

POLISH VAT ASPECTS OF ACQUIRING SERVICES

According to Polish VAT legislation, acquiring services rendered by SIX Payment Services (Europe) S.A. (formerly SIX Pay SA) are subject to VAT exemption, i.e. no VAT is due.

As SIX Payment Services (Europe) S.A. does not have a seat or fixed place of establishment for VAT purposes in Poland, these transactions have to be settled by our clients for VAT purposes on the basis of the reverse-charge mechanism. Such obligation is also stated on our credit notices sent to you. The reporting of our services in your VAT return is tax neutral and should not cause any additional tax payments to your business. Also all the information necessary to declare the taxable basis in the reverse-charge is available in our credit notices. Please note that from the Polish VAT point of view, the credit notices provided by us are sufficient for your declaration.

A VAT invoice is not necessary. It should be noted that the invoicing regulations set out in Polish VAT Act do not apply to acquiring services supplied by SIX Payment Services (Europe) S.A. as the company does not have a seat or fixed place of business for VAT purposes in Poland and therefore does not settle VAT on this supply in Poland (please refer to Article 106a point 1 of the Polish VAT Act). As a result, the method of documentation of supply of acquiring services falls solely under the regulations of Luxembourg.

IMPORT OF VAT-EXEMPTED ACQUIRING SERVICES

The reporting of the import of VAT-exempted acquiring services includes the reporting in the VAT declaration and indication in the VAT register.

The import of exempt acquiring services should be declared in the part of the VAT return which refers to output tax settlement (position 27 of form VAT-7K(9); position 27 of form VAT-7D(6) and position 27 of form VAT-7(9)). However, as import of exempted services is neutral from VAT perspective, lack of its declaration in the part regarding output VAT settlement is not connected with risk of arising tax arrears.

According to the VAT Act, taxpayers (excluding some exceptions) are obliged to maintain VAT registers containing data allowing to properly prepare a VAT return. As the tax base resulting from importation of exempted services should be indicated in VAT return, in our view it should be included in the VAT register.

Our Polish tax experts state that this is unlikely that the tax authority would examine settlements of Polish customers in this respect. Even if the tax authority would verify the settlements and discover that transactions of importation of VAT exempt services have not been included in the accounting records, in our view there is only remote risk that any fines would be imposed. Nevertheless, it is important for us that our clients can treat the import of our services in a correct way and therefore we would like to draw your attention to these obligations which are imposed onto our clients by the Polish VAT law.

YOUR LOCAL POINT OF CONTACT CAN BE FOUND AT:

six-payment-services.com/contacts

six-payment-services.com
worldline.com