



**COUNCIL OF
THE EUROPEAN UNION**

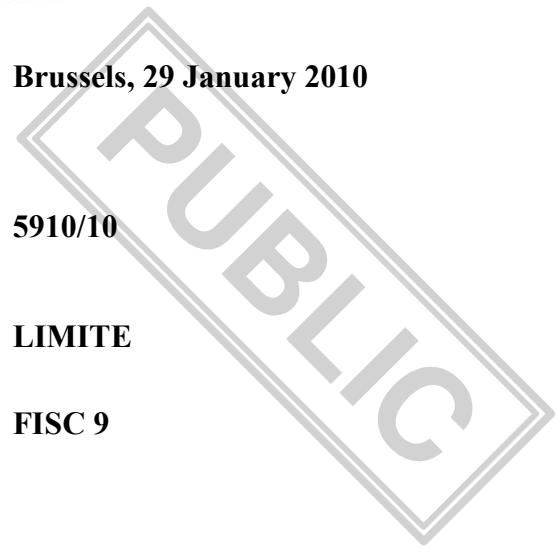
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NOTE

from: Presidency

to: Working Party on Tax Questions – Indirect Taxation (VAT)

No. Cion prop.: 5985/09 FISC 13 - COM(2009) 21 final

Subject: Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax as regards the rules on invoicing

In the light of discussions held in the Working Party on Tax Questions on 26 January 2010, delegations will find attached a revised Presidency compromise text on the abovementioned proposal (Comments from the Presidency on the proposed changes are set out in the Addendum).

**Proposal for a
COUNCIL DIRECTIVE
amending Directive 2006/112/EC on the common system of value added tax
as regards the rules on invoicing**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 93 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Having regard to the opinion of the European Economic and Social Committee³,

Whereas:

- (1) Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax⁴ lays down conditions and rules concerning value added tax, hereinafter "VAT", invoices to ensure the proper functioning of the internal market. In accordance with Article 237 of that Directive, the Commission has presented a report which identifies, in the light of technological developments, certain difficulties with regard to electronic invoicing and which, in addition, identifies certain other areas in which the VAT rules should be simplified with a view to improving the functioning of the internal market.
- (2) Since record keeping needs to be sufficient to allow Member States to control goods moving temporarily from one Member State to another, it should be made clear that record keeping is to include details of valuations on goods moving temporarily between Member States. Also, transfers of goods for valuation purposes to another Member State should not be regarded as a supply of goods for VAT purposes.

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ C , , p. .

⁴ OJ L 347, 11.12.2006, p. 1.

- (3) The rules concerning the chargeability of VAT on intra-Community supplies of goods should be simplified in order to ensure the uniformity of the information submitted in recapitulative statements and the timeliness of the exchange of information by means of those statements. The derogation in Article 67(2) of Directive 2006/112/EC allowing the invoice to create chargeability to tax should be removed; only the time of the supply should cause VAT to become chargeable. In addition, the continuous supply of goods from one Member State to another over a period of more than one calendar month should become chargeable at the end of each calendar month. The rules concerning the chargeability of VAT on intra-Community acquisitions should be similarly changed.
- (4) To help small and medium sized enterprises that encounter difficulties to pay the VAT to the competent authority before they have received payment from their customers, Member States should have the option of allowing VAT to be accounted using a cash accounting scheme which allows the supplier to pay VAT to the competent authority when he receives payment for a supply and which establishes his right of deduction when he pays for the supply. This should allow Member States to introduce an optional cash accounting scheme that does not have a negative effect on cash flow relating to their VAT receipts.
- (5) A valid invoice issued in accordance with Directive 2006/112/EC is an important document in the control of VAT, particularly with regard to the right of deduction. This is the case for all transactions irrespective of the person liable for payment of the tax. Rules should therefore be introduced to allow Member States the right to require a valid VAT invoice in all cases where there is a right of deduction.
- (6) To provide legal certainty for business regarding their invoicing obligations, the Member State in which the invoicing rules apply should be clearly stated. The applicable rules should be those of the Member State in which the taxable person making the supply is identified for VAT or is otherwise established.
- (7) To further help reduce burdens on business the use of simplified invoices should be extended to areas in which the tax risk is minimal, such as credit notes, low value supplies and certain exempt supplies.

- (8) Given Member States' divergent invoicing rules for supplies to non-taxable persons and the need to maintain measures to control fraud, the option of requiring taxable persons to invoice non-taxable persons should be maintained. However, in order to balance this against the need to reduce burdens on business, only a simplified invoice containing a minimum level of information should be required.
- (9) In order to harmonise the rules on invoicing to taxable persons or non-taxable legal persons, with a view to improving the functioning of the internal market, the relevant options available to Member States should be abolished or replaced by harmonised rules. This should be the case with regard to exempt supplies, the time limit for issuing an invoice, summary invoices, self-billing and outsourcing to third parties outside the Community.
- (10) The requirements concerning the information to be provided on invoices should be amended to allow better control of the tax, to create equality of treatment between cross-border and domestic supplies and to help promote e-invoicing.
- (11) Since the use of e-invoicing can help businesses to reduce costs and be more competitive, it is essential that paper invoices and e-invoices are treated equally. A technologically neutral approach can only be achieved by ensuring that no distinction is made between paper and electronic invoices on the basis of content, issue or storage.
- (12) Since the divergent rules of the Member States regarding the period of time during which invoices must be stored, the medium in which they must be stored and their place of storage create significant burdens on business, a common storage period should be established and it should be possible to store invoices in electronic form and to store them outside the Member State in which the taxable person is established provided that those invoices can be made available without undue delay. It should also be provided that the rules which apply to the storage of invoices should be those of the Member State in which the taxable person is established.

- (13) The rules on the access to invoices by the competent authority for control purposes should be made clear so that when a taxable person stores on-line invoices which he has issued or received, the Member State in which the tax is due should have access to those invoices.
- (14) Since the objectives of the action to be taken regarding the simplification, modernisation and harmonisation of the VAT invoicing rules cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives
- (15) Directive 2006/112/EC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 2006/112/EC

Directive 2006/112/EC is amended as follows:

- (1) In Article 17(2), point (f) is replaced by the following:

"(f) the supply of a service performed for the taxable person and consisting in valuations of, or work on, the goods in question physically carried out within the territory of the Member State in which dispatch or transport of the goods ends, provided that the goods, after being valued or worked upon, are returned to that taxable person in the Member State from which they were initially dispatched or transported;"

(1a) In Article 63 the following subparagraph is inserted:

“Article 64(1), the third subparagraph of Article 64(2), Article 65 and Article 66 shall not apply where, in accordance with the conditions laid down in Article 138, goods dispatched or transported to a Member State other than that in which dispatch or transport of the goods begins are supplied VAT-exempt, or goods are transferred VAT-exempt to another Member State by a taxable person for the purposes of his business.”

(2) In Article 64, paragraphs 1 and 2 are replaced by the following:

“1. Where it gives rise to successive statements of account or successive payments, the supply of goods, other than that consisting in the hire of goods for a certain period or the sale of goods on deferred terms, as referred to in point (b) of Article 14(2), or the supply of services shall be regarded as being completed on expiry of the periods to which such statements of account or payments relate.

2. Continuous supplies of goods over a period of more than one year which are dispatched or transported to a Member State other than that in which the dispatch or transport of those goods begins and which are supplied VAT-exempt or which are transferred VAT-exempt to another Member State by a taxable person for the purposes of his business, in accordance with the conditions laid down in Article 138, shall be regarded as being completed on expiry of each calendar year until such time as the supply comes to an end.

[As from 1 January 2010: Supplies of services for which VAT is payable by the customer pursuant to Article 196, which are supplied continuously over a period of more than one year and which do not give rise to statements of account or payments during that period, shall be regarded as being completed on expiry of each calendar year until such time as the supply of services comes to an end.]

Member States may provide that, in certain cases other than those referred to in the first and second subparagraphs; the continuous supply of goods or services over a period of time is to be regarded as being completed at least at intervals of one year.⁵

(3) In Article 66, point (c) is replaced by the following:

"(c) where an invoice is not issued, or is issued late, within a specified time no later than on the last day of the month following that in which the chargeable event occurs.

(4) Article 67 is deleted.

(6) In Article 68, the second paragraph is replaced by the following:

"The intra-Community acquisition of goods shall be regarded as being made, and VAT shall become chargeable, when the supply of similar goods is effected within the territory of the relevant Member State."

(7) Article 69 is deleted.

(7a) Article 91 paragraph 2 is replaced by the following:

"2. Where the factors used to determine the taxable amount of a transaction other than the importation of goods are expressed in a currency other than that of the Member State in which assessment takes place, the exchange rate applicable shall be the latest selling rate recorded, at the time VAT becomes chargeable, on the most representative exchange market or markets of the Member State concerned, or a rate determined by reference to that or those markets, in accordance with the rules laid down by that Member State.

⁵ Directive 2008/117/EC.

The Member States shall accept the use instead of the exchange rate published by the European Central Bank for the day on which the tax becomes chargeable, or, if there is no publication on that day, the previous day of publication. Where the conversion is between two non-Euro currencies the conversion rate shall be via the Euro exchange rate of each currency.

However, for some of the transactions referred to in the first subparagraph or for certain categories of taxable persons, Member States may use the exchange rate determined in accordance with the Community provisions in force governing the calculation of the value for customs purposes.”

(8) The following Article 167a is inserted:

"Article 167a

1. Where the deductible tax becomes chargeable upon receipt of payment according to Article 66 (b), Member States may provide that the right of deduction is to arise when the goods or services are supplied or at the time the invoice is issued.

2. Member States may provide within an optional scheme that a taxable person whose VAT solely becomes chargeable according to Article 66 (b) must postpone his right of deduction until the VAT has been paid to his supplier.

Member States which exercise the optional scheme shall set a threshold for taxable persons using the scheme within their territory, **based on** ~~which~~ is the annual turnover of the taxable person, which cannot be higher than EUR 2 000 000 or the equivalent in national currency.

Member States shall inform the VAT Committee of national legislative measures adopted pursuant to the first subparagraph."

(9) Article 178 is amended as follows:

- (a) Point (a) is replaced by the following:
“(a) for the purposes of deductions pursuant to Article 168(a), in respect of the supply of goods or services, he must hold an invoice drawn up in accordance with Sections 3 to 6 of Chapter 3 of Title XI;”
- (b) Point (c) is replaced by the following:
“(c) for the purposes of deductions pursuant to Article 168(c), in respect of the intra-Community acquisition of goods, he must set out in the VAT return provided for in Article 250 all the information needed for the amount of VAT due on his intra-Community acquisitions of goods to be calculated and he must hold an invoice drawn up in accordance with Sections 3, 4 and 5 of Chapter 3 of Title XI;”

- (10) Article 180 is replaced by the following:

“Article 180

Member States may authorise a taxable person to make a deduction which he has not made in accordance with Articles 178 and 179.

Member States may authorise a taxable person who does not hold an invoice drawn up in accordance with Articles 220 to 236 to make the deduction referred to in Article 168(c) in respect of his intra-Community acquisitions of goods.

Member States shall determine the conditions and rules under which such authorisations are granted.”

- (11) Articles 181 and 182 are deleted.

- (12) In Article 197(1), point (c) is replaced by the following:

“(c) the invoice issued by the taxable person not established in the Member State of the person to whom the goods are supplied is drawn up in accordance with Sections 3, 4 and 5 of Chapter 3.”

(12a) In Section 1 of Chapter 3 of Title XI Article 217 is replaced by the following:

“For the purposes of this Directive, the following definitions shall apply:

(a) “electronic invoice” shall mean an invoice that contains the information ~~referred to in articles 226, 226a or 226b~~ **required in this Directive**, encoded in an electronic format and stored on an electronic media.

(b) “electronic format” shall be understood as any way in which binary encoded information is organized.

(c) “electronic media” shall mean any storage device capable to hold binary encoded information and which requires electrical power to ~~store~~ **produce** and retrieve it.”

(13) Article 218 is replaced by the following:

“Article 218

1. For the purposes of this Directive, Member States shall accept documents or messages on paper **form** or in electronic ~~form~~ **format** as invoices if they meet the conditions laid down in this Chapter.

2. Member States may not, for the purposes of this Directive, impose on taxable persons any obligations or formalities, other than those laid down in this Chapter and Chapter 4, in relation to the issue or storage of invoices, irrespective of whether the invoices are in paper **form** or in electronic ~~form~~ **format**.”

[3. However Members States may impose on taxable persons obligations or formalities referred to subjects different from those laid down in this Chapter and Chapter 4.]

(14) In Section 3 of Chapter 3 of Title XI, the following Article 219a is inserted:

“Article 219a

Without prejudice to Articles 244-248 the following shall apply:

1. Invoicing shall be subject to the rules applying in the Member State in which the supply of goods or services is deemed to be made, in accordance with the provisions of the Title V of this Directive.

2. By the way of exception to the rule provided in paragraph 1, invoicing shall be subjects to the rules applying in the Member State in which the supplier has established his business or has a fixed establishment from which the supply is made or, in the absence of such place of establishment or fixed establishment, the Member State where the supplier has his permanent address or usually resides, where:

a) the supplier ~~issuing the invoice~~ of a taxable supply of goods or services is established in a Member State different from that in which the supply of goods or services is deemed to be made, in accordance with the provisions of the Title V of this Directive, and the person liable for the payment of the VAT is the person to whom the goods or services are supplied.

However in such transactions where the customer issues the invoice (self billing) invoicing shall be subject to the rules provided on paragraph 1.

b) the supplier issuing the invoice for a taxable supply of goods or services is established in a Member State and the supply of goods or services is not deemed to be made within the Community, in accordance with the provisions of the Title V of this Directive.

3. By the way of exception to the rule provided in paragraph 1, invoicing shall not be subject to the rules in this Directive where the supplier has no establishment within the Community from which the supply is deemed to be made, in accordance with the provisions of the Title V of this Directive, and provided that he is not liable for the payment of VAT for the supply within the Community.”

(15) ~~In Article 220, point (4)~~ is replaced by the following:

“1. Every taxable person shall ensure that, in respect of the following, an invoice is issued, either by himself or by his customer or, in his name and on his behalf, by a third party:

(1) supplies of goods or services which he has made to another taxable person or to a non-taxable legal person;

(2) supplies of goods as referred to in Article 33;

(3) supplies of goods carried out in accordance with the conditions specified in Article 138;

(4) any payment on account made to him before ~~one of the supply~~ ~~supplies~~ of goods referred to in points (1) and (2) was carried out ~~or completed~~;

(5) any payment on account made to him by another taxable person or non-taxable legal person before the provision of services was completed.

2. By way of exception to paragraph 1, issuance of an invoice shall not be required in respect of exempt supplies of services pursuant to points (a) to (g) of Article 135(1)."

(16) The following Article 220a is inserted:

“Article 220a

1. Member States shall allow the taxable person to issue a simplified invoice in any of the following cases:

(a) where the **[amount of the invoice]** [taxable amount] of the supply of goods or services is EUR 100 or less;

(b) where the invoice issued is a document or message treated as an invoice pursuant to Article 219.

2. A simplified invoice according to the first paragraph shall not be permitted by Member States when invoices must be issued pursuant to points (2) and (3) of Article 220 or when the taxable supply of goods or services is carried out by a taxable person who is not established in the Member State in which the VAT is due and the person liable for the payment of VAT is the person to whom the goods or services are supplied.”

(17) Articles 221, 222, 223, 224 and 225 are replaced by the following:

“Article 221

1. Member States may impose on taxable persons an obligation to issue an invoice in accordance with the details required in Article 226 or Article 226b in respect of supplies of goods or services other than those referred to in Article 220.

2. Member States may release taxable persons from the obligation laid down in Article 220 (1) or in Article 220a to issue an invoice in respect of supplies of goods or services which they have made in their territory to another taxable person or to a non taxable legal person on their territory and which are exempt, with or without deductibility of the VAT paid in the preceding stage, pursuant to Articles 110 and 111, Article 125(1), Article 127, Article 128(1), Articles 132, 135(1), **points (h) to (l)**, 136, 371, 375, 376 and 377, Article 378(2), Article 379(2) and Articles 380 to 390.

3. Member States may impose on taxable persons, the obligation to issue an invoice in accordance with the details required in [Article 226 or Article 226b] in respect of supplies of services referred to in Article 220(2) which they have made in their territory.”

“Article 222

For supplies of goods carried out in accordance with the conditions specified in Article 138 or for supplies of services for which VAT is payable by the customer pursuant to Article 196, an invoice must be issued no later than on the ~~last~~ **15th** day of the month following that in which the chargeable event occurs.

For other supplies of goods or services Member States ~~may~~ **shall** impose **appropriate** time limits on taxable persons for the issue of invoices ~~that is no later than on the last day of the month following that in which the chargeable event occurs.”~~

“Article 223

Member States shall allow the taxable person to issue summary invoices which detail several separate supplies of goods or services provided that the supplies mentioned in a summary invoice become chargeable for VAT during the same calendar month.

[Without prejudice to Article 222, Member States may allow summary invoices to include supplies which have become chargeable during the same calendar quarter.]”

“Article 224

Invoices may be drawn up by the customer in respect of the supply to him, by a taxable person, of goods or services, if there is a prior agreement between the two parties and provided that a procedure exists for the acceptance of each invoice by the taxable person supplying the goods or services.”

“Article 225

Member States may impose specific conditions on taxable persons in cases where the third party, or the customer, who issues invoices is established in a country with which no legal instrument exists relating to mutual assistance similar in scope to that provided for in Directive 2008/55/EC, Regulation (EC) No 1798/2003 and Regulation (EC) No 1179/2008.”

(19) Article 226 is amended as follows:

(a) The introductory phrase is replaced by the following:

“Without prejudice to the particular provisions laid down in this Directive, only the following details are required for VAT purposes on invoices issues pursuant to Article 220 and 221.”

(b) Point (4) is replaced by the following:

“(4) the customer's VAT identification number, as referred to in Article 214, under which the customer received a supply of goods exempted in accordance with Article 138 or a supply of goods or services in respect of which VAT is payable by the customer pursuant to Articles 194 to 199, or when the invoice is drawn up by the customer in accordance with article 224. Member States may require the customer's VAT identification number also for other supplies of goods or services.”

(c) The following point (7a) is inserted:

“(7a) where the VAT becomes chargeable at the time when the payment is received according to Article 66 (b), and the Member State does not apply Article 167a.1, the mention “cash accounting”.

(d) The following point (10a) is inserted:

“(10a) where the customer receiving a supply issues the invoice instead of the supplier, the mention “self-billing”.”

(e) Point (11) is replaced by the following:

“(11) in the case of an exemption the mention:

“Intra-Community Exempt” if the applicable exemption is related to intra-community transactions.

“Export Exempt” if the applicable exemption is related to exportations.

[“Import Exempt” if the applicable exemption is related to importations.]

“Internal Exempt” if the applicable exemption is related to internal transactions.”

~~and a reference to the applicable provision of this Directive or to the corresponding national provision.”~~

(f) The following point (11a) is inserted:

“(11a) where the customer is liable for the payment of the VAT, the mention “Reverse Charge”.”

(g) Point (13) is replaced by the following:

“(13) where the margin scheme for travel agents is applied, the mention “Travel agents margin scheme”.

(h) Point (14) is replaced by the following:

“(14) where one of the special arrangements applicable to second-hand goods, works of art, collectors' items and antiques is applied, the mention “Second-hand goods, works of art, collector’s items and antiques”.

(20) The following Articles 226a and 226b are inserted:

“Article 226a

Where the invoice is issued by a taxable person, who is regarded as not established in the Member State where the tax is due, and who is making a supply of goods or services to a customer who is liable for payment of VAT, the taxable person may omit the details referred to in points (8), (9) and (10) of Article 226 and instead indicate, by reference to the quantity or extent of the goods or services supplied and their nature, the taxable amount of those goods or services.”

“Article 226b

1. The following details are required on simplified invoices issued pursuant to Articles 220a and 221:

- (a) the date of issue;
- (b) identification of the taxable person making the supply by mention **of the name and address.** ~~the VAT number.~~

- (c) identification of the type of goods or services supplied ~~and their taxable amount~~
- (d) **the taxable amount**, the VAT rate and the VAT amount payable or to be credited, or the information needed to calculate it
- (e) if the invoice issued is a document or message treated as an invoice pursuant to Article 219, specific and unambiguous mention to that invoice **and a reference to the specific details which are being amended.**

2. Member States may impose the following additional details on simplified invoices issued pursuant to Articles 220a and 221:

- (a) identification of the taxable person making the supply by mention of the **VAT-number. name and address.**
- (b) a sequential number, based on one or more series, which uniquely identifies the invoice
- (c) identification of the customer by mention of the VAT-number or mention of the name and address.
- (d) in the case of an exemption or where the customer is liable for payment of the VAT, the references stated in Articles 226.11 or 226.11a.”

(21) Articles 227 and 228 are deleted.

(22) Article 230 is replaced by the following:

“Article 230

The amounts which appear on the invoice may be expressed in any currency, provided that the amount of VAT payable or to be credited is expressed in the national currency of the Member State, using the conversion rate mechanism provided for in Article 91.”

(23) Article 231 is deleted.

(23a) In the title of Section 5 of Chapter 3 of Title XI, the words "Sending invoices by electronic means" are replaced by "**Paper and electronic invoices**".

(24) Article 232 and 233 are replaced by the following:

“Article 232

The use of an electronic invoice must be subject to acceptance by the recipient.”

“Article 233

1. An invoice shall be accepted by Member States provided that the issuer and the receiver of the invoice can guarantee the authenticity of the origin, the integrity of the content and the legibility.

The issuer and the recipient of the invoice shall determine the way to guarantee the authenticity of the origin, the integrity of their content and the legibility of the invoice.

“The authenticity of the origin” shall mean the assurance of the identity of the issuer of the invoice.

“The integrity of the content” shall mean that the content required according to ~~Articles 226, 226a and 226b~~ **this Directive can has not be been** altered.

2. The following methods are examples of the way that the issuer and the ~~receiver~~ **recipient** may guarantee the authenticity of the origin and the integrity of the content of an electronic invoice:

a) by means of an advanced electronic signature within the meaning of point (2) of Article 2 of Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures, based **[or not]** on a qualified certificate and created by a secure signature creation device, within the meaning of points (6) and (10) of Article 2 of Directive 1999/93/EC.

b) by means of electronic data interchange (EDI), as defined in Article 2 of Commission Recommendation 1994/820/EC of 19 October 1994 relating to the legal aspects of electronic data interchange, if the agreement relating to the exchange provides for the use of procedures guaranteeing the authenticity of the origin and integrity of the data.”

(25) ~~Articles 234 and 235 are~~ **is** deleted.

(26) Article 236 is amended as follows:

“Article 236

Where batches containing several electronic invoices are sent or made available to the same recipient, the details common to the individual invoices may be mentioned only once if, for each invoice, all the information is accessible.”

(27) Article 237 is deleted.

(28) Article 238 is amended as follows:

(a) Paragraph 1 is replaced by the following:

“1. After consulting the VAT Committee, Member States may, in accordance with conditions which they may lay down, provide that in the following cases only the information required under Article 226b need be entered on invoices in respect of supplies of goods or services.

- (a) where the taxable amount of the supply of goods or services is above EUR 100 ~~150~~ but not higher than EUR 400;
- (b) where commercial or administrative practice in the business sector concerned or the technical conditions under which the invoices are issued make it particularly difficult to comply with all the obligations referred to in Article 226 or Article 230.”

(b) Paragraph 2 is deleted;

(c) Paragraph 3 is replaced by the following:

“3. The simplified arrangements provided for in paragraph 1 shall not be applied when invoices must be issued pursuant to points (2) and (3) of Article 220 or when the taxable supply of goods or services is carried out by a taxable person who is not established in the Member State in which the VAT is due and the person liable for the payment of VAT is the person to whom the goods or services are supplied.”

(29) ~~Articles 239 and 240 are deleted.~~

(30a) Article 242 is replaced by the following:

“1. Every taxable person shall keep accounts in sufficient detail for VAT to be applied and its application checked by the competent authorities.

2. The competent authorities of a Member State shall have the right to require the taxable person who has established his business or has a fixed establishment in that Member State, or who is liable to pay tax in ~~a~~ **the** particular Member State ~~where he is not established~~, to provide information or documents needed for control purposes.

A “document” may be a written paper document or information which may only be read by electronic means. The competent authorities shall have the right to access and inspect the accounts kept in paper or in electronic form and the taxable person must provide information and explanations on the system used. The taxable person must be able to present the information contained in electronic form in a legible format.”

(31) Article 243 is replaced by the following:

“Article 243

1. Every taxable person shall keep a register of the goods dispatched or transported, by that person or on his behalf, to a destination outside the territory of the Member State of departure but within the Community for the purposes of transactions consisting in valuations of those goods or work on them or their temporary use as referred to in points (f), (g) and (h) of Article 17(2).

2. Every taxable person shall keep accounts in sufficient detail to enable the identification of goods dispatched to him from another Member State, by or on behalf of a taxable person identified for VAT purposes in that other Member State, and used for services consisting in valuations of those goods or work on those goods.”

(32) Article 244 is replaced by the following:

“Article 244

Every taxable person required to ensure that an invoice is issued by himself or by his customer or, in his name and on his behalf, by a third party shall ensure that copies of these invoices are stored.

Every taxable person receiving an invoice shall ensure that the invoice is stored.

For the purposes of this section, the storage of invoices received and copies of invoices issued shall be subject to the rules in the Member State in which the taxable person has established his business. Where the fixed establishment from or for which the supply is made is in a different Member State to the place of establishment, the rules shall apply in the Member State of the fixed establishment.

In the absence of such a place of business or fixed establishment, the rules shall apply in the Member State in which he has his permanent address. Where no permanent address exists the rules shall be applicable in the Member State where he usually resides, or if no such place exists, in the Member State where he is otherwise liable to pay the VAT on the invoice which should be stored.”

(33) Article 246 is replaced by the following:

“Article 246

The authenticity of the origin and the integrity of the content of a stored invoice, as well as its legibility, must be guaranteed throughout the period of storage.”

(34) Article 247 is replaced by the following:

“Article 247

1. Each Member State shall determine a period for storage of invoices issued or received which is not shorter than five years and not longer than ten years. **However, each Member State may require the taxable person to store invoices relating to the acquisition of capital goods subject to adjustment of deductions in accordance with article 187, during the relevant adjustment period plus not less than five years nor more than ten years.** ~~However, for immovable property acquired as capital goods Member States may set a period equal to the adjustment period used in the third subparagraph of paragraph one of Article 187.~~

2. The Member States may lay down specific conditions prohibiting or restricting the storage of invoices in a country with which no legal instrument exists relating to mutual assistance similar in scope to that provided for in ~~Directive 76/308/EEC~~ **Directive 2008/55/EC** and Regulation (EC) No 1798/2003 or to the right referred to in Article 249 to access by electronic means, to download and to use.”

2. In order to ensure that the conditions laid down in Article 246 are met, the Member State referred to in paragraph 1 may require that invoices be stored in the original form in which they were sent or made available, whether paper or electronic. Additionally, in the case of invoices stored by electronic means, the Member State may require that the data guaranteeing the authenticity of the origin of the invoices and the integrity of their content, as provided for in the first paragraph of Article 246, also be stored.

(35) ~~Article 248 is replaced by the following:~~

~~“Member States may, subject to the conditions which they lay down, require the storage of invoices for the supply of immovable property as well as invoices for the supply of services carried out on immovable property received by non-taxable person.”~~

(36) In Section 3 of Chapter 4 of Title XI, the following Article 248a is inserted:

“Article 248a

For control purposes, the Member States in which the tax is due may require invoices to be translated into their official languages. Member States may however not systematically require invoices to be translated.”

(37) Article 249 is replaced by the following:

“Article 249

For control purposes, where a taxable person stores, by electronic means guaranteeing on-line access to the data concerned, invoices which he issues or receives, the competent authorities of the Member State in which he is established and, when the VAT is due in another Member State, the competent authorities of that Member State, shall have the right to access, download and use those invoices.”

(38) In Article 272(1), the second subparagraph is replaced by the following:

“Member States may not release the taxable persons referred to in point (b) of the first subparagraph from the invoicing obligations laid down in Sections 3 to 6 of Chapter 3 and Section 3 of Chapter 4.”

Article 2

Transposition

1. Member States shall adopt and publish, by 31 December 2012 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 January 2013.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Entry into Force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

The President

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