

Guidelines for foreign persons from third countries to apply for tax refunds during the pandemic

These guidelines set out in detail the process for foreign persons from third countries to submit tax refund applications in accordance with sections 56 to 58 of the Slovakian VAT Act, in conjunction with the relevant provisions of section 4 of the Slovakian Act No. 67/2020 Coll. on the extraordinary finance-related measures concerning the spread of the dangerous infectious human disease COVID-19, as amended (hereinafter referred to as the “Act No. 67/2020 Coll.”).

The measures under Act No. 67/2020 Coll. apply during the period from 12/03/2020, which was when the government of Slovakia declared a state of emergency in Slovakia, until the end of the calendar month in which the government cancels the state of emergency (hereinafter referred to as the “pandemic period”) or until the latest point in time stipulated in the Act.

A foreign person from a third country is entitled to a refund of the tax charged on goods and services supplied by VAT registered entities in Slovakia, as well as a refund of the tax charged on the importing of goods in Slovakia. Tax refunds to foreign persons from third countries are regulated by sections 56 and 58 of the Slovakian VAT Act. A foreign person from a third country can claim a tax refund by submitting a tax refund application in paper form to the Bratislava Tax Office (*Daňovému úradu Bratislava*). The claiming period for tax refund applications is a calendar year, and they must be submitted within the deadline stipulated in section 57(1) of the Slovakian VAT Act, i.e. no later than 30 June of the calendar year following the calendar year claiming period of the tax refund application. Under section 57(2) of the Slovakian VAT Act, tax refund applications may also be submitted for half-year periods in a calendar year within the deadline stipulated in section 57(1) of the Slovakian VAT Act.

Foreign persons from third countries **must** provide the following supporting documents with their tax refund applications:

- (a) Original invoices issued by the VAT registered entities in Slovakia, on which the tax amounts are stated in euros. In the case of imported goods, the relevant import documents, and proof of payment of the import tax.
- (b) Certificate issued by the tax authority of the country in which the applicant is based. The certificate must indicate the address of the applicant’s registered office, place of business, establishment, domicile, or habitual residence, and it must confirm that the applicant is registered for VAT or a similar sales tax. The certificate cannot be older than one year.

The Bratislava Tax Office decides on a tax refund application within six months from the date the application is submitted.

If foreign persons from third countries do not apply for a tax refund by 30 June 2020 for the year 2019 and the state of emergency is not cancelled by this date (thereby not ending the pandemic period), the Slovakian Act No. 62/2020 Coll. will also then apply to those foreign persons on whom the Slovakian VAT Act imposes certain obligations and confers certain rights.

Under the provisions of section 4 of Slovakian Act No. 67/2020 Coll., a deadline that was missed during the pandemic period will be extended if the applicant carries out the relevant action no later than the end of the calendar month following the end of the pandemic period. However, this does not apply to the filing of tax returns, audit reports and summary statements, and the settlement of taxes and advance tax payments.

A foreign person from a third country who does not submit a tax refund application within the deadline specified in section 57(1) of the Slovakian VAT Act, i.e. 30 June 2020, which is missed while the pandemic period is still in force, will be granted an extension of the deadline, provided that the tax refund application is submitted in accordance with section 4 of the Slovakian Act No. 67/2020 Coll. at the latest by the end of the calendar month following the end of the pandemic period. Foreign persons will not need to request an extension of the deadline; however, the tax refund application must be submitted no later than the end of the calendar month following the end of the pandemic period.

If a foreign person does not submit a tax refund application by the end of the calendar month following the end of the pandemic period, it will not be possible to extend the deadline, in accordance with section 4 of the Slovakian Act No. 67/2020 Coll. After an application is submitted by a foreign person from a third country, a tax official verifies that the requirements under section 56 and 57 of the Slovakian VAT Act are met; if the tax official finds any doubts about the correctness, truthfulness or completeness of the information provided in the VAT refund application, the tax official will request the foreign person from the third country to provide clarifications, specifically to provide missing information, explain ambiguities and correct incorrect data or substantiate the factual basis of the data. The Bratislava Tax Office will decide on the tax refund application within six months from the date the application is submitted.

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