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Deloitte Tax News

Act on Fiscal Verification of Invoices

With the publication of a notice in the Official gazette of the Republic of Slovenia No. 57/2015 on 31 July 2015, the Act on fiscal verification of invoices is officially in force.

The Act represents a basis for the introduction of the so-called system of online tax-certified cash registers, which will be in force from **2 January 2016** onwards and under which cash registers will be connected to the central information system of the financial authority via the internet, meaning that issued invoices will be verified by the financial authority in real time.

According to the new Act on fiscal verification of invoices, starting from 2 January 2016, all invoices for the supply of goods and services, paid in cash, will have to be verified with the tax authority according to the prescribed procedure. The Act foresees a **two-year transitional period**, in which those affected may decide whether they will use the electronic verification of invoices or a pre-registered book of receipts, the latter of which will subsequently also have to be reported to the financial authority.

Electronic confirmation of invoices will be compulsory for all legal and natural persons **performing cash transactions** and issuing invoices except for statutory-provided exemptions. Under the Act on fiscal verification of invoices, exemption from the procedure of invoice verification automatically applies to all those not obliged to issue an invoice under the Value Added Tax Act, as well as to those not obliged to keep books and records under the Tax Procedure Act.

The Act on fiscal verification of invoices further envisages a few specific exceptions:

- supplies of goods performed by foreign taxable persons, not established in Slovenia, for which the place of supply is deemed Slovenia, if the value of supplies does not exceed EUR 35,000 in a calendar year;
- supply of telecommunication, broadcasting and electronic services subject to the special 'Mini One Stop Shop' (MOSS) scheme;
- continuous supply of goods and services such as supply of water, electricity, natural gas, utility services, etc.

Although not specifically stated in the Act, the Financial Administration and the Ministry of Finance have clarified that in case of payment through a payment service provider (PayPal), the invoice will not be subject to fiscal verification of invoices.

The Act also provides for a **penalty for customers** not taking and saving an invoice for the services

provided or the goods supplied upon leaving the business premises of the supplier. The penalty from the Draft Act, which was initially set at EUR 40-400, has now been capped at EUR 40. Control and implementation of sanctions will be the responsibility of the Financial Administration and the market inspection authorities.

Prior to the issuing of invoices in cash transactions, subjects to fiscal verification of invoices will have to prepare and adopt an **internal act** laying down the rules on invoice numbering as well as providing a list of business premises and a list of corresponding codes of locations of respective business premises.

Considering the envisaged time line of the adoption of further legal basis, the implementation procedure for the introduction of tax-certified cash registers will continue as follows:

- 31 July 2015 – Adoption of the Act on fiscal verification of invoices* (*implemented)
- August 2015 – Adoption of Regulation on the implementation of the Act on fiscal verification of invoices
- August 2015 – Release of technical specifications required for implementation of fiscal verification of invoices
- September 2015 – Establishment of the testing system for software developers
- 1 December 2015 – Establishment of the voluntary testing system for taxable persons subject to fiscal verification of invoices
- 2 January 2016 – Commencement of the fiscal verification of invoices
- 1 January 2018 – End of the two-year transitional period

Timeline of introduction of the *online* system of tax-certified cash registers

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