

# VALUE ADDED TAX (VAT) INFORMATION

According to the applicable VAT rules, we are obliged to charge you Spanish VAT on the admission fees /attendee tickets, given that the trade fair takes place in Spain. In accordance with the applicable VAT rules, we are also obliged to charge non-business entities Spanish VAT on fees charged for exhibit and other related services.

Every taxable person has a right to apply for the refund of the input VAT levied on goods or services supplied, to the extent that it uses these services and goods for the supply of taxable activities and regarding its economic activity.

Spanish input VAT cannot be recovered by non-business entities and private individuals in any case. This will imply that Spanish Input VAT in connection with attendee tickets, exhibit fees and other related services acquired for private purposes will not be recoverable.

Requests for reimbursement of input VAT are the responsibility of the exhibiting company.

**1. EU exhibition companies** (input VAT refund procedure stated on 8th Council VAT Directive 79/1072/EEC of 6 December 1979)

VAT refund request must be submitted through the relevant Form of the country of residence, before the Tax Authorities website of the EU Country of establishment of the company that files the request. The request must be filed electronically, at the latest by 30<sup>th</sup> September of the following year to the one for which the VAT was charged.

The refund application must be accompanied by an electronic copy of the referenced invoices or import documents as an Annex within the relevant Form.

Regarding the period for the VAT reclaim, it contains a maximum of one calendar year and at least three calendar months. VAT reclaims regarding a shorter period than three months are only possible when the period regards the remaining of a calendar year.

For Spanish VAT, the requested amount must up to at least Eur. 400, when the VAT refund application were quarterly. A minimum threshold amount of Eur. 50 is applicable when the request is related to one calendar year or the remaining part of a year.

**2. Non-EU exhibition companies** (input VAT refund procedure stated on 13th Council VAT Directive 86/560/EEC of 17 November 1986)

Refund applications for input Spanish VAT incurred will only be permitted in cases where a reciprocity agreement between Spain and the exhibitor's country of origin is in place (nowadays, with Norway, Switzerland, Canada, Japan, Israel and Monaco).

A exception is introduced since the year 2015 by which the Spanish input VAT incurred on services of access, hotel, restaurant and transport, directly linked to attendance at trade fairs, congresses and exhibitions of a commercial or professional nature that are held in Spain can be recovered by non-EU exhibitors even when a reciprocity agreement is not in place. Therefore, a non-EU business (e.g US entity) would be entitled to apply for the refund of the VAT charged by DivCom for the attendee tickets under the above-mentioned conditions.

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Refund applications for input VAT must be filed electronically before the Spanish Authorities website, through the Spanish Form 361, by the tax representative appointed by the taxpayer as explained below, duly empowered.

It is a mandatory requirement that applicants designate a tax representative established within the territory where VAT reclaim is made (i.e. Spanish VAT Territory), who shall fulfill the corresponding formal or procedural obligations and shall be jointly and severally liable in cases of undue refunds. That representative shall be responsible for electronically filing of the refund application. In this regard, please note that starting July 1, 2024, it will no longer be necessary for non-EU entrepreneurs to designate a tax representative in advance. This requirement can now be fulfilled simultaneously with the submission of the refund request to the Spanish Tax Authorities.

Also it is mandatory that the applicant provides to the Spanish national office / *Oficina Nacional de Gestión Tributaria*, a certificate issued by the country where it is established that certifies the condition of taxpayer or the VAT or any other similar tax in the tax period in which the input VAT has been levied in Spain, together with the original tax representative Power of Attorney. Documents should be provided either via courier or physically to the attention of:

*Oficina Nacional de Gestión Tributaria. Paseo de la Castellana, 147, 28046-Madrid*

The tax representative, which must have a Tax Number and an e-certificate, will file the request electronically through Spanish Form 361 before the Spanish Tax Authorities website.

The request Form has to be submitted by September 30<sup>th</sup> of the year following the year in which the VAT was charged, at latest.

Regarding the period for the VAT reclaim, it contains a maximum of one calendar year and at least three calendar months. VAT reclaims regarding a shorter period than three months are only possible when the period regards the remaining of a calendar year.

For Spanish VAT, the requested amount must up to at least Eur. 400 when the VAT refund application were quarterly. A minimum amount of Eur. 50 is applicable when the request is related to one calendar year or the remaining part of a year.

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Other resources for VAT information:

- ❑ Website of the Spanish Tax Authorities: <https://sede.agenciatributaria.gob.es/>
- ❑ VAT refund to non-established businesses: <https://sede.agenciatributaria.gob.es/Sede/no-residentes/iva-empresarios-profesionales-no-establecidos/devoluciones-iva-no-establecidos/gestiones-devoluciones-iva-no-establecidos.html>