

Novelties VAT fines

The VAT fines scheme will undergo a facelift. For certain first infractions in good faith the fines will as from now automatically be waived. To make this possible, the VAT authorities have modified their internal instruction. The VAT Code and Royal Decrees will not be amended.

First infraction? Fine automatically waived

In case of a first infraction the fine will be waived automatically when ...

- It is the first infraction during a certain reference period.
- You are in good faith.
- You file an individual and motivated petition.
- At the time of the petition, you have filed all periodical VAT returns.
- The infraction has no impact on boxes 71 or 72 of the periodical VAT return (boxes for intra-Community acquisitions).

Which infractions?

The following infractions fall within the scope of the new fines scheme:

- Not or late filing of client listing or intra-Community returns.
- Books or ledgers do not meet the formal requirements.
- Outgoing transactions reported in the wrong box (e.g. 44 instead of 47).

Example

You file your client listing for 2018 late. This is your first infraction. Your fine will be waived automatically. In 2019, the client listing is filed late again. This is the second time in the reference period of four years for client listing. You will not obtain an automatic waiver.

What when you do not have right to an automatic waiver?

Watch out, not all infractions fall within the scope of the new beneficial scheme, e.g. not or late filing of (periodical) VAT returns. In such case you do not have right to an automatic waiver. However, you can still apply for a waiver. The tax authorities will examine your petition, taking into account your financial situation, the way you complied with your tax obligations, mitigating circumstances and social or other reasons.

As from when?

The new instruction will be applied by the tax authorities to all petitions which will be treated after 1 April 2018 for fines imposed as from 1 January 2018.