (if available and eligible)?

- Yes
- No
- No opinion

23. In your opinion, should businesses from other Member States be able to benefit from the **SME exemption** provided for in your Member State (if available and eligible)?

- Yes
- No
- No opinion

Section 5 - Possible changes as regards the VAT provisions for SMEs

The Commission is preparing a comprehensive simplification package for SMEs that will seek to create a more business-friendly environment. The results of this consultation will feed into the review of the SME scheme.

- * 27. The VAT Directive currently provides for a SME scheme comprising different concepts which aim at alleviating the effects that SMEs have in dealing with VAT. In your view, is there still a need for such an **SME scheme** under the VAT Directive?

Please note that the SME scheme is further explained in the glossary (section 0).

- Yes
- No
- No opinion

- * 28. The SME scheme is currently optional for Member States to apply. Should the use of an **SME scheme** remain optional for Member States or, alternatively, should it be mandatory?

- Optional
- Mandatory
- No opinion

- * 29. The SME scheme is also optional to use for all small businesses, which can opt out of the scheme and apply normal VAT rules. Should the use of the **SME scheme** remain optional for businesses or, alternatively, should it be optional only for some, or even mandatory?

- Optional for all
- Optional for some and mandatory for others
- Mandatory for all
- No opinion

- * 30. The SME scheme currently allows, among others, to exempt SMEs from VAT provided that their turnover does not exceed certain thresholds. In your view, is there still a need for such an **SME exemption** under the VAT Directive?

Please note that the SME exemption is further explained in the glossary (section 0).

- Yes
- No
- No opinion

- * 31. The SME exemption is optional for Member States to apply. Should the use of an **SME exemption** remain optional for Member States or, alternatively, should it be mandatory?

- Optional
- Mandatory
- No opinion

* 32. Currently, SMEs can only benefit from the SME exemption in their own Member State, but not in other Member States where they may be selling to, where available. Should the **SME exemption** in a Member State be made available to suppliers from other Member States?

- Yes, fully
- Yes, partially
- No
- No opinion

* 34. If you think the **SME exemption** in a Member State should only be partially available to suppliers from other Member States, please indicate the reason(s) why.

Multiple answers possible.

- To limit the negative impact on the revenue of Member States where the exemption is available
- To limit the risk that the SME exemption is unduly taken advantage of
- To limit the effect that SMEs may have more competition in their domestic markets, as a result of suppliers from other Member States being encouraged to operate cross-border
- Other

Please, indicate which other reason(s):

There is an argument that the SME exemption is a form of public subsidy for smaller enterprises, funded out of general taxation. The higher the exemption, the greater the subsidy. For Member States with exemptions significantly higher than the EU average, allowing suppliers from other Member States to use the national exemption may represent an unreasonable drain on national resources, especially where the business in question has no taxable presence in the Member State in question so makes no contribution to the national public finances

* 35. On the basis of which criteria do you think that the access of SMEs to the **SME exemption** in Member States other than their own should be limited if it were to be made partially available?

- Limit based on the value of the sales to a business to each Member State
- Limit based on the turnover of the business
- Limit based on the sector of the business
- Other
- No opinion

37. What do you see as the potential **benefits** of the **SME exemption** being available (fully or partially) to suppliers from other Member States? Please rate each benefit below using a scale of **1 to 5**, with **1 representing the least beneficial** and **5 the most beneficial**.

It ...

Please note that it is possible to rate different benefits with the same value.

	1	2	3	4	5	No opinion
* ... makes it easier to carry out supplies in other Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* ... encourages start-ups and SMEs to grow quicker	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* ... promotes the Single Market	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* ... achieves a more level playing field for companies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* ... can have another benefit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

38. What do you see as the potential **risks** of the **SME exemption** being available (fully or partially) to suppliers from other Member States? Please rate each risk below using a scale of **1** to **5**, with **1** representing the **slightest risk** and **5** the **greatest risk**.

It ...

Please note that it is possible to rate different risks with the same value.

	1	2	3	4	5	No opinion
*... increases risk of VAT fraud	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*... makes fiscal control more difficult	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*... causes budgetary losses for Member States	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*... can carry another risk	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please, indicate which other risk:

It is possible that making the SME exemption available to all suppliers from other Member States could increase fraud - mainly because of the practical issues of monitoring and audit of businesses based in other Member States. More cross-border cooperation between tax authorities would be necessary to help combat this risk of increased fraud.

* 39. The SME exemption, where available, is currently applied in different ways across the EU. Notably, the thresholds set out by Member States below which the exemption applies vary substantially from one Member State to another. Do you agree that the **SME exemption** schemes in place in different Member States should be harmonised?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No opinion

* 40. SMEs whose turnover temporarily exceeds the threshold set for the SME exemption are usually obliged to apply normal VAT rules and can therefore no longer benefit from exemption. Do you agree that SMEs should be able to continue, during a short transition period, to benefit from the **SME exemption** if their turnover temporarily exceeds the **threshold**?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No opinion

* 41. SMEs may currently be subject to simplified VAT obligations, but it is up to Member States to introduce them. Should such simplified **VAT obligations** remain optional for Member States or, alternatively, should they be mandatory?

Please note that such simplification measures are explained in the glossary (section 0).

- Optional
- Mandatory
- No opinion

* 42. SMEs may currently be subject to simplified VAT obligations, where available. Do you agree that such **VAT obligations** should be further simplified?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No opinion

* 43. Simplified VAT obligations for SMEs, where available, currently vary from one Member State to another. Do you agree that the simplified **VAT obligations** for SMEs should be harmonised?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No opinion

* 44. Some of the simplification measures for SMEs are currently available only to businesses covered by the SME exemption and, while some Member States have simplified the VAT obligations for SMEs not covered by the exemption, this is not always the case. Do you agree that simplified **VAT obligations** should be available for all SMEs, irrespective of whether they use the SME exemption?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No opinion

* 45. Member States may introduce a cash-accounting scheme, aimed at alleviating SMEs' cash-flow. Usually, such scheme imposes an extra administrative burden on SMEs (e.g. keeping control of financial movements). Do you agree that the **cash-accounting scheme** should be accompanied by simplified VAT obligations?

Please note that the cash-accounting scheme is further explained in the glossary (section 0).

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No opinion

* 46. When should SMEs have to **register** for VAT purposes?

- SMEs should always have to register, regardless of whether they apply the SME exemption or not
- SMEs should register only if they are applying normal VAT arrangements (e.g. they have opted out of the SME exemption, or they have exceeded the exemption threshold)
- Other
- No opinion

Please, indicate which other option:

SME's should have to register with a government agency when they commence trading. On the other hand, this should be done in a manner that imposes the smallest administrative burden possible - through a single electronic portal that automatically provides each of the relevant government agencies with the information they require to allow subsequent monitoring of the business. This is entirely feasible with a modern, cloud based, IT infrastructure. This would provide the best balance between protecting Member State's revenue and minimising the administrative burden on SMEs.

* 47. If the **SME exemption** in a Member State were made available (fully or partially) to all enterprises within the EU, should suppliers from other Member States have to **register** in that Member State in order to have access to the SME exemption?

- Yes
- No
- No opinion

* 48. What would be an appropriate interval to submit periodical **VAT returns** for SMEs (regardless of whether they are covered by the SME exemption or subject to normal VAT rules)?

- Every month
- Every 3 months
- Every 6 months
- Every year
- Other period
- No opinion

* 49. Some private individuals carry out economic activities on an irregular basis outside of their main employment. What is, in your opinion, the most suitable VAT treatment for such **occasional traders**?

Please note that the concept of occasional trader is further explained in the glossary (section 0).

- They should be covered by VAT (with the possibility to apply either the SME exemption or normal VAT arrangements)
- They should not be covered by VAT
- Other
- No opinion

Section 6 - Further information

50. If you wish to add further information within the scope of this questionnaire, please feel free to do so here.

Question 27

Ideally there shouldn't be a need for the SME scheme because the VAT legislation would be built upon a "think small first" approach - starting with the minimum requirements based around the needs of SMEs with more requirements added for businesses that are larger and more complex. However, in the absence of such a fundamental reform Accountancy Europe believes that well designed and implements SME schemes are essential for minimising the compliance and tax burden on SMEs.

Question 32

We firmly believe that EU suppliers making supplies into other Member States should have access to the SME exemptions that apply in each of the markets into which they intend to trade. However, as we have noted, this could result in a competitive advantage for non-resident suppliers in certain circumstances - particularly where the SME exemption is significantly about the EU norm. Consequently, Accountancy Europe firmly supports a fully aligned EU SME exemption as this would greatly simplify the system for SMEs and simultaneously reduce the possibility of significant market distortions.

Question 45

Accountancy Europe supports accruals based accounting as the most appropriate basis for the majority of businesses, in order to improve the reliability of accounting information both for external stakeholders and for internal management purposes. That being said, cash accounting schemes for VAT purposes are potentially useful for SME's, both in terms of a reduction in administrative burden and in terms of cash flow. However, they also represent a potential threat to public finances due to an increased possibility of fraud. Consequently, it is necessary to exercise tighter controls over businesses wishing to take advantage of the schemes whilst, at the same time, making the administrative burden on small businesses as low as possible. Developments in IT already being seen in some Member States (such as real time access by taxation authorities to business accounting information) may be able to provide an eventual solution to these conflicting demands.

Questions 46 and 47

As mentioned, Accountancy Europe believes that national tax authorities must exercise effective control over businesses operating in their jurisdiction and taking advantage of local SME schemes. On the other hand this should be done in a manner that imposes the small administrative burdens possible. Consequently, whilst we believe that it is necessary for businesses to register with government authorities on commencement of trade (or the intention to trade) businesses should not be required to register with every relevant government department separately - the appropriate one stop shop for registration should be established. Consequently, we are not convinced that businesses should separately register with VAT authorities when they are

trading below the upper limit of the SME exemption – such registration should have occurred automatically on first registration through a single portal.

Question 48

We believe that annual returns represent a good compromise for SMEs submitting VAT returns but accept the fact that this could increase fraud. One way of reducing fraud could be to withhold the possibility of submitting annual VAT returns until the business has demonstrated its status as a “trusted tax payer” – for example, by having met all of its filing and payment obligations over a two year period.

51. If you want to upload a concise document, please do it below. The maximal file size is 1MB.

Please note that the uploaded document will be published alongside your response to the questionnaire, which is the essential input to this open consultation. The document is an optional complement and serves as additional background to better understand your position.

Contact

TAXUD-C1-SECTOR-C@ec.europa.eu
