Issuer:	Riigikogu
Type:	act
In force from:	01.01.2024
In force until:	31.12.2024
Translation published:	03.01.2024

Value-Added Tax Act[1]

Passed 10.12.2003
RT I 2003, 82, 554
entry into force pursuant to § 50.

Amended by the following acts

Passed	Published	Entry into force
21.04.2004	RT I 2004, 41, 278	01.06.2004
06.05.2004	RT I 2004, 43, 299	20.05.2004, applied retroactively as of 1 May 2004
12.05.2004	RT I 2004, 45, 315	27.05.2004
20.10.2004	RT I 2004, 75, 523	applied retroactively as of 1 May 2004
08.12.2004	RT I 2004, 89, 603	01.01.2005
09.02.2005	RT I 2005, 13, 63	01.05.2005
12.10.2005	RT I 2005, 57, 451	18.11.2005
07.12.2005	RT I 2005, 68, 528	01.01.2006, in part 01.01.2007, part of amendments are applied retroactively as of 01.11.2005 and their entry into force as of 23.12.2005
15.11.2006	RT I 2006, 55, 405	01.01.2007
08.02.2007	RT I 2007, 17, 83	01.03.2007, subsections 3 and 4 of § 50 are applied retroactively as of 01 July 2006
08.02.2007	RT I 2007, 17, 83	01.01.2008
Full text on hard copy of RT	RT I 2007, 30, 186	
26.09.2007	RT III 2007, 32, 259	26.09.2007
19.11.2008	RT I 2008, 51, 283	01.01.2009
04.12.2008	RT I 2008, 58, 323	01.01.2009
04.12.2008	RT I 2008, 58, 324	31.12.2008, applied retroactively as of 01.12.2008
04.12.2008	RT I 2008, 58, 324	01.01.2009
04.12.2008	RT I 2008, 58, 324	01.01.2010
17.12.2008	RT I 2008, 58, 329	01.01.2009
22.04.2009	RT I 2009, 24, 146	01.06.2009
18.06.2009	RT I 2009, 35, 232	01.07.2009
01.09.2009	RT I 2009, 46, 307	16.09.2009, applied retroactively as of 01.07.2009
11.11.2009	RT I 2009, 56, 376	01.01.2010, in part 01.01.2011
25.02.2010	RT I 2010, 11, 55	01.05.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 entry into force on the date determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision

		2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
25.11.2010	RT I, 10.12.2010, 3	01.01.2011
22.02.2011	RT I, 15.03.2011, 11	01.04.2011
16.06.2011	RT I, 08.07.2011, 6	18.07.2011
07.12.2011	RT I, 20.12.2011, 2	01.01.2012
08.03.2012	RT I, 27.03.2012, 7	01.01.2013, in part 01.04.2012
10.10.2012	RT I, 25.10.2012, 1	01.12.2012
15.05.2013	RT I, 01.06.2013, 1	01.07.2013
11.12.2013	RT I, 23.12.2013, 1	01.01.2014, in part 01.01.2015 and 01.01.2020
29.01.2014	RT I, 18.02.2014, 2	01.03.2014, in part 01.10.2014 and 01.01.2015
19.02.2014	RT I, 13.03.2014, 3	01.01.2018, in part 23.03.2014 and 01.01.2016
07.05.2014	RT I, 29.05.2014, 1	01.11.2014, in part 01.07.2014
21.05.2014	RT I, 06.06.2014, 2	01.07.2014
01.07.2014	RT I, 11.07.2014, 3	01.12.2014
01.07.2014	RT I, 11.07.2014, 4	01.08.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the official titles of the ministers have been replaced on the basis of subsection 4 of § 107³ of the Government of the Republic Act.
18.12.2014	RT I, 30.12.2014, 4	01.01.2015
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
15.06.2015	RT I, 30.06.2015, 1	01.01.2016, in part 01.01.2017
09.12.2015	RT I, 30.12.2015, 5	01.01.2016
17.12.2015	RT I, 31.12.2015, 10	01.01.2016
20.04.2016	RT I, 29.04.2016, 6	01.05.2016, in part 01.07.2016 and 01.01.2017
15.06.2016	RT I, 05.07.2016, 1	01.01.2017
26.10.2016	RT I, 08.11.2016, 1	01.01.2017, in part 01.01.2018
19.12.2016	RT I, 24.12.2016, 1	01.01.2017
31.05.2017	RT I, 16.06.2017, 1	01.07.2017
14.06.2017	RT I, 27.06.2017, 1	01.07.2017
19.06.2017	RT I, 07.07.2017, 3	01.08.2017, in part 01.01.2018
11.10.2017	RT I, 25.10.2017, 1	01.01.2018
15.11.2017	RT I, 28.11.2017, 2	01.01.2018
21.03.2018	RT I, 03.04.2018, 3	15.04.2018, in part 01.05.2018
04.04.2018	RT I, 24.04.2018, 2	01.05.2018, in part 01.10.2018
14.11.2018	RT I, 29.11.2018, 2	01.01.2019, in part 01.02.2019
04.12.2019	RT I, 19.12.2019, 2	01.01.2020
15.04.2020	RT I, 21.04.2020, 1	22.04.2020, in part 01.05.2020
10.02.2021	RT I, 23.02.2021, 1	01.07.2021, in part 01.01.2022
17.03.2021	RT I, 26.03.2021, 1	01.07.2021
24.11.2021	RT I, 09.12.2021, 1	01.07.2022, in part 01.01.2022
18.05.2022	RT I, 04.06.2022, 4	01.08.2022
19.06.2023	RT I, 01.07.2023, 2	01.01.2024, in part 01.01.2025
07.11.2023	RT I, 21.11.2023, 1	01.12.2023, in part 01.01.2024

Chapter 1
GENERAL PROVISIONS

§ 1. Object of taxation

(1) The following shall be subject to value added tax:
1) supply created in Estonia, except supply which is exempt from tax;
2) import of goods into Estonia (§ 6), except imports exempt from tax (§ 17);
3) provision of service the place of supply of which is not Estonia (subsections 4 and 5 of § 10 and subsection 6 of § 10^1), except supply exempt from tax;
[RT I, 26.03.2021, 1 – entry into force 01.07.2021]

4) supply of goods or services specified in subsection 3 of § 16 of this Act if the person liable to value added tax (hereinafter taxable person) has added value added tax to the taxable value of such goods or services;
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]
5) intra-Community acquisitions of goods (§ 8), except intra-Community acquisitions of goods which are exempt from tax (§ 18).

(2) Value added tax is applied as tax on added value, with the exception of special cases arising from this Act.

§ 2. Definitions

(1) In this Act, terms relating to countries and territories are used as follows:
1) "Estonia" means the territory under the jurisdiction of the Republic of Estonia;
2) „Community" means the territory of the Member States specified in clause 3 of this subsection;
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]
3) "Member State" means the territory of a Member State of the European Union (hereinafter the Union) pursuant to Article 5 (2) and Article 7 of Council Directive 2006/112/EC on the common system of value added tax (OJ L 347, 11.12.2006, pp.1-118);
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]
4) "foreign country" means a state or a territory under the jurisdiction thereof, with the exception of Estonia;
5) "third country" means a state or a territory under the jurisdiction thereof, other than those defined in clause 3 of this subsection as Member States.

(2) For the purposes of this Act, "business" means the independent economic activity of a person (§ 3), in the course of which goods are transferred or services provided, whatever the purpose or results of that activity. The professional activities of a notary and enforcement agent are also deemed to be business. Provision of services between a company and its permanent business establishment is not deemed to be business. The activities of state, rural municipality and city authorities and legal persons in public law are deemed to be business only where such authorities or persons engage in economic activities listed in Annex I to Council Directive 2006/112/EC or where their activities involve transactions and acts listed in subsection 1 of § 1 of this Act which may also be performed by other taxable persons and where non-taxation would lead to significant distortions of competition.
[RT I, 23.12.2013, 1 – entry into force 01.01.2014]

(3) In this Act, the terms "goods" and "services" are used in the following meaning:
1) "goods" means things, livestock, gas, electric power, heat and refrigeration. Immovables, as defined in the Act on the General Part of the Civil Code, right of superficies, utility networks and utility works, as defined in the Law of Property Act, structures as movables, as defined in the Law of Property Act Implementation Act, and apartment ownership and right of superficies in apartments, as defined in the Apartment Ownership Act and the Apartment Associations Act are deemed to be immovable. Building land is deemed to be such immovable within the meaning of the Act on the General Part of the Civil Code, that does not contain any construction works, except utility networks or utility works, and which is designed for building pursuant to the design specifications, a detailed spatial plan or special spatial plan of the state or local government or for which a building notice has been submitted or the intended purpose of the cadastral unit of which is over 50 per cent residential land or commercial land or these jointly. Data media that are freely available to all purchasers and which carry standard software or standard information intended to perform the same functions are also deemed to be goods;
[RT I, 24.04.2018, 2 – entry into force 01.10.2018]
2) "goods installed or assembled" are goods which are transferred and installed or assembled by or on behalf of the transferor in another Member State and in the case of which the cost of installation or assembly exceeds 5 per cent of the taxable value of the transaction;
3) "services" means the provision, in the course of business activities, of benefits or the transfer of rights, including securities, which are not goods according to clause 1 of this subsection, and obligations to refrain from economic activity, to waive the exercise of a right or to tolerate a situation for a charge. Software and information transmitted by electronic means, and data media carrying software or information that are especially compiled or adjusted according to the purchaser's specifications are also services.

(3^1) For the purposes of this Act, call-off stock is goods delivered to another Member State, taking account of all of the following conditions:
1) the goods are delivered by the taxable person to another Member State for the purpose of transferring the goods there to a person who is registered in that other Member State within 12 months as of their arrival, in accordance with an agreement concluded between taxable persons;
2) the person to whom the goods are delivered for transfer is registered as a taxable person in the Member State where the goods are delivered and that person and the number of registration as a taxable person issued thereto in that Member State are known to the taxable person transporting the goods;
3) the taxable person who is transporting the goods to another Member State does not have a seat or permanent business establishment in the other Member State to which the goods are supplied;
4) the taxable person keeps records of goods delivered to another Member State pursuant to the procedure established on the basis of subsection 5 of § 36 of this Act;

5) the taxable person presents the details of the acquirer of goods delivered to another Member State in the report on intra-Community supply.
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]

(4) For the purposes of this Act, the following are electronically supplied services:
1) website supply;
2) web-hosting;
3) distance maintenance of programmes and equipment;
4) transfer and updating of software transmitted by electronic means;
5) images, text and information transmitted by electronic means, and making electronic databases available;
6) music, films and games, including gambling games, transmitted by electronic means;
7) political, cultural, sporting, scientific and entertainment broadcasts transmitted by electronic means;
8) distance education and other services similar to the services specified above.
Where the provider of services and the recipient of the service communicate using electronic means, this shall not of itself mean that the service is deemed to be an electronically supplied service.

(5) "Transfer" means the transfer of possession of goods together with the risk of accidental loss of the goods and the right to dispose of the goods and enjoy the economic benefits related to the goods as owner, regardless of the status of the goods in property law. For the purposes of this Act, "transfer" also means the transfer of goods pursuant to a commission contract and the handing over of goods pursuant to a transaction which provides that ownership of the goods is to pass to the contractual user of the goods upon termination of the contract.

(6) "Self-supply" means the transfer without charge of goods forming part of the business assets and provision of services without charge by a taxable person as well as use without charge of goods forming part of the business assets by the taxable person itself, its employee, servant or member of the management or control body for personal purposes or for purposes other than business. Use of an automobile for purposes other than business shall not be deemed self-supply, except in the cases specified in clauses 3 and 4 of subsection 4 of § 30 of this Act. The transfer or use of goods in the abovementioned cases shall be deemed to be self-supply if the taxable person has deducted the input value added tax on the goods or a part of the goods from its calculated value added tax in full or in part.
[RT I, 11.07.2014, 3 – entry into force 01.12.2014]

(7) For the purposes of this Act, "new means of transport" means:
1) a vessel exceeding 7.5 metres in length which is transferred within three months as of the date of first entry into service or which has sailed for less than 100 hours, with the exception of sea-going vessels specified in clause 3 of subsection 3 of § 15 of this Act;
2) aircraft the take-off weight of which exceeds 1,550 kilograms which is transferred within three months as of the date of first entry into service or which has flown for less than 40 hours, with the exception of aircraft specified in clause 4 of subsection 3 of § 15 of this Act;
3) a motorised land vehicle the engine capacity of which exceeds 48 cubic centimetres or the power of which exceeds 7.2 kilowatts and which is transferred within six months as of the date of first entry into service or which has travelled less than 6,000 kilometres.

(8) "Triangular transaction" means a transaction for the transfer of goods, which involves taxable persons from three different Member States and meets all of the following criteria:
1) a taxable person established in Member State A (hereinafter the transferor in the triangular transaction) transfers a good to a taxable person established in Member State B (hereinafter the reseller in the triangular transaction) which then in turn transfers it on to a taxable person established in Member State C (hereinafter the acquirer in the triangular transaction);
2) the goods in question are delivered directly from Member State A to Member State C to the acquirer in the triangular transaction;
3) the reseller in the triangular transaction is not registered in Member State C as a taxable person or a taxable person with limited liability;
4) the acquirer in the triangular transaction pays value added tax on the acquisition of goods by the triangular transaction.

(9) Intra-Community distance selling means the transfer and delivery of goods, other than a new means of transport or goods to be installed or assembled, by or on behalf of a transferor to another Member State to a person who is not registered in that Member State as a taxable person or a taxable person with limited liability. Intra – Community distance selling shall also take place where the transferor of the goods indirectly intervenes in the transport of goods specified in this subsection to another Member State to a person who is not registered there as a taxable person or a taxable person with limited liability.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(9^1) The distance selling of goods imported from a third country is the transfer and delivery of goods, other than new means of transport or goods to be installed or assembled, by or on behalf of the transferor from a third country to a person established in the Community who is not registered as a taxable person or a taxable person with limited liability. The distance selling of goods imported from a third country shall also take place where the transferor of the goods indirectly intervenes in the delivery of the goods specified in this subsection from a third country to a person established in the Community who is not registered as a taxable person or a taxable person with limited liability.

[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(10) For the purposes of this Act, “investment gold” means gold, in the form of a bar or a waferof an accepted weight on the bullion markets of a purity equal to or greater than 995 thousandths, and gold coins which are minted after 1800 and are or have been legal tender, of a purity equal to or greater than 900 thousandths and whose sales price shall not exceed by more than 80 per cent the price of gold contained in the coin in the open market.
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]

(11) "Intermediation" means the activity of a taxable person in the name and for the account of another person. At least the following requirements must be met for acting in the name and for the account of another person:
1) the intermediary and the transferor or acquirer of the goods or the provider or recipient of the service have concluded a contract for the intermediation of the goods or services;
2) the transferor of the goods or provider of the service is liable for the transfer of the goods or provision of the service;
3) the goods are transferred or the service is provided at a price established or approved by the transferor of the goods or provider of the service under the terms and conditions established thereby for the recipient of the goods or service;
4) only the commission fee shall be shown in the accounts of the intermediary as supply of the intermediary;
5) if the recipient of the goods or service is entitled to an invoice, such invoice shall be issued by the transferor of the goods or provider of the service or another person, including the intermediary, in the name of the transferor of the goods or provider of the service.
[RT I 2005, 68, 528 – entry into force 01.01.2006]

(12) For the purposes of this Act an automobile means a vehicle of category M1 with a gross weight not exceeding 3,500 kilograms and with no more than eight seats in addition to the driver’s seat.
[RT I, 11.07.2014, 3 – entry into force 01.12.2014]

(13) For the purposes of this Act, voucher is an instrument which the transferor of goods or the service provider is required to accept as a fee or as part of a fee for the goods or services and in which the goods to be transferred or the service provided or the transferor of the goods or the service provider are indicated on the voucher or related documents, including the conditions of use of such voucher. An instrument that gives the right to receive a discount upon the acquisition of goods or receipt of services, but which does not give the right to acquire goods or receive services, is not considered a voucher. The voucher is single-purpose if the voucher-related place of supply of the goods or services (§§ 9, 10 and 10^1) and the amount of the value added tax due on the goods or services are known at the time of issue of the voucher. The voucher is multipurpose if, at the time of issue, the place of supply of the transferred goods or provision of service or the collectable value added tax is not known.
[RT I, 29.11.2018, 2 – entry into force 01.01.2019, the regulation on the taxation of vouchers provided for in this section shall apply only to vouchers issued from 1 January 2019.]

§ 3. Taxable person and tax liability

(1) A taxable person is a person, including a legal person in public law or a state, rural municipality or city authority (hereinafter person), who is engaged in business and is registered or required to register as a taxable person (§ 19). The person is a natural person or a legal person, including a legal person in public law or a state, rural municipality or city authority. A taxable person of a foreign state or another Member State is a person, including a pool of assets or association of persons without the status of legal person, who is treated as a person liable to value added tax according to the legislation of the state concerned.
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]

(2) A person liable to value added tax with limited liability (hereinafter taxable person with limited liability) is a person, except a natural person not engaged in business, who is registered or required to register as a taxable person with limited liability (§ 21). A taxable person with limited liability of another Member State is a person, including a pool of assets or association of persons without the status of legal person, who is registered for value added tax in that Member State and whose tax liabilities correspond to the tax liabilities of a taxable person with limited liability.

(3) A taxable person or taxable person with limited liability shall pay value added tax as of the date of registration as a taxable person or taxable person with limited liability.

(3^1) A foreign taxable person is not deemed to be an Estonian taxable person due to its permanent business establishment located in Estonia and engaged in business if the foreign person does not participate in a transaction or act subject to taxation through its permanent business establishment located in Estonia.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(4) A taxable person shall calculate value added tax on the transactions and acts specified in subsection 1 of § 1 of this Act and, in the case of supply specified in clause 1 of subsction 1 of § 1 of this Act, the taxable person shall pay value added tax on the following:
1) supply subject to taxation (hereinafter taxable supply);
2) the services received from a foreign person engaged in business who is not registered as a taxable person in Estonia and who has no permanent business establishment in Estonia through which the person engages in business in Estonia;
[RT I 2009, 56, 376 – entry into force 1.01.2010];
3) the acquisition of goods to be installed or assembled in Estonia from a person of another Member State engaged in business who is not registered as a taxable person in Estonia and who has no permanent business establishment in Estonia through which the person engages in business in Estonia;
[RT I 2008, 58, 324 – entry into force 01.01.2009]
4) the acquisition of goods as the acquirer in a triangular transaction;
5) the acquisition of goods not listed in clauses 3 and 4 of this subsection from a foreign person engaged in business who is not registered as a taxable person in Estonia and who has no permanent business establishment in Estonia through which the person engages in business in Estonia.
[RT I 2009, 56, 376 – entry into force 01.01.2010]
6) From another taxable person on the acquisition of goods listed in subsection 2 of § 41^1 of this Act.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(5) A taxable person with limited liability shall pay value added tax on acts specified in clauses 2 and 5 of subsection 1 of § 1 of this Act and acts listed in clauses 2–5 of subsection 4 of this section.

(6) The following shall also pay value added tax:
1) a debtor within the meaning of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 269, 10.10.2013, pp. 1–101) (hereinafter Customs Code);
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]
2) a person not registered as a taxable person, on transactions concerning which the person has issued an invoice or other sales document in which the amount of value added tax is indicated;
3) a person not registered as a taxable person or taxable person with limited liability, except the persons specified in subsections 1 and 2 of § 39 of this Act who acquires a new means of transport from another Member State;
[RT I 2005, 68, 528 – entry into force 01.01.2006]
4) a person not registered as a taxable person or taxable person with limited liability who acquires alcohol, tobacco product or fuel, except within the meaning of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act (hereinafter excise goods) from another Member State, except for a natural person who acquires excise goods for personal use.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]
5) the owner of the goods upon the termination thereby of the tax warehousing (§ 44^1) of the goods without transfer of the goods. This provision does not apply in cases where a person was the owner of the goods already at the time the goods were placed in the tax warehouse, except if the goods were stored at a tax warehouse following the domestic supply, import or intra-Community acquisition of the goods, and the goods were not transferred during the time they were stored at the tax warehouse.
[RT I 2008, 58, 324 – entry into force 01.01.2009]
6) the owner of excise goods under excise duty suspension arrangement upon taking thereby the excise goods out of the excise warehouse without transfer of the excise goods, except upon transporting the excise goods from one excise warehouse to another. This provision does not apply in cases where a person was the owner of the excise goods already at the time the excise goods were placed in the excise warehouse and the excise goods were not transferred in the excise warehouse. If the excise goods under excise duty suspension arrangement taken out of the excise warehouse have also been placed in a tax warehouse, clause 5 of this subsection shall apply.
[RT I, 27.03.2012, 7 – entry into force 01.04.2012]

Chapter 2
TAXABLE TRANSACTIONS AND ACTS

§ 4. Supply

(1) The following are supply:
1) the transfer of goods and provision of services in the course of business activities;
2) self-supply of goods or services;
3) the transport of goods to another Member State, without transferring them, for them to be used for business purposes there (clause 3 of subsection 1 of § 7).
4) expropriation of goods for a charge.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(1^1) The transfer of a single-purpose voucher by a person acting on his or her own behalf, the transfer of such voucher is treated as the transfer of the voucher-related goods or provision of services. When a single-purpose voucher is transferred by a person acting on behalf of another person, the transfer of such voucher is treated as

the transfer of the voucher-related goods or provision of services by another person on whose behalf the person transferring the voucher is acting.
[RT I, 29.11.2018, 2 – entry into force 01.01.2019, the regulation on taxation of vouchers provided in this subsection shall be applied only to vouchers issued from 1 January 2019]

(1^2) If a person enables, within the meaning of the Cyber Security Act, the distance selling of goods imported from a third country through an online marketplace in consignments with an actual value not exceeding EUR 150, the person holding the online marketplace shall be deemed to have acquired and transferred these goods by itself. For the purposes of this Act the actual value is understood within the meaning defined in Commission Delegated Regulation (EU) 2015/2446 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules specifying certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1-557).
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(1^3) Where a person enables, through an online marketplace, the goods in the Community of a taxable person whose company has a seat in a third country and who does not have a permanent business establishment in the Community to be transferred to a person who is not registered as a taxable person or a taxable person with limited liability, the person holding the online marketplace is deemed to have acquired and transferred those goods by itself.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(2) The following are not deemed to be supply:
1) the transfer of an enterprise or a part thereof within the meaning of the Law of Obligations Act.
[RT I 2008, 58, 324 – entry into force 01.01.2009]
2) the owner taking goods out of Estonia without transferring them, except in the case specified in clause 3 of subsection 1 of this section;
3) granting use of state assets without charge within the meaning of the State Assets Act and privatisation of state, rural municipality or city assets;
4) handing over the assets of a company, non-profit association or foundation to another company, non-profit association or foundation upon the merger, division or transformation of the company, non-profit association or foundation;
5) [Repealed – RT I 2008, 58, 324 – entry into force 1.01.2010]
6) handing over, in business interests, goods free of charge as product samples not for sale or handing over goods the taxable value of which does not exceed 10 euros for advertising purposes;
[RT I 2010, 22, 108 – entry into force 01.01.2011]
7) [Repealed – RT I 2008, 58, 324 – entry into force 1.01.2009]
8) granting of use of an automobile used for business purposes for a charge to an employee, servant or member of the management or control body of a taxable person, except in the cases specified in clauses 3 and 4 of subsection 4 of § 30 of this Act.
[RT I, 11.07.2014, 3 – entry into force 01.12.2014]

§ 5. Export of goods

(1) The export of goods means the following:
1) the transfer of Union goods by the transferor of the goods or foreign acquirer of the goods with transport of the goods to a destination outside the customs territory of the Union;
2) the re-export of non-Union goods placed under the temporary importation customes procedure with partial relief from import duties from the Union customs territory;
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]
3) the re-export of non-Union goods placed under the inward processing customs procedure from the Union customs territory, or the delivery as take-away supplies, spare parts, accessories or consumption supplies on board a vessel or aircraft bound for a third country;
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]
4) the transfer of goods exported from the Union customs territory under the outward processing procedure and the discharge of the procedure for the goods;
5) the transfer of goods by the transferor of the goods or foreign acquirer of the goods to a third country which belongs to the customs territory of the Union.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(2) The transfer of goods to a third country natural person for transportation to the third country in baggage with which the person is travelling may also be treated as the export of goods, if all of the following criteria are met:
1) the natural person is resident in the third country;
2) the sales price of the goods transferred to a person by the same taxable person at the same point of sale on the same date, together with value added tax, exceeds 38 euros;
[RT I, 20.12.2011, 2 – entry into force 01.01.2012]
3) the purchaser takes the goods in unopened packaging out of the Community not later than by the end of the third month following the transfer of the goods;

4) the taxable person has a document with the confirmation of the customs or the Police and Border Guard Board certifying that the purchaser has taken the goods out of the Union.
[RT I, 29.04.2016, 6 – entry into force 01.07.2016]

(3) The procedure for treating goods transferred to third country natural persons as exports shall be established by a regulation of the minister in charge of the policy sector.

(4) The transfer of goods to a traveller bound for a third country only at sales facilities located in the passenger zone of an airport open for international passenger traffic is also treated as the export of goods.
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(5) The export of goods is certified by the documents in proof of taking the goods out of the Community and transfer of the goods. The tax authority has the right to request additional documents in proof of the export of goods.

(6) The procedure for treating of goods transferred at sales facilities located in the passenger zone of an international airport as exports shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

§ 6. Import of goods

(1) The import of goods means the following:
1) the placing of non-Union goods under the customs procedure of release for free circulation or the temporary importation customs procedure with partial relief from import customs duties;
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]
2) the placing of goods covered by the outward processing procedure under the customs procedure of release for free circulation;
3) other cases which result in a customs debt within the meaning of the Customs Code.
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(2) The placing of non-Union goods under the customs procedure of release for free circulation is not deemed to be import if it:
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]
1) was preceded by the placing of the goods under the temporary importation procedure with partial relief from import customs duties;
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]
2) is directly followed by the transport of the goods to a third country which is a part of the customs territory of the Union, and the goods are to remain under customs supervision until they are carried out of Estonia.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(3) The goods are deemed to be imported in Estonia if the goods are placed under the customs procedures specified in subsection 1 of this section in Estonia or where otherwise a customs debt is incurred and the goods have been delivered to Estonia.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(4) The transport of goods which have been assigned customs status as being Union goods from a third country to Estonia is also deemed to be import of goods in Estonia.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

§ 7. Intra-Community supply of goods

(1) Intra-Community supply of goods means the following:
1) the transfer of goods to a taxable person or taxable person with limited liability of another Member State together with the transport of the goods from Estonia to the other Member State, except in the cases specified in subsection 2 of this section;
2) the transfer of excise goods or a new means of transport to a person of another Member State together with the transport of the goods or means of transport from Estonia to the other Member State;
3) the transport of goods from Estonia to another Member State for them to be used for business purposes there, including the transfer of goods between a company and its permanent business establishment located in another Member State, except in the cases specified in subsection 2 of this section;
4) transfer of goods delivered from Estonia to another Member State as call-off stock.
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]

(2) The following are not deemed to be intra-Community supply of goods:
1) temporary transport of goods from Estonia to another Member State for the provision of services there, including the transport of a movable to another Member State for hiring or leasing of the movable or establishment of a usufruct on the movable;
2) temporary transport of goods from Estonia to another Member State for up to twenty-four months for purposes which comply with the purposes of implementing the temporary importation procedure with total relief from import duties;
3) the transport of movables from Estonia to another Member State for the purposes of them to be used in work, including for repair, evaluation, processing or installation (hereinafter work with movable) if, after the

provision of the service, the movable is returned to the taxable person in Estonia who delivered the movable to the other Member State;
4) the transfer of goods to be installed or assembled in another Member State;
5) intra-Community distance selling of goods from Estonia to another Member State;
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]
6) delivery of goods to a vessel or aircraft specified in clauses 3 or 4 of subsection 3 of § 15 of this Act to be consumed or sold on board;
7) the transport of goods from Estonia to another Member State for the purpose of taking them out of the Community if the goods are placed under the customs procedure of export in Estonia and the goods are taken out of the Community within two months after the goods were conveyed to the other Member State;
8) the transfer of goods to the acquirer in a triangular transaction;
9) the transport of natural gas or electricity, heating or cooling energy transmitted via network from Estonia to another Member State;
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]
10) the transport of goods from Estonia to another Member State if the goods are delivered to Estonia temporarily for up to twenty four months for a purpose which complies with the purposes of implementing the temporary importation procedure with total relief from import duties;
11) the transport of movables from Estonia to another Member State if the movables are delivered to Estonia temporarily for the purpose of work with the movables;
12) the transport of call-off stock from Estonia to another Member State;
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]
13) the transport of the call-off stock from Estonia to another Member State if it has not been disposed of within 12 months as of the arrival of the call-off stock in another Member State and if it has been returned to Estonia within the specified period;
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]
14) the transport of the call-off stock from Estonia to another Member State if its acquirer is replaced by another taxable person within 12 months as of the arrival of the call-off stock in another Member State.
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]

(3) Where the grounds for a transaction or act specified in subsection 2 of this section cease to exist, the transaction shall be deemed to constitute an intra-Community supply of goods in accordance with subsection 1 of this section and the intra-Community supply of goods shall be deemed to have been created on the date on which the grounds ceased to exist.

(3^1) If the call-off stock delivered from Estonia to another Member State is not disposed of within 12 months as of the arrival of the call-off stock in the other Member State, the intra-Community supply of goods shall be deemed to have been generated on the next day following the expiry of 12 months pursuant to clause 3 of subsection 1 of this section, except in the cases specified in clause 13 of subsection 2 and subsection 3 of the same section
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]

(4) An intra-Community supply of goods shall be certified by documents certifying the transfer of the goods and the transport of the goods to another Member State.
[RT I 2005, 68, 528 – entry into force 01.01.2006]

§ 8. Intra-Community acquisition of goods

(1) Intra-Community acquisition of goods is the acquisition of goods from a taxable person of another Member State together with the transportation of these goods from the other Member State to Estonia and the acquisition of a new means of transport from a taxable person of another Member State together with the transportation of that means of transport from the other Member State to Estonia, except in the cases specified in subsection 3 of this section.

(2) Intra-Community acquisition of goods also includes the transport of goods used for business purposes from another Member State to Estonia for the purpose of business being carried out in Estonia, except in the cases specified in subsection 3 of this section.

(3) The following are not deemed to be intra-Community acquisition of goods:
1) temporary transport of goods to Estonia for the provision of services, including the transport of a movable to Estonia for it to be hired or leased;
2) temporary transport of goods to Estonia for up to twenty-four months for purposes which comply with the purposes of implementing the temporary importation procedure with total relief from import duties;
3) temporary transport of movables to Estonia for the purpose of work with the movables if the movables are delivered to Estonia for the purposes of taking the movables out of the Community;
[RT I 2005, 68, 528 – entry into force 01.01.2006]
4) the acquisition of goods installed or assembled in Estonia from a taxable person of another Member State;
5) intra-Community distance selling of goods to Estonia from another Member State;
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

6) the acquisition of goods, except a new means of transport, by a natural person for personal use;
7) the acquisition of goods by a person not registered as a taxable person for a total amount not exceeding the threshold specified in subsection 2 of § 21 of this Act;
8) the acquisition of second-hand goods, original works of art, collectors' items or antiques from a taxable person of another Member State who applies the procedure for the calculation of taxable value provided in § 41 of this Act when calculating the tax liabilities of that person in the other Member State;
9) the acquisition of goods by the acquirer in a triangular transaction.
10) the transport of natural gas or electricity, heating or cooling energy transmitted via a network from another Member State to Estonia;
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]
11) the transport of goods from another Member State to Estonia for the purpose of taking them out of the Community if the goods are placed under the customs procedure of export in the other Member State and the goods are taken out of the Community within two months after the goods were conveyed to Estonia;
[RT I 2005, 68, 528 – entry into force 01.01.2006]
12) the transport of goods to Estonia if the goods are delivered to another Member State temporarily for up to twenty four months for a purpose which complies with the purposes of implementing the temporary importation procedure with total relief from import duties;
[RT I 2005, 68, 528 – entry into force 01.01.2006]
13) the transport of movables from another Member State to Estonia if the movables are delivered from Estonia to another Member State temporarily for the purposes of work with the movables;
[RT I 2005, 68, 528 – entry into force 01.01.2006]
14) the transport of call-off stock to Estonia.
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]

(4) Where the grounds for an act specified in subsection 3 of this section cease to exist, the act shall be deemed to constitute intra-Community acquisition of goods in accordance with subsection 1 of this section and the intra-Community acquisition of goods shall be deemed to have been effected on the date on which those grounds ceased to exist.

(5) Intra-Community acquisition of goods also includes the acquisition of goods from a taxable person of another Member State if the taxable person uses its number of registration as a taxable person in Estonia when acquiring the goods and if the goods are delivered from the Member State of the transferor to another Member State, unless the taxable person proves that:
1) value added tax on the intra-Community acquisition of goods will be paid in the Member State to which the goods are delivered, or
2) the taxable person was the reseller in a triangular transaction.

(6) Intra-Community acquisition of goods also includes the acquisition of goods delivered to Estonian as call-off stock.
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]

(7) If the call-off stock delivered from Estonia to another Member State is not disposed of within 12 months as of the arrival of the call-off stock in the other Member State, such goods are deemed to have been acquired in the Community on the next day following the expiry of 12 months pursuant to subsection 2 of this section, unless the goods have been returned within that period to the Member State from which they were dispatched.
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]

Chapter 3
GENERAL PRINCIPLES OF TAXATION

§ 9. Place of supply of goods

(1) The place of supply of goods is Estonia if:
1) the goods are transferred or made available in any other manner to the recipient in Estonia, are exported from Estonia, intra-Community supply of goods is effected or imported to a recipient located in Estonia on condition that the goods are taxed under special arrangements for imposing value added tax on distance selling of goods imported from a third country, except in the case specified in subsection 2 of this section;
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]
2) [Repealed –RT I, 23.02.2021, 1 – entry into force 01.07.2021]
3) a person of another Member State engaged in business transfers goods to be installed or assembled, and installs or assembles them in Estonia or such goods are installed or assembled in Estonia on the person's behalf;
4) the goods, including goods consumed or sold on board, are transferred on board a vessel or aircraft departing on an international route from Estonia.
5) natural gas or electricity, heating or cooling energy is transferred via a network to a reseller who is an Estonian taxable person located in Estonia;
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]
6) natural gas or electricity, heating and cooling energy transmitted via a network is transferred to the acquirer of the goods who will use the goods in Estonia. If the acquirer of the goods does not use all or a part of the goods, the unused goods are still deemed to be goods used in Estonia if the acquirer of the goods has a seat or

permanent business establishment in Estonia for which the goods were transferred. This provision does not apply in the case specified in clause 5 of this subsection.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]
7) goods taxed under special arrangements for imposing value added tax on the resale of second-hand goods, original works of art and collectors' items or antiques or goods taxed under special arrangements for imposing value added tax on selling of second-hand goods, original works of art, collectors' items and antiques at a public auction are transferred from Estonia to another Member State by intra-Community distance selling.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(2) The place of supply of goods is not Estonia if the taxable person:
1) [Repealed – RT I, 23.02.2021, 1 – entry into force 01.07.2021]
2) transfers goods and installs or assembles the goods in another Member State.
3) transfers natural gas or electricity, heating or cooling energy transmitted via a network to a reseller or another person of another Member State who will not use the goods in Estonia.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]
4) transfers the goods taxed under special arrangements for imposing value added tax on the resale of second-hand goods, original works of art and collectors' items or antiques or under special arrangements for imposing value added tax on selling of second-hand goods, original works of art, collectors' items and antiques at a public auction by intra-Community distance selling from another Member State to Estonia.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(3) For the purposes of clause 5 of subsection 1 and clause 3 of subsection 2 of this section, "reseller" means a person engaged in business who generally transfers the natural gas or electricity, heating and cooling energy acquired thereby and uses such goods for own purposes only to an insignificant extent.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(4) Where the same goods are transferred for several consecutive times and such goods are delivered by the taxable reseller or a taxable reseller of another Member State from one Member State to another from the first transferor of goods directly to the last acquirer in the chain of transactions, only the transfer of goods to such reseller shall be treated as intra-Community supply of goods. Intra-Community acquisition of goods shall be created for the specified reseller in the Member State to which the goods are delivered. The provision shall not apply in the cases specified in subsection 5 of this section and subsections $1^2$and $1^3$of § 4 of this Act.
(RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(5) If the reseller participating in the chain of transactions, who delivers the goods from one Member State to another directly from the first transferor in the chain of transactions to the last acquirer in the chain of transactions, has notified the transferor of the goods of its number of registration as a taxable person in the Member State from where the goods were dispatched, only the transfer of goods by such reseller shall be deemed to be the intra-Community supply of goods in the chain of transactions. The intra-Community acquisition of goods shall be created for the acquirer of goods from the specified reseller in the Member States to which the goods are delivered. The provision shall not be applied in the cases specified in subsections $1^2$and $1^3$of § 4 of this Act.
(RT I, 23.02.2021, 1 – entry into force 01.07.2021]

§ 10. Place of supply of services

(1) The place of supply of services is Estonia if the services are provided to a taxable person or taxable person with limited liability registered in Estonia or if the services are provided through a seat or permanent business establishment located in Estonia to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business, except in the cases specified in subsections 2, 4 and 5 of this section.

(2) The place of supply of services is Estonia if:
1) the services are connected with an immovable located in Estonia, including construction, valuation or maintenance, or services for the transfer of the immovable, for preparing or co-ordinating construction works, and accommodation services are provided;
2) cultural, artistic, sporting, educational, scientific or entertainment services or services connected with trade fairs or exhibitions are provided in Estonia to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business. The services also include the organisation of the related events and provision of ancillary services;
[RT I 2009, 56, 376 – entry into force 01.01.2011]
2^1) entrance services to cultural, artistic, sporting, educational, scientific or entertainment events or trade fairs or exhibitions or ancillary services related to entrance services are provided in Estonia to a taxable person or taxable person with limited liability of another Member State or to a third country person engaged in business;
[RT I 2009, 56, 376 – entry into force 01.01.2011]
3) transport services related to the carriage of passengers, including their personal luggage and personal means of transport is provided in Estonia;

4) restaurant and catering services are provided in Estonia, except in cases provided in clause 5 of this subsection and clause 5 of subsection 4 of this section;
5) restaurant or catering services are provided during the carriage of passengers taking place within the Community territory on board of such a vessel or aircraft departing on an international route from Estonia.
6) means of transport are hired or leased or a usufruct is established thereon in Estonia on a short-term basis;
6^1) means of transport are hired or leased or a usufruct is established thereon to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business whose seat or place of residence is in Estonia, except in the cases provided in clauses 6 and $6^2$of this subsection and clause $4^1$of subsection 4 of this section;
[RT I, 27.03.2012, 7 – entry into force 01.01.2013]
6^2) pleasure or recreational craft are hired or leased or a usufruct is established thereon in Estonia to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business and the service provider's seat or permanent business establishment is in Estonia, except in the cases provided in clause 6 of this subsection;
[RT I, 27.03.2012, 7 – entry into force 01.01.2013]
7) work is performed with movables located in Estonia or movables located in Estonia are valued and the services specified in this clause are provided to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business;
8) transport services for goods are provided in Estonia, including the carriage of means of transport related to the carriage of goods, or such transport of goods is organised to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business. This provision does not apply to the cases provided in clause 9 of this subsection and clause 6 of subsection 4 of this section.
9) transport services for transporting goods from Estonia to another Member State are provided, including the carriage of means of transport related to transport of goods or such transport of goods is organised to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business;
10) ancillary services related to transport of goods are provided in Estonia to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business;
11) a transaction or other act the place of supply of which is Estonia is mediated and the intermediation service is provided to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business.
12) [Repealed – RT I, 29.11.2018, 2 – entry into force 01.01.2019]

(3) [Repealed – RT I, 18.02.2014, 2 – entry into force 01.01.2015]

(4) The place of supply of services is not Estonia if:
1) services connected with an immovable located in a foreign country, including construction, valuation and maintenance, and services for the transfer of the immovable, for preparing or coordinating construction works, and accommodation services are provided;
2) cultural, artistic, sporting, educational, scientific or entertainment services or services connected with trade fairs or exhibitions are provided in a foreign country to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business. The services also include the organisation of related events and provision of ancillary services;
[RT I 2009, 56, 376 – entry into force 01.01.2011]
2^1) entrance services to cultural, artistic, sporting, educational, scientific or entertainment events or trade fairs or exhibitions or ancillary services related to entrance services are provided in a foreign country to a taxable person or taxable person with limited liability or to a third country person engaged in business;
[RT I 2009, 56, 376 – entry into force 01.01.2011]
3) work is performed with movables located in a foreign country or movables located in a foreign country are valued and the services specified in this clause are provided to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business;
4) transport services related to the carriage of passengers, including their personal luggage and personal means of transport is provided outside Estonia;
4^1) means of transport is hired or leased or a usufruct is established thereon in a foreign state on a short-term basis;
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]
4^2) means of transport is hired or leased or a usufruct is established thereon to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business and whose seat or place of residence is in a foreign country, except in the cases provided in clauses $4^1$and $4^3$of this subsection and clause 6 of subsection 2 of this section;
[RT I, 27.03.2012, 7 – entry into force 01.01.2013]
4^3) pleasure or recreational craft are hired or leased or a usufruct is established thereon in a foreign country to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business and the service provider's seat or permanent business establishment is in a foreign country in Estonia, except in the cases provided in clause 41 of this subsection;

RT I, 27.03.2012, 7 – entry into force 01.01.2013]
5) restaurant or catering services are provided during the carriage of passengers taking place in the Community territory on board of such a vessel or aircraft or in a train departing on an international route from another Member State;
5[1]) restaurant or catering services are provided in a foreign state, except in the cases provided in clause 5 of this subsection and clause 5 of subsection 2 of this section.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]
6) transport services for goods from another Member State to Estonia or outside Estonia are provided, including the carriage of means of transport related to the carriage of goods, or such carriage of goods is organised to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business;
7) ancillary services related to transport of goods are carried out outside Estonia to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business;
8) a transaction or other act the place of supply of which is not Estonia is mediated and the intermediation service is provided to a person who is not registered as a taxable person or taxable person with limited liability in any of the Member States or who is not a third country person engaged in business;
9) services are provided in the cases not specified in clauses 1–8 of this subsection and subsection 2 of this section through a seat or permanent business establishment in Estonia to a taxable person or taxable person with limited liability registered in another Member State or to a third country person engaged in business.
10) [Repealed – RT I, 29.11.2018, 2 – entry into force 01.01.2019]

(5) The place of supply is not Estonia if a taxable person provides to a third country person not engaged in business the following services:
1) grant of the use of intellectual property or transfer of the right to use intellectual property;
2) advertising services;
3) services of consultants, accountants, lawyers, auditors and engineers, translation services, as well as data processing or the supplying of information;
4) financial services, except for leasing safes, or insurance services, including reinsurance and insurance intermediation services;
5) allowing use of manpower;
6) the hiring or leasing of or establishment of a usufruct on movables, except means of transport;
7) electronic communications service within the meaning of the Electronic Communications Act (hereinafter electronic communications service), including assignment of the right to use transmission lines;
[RT I, 29.11.2018, 2 – entry into force 01.01.2019]
8) electronically supplied services;
9) allowing access to natural gas or electricity, heating and cooling energy network connections, and transmission of natural gas or electricity, heating or cooling energy through networks and services directly related thereto;
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]
10) transfer of permitted limit values of emissions of greenhouse gases regulated by the Atmospheric Air Protection Act;
[RT I, 05.07.2016, 1, 2 – entry into force 01.01.2017]
11) refraining from the services specified in clauses 1–10 of this subsection, waiving the exercise of a right or tolerating a situation for a charge.

(6) For the purposes of this section, “means of transport” means a vehicle, aircraft, vessel or other means of transport with a code in the Combined Nomenclature (hereinafter CN-code) established by Council Regulation No 2658/87/EEC on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.09.1987, pp.1-675) beginning with the numbers 86, 87, 88 or 89.

(7) For the purposes of this section, a means of transport, except a vessel, is deemed to have been hired or leased or a usufruct is deemed to have been established thereon on a short-term basis if the service is provided within a period not longer than 30 calendar days. A vessel is deemed to have been hired or leased or a usufruct is deemed to have been established thereon on a short-term basis if the service is provided within a period not longer than 90 calendar days.

(8) Ancillary transport services include the loading, unloading, handling and warehousing of goods within the framework of carriage, as well as insurance, the preparation and obtaining of documents relating to goods and the completion of customs formalities.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

§ 10[1]. Place of supply of intra-Community distance selling, of electronic communications service and electronically provided service provided to person who is not registered as taxable person or taxable person with limited liability in any Member State

[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(1) The place of supply of intra-Community distance selling is Estonia if the goods are transferred and delivered from another Member State by or on behalf of the transferor to Estonia to a person who is not registered as a taxable person or a taxable person with limited liability.

(2) The place of supply of services is Estonia if the electronic communications service or the electronically provided service is provided to a person, established or residing in Estonia, who is not registered as a taxable person or a taxable person with limited liability in any of the Member States.

(3) The place of supply specified in subsections of this section is not Estonian if the following conditions are complied with:
1) the goods are transferred or the service is provided by a foreign person who has a seat or permanent business establishment in only one Member State, except in Estonia;
2) the goods are transferred and delivered to a Member State other than the Member State of the seat or permanent business establishment of the transferor of the goods or the service is provided to a person who is not a taxable person or a taxable person with limited liability in any of the Member States, who has a seat or residence in a Member State other than the Member State of the seat or permanent business establishment of the service provider;
3) the supply of the goods and services in compliance with the conditions specified in this subsection did not exceed 10,000 euros in total in the previous calendar year and shall not exceed that amount in the current calendar year;
4) the person specified in clause 1 of this subsection has not defined the Member State of the seat or residence of the recipient of the service as the place of supply specified in clause 3 or where the goods are delivered.

(3) If the supply of a person of another Member State specified in clause 3 of subsection 2 of this section exceeds 10,000 euros in a calendar year, subsection 1 of this section shall apply as of the date on which the supply is generated.

(4) If the total supply of goods and services specified in subsection 3 of this section of a person of another Member State exceeds 10,000 euros in a calendar year, subsection 1 or 2 shall be applied as of the date of the supply.

(5) The place of supply of intra-Community distance selling shall not be Estonia if the goods are transferred and delivered from Estonia by or on behalf of the transferor to another Member State to a person who is not registered as a taxable person or a taxable person with limited liability.

(6) The place of supply of services is not Estonia if the electronic communications service or the electronically provided service is provided to a person holding a seat or residence in another Member State, who is not registered as a taxable person or a taxable person with limited liability in any of the Member States.

(7) The place of supply supply specified in subsections 5 and 6 of this secton is Estonia if the following condidons are met:
1) the transferor of goods and provider of service does not have a seat or permanent business establishment in a Member State other than Estonia;
2) the goods are transferred and delivered to another Member State or service is provided to a person holding a seat or residence in another Member State, who is not registered as a taxable person or as a taxable person with limited liability in any of the Member States;
3) the supply of the goods and services complying with the conditions specified in this subsection did not exceed 10,000 euros in total in the previous calendar year and shall not exceed 10,000 euros in the current calendar year.

(8) Upon compliance with the conditions specified in subsection 7 of this section, the transferor of goods or provider of service may determine the place of supply of goods or services on the basis of subsections 5 and 6 for at least two calendar years.

(9) If the total supply of goods and services specified in subsection 7 of this section of a person exceeds 10,000 euros in the current calendar year, subsections 5 and 6 shall be applied in the amount specified as of the date of supply.

(10) This section shall not be applied to the intra-Community distance selling of the goods taxed under special arrangements for imposing value added tax on the resale of second-hand goods, original works of art and collectors’ items or antiques or goods taxed under special arrangements for imposing value added tax on selling of second-hand goods, original works of art, collectors' items and antiques at s public auction.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

§ 11. Time of supply, import of goods, receipt of services, intra-Community acquisition of goods and acquisition of goods by person holding online marketplace

[RT I, 23.02.2021, 1 – entry into force 01.07.2021

(1) The time of supply or the time of receipt of services is deemed to be the date on which the first of one of the following acts is performed:
1) the goods are dispatched or made available to the purchaser, or the services are provided;

2) full or partial payment is received for the goods or services or, in the case of the receipt of services, full or partial payment is made;
3) in the case of self-supply, the transfer of goods or provision of services or putting the goods of an enterprise into service by a taxable person or an employee, servant or a member of the management or control body of the person or for purposes other than business.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(2) The Intra-Community supply of goods is created or intra-Community acquisition of goods is effected on the fifteenth day of the month following the month in which the goods obtained by intra-Community acquisition of goods are dispatched or made available or on the date on which an invoice is issued for the goods if the invoice is issued prior to the fifteenth day of the month following the month in which the goods are dispatched or made available to the purchaser, except in the cases specified in subsections 3 and 31 of § 7 and subsections 4 and 7 of § 8 of this Act.
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]

(2^1) The supply of a single-purpose voucher-related goods or service arises upon the date of delivery of the voucher to the extent of the value of the voucher or before transfer of the voucher upon receipt of the partial or full payment for the voucher to the extent of the part paid. Upon the transfer of a single-purpose voucher on behalf of another person, the person on whose behalf the voucher is transferred shall generate the supply to the extent of the part paid on the day when the voucher-related goods are transferred or the service is provided or upon the receipt of partial or full payment for the voucher if it occurs prior to the transfer of the voucher-related goods or provision of service.
[RT I, 29.11.2018, 2 – entry into force 01.01.2019, the regulation on the taxation of vouchers provided for in this section shall apply only to vouchers issued from 1 January 2019.]

(3) If, according to subsection 1 of this section, the time of supply is the time at which full or partial payment is received or made for the goods or services, supply is deemed to have been effected in the amount of the payment. Receipt of a grant for the transfer of goods or services for a price lower than their usual value shall not be considered as receipt of payment for the goods or services.

(4) If the provision of services continues for longer than a period of taxation, the services are deemed to have been provided and received during the taxable period in which the provision of the services terminates. In the case of the provision of services or regular transfers of goods to the same purchaser, the time at which the goods are dispatched or made available to the purchaser or the time at which the services are provided and received is deemed to be the taxable period overlapping with the end of the period of time for which an invoice is submitted or during which payment for goods or services received is to be made as agreed, but not later than after twelve calendar months. Upon provision of service, in the case of which a tax liability arises for the recipient of the service, within a longer period of time than one year, the supply of the service shall be deemed to have been created or the service received, as of the commencement of the provision of the service, on 31 of December of each calendar year if the services have not been paid for and the provision of the services has not been completed within the period.
[RT I, 29.04.2016, 6 – entry into force 01.07.2016]

(5) If any of the acts specified in subsection 1 of this section are performed before the obligations of a taxable person (§ 24) arise, the taxable person is required to calculate value added tax on the taxable value of the transaction only if the goods are dispatched or made available to the purchaser or the services are provided during the period in which such obligations apply to the taxable person.

(6) Upon the import of goods, in the cases specified in clauses 1 and 2 of subsection 1 of § 6 of this Act, the time of supply is the date of release of the goods within the meaning of the Customs Code or, in the cases specified in clause 3 of subsection 1 of § 6 of this Act, the date on which the customs debt is incurred and, in the case specified in subsection 4 of § 6 of this Act, the date on which the goods are delivered to Estonia.
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(7) The supply of returnable packaging on which a deposit has been established pursuant to the Packaging Act and which is not included in the taxable value of the goods and which is not returned to the taxable person within a calendar year is deemed to be effected on 31 December. The supply shall be equal to the sum total of the deposits of returnable packages not returned during a calendar year.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(8) In the cases specified in subsections $1^2$and $1^3$of § 4 of this Act, goods are deemed to have been acquired and turnover generated by a person who holds an online marketplace upon payment for the goods or receipt of a confirmation of payment obligation or payment authorization notice.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

§ 12. Taxable value of supply, intra-Community acquisition of goods and services received

(1) The taxable value of supply or the taxable value of the intra-Community acquisition of goods and services received is comprised of the sales price of the goods or services and anything else which is deemed to be fee that the transferor of the goods or the provider of the services has received or will receive from the purchaser of the goods, the recipient of the services or a third party for the goods or services. This provision does not apply to cases specified in subsections 3, 6, 7^1, 10, 13 and 14 of this section.
[RT I, 07.07.2017, 3 – entry into force 01.01.2018]

(1^1) The taxable value of the goods or service which are paid for by a multipurpose voucher is the fee paid for the voucher or, in the absence of any information thereof, the monetary value indicated on the voucher or related documents and any other treated as a fee, which the transferor of the goods or service provider has received or will receive for the goods or services from the purchaser of the goods or recipient of services or the third party.
[RT I, 29.11.2018, 2 – entry into force 01.01.2019, the regulation on the taxation of vouchers provided for in this section shall apply only to vouchers issued from 1 January 2019.]

(2) Grants allocated to a taxable person for the transfer of goods or services for a price lower than their usual value shall be included in the taxable value. The procedure for including grants in taxable value and for the taxation thereof shall be established by a regulation of the minister in charge of the policy sector.

(3) In the case of the transfer of goods without charge and intra-Community acquisition of goods without charge as well as the transport of goods to another Member State which is deemed to be intra-Community supply (clause 3 of subsection 1 of § 7), the taxable value shall be the value determined on the basis of the purchase price or, in the absence thereof, the cost price of the goods or other similar goods during the performance of the aforementioned acts.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(3^1) [Repealed – RT I 2008, 58, 324 – entry into force 1.01.2009]

(4) [Repealed – RT I 2008, 58, 324 – entry into force 1.01.2009]

(5) [Repealed – RT I 2008, 58, 324 – entry into force 1.01.2009]

(6) In the case of self-supply, the taxable value shall be the purchase price or, in the absence thereof, the cost price of the goods or the cost price of the services, except in the case provided in subsection $7^1$of this section.
[RT I, 07.07.2017, 3 – entry into force 01.01.2018]

(6^1) Taxable value shall also include other amounts, including accessory expenses, fees and taxes, except value added tax payable in Estonia or a foreign country that the transferor of the goods or the provider of the services requires from the acquirer of the goods or the recipient of the services with regard to the transaction.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(7) [Repealed – RT I, 11.07.2014, 3 – entry into force 01.12.2014]

(7^1) If self-supply is the granting of use of a lorry of the employer with a gross weight not exceeding 3,500 kilograms for the purposes of the Traffic Act or, in the cases specified in clauses 3 and 4 of subsection 4 of § 30 of this Act, the granting of use of the automobile of the employer for purposes other than a task, duty or function or activity related to business, the taxable value of the specified supply, including the value added tax, is the price of a fringe benefit calculated on the basis of the Income Tax Act.
[RT I, 07.07.2017, 3 – entry into force 01.01.2018]

(8) Taxable value shall not include price discounts allowed to the customer if such discounts are applied for commercial purposes at the time of selling the goods or providing the services. Neither shall the interest payable upon the transfer of the goods be included in the taxable value of the supply of the goods.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(9) Taxable value shall not include the amounts received from the purchaser of goods or the recipient of services as repayment for expenses incurred in the name and for the account of the purchaser or recipient which are entered in the books in a suspense account. Proof of the actual amount of this expenditure must be furnished. A taxable person shall not deduct the input value added tax included in the expenses paid out in the name and for the account of the purchaser of goods or the recipient of services.

(10) The taxable value of a factoring service shall be the contract fee and the fee for handling the accounts.

(11) The value of returnable packaging specified in subsection 7 of § 11 of this Act is not included in the taxable value of goods if the taxable person does not transfer the returnable packaging.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(12) Deposits established on packaging pursuant to the packaging Act are not included in the taxable value of goods.

(13) In the case of termination of the tax warehousing of goods or the transport of excise goods under excise duty suspension arrangement out of the excise warehouse without transfer of the goods (clause 5 and 6 of subsection 6 of § 3), the taxable value of supply shall be the purchase price or the cost price of the goods, or the usual value of the goods if this is lower than the purchase price or cost price. Only in justified cases, the taxable value of goods may be lower than the value of the goods entered in the warehouse stock at the time of placing such goods in the tax warehouse or excise warehouse.
[RT I, 27.03.2012, 7 – entry into force 01.04.2012]

(14) If goods are transferred or services provided to related persons for the purposes of the Income Tax Act, the taxable value shall be the market value provided that the fee payable for the transfer of the goods or provision of the services is:
1) lower than the market value and the acquirer of the goods or the recipient of the services has no right for deduction of input value added tax in full;
2) lower than the market value and the transferor of the goods or the provider of the services has no right for deduction of input value added tax in full and the transfer of the goods or the provision of the service is supply exempt from tax;
3) higher than the market value and the transferor of the goods or the provider of the services has no right for deduction of input value added tax in full.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(15) Subsection 14 of this section shall be applied to prevent tax evasion or tax avoidance. The aforementioned subsection shall also be applied in the case of intra-Community acquisition of goods.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(16) For the purposes of this Act, "market value" means the total amount that the acquirer of the goods or the recipient of the services should pay under the terms of free competition for the acquisition of the goods and the receipt of the services at the same marketing stage, when the goods are transferred or the services provided, to an independent transferor of the goods or provider of the services in a Member State where the transfer of the goods or the provision of the services is taxed.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(17) If no comparable transfer of goods or provision of services is found, the market value shall be:
1) in the case of goods an amount that is not lower than the purchase price of the goods or similar goods or, in the absence thereof, the cost price thereof, which shall be determined during the transfer of the goods or the provision of the services;
2) in the case of services an amount that is not lower than the total costs of the taxable person in the provision of the services.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

§ 13. Taxable value of imported goods

(1) The taxable value of imported goods, except in the cases specified in subsections 3–6 of this section, is comprised of the customs value of the goods according to the Customs Code and all duties payable upon import (hereinafter import duties), as well as costs of freight transport service, freight transport organization service and ancillary services related to freight transport not included in the customs value up to the first destination in the territory of Estonia and costs related to the delivery of the goods to another destination in the Community, if this place is known at the time of import.
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]

(2) The first place of destination in the territory of Estonia is the place indicated on the accompanying documents or other documents on the basis of which the goods are imported. If this is not indicated, the first place at which the goods are loaded in the territory of Estonia is deemed to be the first place of destination.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(3) If a traveller imports goods in excess of the duty-free cost limit, the taxable value of the imported goods is comprised of the purchase price of the goods and all import duties. The traveller shall prove the purchase price on the basis of the payment documents.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(3^1) The taxable amount of an imported consignment with an actual value not exceeding 150 euros, which is sent directly from a third country to a consignee in the Community, is the actual value of the goods contained in the consignment, transport, insurance and other expenses related to import of goods if they are not included in the actual value of the goods and are indicated separately on the sales document of the goods or other document relating to the import of the goods, and all the import charges. The taxable value of the consignment shall be certified on the basis of payment documents.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(3[2]) If the payment documents specified in subsections 3 and 3[1] of this section are missing and no other documents certifying the taxable value of the goods are submitted to the customs authorities or the customs authorities have reasonable doubts that the declared taxable value does not include the amount actually paid for the goods, the customs value shall be determined using methods specified in Article 74 of the Customs Code. If the customs value determined in accordance with Article 74 of the Customs Code exceeds 150 euros, the provisions of subsection 1 of this section shall be applied upon determining the taxable value of the consignment.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(4) If the goods delivered into the customs territory are imported after being placed under special arrangements, the taxable value of the imported goods shall not, in general, be less than the taxable value of the imported goods would have been upon the import directly after having been conveyed into the customs territory. If a lower taxable value is declared upon import of the goods which have been placed under a special arrangements, the customs authorities shall act according to the provisions of Article 140 of Commission Implementing Regulation (EU) 2015/2447 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, pp. 558–893). When the conditions laid down in Articles 69-76 of the Customs Code and Articles 127-146 of Commission Implementing Regulation (EU) 2015/2447 are fulfilled and the justification of the decrease in value satisfies the customs authorities, the customs authorities shall accept the declared taxable value. If the justification of the decrease in taxable value does not satisfy the customs authorities, the customs authorities shall determine the customs value pursuant to Article 74 of the Customs Code.
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(5) In the case of the import of goods covered by the outward processing procedure into the Union by the person who exported the goods from the Union, the taxable value is comprised of the value added during such processing and the loading, packing, transportation and insurance costs added to the value of the goods, including all import duties. Under the standard exchange system, the taxable value of the replacement product shall be determined pursuant to the provisions of subsection 1 of this section and it shall not be less than the taxable value of the exported goods.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(6) Where goods are delivered into Estonia from a third country which is part of the Union customs territory (subsection 4 of § 6), the taxable value of the goods shall be determined pursuant to the provisions of § 12 of this Act.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(7) The tax established by this Act is not included in the taxable value of imported goods

§ 14. Taxable value of exported goods

(1) In the case of export, the taxable value of the goods shall be determined pursuant to the provisions of § 12 of this Act but, in the case of the transfer of goods for a price higher than their usual value, the usual value of the goods is deemed to be the taxable value of the goods.

(2) Upon the re-export of goods brought to Estonia under the inward processing customs procedure or upon prior export of products produced from equivalent goods under the authorisation for inward processing, the value of goods imported for processing, or the value of equivalent goods shall not be included in the taxable value.
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

§ 15. Value added tax rates

(1) The rate of value added tax shall be 22 per cent of the taxable value, except in the cases provided in subsections 2–4 of this section.
[RT I, 01.07.2023, 2 - entry into force 01.01.2024]

(2) The rate of value added tax on the following goods and services shall be 9 per cent of the taxable value:
1) books and educational literature, both on a physical medium and electronically, excluding learning materials specified in clause 6 of subsection 1 of § 16 of this Act;
[RT I, 21.04.2020, 1 – entry into force 01.05.2020]
2) medicinal products, contraceptive preparations, sanitary and toiletry products and medical devices intended for the personal use of disabled persons for the purposes of the Medical Devices Act and technical aid for the purposes of the Social Welfare Act which are specified in the list established by a regulation of the minister in charge of the policy sector and the grant of use of such medical devices to disabled persons;
[RT I, 30.12.2015, 5 – entry into force 01.01.2016]
3) [Repealed – RT I, 04.06.2022, 4 – entry into force 01.08.2022]
4) accommodation services or accommodation services with breakfast, excluding any goods or services accompanying such services.
[RT I 2008, 51, 283 – entry into force 01.01.2009]

(2[1]) The rate of value added tax is 5 per cent of the taxable value of press publications, both on a physical medium and electronically, excluding publications containing mainly advertising or private advertisements or mainly with erotic or pornographic content or video or music content.
[RT I, 04.06.2022, 4 – entry into force 01.08.2022]

(3) The rate of value added tax on the following goods shall be 0 per cent of the taxable value:
1) exported goods, excluding cases where the supply of such goods is exempt from tax pursuant to § 16 of this Act;
2) goods where their transfer and transport to another Member State or transport to another Member State without transfer is deemed to be intra-Community supply of goods;
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]
3) sea-going vessels navigating in international waters, except pleasure craft used for purposes other than those of business interests, and equipment, spare parts, fuel and other supplies used on such sea-going vessels and goods to be transferred to passengers for consumption on board, except goods sold on board sea-going vessels during passenger transport in Union waters to be taken away;
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]
4) aircraft used by an air carrier operating mostly on international routes and equipment, spare parts, fuel and other supplies used on such aircraft and goods to be transferred to passengers for consumption on board, except goods sold on board of such aircraft during intra-Community passenger transport to be taken away;
5) goods transferred and delivered to another Member State to a diplomatic representative, a consular agent (except an honorary consul), a representative or representation of a special mission or an international organisation recognised by the Ministry of Foreign Affairs, headquarters of an international organisation, a diplomatic representation, a consular post, a special mission or a Union institution or an agency or body established under the Union law;
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]
5[1]) goods transferred to a Union institution located in Estonia or an agency or body established under the Union law on condition that the total value of the goods without value added tax makes up at least 53 euros pursuant to the invoice, except in the case of public utility services and fuel within the meaning of the Liquid Fuel Act;
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]
5[2]) goods transferred to the European Commission or to an agency or body established under Union law in the performance of the tasks under the Union law in response to a COVID-19 pandemic, unless those goods are acquired for resale for consideration;
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]
6) goods transferred and delivered to another Member State intended for the performance of the duties of the armed forces of any other Member State or the civilian staff accompanying them if the specified armed forces take part in the defence effort, implementing the Union measures within the frames of the Common *Security and Defence Policy*, or to another Member State which is a Member State of the North Atlantic Treaty Organisation (hereinafter NATO) and intended for the performance of the duties of the armed forces of any other NATO Member State or the civilian staff accompanying them if these armed forces take part in the common defence effort, or to the International Military Headquarters.
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]
6[1]) goods transferred to international military headquarters located in Estonia if the tax incentives are laid down in an international agreement ratified by the Riigikogu, or for the performance of the duties to the armed forces of a NATO Member State participating in the common defence effort, or to the armed forces of a Member State participating in the defence effort for implementation of the Union measures within the frames of the Common Security and Defence Policy, except Estonia, and the civilian staff accompanying them;
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]
7) [Repealed – RT I, 16.06.2017, 1 – entry into force 01.07.2017]]
8) non-Union goods placed under the customs procedure of customs warehousing, free zone, inward processiong, transit or temporary importation with total relief from import duties or non-Union goods in temporary storage on the condition that the goods have not been unlawfully deleted from under customs supervision and have not been consumed or used in the cases other than those prescribed in the customs legislation within the meaning of the Customs Code;
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]
9) Union goods transferred and delivered to a free zone for export purposes and Union goods placed in a free zone which are exported directly from the free zone within two months as of the transportation to the free zone;
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]
10) gold transferred to Eesti Pank;
11) the goods specified in Annex V to Council Directive 2006/112/EC if the goods are immediately placed in a tax warehouse or have been placed in a tax warehouse (§ 441) and the transaction does not involve termination of tax warehousing. The provision shall not apply to fuel released for consumption for the purposes of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act if the fuel has been placed in the excise warehouse.
[RT I, 27.03.2012, 7 – entry into force 01.04.2012]
12) excise goods under excise duty suspension arrangement placed in an excise warehouse if the transaction does not involve taking the goods out of the excise warehouse, except transporting the excise goods from one excise warehouse to another.

[RT I, 27.03.2012, 7 – entry into force 01.04.2012]
13) goods that are transferred in a canteen, cafeteria or mess of an international military headquarters under the condition prescribed in an international agreement ratified by Riigikogu.
[RT I, 01.06.2013, 1 – entry into force 01.07.2013]
14) goods the import of which is exempt from tax under the conditions provided for the application of customs duty relief in accordance with Commission Decision established on the basis of Article 76 of Council Regulation (EC) No 1186/2009 setting up a Community system of reliefs from customs duty (OJ L 324, 10.12.2009, pp. 23–57).
[RT I, 21.04.2020, 1 – entry into force 22.04.2020]
15) goods which are transferred to a person holding an online marketplace if he is deemed to be the purchaser of the goods pursuant to subsection 13 of § 4 of this Act.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(3^1) Clause 2 of subsection 3 of this section does not apply in cases where the supply of goods is exempt from tax pursuant to § 16 of this Act or the acquirer of the goods, except for new means of transport or excise goods, or the transferor of own goods to another Member State has no valid number of registration as a taxable person or taxable person with limited liability issued in the other Member State or the supply of such goods is not reflected in the report on intra-Community supply of goods pursuant to § 28 of this Act.
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]

(4) The rate of value added tax on the following services shall be 0 per cent of the taxable value:
1) services where the place of supply is not Estonia, excluding cases where the supply of such services is exempt from tax pursuant to § 16 of this Act;
2) the provision of services necessary for the journey to passengers on board vessels or aircraft during the international transport of passengers;
3) the provision of port services to meet the direct needs of vessels navigating international waters;
4) the provision of navigation services and airport services directly connected to provision of service to aircraft used by an air carrier operating mostly on international routes;
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]
5) [Repealed – RT I 2005, 68, 528 – entry into force 1.01.2006]
6) the repair, maintenance, chartering and hiring of or establishment of a usufruct on sea-going vessels navigating in international waters, except pleasure craft used for purposes other than business, and aircraft used by an air carrier operating mostly on international routes, and the repair, maintenance and hiring of or establishment of a usufruct on equipment used on such vessels or aircraft;
7) intermediation, if the place of supply of the transaction being mediated is a third country, or the goods being mediated are the goods specified in clauses 1, 3–6 and 10 of subsection 3 of this section, or the services being mediated are the services specified in clauses 2–4, 6, 9, 10, 12 and 14 of this subsection;
8) [Repealed – RT I, 09.12.2021, 1 – entry into force 01.07.2022]
9) the service for the transport of goods, the service for the organisation of the transport of goods and ancillary services related to such transport of goods if they are provided to the consignor or consignee, to deliver the goods outside the customs territory of the Union or to a third country which is part of the customs territory of the Union;
[RT I, 09.12.2021, 1 – enters into force. 01.07.2022]
10) the service for the transport of goods, the service for the organisation of the transport of goods and ancillary services related to such transport of goods provided for the import of goods, with the exception of insurance services, and the service related to the transport of such goods to another destination located in the Community, if the cost of these services is included in the taxable value of the imported goods and they are provided to the consignor or consignee;
[RT I, 09.12.2021, 1 – enters into force. 01.07.2022]
10^1) the service for the transport of non-Union goods to be sent or temporarily stored for the customs procedure specified in clause 8 of subsection 3 of this section, the service for the organisation of the transport of goods and ancillary services related to such transport of goods, with the exception of insurance services, if they are provided to the consignor or consignee; service of organizing the transport of goods and ancillary services related to such transport of goods, with the exception of insurance services, if they are provided to the consignor or consignee;
[RT I, 09.12.2021, 1 – enters into force. 01.07.2022]
11) carriage of goods to the Azores or Madeira or from the Azores or Madeira to Estonia or another Member State;
12) work with movables which are acquired from Estonia or brought to Estonia for the purpose of provision of such service and which are taken out of the Community after the service has been provided;
[RT I 2008, 58, 324 – entry into force 01.01.2009]
13) carriage of passengers specified in clause 3 of subsection 2 of § 10 of this Act, including their personal luggage and personal means of transport, if the carriage of passengers in Estonia constitutes a part of international transport of passengers;
[RT I 2009, 56, 376 – entry into force 01.01.2010]
14) service provided to a person, representation, agency, special mission, Union institution or to an agency or body established under Union law, armed forces or headquarters located in a foreign state and specified in clause 5 or 6 of subsection 3 of this section;
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

14[1]) service provided to international military headquarters located in Estonia if the tax incentives are laid down in an international agreement ratified by the Riigikogu or for the performance of the duties to the armed forces specified in clause 6[1] of subsection 3 of this section and the civilian staff accompanying them.
[RT I, 29.04.2016, 6 – entry into force 01.05.2016]

14[2]) service provided to a Union institution located in Estonia or to an agency or body established under the Union law on condition that the total value of the goods without value added tax makes up at least 53 euros pursuant to the invoice, except in the case of public utility services and telecommunications services;
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

15) service that is provided by a canteen, cafeteria or mess of an international military headquarters under the condition prescribed in an international agreement ratified by Riigikogu.
[RT I, 01.06.2013, 1 – entry into force 01.07.2013]

16) service provided to the European Commission or to an agency or body established under the Union law upon the performance of the tasks assigned to it by the Union law in order to respond to the COVID-19 pandemic, unless the specified service is acquired for resale for consideration;
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(5) Provision of services with the 0 per cent value added tax rate shall be certified by a contract concluded for the provision of such service, a written order, invoice or other document in proof of the provision of the service. The tax authority has the right to request additional documents in proof of the provision of the service.

(5[1]) In the cases specified in clauses 5–6[1] of subsection 3 and clauses 14–14[2] and 16 of subsection 4 of this section, the document in proof of the provision of a service with the 0 per cent value added tax rate shall be the value added tax exemption certificate established by Council Implementing Regulation (EU) No 282/2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (OJL 77, 23.03.2011, pp. 1–22).
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(5[2]) In the cases specified in clauses 5[1], 5[2] and 6[1] of subsection 3 and clauses 14[1], 14[2] and 16 of subsection 4 of this section, the right of a Union institution located in Estonia or an agency or body established under the Union law and the armed forces of a NATO Member State participating in the common defence effort or the armed forces of a Member State participating in the defence effort for the implementation of Union measures within the framework of the Common Security and Defence Policy and of the accompanying civilian staff and of the international military headquarters to apply for the acquisition of goods or receipt of services with the 0 per cent value added tax rate is approved on the value added tax exemption certificate, specified in subsection 5[1] of this section, by the minister in charge of the policy sector or an official authorised by the minister.
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]

(6) Regardless of the provisions of clause 1 of subsection 3 of this section, tax exemption is applied instead of the 0 per cent value added tax rate in the following cases:

1) export of similar goods replacing goods which were returned to Estonia after export within the meaning of the Customs Code if the goods to be replaced were returned to Estonia under a tax exemption on the basis of subsection 2 of § 17 of this Act;
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

2) export of goods imported into Estonia under the 0 per cent value added tax rate on the basis of subsection 3 of this section or under a tax exemption on the basis of § 17 of this Act.

(6[1]) Regardless of the provisions of clause 1 of subsection 4 of this section, tax exemption is applied instead of the 0 per cent value added tax rate to services whose place of supply is another Member State if, upon provision of the service, the taxable person uses the number of registration of the person as a taxable person in another Member State.

(7) [Repealed – RT I 2009, 46, 307 – entry into force 16.09.2009, applied retroactively as of 1.07.2009]

(8) If the conditions for applying the 0 per cent value added tax rate provided for in clause 5[2] of subsection 3 or clause 16 of subsection 4 of this section no longer apply, the European Commission, agency or body which acquired the goods or services taxed at 0 per cent value added tax rate shall notify the tax authority thereof and upon the lapse of the conditions for taxation at 0 per cent value added tax pay value added tax on the specified goods or services pursuant to the procedure and under the conditions established on the basis of subsection 3 of § 39 of this Act.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

§ 16. Supply exempt from tax

(1) Value added tax shall not be imposed on the supply of the following goods and services of a social nature:

1) universal postal services within the meaning of the Postal Act and payment of state pensions, benefits, support and compensation pursuant to the procedure prescribed by the State Pension Insurance Act and Work Ability Allowance Act by mail;
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]
2) health services within the meaning of the Health Service Organisation Act and the supply of an organ or tissue of human origin, human blood or blood product made from human blood and breast milk, as specified in the list approved by a regulation of the minister in charge of the policy sector;
[RT I, 29.04.2016, 6 – entry into force 01.07.2016]
2^1) service provided by dental technicians in their professional activities and dentures transferred by dentists or dental technicians;
[RT I 2007, 17, 83 – entry into force 01.03.2007]
3) services provided by a non-profit association to its members free of charge or for a membership fee, and services provided by a non-profit association or foundation to natural persons relating to the use of sports facilities or sports equipment;
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]
4) social services specified in §§ 8, 17, 20, 23, 26, 27, 30, 33, 41, 44, 455, 4515, 56, 87, 91, 94, 97, 100 and $130^1$and social services financed out of the state or local government budget specified in § $45^1$of the Social Welfare Act;
[RT I, 03.04.2018, 3 – entry into force 01.05.2018]
5) services relating to shelters for the protection of children and young persons;
6) pre-school, basic, vocational, secondary and higher education, including learning materials transferred by the education service provider to the recipient of the services, private tuition relating to general education and other training services, except other training services provided for business purposes;
7) transportation of sick, injured or disabled persons in vehicles which are specially designed for such purpose and which correspond to the requirements established on the basis of the Traffic Act.
8) service provided by an independent association of persons to their members provided that the following conditions are met: the service is directly necessary for the main activity of the member, which is exempt from tax or is not subject to value added tax; the fee paid for the service does not exceed the costs incurred upon the provision of the service and the tax exemption of the service does not affect competition significantly.
[RT I, 29.04.2016, 6 – entry into force 01.07.2016]

(2) Value added tax shall also not be imposed on the supply of the following goods and services:
1) insurance services, including reinsurance and insurance mediation;
2) the leasing or letting of immovables or parts thereof, establishment of a usufruct on immovables or parts thereof. Tax exemption is not applied on the provision of accommodation services, the leasing or letting of or establishment of a usufruct on multi-storey car parks and premises for parking vehicles, and the hiring or leasing of or establishment of a usufruct on permanently installed equipment or machinery or safes;
[RT 2008, 58, 324 – entry into force 01.01.2009]
3) immovables or parts thereof. Tax exemption is not applied to an immovable if an essential part thereof is a construction works within the meaning of the Building Act, or a part of a construction works and which is to be transferred prior to the commencement of use of the construction works or a part thereof; to an immovable if an essential part thereof is a construction works which has been significantly improved, or of such construction works which is to be transferred prior to the post-improvement resumption of use of the construction works or the part thereof, and to a building land. A construction works or a part thereof is deemed to be significantly improved if the costs related to the improvements exceed at least 10 per cent of the acquisition value of the construction works or the part thereof before the making of the improvements;
[RT I, 24.04.2018, 2 – entry into force 01.10.2018]
4) valid postal payment means of the Republic of Estonia if sold at their nominal value;
5) [Repealed – RT 2008, 58, 324 – entry into force 01.01.2009]
6) securities, except a greenhouse gas emission allowance for the purposes of subsection 1 of § 137 of the Atmospheric Air Protection Act and such securities or holdings, which grant the holders thereof the right of ownership of the immovables or parts thereof specified in the second sentence of clause 3 of subsection 2 of this section or the right to use and dispose of the aforementioned as an owner;
[RT I, 24.04.2018, 2 – entry into force 01.05.2018]
7) lottery tickets and the organisation of gambling, except the organisation of commercial lotteries and the organisation of such games of skill the only possible prize of which is the possibility to participate again in the same game;
[RT I 2009, 24, 146 – entry into force 01.06.2009]
8) investment gold, services relating to the transfer of investment gold or entry into a corresponding transfer agreement, or services relating to the supply thereof which are provided by an agent acting in the name and for the account of another person;
9) goods, upon the acquisition of which there was no right for deduction of input value added tax, unless the goods were acquired before the registration of the acquirer as a taxable person or if, at the time of acquisition of the goods, the input value added tax had been deducted in part.

(2^1) Value added tax shall not be imposed on the supply of the following financial services:
1) deposit transactions for the receipt of deposits and other repayable funds from the public;
2) borrowing and lending operations, including consumer credit, mortgage credit and other transactions for financing business transactions;
3) leasing transactions;

4) payment services within the meaning of the Payment Institutions and E-Money Institutions Act, with the exception of transactions with commemorative coins within the meaning of Regulation (EU) No 651/2012 of the European Parliament and of the Council on the issuance of euro coins (OJ L 201, 27.07.2012, pp. 135–137) or with commemorative coins of third countries (hereinafter commemorative coins) that are not investment gold;
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]
5) issue and administration of non-cash means of payment, such as electronic payment instruments, electronic money, traveller's cheques and bills of exchange;
[RT I, 08.07.2011, 6 – entry into force 18.07.2011]
6) guarantees and commitments and other transactions creating binding obligations to persons;
7) transactions for their own account or for the account of clients in traded securities provided in clauses 1–7 of subsection 1 of § 2 of the Securities Market Act and in foreign exchange and other money market instruments, including transactions in cheques, exchange instruments, certificates of deposit and other such instruments;
[RT I, 24.04.2018, 2 – entry into force 01.05.2018]
8) transactions and acts related to the issue and sales of securities specified in clause 7 of this subsection;
[RT I, 24.04.2018, 2 – entry into force 01.05.2018]
9) money broking;
10) negotiation services related to the services specified in clauses 1–9 of this subsection;
11) management of investment funds provided for in the Investment Funds Act and other investment funds of a Contracting Party to the EEA Agreement and subject to financial supervision, including the provision of services related to the management of funds to the funds in the case of transfer of duties of a management company.
[RT 2008, 58, 324 – entry into force 01.01.2009]

(3) A taxable person shall add value added tax to the taxable value of the following goods and services if the person has, during the same taxable period or earlier, notified the Estonian Tax and Customs Board thereof in writing before the supply is effected:
[RT I, 25.10.2012, 1 – entry into force 01.12.2012]
1) the leasing or letting of immovables or parts thereof, except dwellings, and establishment of a usufruct on immovables or parts thereof;
[RT 2008, 58, 324 – entry into force 01.01.2009]
2) immovables and parts thereof, except dwellings;
3) a service specified in clause 6 of subsection 2 and subsection 2^1 of this section, except in cases where the service is provided to a taxable person or taxable person with limited liability of another Member State;
[RT 2008, 58, 324 – entry into force 01.01.2009]
4) investment gold transferred to another taxable person by a taxable person who, during the business thereof, normally supplies gold for industrial purposes or by a taxable person who produces investment gold or transforms any gold used for other purposes into investment gold, or services relating to such supply which are provided by an agent acting in the name and for the account of another person.

(4) If a taxable person adds value added tax to the taxable value of services pursuant to subsection 3 of this section, such supply shall be taxed for at least two years as of the first taxable period.
[RT 2008, 58, 324 – entry into force 01.01.2009]

(5) Value added tax shall not be imposed on the supply of services, specified in subsections 1–2^1 of this section, which is deemed to constitute supply of electronically supplied services.
[RT I, 29.04.2016, 6 – entry into force 01.07.2016]

§ 17. Imports exempt from tax

(1) Value added tax shall not be imposed on the import of the following goods:
1) goods the supply of which is exempt from tax (§ 16);
2) gold imported by Eesti Pank;
3) banknotes and coins, with the exception of collector's items, within the meaning of § 41 of this Act and commemorative coins that are not investment gold;
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]
4) revenue stamps;
5) natural gas and electricity, heating and cooling energy imported through networks and gas pumped into natural gas networks by gas transport tankers;
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]
6) goods subject to immediate tax warehousing;
[RT I 2009, 56, 376 – entry into force 01.01.2010]
7) alcohol and tobacco products delivered from a third country to Estonia in the personal luggage of passengers within the maximum limit and under the conditions exempt from excise duty as provided in §§ 47 and 57 in the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act;
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]
8) goods of a non-commercial nature not specified in clause 7 of subsection 1 of this section that have been delivered from a third country into Estonia in the personal luggage of passengers in the amount of 300 euros

and in the case of using air and sea transport, except private pleasure flying or private pleasure seafaring, in the amount of 430 euros. If the total value of the goods exceeds the aforementioned maximum limit, the value of the goods exceeding the maximum limit shall be subject to value added tax in full;
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]
9) [Repealed – RT I, 23.02.2021, 1 – entry into force 01.07.2021]
10) goods of a non-commercial nature with the value of up to 45 euros, alcohol or tobacco product within the scope and under the conditions of the maximum limit exempt from excise duty as provided in the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act; up to 500 grams of coffee or 200 grams of coffee extract or essence and 100 grams of tea or 40 grams of tea extract or essence with the value of up to 45 euros per one consignment of goods of a non-commercial nature, which is sent from one natural person to another natural person;
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]
11) goods that are taxed in Estonia or another Member State under special arrangements for distance selling of goods imported from a third country, provided that the number of registration as a taxable person issued for the implementation of special arrangements of a taxable person, a taxable person of another Member State, of a third country person engaged in business or an intermediary acting on their behalf has been submitted to the tax authority at the latest upon submission of the import declaration.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]
12) fuel delivered to Estonia from a third country within the scope and under the conditions of the maximum limit exempt from excise duty provided in § 68 of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]

(2) The import of goods with customs preferences specified in Council Regulation EC No 1186/2009 setting up a Community system of reliefs from customs duty (OJ L 324, 10.12.2009, pp. 23–57), except the import of goods specified in Articles 23-27, 42, 44–52, 57, 58, in clause a of subsection 1 of Article 67, clause a of subsection 1 of Article 68 and Articles 107-111, and the import of goods specified in Division 6 of Chapter 2 of the Customs Code is not subject to value added tax under the conditions prescribed for application of exemption from customs duty. The import of goods specified in Subchapter 1 of Chapter 2 of Division 6 of the Customs Code is not subject to value added tax if the goods are reimported by the person who exported the goods.
The import of goods specified in this subsection is not subject to value added tax also in the case of import as specified in subsection 4 of § 6 of this Act if it is in compliance with the requirements prescribed for application of total relief from customs duties.
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]

(2^1) Value added tax shall not be imposed on the import of goods upon the placing of non-Union goods under the customs procedure of release for free circulation, provided that the following conditions are met:
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]
1) the importer of the goods or a customs agency acting as a representative thereof is an Estonian taxable person;
[RT I, 27.03.2012, 7 – entry into force 01.04.2012]
2) immediately after the goods have been imported, they are delivered, in the same condition, to another Member State to a taxable person or a taxable person with limited liability of the other Member State;
3) intra-Community supply is created as a result of transport of the goods to another Member State;
4) upon import of the goods, the importer of the goods or a customs agency acting as a representative thereof proves the intention to transport the goods to another Member State to a taxable person or a taxable person with limited liability registered by the other Member State and, after the goods have been delivered, provides the customs authority with documentation in proof of the intra-Community supply of the goods;
[RT I, 27.03.2012, 7 – entry into force 01.04.2012]
5) a security is provided in order to secure the performance of the tax liability which may arise as a result of failure to perform the conditions provided for in this subsection. The security shall be provided and released, used and its amount calculated pursuant to the procedure provided for in the customs legislation.
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(2^2) Transport of the goods by the customs agency acting as a representative of the importer of goods to a taxable person of another Member State is treated as the intra-Community supply of goods of the customs agency taking account of the conditions provided for in clause 3 of subsection 2^1 of this section.
[RT I, 27.03.2012, 7 – entry into force 01.04.2012]

(3) Value added tax shall also not be imposed on the import of the following goods:
1) books, periodicals or other data media sent to libraries, research, development or educational institutions;
2) confiscated counterfeit goods transferred to health care institutions, social welfare institutions or local government units pursuant to law.
[RT I 2010, 11, 55 – entry into force 01.05.2010]

§ 18. Intra-Community acquisition of goods which is exempt from tax

Value added tax shall not be imposed on the following:
1) intra-Community acquisition of goods the supply of which is exempt from tax (§ 16);
2) intra-Community acquisition of goods the import of which is exempt from tax (§ 17);
3) intra-Community acquisition of goods by a foreign taxable person if the conditions for the refund of value added tax provided for in clauses 1–3 of subsection 1 of § 35 of this Act are met;

[RT I, 18.02.2014, 2 – entry into force 01.03.2014]
4) intra-Community acquisition of goods by a taxable person of another Member State in the case of a triangular transaction;
5) intra-Community acquisition of goods, if the goods are subject to immediate tax warehousing (§ 441).
[RT I 2005, 68, 528 – entry into force 01.01.2006]

Chapter 4
RIGHTS AND RESPONSIBILITIES OF TAXABLE PERSONS

§ 19. Obligation to register as taxable person

(1) If the taxable supply of the transactions specified in clauses 1 and 3 of subsection 1 of § 1 of this Act, except the transfer of fixed assets and intra-Community distance selling from another Member State to Estonia, carried out by a person, exceeds 40,000 euros as of the beginning of a calendar year, the obligation to register as a taxable person (hereinafter registration obligation) shall arise for the person as of the date on which the supply reaches the specified amount. The registration obligation does not arise if all the taxable supply of the person is the supply taxable at the 0 per cent value added tax rate, except the intra-Community supply of goods and the supply of services specified in clause 9 of subsection 4 of § 10 of this Act if the services are provided to a taxable person or a taxable person with limited liability of another Member State. The provision is not applied to a person who is holding online marketplace in the case specified in subsection $1^3$of § 4 of this Act.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(2) If the data concerning a taxable person are deleted from the register on the basis of a petition specified in subsection 1 of § 22 of this Act and if, as of the date following the date of deletion from the register, the taxable supply of the transactions carried out by the person, specified in clauses 1 and 3 of subsection 1 of § 1 of this Act, except the transfer of fixed assets and intra-Community distance selling from another Member State to Estonia, exceeds 40,000 euros during the same calendar year, the registration obligation shall arise for the person again as of the date on which the supply reaches the taxable supply in the specified amount. The registration obligation shall not arise if all the taxable supply of the person is supply taxable at the 0 per cent value added tax rate, except intra-Community supply of goods and the supply of services specified in clause 9 of subsection 4 of § 10 of this Act, if the services are provided to a taxable person or a taxable person with limited liability registered by another Member State.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(3) If a foreign person engaged in business with no permanent business establishment in Estonia creates taxable supply in Estonia but such supply is not taxed in Estonia upon the acquisition of goods or receipt of services by a taxable person or taxable person with limited liability, the registration obligation shall arise for the person as of the date on which the taxable supply is created. The registration obligation shall not arise if all the taxable supply of the person is supply taxable at the 0 per cent value added tax rate, unless it is intra-Community supply of goods and the supply which is created upon the transfer of goods to a person holding online marketplace in the case the person is considered the acquirer of the goods pursuant to subsection $1^3$of § 4 of this Act. The registration obligation shall not arise for a taxable person of another Member State and a third country person engaged in business upon provision of service, intra-Community distance selling and transfer of goods through online marketplace if the person is registered in another Member State as the implementer of special arrangements for imposing value added tax on the transfer of goods through services, intra-Community distance selling and online marketplace and the specified supply is subject taxation on the basis of such special arrangements.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(3^1) If, in the case specified in subsection $1^3$of § 4 of this Act, a third country person holding online marketplace, whose company has a seat outside the Community and who does not have a permanent business establishment in the Community, has a taxable supply in Estonia, but the person has not registered as a taxable person or as the implementer of special arrangements for imposing value added tax on the transfer of goods through a service, intra-Community distance selling and online marketplace, the person from whom he acquired the goods is jointly and severally with the person liable for payment of the value added tax with regard to the supply which has been incurred until the third country person is registered as a taxable person.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(4) If the supply of goods and services, specified in subsection 3 of § 101 of this Act, of a taxable person of another Member State engaged in business exceeds 10,000 euros in total in the calendar year, the registration obligation shall arise for the person as of the date on which the supply reaches the specified amount.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(5) [Repealed – RT I, 23.02.2021, 1 – entry into force 01.07.2021]

§ 20. Registration as taxable person

(1) A person is required to submit an application for registration as a taxable person to the tax authority within three working days as of the date on which the registration obligation arises. A person may submit an application for registration as a person liable to value added tax through the information system of the commercial register in a digitally signed format or apply to a notary for the preparation of an application and submission thereof through the information system of the e-notary.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(2) A person may submit an application for registration as a taxable person to the tax authority in the following cases:
1) the registration obligation has not yet arisen for the person on the bases of § 19 of this Act;
2) upon intra-Community acquisition of goods exempt from tax;
3) upon export.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(3) The tax authority shall register a person as a taxable person by entering the data concerning the person in the register of taxable persons (hereinafter registration) as on the date on which the registration obligation arose, within five working days as of the receipt of the application.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(4) In the case of an application submitted pursuant to subsection 2 of this section, the tax authority shall register the person as a taxable person within five working days as of the receipt of the relevant application either as of the date of receipt of the application or a later date as desired by the applicant.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(4^1) In order to be registered, the person shall furnish proof of the fact that the person is engaged in business in Estonia or is about to commence business in Estonia. If the proof provided concerning the person's business or commencement of business is insufficient, the tax authority shall have the right to request that the person submit additional proof or collect such proof on its own initiative. The tax authority shall decide on registration within five working days as of the receipt of the proof. The tax authority shall not register the person if the person is neither engaged in business nor about to commence business.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(5) The tax authority shall notify the person about the decision on registration not later than on the working day following the date on which the decision is made.

(6) A person of a third country engaged in business with no permanent business establishment in Estonia but with whose country of residence the Union has concluded a mutual assistance contract concerning administrative cooperation, the fight against fraud and the recovery of claims relating to the value added tax, or a person of another Member State engaged in business with no permanent business establishment in Estonia has the right, upon registration as a taxable person, to appoint a tax representative, specified in the Taxation Act, who has been approved by the tax authority. A person of a third country engaged in business with no permanent business establishment in Estonia with whose country of residence the Union has not concluded a mutual assistance contract concerning administrative cooperation, the fight against fraud and the recovery of claims relating to the value added tax, is required to, upon registration as a taxable person, appoint a tax representative specified in the Taxation Act, who has been approved by the tax authority. The provision shall not be applied in the case specified in subsection 22 of § 43 of this Act.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(7) Upon submission of an application for registration, a natural person or the representative of a legal person or a state, rural municipality or city authority shall identify himself or herself. An authorised representative shall present, in addition, a document certifying his or her authority.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(8) [Repealed – RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(9) [Repealed – RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(10) If the tax authority has information indicating that the registration obligation has arisen for a person, but the person has not submitted a registration application on time, the tax authority shall register the person on its own initiative as on the date on which the registration obligation arose. The tax authority shall notify the person of the decision to register the person within three working days as of the date on which the decision is made.

(11) If, following the registration of a taxable person, the tax authority ascertains that the application was submitted later than prescribed and the person should have commenced performance of the obligations of a taxable person (§ 24) before the date specified in the decision of the tax authority, the tax authority shall repeal its original decision retroactively, make a new decision and register the taxable person as on the date on which the registration obligation arose. The tax authority shall notify the person of the decision to register the person within three working days as of the date on which the decision is made.

(12) The format of applications for registration of a person as a taxable person and the format of decisions of the tax authority concerning the registration of a taxable person shall be established by a regulation of the minister in charge of the policy sector.
[RT I 2005, 68, 528 – entry into force 01.01.2006]

§ 21. Registration as taxable person with limited liability

(1) For an Estonian person or a foreign person operating in Estonia through a permanent business establishment who receives a service specified in subsection 5 of § 10 of this Act from a foreign person engaged in business who is not registered as a taxable person in Estonia, the obligation to register as a taxable person with limited liability shall arise as of the date on which such service was received. This provision does not apply to taxable persons and natural persons who are not engaged in business.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(2) If the taxable value of the goods acquired by a person by way of intra-Community acquisition (§ 8), except excise goods and new means of transport, exceeds 10,000 euros as calculated from the beginning of a calendar year, the obligation to register as a taxable person with limited liability shall arise for the person as of the date on which that threshold was exceeded, except in the case specified in subsection 2^1 of this section. This provision does not apply to taxable persons and natural persons who are not engaged in business.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

(2^1) If a foreign person engaged in business who has no permanent business establishment in Estonia engages in intra-Community acquisition of goods in Estonia, the obligation to register as a taxable person with limited liability arises for the person as of the date of the intra-Community acquisition of the goods. This provision does not apply to Intra-Community acquisition of goods which is exempt from tax (§ 18).

(3) A person is required to submit an application for registration as a taxable person with limited liability to the tax authority within three working days as of the date on which the obligation to register as a taxable person with limited liability arises.

(4) A person may submit an application for registration as a taxable person with limited liability to the tax authority before the registration obligation specified in subsections 1–3 of this section arises.

(5) The provisions of § 20 of this Act concerning the registration of taxable persons apply to the registration of taxable persons with limited liability.

(6) The format of applications for registration of a person as a taxable person with limited liability and the format of decisions of the tax authority concerning the registration of a taxable person with limited liability shall be established by a regulation of the minister in charge of the policy sector.
[RT I 2005, 68, 528 – entry into force 01.01.2006]

§ 22. Deletion of taxable person from register

(1) If a person is registered as taxable person but the taxable supply of the transactions specified in clauses 1 and 3 of subsection 1 of § 1 of this Act carried out by the person will not exceed within the next twelve months, according to the calculations of the taxable person, the threshold specified in subsection 1 of § 19 of this Act, the person may submit a petition to the tax authority for deletion of the person from the register, except in the case specified in subsection 2 of this section.

(2) A person of another Member State engaged in business may submit a petition to the tax authority for deletion of the person from the register if all the following conditions are complied with:
1) the person carries out intra-Community distance selling from another Member State to Estonia or provides service electronically to a person with seat or residence in Estonia who has not been registered as a taxable person or a taxable person with limited liability in any of the Member States;
2) the person has been registered as a taxable person on the basis of subsection 2 of § 20 of this Act before the registration obligation provided for in subsection 4 of § 19 of this Act was created;
3) the person has been registered as a taxable person for at least two calendar years;
4) the taxable supply of the transactions specified in clauses 1 and 3 of subsection 1 of § 1 of this Act carried out by the person, does not exceed the threshold provided in subsection 1 or 4 of § 19 of this Act according to the calculations of the person.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(2^1) If a person of another Member State engaged in business has been registered as a taxable person pursuant to subsection 4 of § 19 or subsection 2 of § 20 of this Act before the registration obligation provided for in subsection 4 of § 19 of this Act is created and the person registers in another Member State as the implementer of special arrangements for imposing value added tax on the transfer of goods through a service, intra-Community distance selling and online marketplace, the person shall be deleted from the register as a taxable

persons based on the person's petition, provided that the taxable supply of the transactions, specified in clauses 1 and 3 of subsection 1 of § 1, carried out by the person, does not exceed, based on the calculations of the person, the threshold provided for in subsection 1 of § 19 during the following 12 months.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(3) The tax authority has the right to delete a taxable person from the register if the taxable person has failed to submit a value added tax return for the last six consecutive taxable periods.

(3^1) The tax authority has the right to delete a taxable person from the register if the taxable person does not engage in business in Estonia. If the proof provided concerning the taxable person's business is insufficient, the tax authority has the right to request that the taxable person submit additional proof or collect such proof on its own initiative. The tax authority shall give the taxable person written notice of the intention to delete the taxable person from the register and set a term for providing proof concerning the taxable person's business. If the taxable person fails to provide proof of business within the prescribed term, the tax authority shall delete the taxable person from the register of taxable persons.
[RT I 2005, 68, 528 – entry into force 01.01.2006]

(4) If a taxable person is dissolved or the activities thereof are terminated in Estonia, the tax authority shall delete the taxable person from the register of taxable persons.

(5) A taxable person shall be deleted from the register on the basis of a decision of the tax authority. Before deciding on the deletion of a taxable person from the register, except in the cases specified in subsections 3 and 4 of this section, the tax authority shall, if necessary, audit the economic activities of the person. The taxable person is deemed to be deleted from the register as of the date specified in the decision.
[RT I, 25.10.2012, 1 – entry into force 01.12.2012]

§ 23. Deletion of taxable person with limited liability from register

(1) If a taxable person with limited liability is registered as a taxable person pursuant to § 20 of this Act, the person shall be deleted from the register as a taxable person with limited liability.

(2) If a person has been registered as a taxable person with limited liability for at least two years and the value of the goods acquired by the person by way of intra-Community acquisition did not exceed during the previous calendar year and will not exceed during the current calendar year, according to the calculations of the taxable person, the threshold specified in subsection 2 of § 21 of this Act, the person may submit a petition to the tax authority to be deleted from the register as a taxable person with limited liability.

(3) If a taxable person with limited liability is dissolved or the activities thereof are terminated in Estonia, the tax authority shall delete the taxable person from the register as a taxable person with limited liability.

(4) A taxable person with limited liability shall be deleted from the register as a taxable person with limited liability on the basis of a decision of the tax authority. Before deciding on deletion from the register, except in the case specified in subsection 3 of this section, the tax authority shall, if necessary, audit the activities of the person. The taxable person with limited liability is deemed to be deleted from the register as of the date specified in the decision.
[RT I, 25.10.2012, 1 – entry in to force 01.12.2012]

§ 24. Rights and obligations of taxable persons

(1) As of the date of registration as a taxable person, a person shall perform the obligations of a taxable person, including adding the amount of value added tax to the taxable value of the goods transferred or services provided, calculating the amount of value added tax due pursuant to the procedure provided for in § 29 of this Act, paying value added tax pursuant to the procedure provided for in § 38, preserving documents and maintaining records pursuant to the provisions of § 36, and shall issue invoices in accordance with the requirements of § 37 of this Act.

(2) Subsection 1 of this section applies to foreign persons registered in Estonia as taxable persons who create supply in Estonia, except in cases specified in subsection $3^1$of § 3 of this Act and in the case the person of a foreign state registered in Estonia has no permanent business establishment in Estonia through which the taxable person engages in business in Estonia.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

§ 25. Rights and obligations of taxable persons with limited liability

(1) As of the date of registration as a taxable person with limited liability, a person shall perform the obligations of a taxable person with limited liability, including calculating the amount of value added tax due pursuant to the provisions of subsection 12 of § 29 of this Act, paying value added tax pursuant to the procedure provided for in § 38, preserving documents and maintaining records pursuant to the provisions of subsection 3 of § 36 of this Act. A taxable person with limited liability shall submit a value added tax return pursuant to the provisions of § 27 of this Act only if the person has performed acts specified in subsection 5 of § 3 of this Act during the taxable period. A taxable person with limited liability does not have the right to deduct input value added tax.

(2) A taxable person with limited liability who was registered pursuant to subsection 1 of § 21 of this Act upon the receipt of services specified in subsection 5 of § 10 of this Act from a foreign person engaged in business is not required to pay value added tax on the intra-Community acquisition of goods, except the intra-Community acquisition of excise goods or a new means of transport, if the taxable value of the goods acquired during a calendar year does not exceed 10,000 euros. Within three working days as of the date on which that threshold is exceeded, the taxable person with limited liability shall notify the tax authority in writing of having exceeded the threshold on the intra-Community acquisition of goods.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

(3) A taxable person with limited liability who does not pay value added tax on the intra-Community acquisitions of goods pursuant to subsection 2 of this section shall not use its registration number as a taxable person with limited liability when acquiring goods from another Member State. If a taxable person with limited liability uses its registration number as a taxable person with limited liability when acquiring goods from another Member State, the person shall be required to perform all the obligations specified in subsection 1 of this section.

§ 26. Registration of taxable persons as single taxable person

(1) The tax authority shall register a parent undertaking and its subsidiaries within the meaning of the Commercial Code as a single taxable person (hereinafter value added tax group) on the basis of a joint application by such taxable persons. Taxable persons who are economically and organisationally related shall also be registered as a value added tax group on the basis of a joint application if more than 50 per cent of the shares, holding or votes of each company to be registered within the composition of a value added tax group are owned by one and the same person or if the persons are related on the basis of a franchise contract. Estonian taxable persons engaged in business in Estonia shall be registered as a value added tax group.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(2) [Repealed – RT I 2009, 56, 376 – entry into force 01.01.2010]

(3) A taxable person may belong to only one value added tax group at the same time.
[RT I 2008, 58, 324 – entry into force 01.01.2010]

(4) A value added tax group shall be registered in the name of a representative who is elected by persons who submitted the application and who shall represent the value added tax group, submit value added tax returns and applications for refund of overpaid amounts of value added tax. The representative shall be elected from among the persons belonging to the value added tax group. A value added tax group shall be granted a joint registration number as a taxable person.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(5) The tax authority shall register a value added tax group as of the first date of the calendar month. The tax authority may re-register a value added tax group that has been deleted from the register on the basis of clause 3 of subsection 8 of this section as a value added tax group as of the day following the deletion thereof if only the companies that have been deleted from the Commercial Register and companies that have been declared bankrupt have been left out of the value added tax group to be registered.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(6) Overpaid amounts of value added tax shall be refunded to the representative who represents the value added tax group.
[RT I 2008, 58, 324 – entry into force 01.01.2010]

(7) Transactions between persons registered as a value added tax group are not deemed to be supply. Transaction between a taxable person belonging to a value added tax group and a person outside the value added tax group is deemed to be a transaction of the value added tax group with that person.
[RT I 2008, 58, 324 – entry into force 01.01.2010]

(8) The tax authority shall delete a value added tax group from the register if:
1) the circumstances specified in subsection 1 of this section no longer exist, as of the first day of the month following the month in which such circumstances cease to exist;
2) a representative of the value added tax group submits a petition for the deletion of the value added tax group from the register if any changes are made in the composition of the group or for any other reasons, as of the first day of the month following the month of receipt of the application;
[RT I 2008, 58, 324 – entry into force 01.01.2010]
3) a company belonging to the value added tax group is declared bankrupt or it is deleted from the Commercial Register, as of the date of declaration of bankruptcy or deletion from the Commercial Register.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(9) The tax authority shall notify the persons belonging to a value added tax group of the deletion of the value added tax group from the register.

[RT I 2008, 58, 324 – entry into force 01.01.2010]

(10) As of the date of the deletion of a value added tax group from the register, the taxable persons are deemed to be re-registered as separate taxable persons.
[RT I 2008, 58, 324 – entry into force 01.01.2010]

(11) Persons registered as a value added tax group shall submit a joint value added tax return. The appendix to the value added tax return shall be submitted by taxable persons belonging to a value added tax group. The persons registered as a value added tax group shall be solidarily liable for payment of value added tax by the due date. Upon deletion of a value added tax group from the register, the taxable persons shall be solidarily liable for the value added tax arrears which arose during the period when they were registered as a value added tax group.
[RT I, 29.05.2014, 1 – entry into force 01.11.2014]

(12) In the case of transactions between persons registered as a value added tax group no invoices shall be issued on the basis of § 37 of this Act.
[RT I 2008, 58, 324 – entry into force 01.01.2010]

(13) Provision of services between a taxable person belonging to a value added tax group and its permanent business establishment located in a foreign country is deemed to be business.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(14) The procedure for registration of a value added tax group, the format of the corresponding registration applications, the format of decisions of the tax authority concerning registration and the procedure for deletion of a value added tax group from the register shall be established by a regulation of the minister in charge of the policy sector.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

§ 27. Taxable period and value added tax return

(1) The taxable period is one calendar month. The value added tax return and appendix thereto (hereinafter together value added tax return) shall be submitted to the tax authority by the twentieth day of the month following the taxable period. The first taxable period for a taxable person and taxable person with limited liability is the period from the date of registration as a taxable person or taxable person with limited liability until the end of the same month. If the number of calendar days in the first taxable period is less than fifteen, the taxable person or taxable person with limited liability may declare the supply of the first period together with the supply of the following taxable period and submit one return concerning two taxable periods. The format of the value added tax return shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 29.05.2014, 1 – entry into force 01.11.2014]

(1^1) A value added tax return shall be submitted electronically if the person has been a taxable person for at least 12 months or more than five invoices are included in the appendix to the value added tax return. On the basis of a reasoned request made by a taxable person or a taxable person with limited liability, the tax authority may allow the submission of a value added tax return on paper.
[RT I, 29.05.2014, 1 – entry into force 01.11.2014]

(1^2) The data of the invoices issued to and received from a legal person, sole proprietor and state, rural municipality and city authority and the registry code issued to a transaction partner in Estonia, the personal identification code in the case of a notary and enforcement agent are reflected in the annex to the value added tax return. The annex to the value added tax return reflects the invoices in which the transferor of the goods or provider of services has marked the supply taxable at the 22 per cent, 9 per cent and 5 per cent value added tax rate, except for the invoices submitted under special arrangements provided in § 40 of this Act if the invoice or the total amount of invoices without value added tax makes up at least 1,000 euros for one transaction partner during the taxation period. The transaction partner-based threshold is calculated separately for purchase and sale invoices. The invoices are not summed up in the annex to the value added tax return.
[RT I, 01.07.2023, 2 - entry into force 01.01.2024]

(1^3) A person may indicate in the appendix to the value added tax return the data of the invoices specified in subsection $1^2$of this section the total amount of which is less than 1,000 euros for a transaction partner without value added tax.
[RT I, 29.05.2014, 1 – entry into force 01.11.2014]

(1^4) The appendix to the value added tax return shall not reflect the data of invoices issued and received for such transactions and acts on which the obligation to keep professional or official secrecy is extended under the law. The receiver of the service may reflect the data of the invoices received for transactions and acts specified in this subsection in the appendix to the value added tax return.
[RT I, 29.05.2014, 1 – entry into force 01.11.2014]

(2) The following are required to submit value added tax returns:
1) taxable persons;
2) taxable persons with limited liability who have performed acts specified in subsection 5 of § 3 of this Act during the taxable period, without the appendix to the value added tax return;

[RT I, 29.05.2014, 1 – entry into force 01.11.2014]
3) persons specified in clause 2 of subsection 6 of § 3 of this Act in the case of transactions concerning which the person has issued an invoice or other sales document in which the amount of value added tax is indicated.

(3) [Repealed – RT I 2005, 68, 528 – entry into force 1.01.2006]

(4) On the basis of a reasoned request made by a taxable person, the tax authority may, by his or her decision, establish a taxable period longer than one calendar month for the taxable person, which begins on the first day of the calendar month or first taxable period and ends on the last day of one of the following calendar months. Also in this case, value added tax returns shall still be submitted to the tax authority by the twentieth day of the month following the taxable period.
[RT I, 25.10.2012, 1 – entry into force 01.12.2012]

(5) If a taxable person or taxable person with limited liability amends information submitted in a value added tax return concerning a previous taxable period, the person is required to submit a new value added tax return with the amended information to the tax authority concerning that taxable period.

(6) In the case of the declaration of bankruptcy of a taxable person, two value added tax returns shall be submitted concerning the taxable period: about the period of time preceding and following the declaration of bankruptcy.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

§ 28. Report on intra-Community supply

(1) A taxable person is required to submit a report on intra-Community supply if:
1) it has effected intra-Community supply of goods during a taxable period or it has transferred goods as a reseller in a triangular transaction during a taxable period or it has delivered from Estonia to another Member State call-off stock, including in the case when the acquirer of call-off stock changes or call-off stock has been returned to Estonia;
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]
2) it has provided to a taxable person or taxable person with limited liability of another Member State a service specified in 10 (4) 9) of this Act which is subject to taxation except the taxation with 0 per cent taxation rate, in the Member State of the recipient of the service.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(2) A report on intra-Community supply shall be submitted to the tax authority by the twentieth day of the month following each calendar month.
[RT I 2009, 56, 376 – entry into force 01.01.2011]

(3) If a taxable person amends information in a report on intra-Community supply submitted concerning a previous period, the person is required to submit a report on the amendment of intra-Community supply to the tax authority concerning the corresponding period. If a taxable person cancels an invoice concerning goods or services or submits a credit invoice, the corresponding amendments concerning the taxable period during which the invoice was cancelled or the credit invoice was submitted shall be indicated in the report on intra-Community supply.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(4) The standard format of reports on intra-Community supply and the standard format of reports on the amendment of intra-Community supply and the procedure for the completion thereof shall be established by a regulation of the minister in charge of the policy sector.

(5) A taxable person that has transferred to a person of another Member State a new means of transport which will be delivered to the other Member State shall add the copy of the invoice issued upon the sale of the means of transport to the report on intra-Community supply.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(6) In the report on intra-Community supply and in the report on the amendment of intra-Community supply the amounts are reflected in full euros.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

§ 29. Calculation of amount of value added tax

(1) The amount of value added tax to be paid by a taxable person is the value added tax calculated during the taxable period on transactions or acts specified in subsection 4 of § 3 and clauses 5 and 6 of subsection 6 of § 3 of this Act less the input value added tax of the same taxable period, or goods or services used for transactions or acts specified in subsection 2 of § 4 of this Act and related to business or for business carried out in a foreign state, except transactions deemed to be supply exempt from tax (§ 16). Input value added tax of the same taxable

period on goods or services used for services specified in clauses 1 and 6 of subsection 2 or in subsection 2^1 of § 16 of this Act which are provided to a person of a third country may also be deducted.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(2) The calculated value added tax is the value added tax calculated on the taxable value of the transactions and acts specified in subsection 4 and in clauses 5 and 6 of subsection 6 of § 3 of this Act carried out or performed by a taxable person. Value added tax paid pursuant to the customs legislation is not included in the calculated value added tax.
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(3) Input value added tax is:
1) value added tax to be paid on goods or services which a taxable person acquires or receives from another taxable person;
2) value added tax paid or to be paid by a taxable person on imported goods;
[RT I 2005, 68, 528 – entry into force 23.12.2005, applied retroactively as of 1 November 2005
3) value added tax calculated by a taxable person on the taxable value of services the place of supply of which is Estonia and which are received from a foreign person engaged in business who is not registered as a taxable person in Estonia;
[RT I 2005, 68, 528 – entry into force 01.01.2006]
4) value added tax calculated by a taxable person on the taxable value of goods acquired by way of intra-Community acquisition, goods installed or assembled which are acquired, goods acquired by way of a triangular transaction or other goods which are acquired and on which the taxable person is required to calculate value added tax pursuant to this Act.

(4) If a taxable person uses goods or services for the purposes of transactions specified in subsection 1 of this section as well as purposes other than those related to business, only input value added tax on goods or services used for the purposes of transactions specified in subsection 1 of this section shall be deducted. If it is not possible to separate input value added tax on goods or services used for the purposes of transactions specified in subsection 1 of this section from input value added tax on goods or services used for purposes other than those related to business in the accounts of the taxable person, the procedure for deduction of input value added tax shall be determined by a decision of the tax authority on the basis of a petition by the taxable person, taking into account the actual use of the goods or services. Upon acquisition of an automobile or use under the contract for use and purchase of goods and receipt of services for such an automobile the input value added tax shall be deducted according to the proportion of its use for business purposes, but not more than fifty per cent, taking account of the proportion of the taxable supply and the supply which is exempt from taxes.
[RT I, 11.07.2014, 3 – entry into force 01.12.2014]

(5) If a taxable person has, prior to the person's date of registration as a taxable person, acquired goods, except for fixed assets, intended for transfer or for the manufacture of goods to be transferred, the taxable person shall have the right to deduct the input value added tax on such goods in the taxable period during which the goods were transferred as taxable supply. [RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(5^1) A taxable person who has received services prior to the person's date of registration as a taxable person shall have the right to deduct the input value added tax on such services in the taxable period during which such services were provided as taxable supply.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(5^2) The input value added tax on fixed assets acquired before registration of a person as a taxable person may be deducted, taking account of the provisions of subsection 4 of § 32 of this Act.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(6) Upon the export of goods specified in subsection 2 of § 5 of this Act, a taxable person has the right to reduce the person's tax liabilities in the taxable period during which the criteria set out in subsection 2 of § 5 were complied with by the amount of value added tax indicated on a document with customs confirmation if, at the time of submission of a value added tax return for the taxable period during which the goods were transferred, not all the criteria according to which the transfer of goods was treated as the export of goods had been complied with.

(7) If a taxable person cancels an invoice concerning goods or services or submits a credit invoice due to the reduction in the price of the goods or service after submission of a value added tax return concerning the taxable period in which the supply of the goods or services was created, both the seller and the purchaser shall indicate the corresponding amendments in the value added tax return submitted concerning the taxable period during which the invoice was cancelled or the credit invoice was submitted. A credit invoice may only be submitted with regard to a specific invoice referred to in the credit invoice. The provision shall not be applied if the credit invoice has been submitted due to a failure to pay for goods or services partially or in full.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(8) If the supply of goods has been effected but the contract under which the ownership of the goods is to pass to the contractual user of the goods upon termination of the contract is cancelled and the purchaser who is not registered as a taxable person returns the goods, the seller may adjust the amount of value added tax payable for the taxable period in which the goods were returned by the amount of value added tax refunded to the purchaser.

(9) If a seller receives money from a purchaser but the goods are not transferred or the services are not provided, the seller is permitted to cancel the calculation of value added tax on such goods or services if the seller refunds the amount to the purchaser.

(10) If a taxable person is deleted from the register, the person shall pay value added tax on goods not yet transferred if the person has deducted the input value added tax on such goods upon acquisition. The acquisition cost or, in the absence thereof, the cost price of the goods shall be the taxable value of the goods. The input value added tax deducted upon acquisition of fixed assets not yet transferred shall be adjusted pursuant to provisions of subsection 4 of § 32 of this Act.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(11) [Repealed – RT I 2005, 68, 528 – entry into force 01.01.2006]

(12) The amount of value added tax to be paid by a taxable person with limited liability is the value added tax calculated in the taxation period on the acts specified in subsection 5 of § 3 of this Act.

(13) The amount of value added tax shall be calculated on the basis of the tax rate which is applicable on the date determined pursuant to § 11 of this Act. Where information required for the calculation of the amount of value added tax on the import of goods is expressed in a foreign currency, the exchange rate shall be determined in accordance with the provisions of the Customs Code governing the calculation of value for customs purposes. Where information required for the calculation of the amount of value added tax on a transaction other than an import transaction is expressed in a foreign currency, the exchange rate of the euro as determined by the European Central Bank and applicable on the date determined pursuant to § 11 of this Act applies.
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

§ 29[1]. Reduction of tax liability

(1) A taxable person has the right to reduce their tax liability by the amount of the value added tax calculated on the goods transferred or services provided, which have not been paid for in full or in part, according to the unpaid part if all the following conditions are met:
1) an invoice has been issued for the transferred goods or the provided service pursuant to § 37 of this Act;
2) the amount of the value added tax is calculated on the transaction and reflected in the value added tax return for the taxable period of the transaction;
3) the claim has not been transferred;
4) at least 12 months have passed since the due date for payment of the invoice, but not more than three years, except in the case specified in clause 6 of this subsection;
5) the claim has been written off in accounting because it has not been possible to collect the claim despite the efforts of the taxable person to make every effort to collect the claim, or the expenses incurred for its recovery exceed the estimated income receivable;
6) in the case of a claim containing value added tax exceeding 30,000 euros, the claim has been certified by a court judgment which has entered into force;
[RT I, 09.12.2021, 1 – entry into force. 01.01.2022]
7) the purchaser of goods or the recipient of services is not a related person within the meaning of the Income Tax Act;
8) the taxable person has notified the purchaser of the goods or the recipient of the service in writing of the write-off of the claim in the accounting in the month of the write-off, indicating the amount of the value added tax related to the written-off claim.

(2) A taxable person shall adjust the amount of their value added tax due in the taxable period when the receivable was written off in the accounting by the amount of the value added tax calculated on the basis of subsection 1 of this section on the goods transferred or services provided which have not been paid for in part or in full.

(3) If a taxable person has reduced the amount of the value added tax payable pursuant to subsection 1 of this section, but the claim on which the reduction is based is subsequently paid in part or in full, the claim shall be included, in correspondence with the part paid for, in the taxable value of the taxable period when the claim was paid in part or in full.

(4) If a taxable person has failed to pay in part or in full for the goods or services but has deducted the value added tax included in the invoice unpaid in part or in full as input value added tax and received the notification of the write-off of the claim in accounting specified in clause 8 of subsection 1 of this section, the taxable person is required to increase their tax liability by the amount of value added tax related to that claim in the taxable period in which the notification is received.
[RT I, 23.02.2021, 1 – entry into force. 01.01.2022]

§ 30. Restrictions on deduction of input value added tax

(1) Input value added tax on goods or services relating to the reception of guests or the provision of meals or accommodation for employees shall not be deducted from calculated value added tax.

(2) The provisions of subsection 1 of this section do not apply to the deduction of input value added tax paid for accommodation services received during a business trip.

(3) Upon the acquiring of an automobile for business purposes or using under the contract for use and purchasing of goods and receiving of services for such an automobile fifty per cent of the input value added tax shall be deducted from the calculated value added tax.
[RT I, 11.07.2014, 3 – entry into force 01.12.2014]

(4) The restriction provided for in subsection 3 of this section shall not be applied if:
1) an automobile is acquired for selling on condition that the taxable person is engaged in selling of automobiles and the automobiles acquired for selling are not taken into use by the taxable person for purposes other than business;
2) an automobile is acquired for the granting of use under the contract for use on condition that the taxable person is engaged in the granting of use of automobiles and the automobiles acquired for the granting of use are not taken into use by the taxable person for purposes other than business;
3) an automobile is mainly used for the carriage of passengers for a charge on condition that the taxable person has a Community licence and a certified copy of the Community licence or, in the case of the provision of taxi service, a taxi licence and a licence card;
[RT I, 31.12.2015, 10 – entry into force 01.01.2016]
4) an automobile is mainly used for driving lessons on condition that the taxable person has a motor vehicle driver's training permit or the taxable person provides the service of a motor vehicle driver's instructor to a person that has the motor vehicle driver's training permit;
5) an automobile is exclusively used for business purposes only, except the granting of use of the automobile for charge to an employee, servant or member of the management or control body of the taxable person.
[RT I, 11.07.2014, 3 – entry into force 01.12.2014]

(5) In the cases provided for in subsections 3 and 4 of this section the provisions of § 32 of this Act shall also be taken account of upon the deduction of the input value added tax when acquiring an automobile for business purposes or using under the contract for use and purchasing of goods and receiving services for such an automobile.
[RT I, 11.07.2014, 3 – entry into force 01.12.2014]

(6) The tax authority shall be notified of the implementation of subsections 3 and 4 of this section on the basis of subsection 1 of § 27 of this Act in the format established by the minister in charge of the policy sector.
[RT I, 11.07.2014, 3 – entry into force 01.12.2014]

(7) In the cases specified in clauses 2–5 of subsection 4 of this section the restriction specified in subsection 3 of this section shall not be applied when acquiring an automobile if the automobile is being used for the purposes specified in clauses 2–4 of subsection 4 of this section for at least two consecutive years as of the acquisition thereof or the automobile acquired for selling as of the taking into use for the purposes specified in clauses 2–5 of subsection 4 of this section. If the purpose of use of the automobile changes within two years and it is taken into use for the purpose unspecified in clauses 2–5 of subsection 4 of this section, and the taxable person has calculated value added tax on the use as self-supply during the specified two years of an automobile used in the cases specified in clauses 3 and 4 of subsection 4 of this section, the tax liability effected is reduced by the amount of value added tax calculated on the use as self-supply of such automobile during the specified two years. The provision is not applied if the automobile is transferred within two years as of the taking into use thereof for the purpose specified in clauses 2–5 of subsection 4 of this section.
[RT I, 07.07.2017, 3 – entry into force 01.01.2018]

(8) Where the grounds for the implementation of subsection 4 of this section cease to exist, the restriction on the deduction of input value added tax specified in subsection 3 of this section is implemented within at least one year as of the first day of the taxation period on which the grounds ceased to exist.
[RT I, 07.07.2017, 3 – entry into force 01.01.2018]

(9) Upon the implementation of subsection 4 of this section the taxable person is required to ensure that the use of the relevant automobile be precluded for the purposes other than provided in subsection 4.
[RT I, 07.07.2017, 3 – entry into force 01.01.2018]

§ 31. Conditions for deduction of input value added tax

(1) Upon the receipt of goods or services from another taxable person, input value added tax shall be deducted on the basis of an invoice meeting the requirements of § 37 of this Act.

(2) Upon intra-Community acquisition of goods, acquisition of goods installed or assembled, acquisition of goods by way of a triangular transaction (clause 4 of subsection 4 of § 3) and other acquisition of goods from a foreign person engaged in business on which a taxable person is required to calculate value added tax pursuant to this Act, an invoice is not required for the deduction of input value added tax if other proof exists.

[RT I 2008, 58, 324 – entry into force 01.01.2009]

(3) Upon the receipt from a foreign person engaged in business of services on which a taxable person is required to calculate value added tax pursuant to this Act, an invoice is not required for the deduction of input value added tax if other proof exists.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(4) Upon the import of goods, input value added tax shall be deducted on the basis of a customs declaration. If goods are imported from a third country which is a part of the Union customs territory, input value added tax shall be deducted on the basis of an invoice received from a third country person engaged in business and a customs declaration form containing the particulars of the imported goods (subsection 2 of § 38).
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(4^1) If the amount of value added tax due upon the import of goods is paid on the basis of a decision resulting from a follow-up inspection by the customs authorities, the input value added tax shall be deducted based on the decision of the customs authorities.
[RT I 2005, 68, 528 – entry into force 23.12.2005, applied retroactively as of 1 November 2005]

(5) [Repealed – RT I 2005, 68, 528 – entry into force 01.01.2006]

(6) If a taxable person who is importing goods pays the value added tax through a customs agency, the person has the right to deduct the input value added tax after the customs has released the goods.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(7) A customs agency shall not treat value added tax paid or to be paid for another person as value added tax paid or to be paid on goods imported for the purposes of the business of the agency.
[RT I 2005, 68, 528 – entry into force 23.12.2005, applied retroactively as of 1 November 2005]

(7^1) Value added tax paid or payable on goods or services received to be used for repair and maintenance of an object of leasing is not deemed to be an input value added tax of the lessor. The provision shall not be applied if:
1) the lessor has the obligation to provide repair and maintenance of the object of the lease agreement and the lease agreement is taxed with regard to the goods as well as financial operation or
2) the lessor provides repair and maintenance service.
[RT I, 27.03.2012, 7 – entry into force 01.04.2012

(8) In the case of the import of goods, input value added tax shall be deducted in the taxable period during which the customs released the goods. In other cases, input value added tax shall be deducted in the taxable period during which the goods or services are acquired or received pursuant to § 11 of this Act.
[RT I 2005, 68, 528 – entry into force 23.12.2005, applied retroactively as of 1 November 2005]

(9) Where goods acquired or services received and the invoice issued for such goods or services are received during different taxable periods, input value added tax shall be deducted in the taxable period when the transferor of the goods or the provider of the services created supply pursuant to § 11 of this Act. If the invoice which is the basis for the deduction of input value added tax is not received by the time the value added tax return is submitted for a taxable period, input value added tax shall be deducted in the taxable period during which the invoice is received.
[RT I 2005, 68, 528 – entry into force 01.01.2006]

(10) In the event of the acquisition of goods or services from a taxable person implementing special arrangements for cash accounting for value added tax, input VAT is deducted in the taxation period when the supply of such goods or services is created for the taxable person implementing special arrangements for cash accounting for value added tax.
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]

§ 32. Partial deduction of input value added tax

(1) If a taxable person uses goods or services for the purposes of both taxable supply and supply exempt from tax, input value added tax shall be partially deducted from the calculated value added tax. Partial deduction shall be based on the proportion of the supply of the taxable person effected in Estonia and foreign countries during a calendar year where the input value added tax can be deducted pursuant to subsection 1 of § 29 of this Act to the total amount of the supply effected by the person in Estonia and foreign countries (hereinafter proportion of taxable supply to total supply). The proportion of taxable supply to total supply shall be rounded up to two decimal points or to a full percentage.

(2) The transfer of fixed assets shall not be taken into account when calculating the proportion of taxable supply to total supply, including in cases where the taxable person has added value added tax to the taxable value of the goods pursuant to subsection 3 of § 16 of this Act. The provision of the services specified in clause 6 of

subsection 3 and subsection 2^1 of § 16 of this Act or transfer of immovables as goods, in so far as these are incidental transactions, shall not be taken into account.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(3) Upon partial deduction of input value added tax, a taxable person may change the proportion of taxable supply to total supply referred to in subsection 2 of § 33 of this Act during a calendar year with the written permission of the tax authority obtained on the basis of a reasoned request made by the taxable person if the actual proportion of taxable supply to total supply in the current calendar year is substantially different.
[RT I, 25.10.2012, 1 – entry into force 01.12.2012]

(4) The deduction of input value added tax of fixed assets and goods acquired and services received for the fixed assets shall be based on the estimated proportion in which the fixed assets were to be used for the purposes of taxable supply. Input value added tax shall be adjusted within the period for adjustment of input value added tax according to the actual proportion in which the fixed assets and goods acquired and services received for the fixed assets are used for the purposes of taxable supply. Input value added tax shall be adjusted only for the goods acquired and services received for the fixed assets which increase the book value of the fixed assets. In the case of an automobile used for business purposes the proportion of the use of an automobile for business purposes shall be calculated pursuant to the procedure provided in subsection 4 of § 29 and § 30 of this Act.
[RT I, 07.07.2017, 3 – entry into force 01.01.2018]

(4^1) The period for adjustment of input value added tax shall be ten calendar years in the case of immovables and goods and services relating thereto and five calendar years in the case of other fixed assets and goods and services relating thereto. The period of time between the date of registration in the accounting documents of fixed assets or goods acquired or services received for the fixed assets as fixed assets in use and the last day of the current calendar year is deemed to be the first calendar year.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(4^2) Input value added tax shall be adjusted at the end of each calendar year taking into account the actual proportion in which the fixed assets are used for the purposes of taxable supply during the given calendar year, except in the case specified in subsection 5 of this section.

(5) Upon the transfer of fixed assets, input value added tax shall be adjusted during the month in which the fixed assets are transferred. Input value added tax need not be adjusted upon transfer of an immovable used for business purposes to a credit or financial institution if the person who transfers the immovable has obtained the use of the immovable from the credit or financial institution on the basis of a contract during the same period of taxation and continues to use the immovable for business purposes for at least ten calendar years as of the beginning of use of the immovable for the business of the person.

(5^1) If input value added tax is adjusted upon the transfer of fixed assets, the using of fixed assets and the goods acquired or services received for the fixed assets, during the year in which the fixed assets are transferred until the end of the period for adjustment, shall be accounted for as being used for the purposes of the fully taxable supply. If the taxable value of fixed assets upon the transfer is lower than half of the purchase price of the assets, the period as of the month following the transfer of fixed assets until the end of the period for adjustment shall not be taken into account upon the adjustment of input value added tax. If the input value added tax is adjusted upon the transfer of immovable exempt from tax, the using of the immovable and the goods acquired or service received for the immovable, during the year in which the immovable is transferred until the end of the period for adjustment, shall be accounted for as being used for the purposes of the supply fully exempt from tax.
[RT I, 29.04.2016, 6 – entry into force 01.07.2016]

(6) The procedure for reporting recalculation of partially deducted input value added tax in a value added tax return and the procedure for the adjustment of input value added tax on fixed assets acquired and the goods acquired or services received for the fixed assets shall be established by a regulation of the minister in charge of the policy sector.

(7) Taxable persons who supply investment gold exempt from value added tax have the right to deduct:
1) input value added tax paid upon purchasing investment gold from a taxable person who has exercised the right specified in clause 4 of subsection 3 of § 16 of this Act;
2) input value added tax paid on gold other than investment gold and imported by them, acquired by way of intra-Community acquisition or acquired from another taxable person, on the condition that they subsequently transform the gold into investment gold;
3) input value added tax paid upon receipt of services relating to a change of the form, weight or purity of the gold.
[RT I 2005, 68, 528 – entry into force 01.01.2006]

§ 33. Methods of partial deduction of input value added tax

(1) Upon partial deduction of input value added tax in the case specified in subsection 1 of § 32 of this Act, the taxable person may use either the method of proportional deduction or the method combining direct calculation and proportional deduction during one and the same calendar year.

(2) In the case of proportional deduction, the proportion of taxable supply to total supply shall be applied upon deduction of the input value added tax in full amount. The proportion of taxable supply to total supply shall be determined on the basis of the supply effected by the taxable person during the previous calendar year. The result shall be adjusted at the end of the calendar year, taking into account the proportion of taxable supply to total supply during the given calendar year. If the person has engaged in business for less than one calendar year, the proportion of taxable supply to total supply shall be determined by a decision of the tax authority on the basis of a petition by the taxable person, taking into account the estimated proportion of taxable supply to total supply during the first calendar year.
[RT I, 25.10.2012, 1 – entry into force 01.12.2012]

(3) In the case of the method combining direct calculation and proportional deduction, the input value added tax paid on goods acquired or services received for the purposes of taxable supply shall be deducted from the calculated value added tax. The input value added tax paid on goods acquired or services received for the purposes of supply exempt from tax shall not be deducted from the calculated value added tax. The input value added tax paid on goods acquired or services received for the purposes of both taxable supply and supply exempt from tax shall be deducted according to the proportion of taxable supply to total supply pursuant to the procedure provided for in subsection 2 of this section. A taxable person shall keep separate accounts for taxable supply and supply exempt from tax, for the goods acquired and services received for the purposes thereof and for goods acquired or services received for the purposes of both taxable supply and supply exempt from tax.

(4) If a taxable person has effected only supply exempt from tax or only taxable supply in an area of activity and both taxable supply and supply exempt from tax in another area of activity, the taxable person may, with the written permission of the tax authority, deduct the input value added tax paid on goods acquired or services received for the purposes of both taxable supply and supply exempt from tax in such area of activity according to the proportion of taxable supply to total supply in the same area of activity. Otherwise, the provisions of subsection 3 of this section apply in such cases.
[RT I, 25.10.2012, 1 – entry into force 01.12.2012]

§ 34. Refund of input value added tax to taxable person

(1) If value added tax calculated during a taxable period is less than the amount of input value added tax deductible by the taxable person during the same period, the overpaid amount of value added tax shall be refunded to the taxable person pursuant to the procedure provided for in the Taxation Act.

(2) The tax authority may, in connection with checking a claim for refund, extend the term for fulfilment of the claim for refund by a reasoned decision for up to sixty calendar days if there is reason to believe that it may be impossible to reclaim the sum paid upon satisfaction of the claim for refund, and if:
[RT I, 11.07.2014, 4 – entry into force 01.08.2014]
1) the taxable person has been ordered to provide additional proof, or
2) an inquiry to a third person or foreign tax authority has been made in order to check the claim for refund.
[RT I 2005, 68, 528 – entry into force 01.01.2006]

(3) The term for fulfilling a claim for refund may be extended for up to thirty calendar days at a time. The tax authority shall make a written reasoned decision on extension of the term of fulfilment of the claim for refund not later than five calendar days after the term of expiry of the term of fulfilment of the claim for refund.
[RT I 2005, 68, 528 – entry into force 01.01.2006]

(4) Upon checking the accuracy of the claim for refund without a petition for the fulfilment of the claim for refund, the provisions of subsections 2 and 3 of this section are applied.
[RT I 2008, 58, 323 – entry into force 01.01.2009]

(5) The tax authority of another Member State shall refund to a taxable person the value added tax paid in another Member State upon the import or acquisition of goods or receipt of services used for the purposes of its taxable supply effected in Estonia and, to a taxable person implementing special arrangements pursuant to § 43 of this Act, the value added tax paid in another Member State upon the import or acquisition of goods or receipt of services used for the purposes of its taxable supply. A petition for the refund of value added tax shall be submitted to the Estonian tax authority by electronic means no later than by 30 September of the calendar year following the period of refund.
[RT I, 18.02.2014, 2 – entry into force 01.01.2015]

§ 35. Refund of input value added tax in other cases

(1) Value added tax paid by a taxable person of another Member State in Estonia upon the import or acquisition of goods or receipt of services used for the purpose of business being carried out in the country of location of the person shall be refunded to the taxable person of another Member State on the basis of a petition from the taxable person and pursuant to the procedure established by a regulation of the minister in charge of the policy sector if:

1) the taxable person is required to pay value added tax as an undertaking in the country of location of the person;
2) in its country of location the taxable person has the right to deduct input value added tax paid upon the import or acquisition of goods or receipt of services under the same conditions from its calculated value added tax;
3) taxable persons of Estonia have the right to deduct, pursuant to this Act, input value added tax paid upon the import or acquisition of goods or receipt of services under the same conditions from their calculated value added tax;
4) the amount of value added tax to be refunded is at least 50 euros per calendar year or at least 400 euros in the case where the application is submitted concerning a period shorter than a calendar year but covering at least three months;
[RT I 2010, 22, 108 – entry into force 01.01.2011]
5) the application has been submitted electronically to the Estonian tax authority through the tax authority of the country of location of the taxable person of another Member State not later than by 30 September of the calendar year following the period of refund.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(1^1) If a taxable person of another Member State who has the right in its country of location to partially deduct input value added tax from the value added tax calculated on its taxable supply submits a petition for the refund of value added tax during the period of refund, upon any changes in the proportion of the partial deduction of input value added tax the taxable person shall submit a correction of the application for the refund of value added tax during the calendar year following the period of refund.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(1^2) The tax authority shall notify a taxable person of another Member State of the satisfaction or rejection of a petition for the refund of value added tax within four months or, upon the request of additional information, for example an invoice or import documentation, within six months of the receipt of the application. Upon the request of further additional information, the tax authority shall notify of making of the decision concerning the refund of value added tax within eight months of the receipt of the application. The tax authority shall send documents to the applicant electronically. If a petition for the refund of value added tax is satisfied, value added tax shall be refunded not later than within ten working days as of notifying the taxable person of the decision to satisfy the application.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(1^3) If value added tax is refunded to a taxable person of another Member State after expiry of the term provided for in subsection $1^2$of this section, the tax authority shall pay the person interest at the rate provided for in § 117 of the Taxation Act.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(2) Value added tax paid by a third country taxable person in Estonia upon the import or acquisition of goods, except immovables, or receipt of services used for business purposes shall be refunded to the third country taxable person on the basis of a written application from the taxable person and pursuant to the procedure established by a regulation of the minister in charge of the policy sector if:
1) the taxable person is required to pay value added tax as an undertaking in the country of location the person;
2) the amount of value added tax to be refunded per calendar year is at least 320 euros;
[RT I 2010, 22, 108 – entry into force 01.01.2011]
3) taxable persons of Estonia have the right to deduct, pursuant to this Act, input value added tax paid upon the import or acquisition of goods or receipt of services under the same conditions from their calculated value added tax;
4) in the country of location of the third country taxable person, Estonian residents have the right to the refund of value added tax.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(3) [Repealed – RT I 2009, 56, 376 – entry into force 01.01.2010]

(4) Value added tax to be refunded shall be transferred to the bank account specified in a petition submitted in the format established by a regulation of the minister in charge of the policy sector.

(5) The Government of the Republic has the right to establish, by a regulation, a list of movables and services upon the acquisition or receipt of which value added tax paid is not refunded to taxable persons of third countries even if the requirements specified in subsections 1 and 2 of this section are satisfied.

(6) Input value added tax paid upon acquisition or importation of goods in Estonia shall be refunded to persons who export such goods as humanitarian aid, provided that the export of the goods is certified by documents specified in subsection 5 of § 5 of this Act. Humanitarian aid is irrecoverable aid granted for alleviation of need to international organisations, foreign governments, foreign local governments or foreign non-governmental organisations.

(7) If a person is not entitled to the right to deduct input value added tax provided for in § 29 of this Act, the value added tax paid upon the acquisition or calculated on the purchase price of a new means of transport shall be refunded to the person after delivery of the new means of transport to the other Member State provided

that the person proves that value added tax has been paid on the intra-Community acquisition of the goods in the other Member State. Value added tax shall be refunded in an amount not exceeding the value added tax calculated on the usual value of the new means of transport determined upon the delivery of the new means of transport to the other Member State.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(8) A person who is not entitled to the right to deduct input value added tax and cannot apply for a refund of value added tax on the basis of subsection 1 of this section, shall be refunded value added tax paid upon the import of goods provided that the person proves that value added tax has been paid on the intra-Community acquisition of the goods in another Member State.

(9) [Repealed – RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(10) The procedure for the refund of value added tax to foreign taxable persons, the format of applications for such refunds of value added tax and the procedure for the refund of value added tax to persons who export goods as humanitarian aid shall be established by a regulation of the minister in charge of the policy sector.

(11) The procedure for the refund of value added tax paid upon the acquisition of new means of transport in special cases shall be established by a regulation of the minister in charge of the policy sector.

(12) [Repealed – RT I 2009, 56, 376 – entry into force 01.01.2010]

(13) A taxable person of another Member State or a third country person engaged in business, implementing special arrangements for imposing value added tax upon transfer of goods, intra-Community distance selling and transfer of goods through online marketplace shall be refunded the value added tax paid in Estonia upon import or acquisition of goods or receipt of services used for the goods and services under the special arrangements, taking account of the conditions provided for in subsections 1 and 2 of this section, except for the condition provided for in clauses 1 and 4 of subsection 2.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]]

§ 36. Obligations of taxable persons and taxable persons with limited liability upon keeping records

(1) A taxable person shall:
1) preserve copies of invoices issued by or on behalf the person (subsection 1 of § 37) and invoices for goods acquired or services received by or on behalf of the person in chronological order for seven years as of the date of their issue or receipt. The information set out in an invoice shall be preserved in its original form. Customs declarations certifying the import of goods shall be preserved for seven years as of the beginning of the calendar year following customs formalities;
2) pursuant to the procedure established by a regulation of the minister in charge of the policy sector, maintain daily records of taxable supply and supply exempt from tax, calculated value added tax and input value added tax payable on taxable supply acquired from other registered taxable persons or on goods and services specified in subsection 2 of § 4 of this Act and used for business purposes, and input value added tax calculated on the taxable value of received services or acquired goods specified in clauses 2–5 of subsection 4 of § 3 of this Act, and input value added tax paid or to be paid on imported goods used for the purposes of business;
3) keep records of goods dispatched or delivered to another Member State by or on behalf of the taxable person, provided that such goods are not treated as intra-Community acquisition of goods pursuant to subsection 2 of § 7 of this Act;
4) keep records of movables specified in clause 3 of subsection 3 of § 8 of this Act and delivered to the taxable person to Estonia from another Member State with an accuracy which enables the movables to be identified;
5) keep records of the transactions related to the reusable packaging specified in subsection 7 of § 11 of this Act and preserve the documentation concerning reusable packaging for a period of at least seven years;
6) keep records of transactions and acts related to call-off stock taking account of the provisions of clause 4 of subsection 1 and clauses 12–14 of subsection 2 of § 7 and subsections 6 and 7 of § 8 of this Act;
7) keep records of the transfer of goods and provision of services provided through the person's online marketplace to a person not registered as a taxable person or a taxable person with limited liability and, by way of derogation from clause 1 of this subsection, retain such data for ten years as of the end of the year of supply.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]
8) keep records relating to the invoices unpaid in part or in full specified in § 291 of this Act. [RT I, 23.02.2021, 1 – entry into force 01.01.2022]

(2) Registered taxable persons who sell investment gold shall maintain records of all transactions relating to investment gold and of all purchasers of investment gold and shall preserve the documentation relating to each transaction for five years as of the date of the transaction.

(3) A taxable person with limited liability shall:
1) preserve copies of invoices for goods acquired or services received specified in clauses 2–5 of subsection 4 of § 3 of this Act in chronological order for seven years as of the date of their issue or receipt. The information set out in an invoice shall be preserved in its original form;

2) pursuant to the procedure established by a regulation of the minister in charge of the policy sector, maintain daily records of value added tax calculated on the taxable value of received services and imported or acquired goods specified in clauses 2 and 5 of subsection 1 of § 1 or clauses 2–5 of subsection 4 of § 3 of this Act;
3) keep records of goods dispatched or delivered to another Member State by or on behalf of the taxable person with limited liability, provided that such goods are not treated as intra-Community acquisition of goods pursuant to subsection 2 of § 7 of this Act;
4) keep records of movables specified in clause 3 of subsection 3 of § 8 of this Act and delivered to the taxable person with limited liability to Estonia from another Member State with an accuracy which enables the movables to be identified.

(4) A taxable person or taxable person with limited liability may choose the place at which invoices are preserved and the manner thereof on the condition that the person makes the invoices or information preserved therein immediately available at the request of the tax authority and in the case the amount of value added tax calculated on transaction or procedure set out in the invoice is subject to payment in another Member State also at the request of a competent authority of another Member State.
[RT I, 27.03.2012, 7 – entry into force 01.01.2013]

(5) The procedure for maintaining daily records of value added tax of a taxable person shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 19.12.2019, 2 – entry into force 01.01.2020]

§ 36[1]. Record-keeping obligations of payment service provider

(1) A payment service provider that provides in the course of a quarter payment services relating to the same payee involving more than 25 payments, where the payer is located in one Member State and the payee is located in another Member State or in a non-Community country (hereinafter cross-border payment), is obliged to keep and transmit to the tax authority, in relation to the payment services provided to the payee and, where the location of the payee is in a non-Community country, in relation to the payment services provided to the payer, the following information about the beneficiary of cross-border payments and for payments the following information (hereinafter information):
1) BIC or other company identification code identifying the payment service provider;
2) the name or business name of the payee;
3) the tax identification number of the payee or another number identifying the payee, where any;
4) IBAN or, in the absence thereof, any other identifier which unambiguously identifies the payee and their location;
5) the identification code BIC or other company identification code of the payment service provider acting on behalf of the payee and its location, where the payee receives funds but does not have a payment account themselves;
6) the address of the payee, where any;
7) an indication of the refund;
8) the date and time of payment or refund;
9) the amount and currency of the payment or refund;
10) the country of origin of the payment received by or on behalf of the payee, the Member State of destination of the refund where applicable, and the information used to establish the origin or destination of the payment or refund in accordance with subsection 7 of this section;
11) a reference unambiguously identifying the payment;
12) information to that effect in case the payment is initiated at the trader's premises.

(2) The number of cross-border payments is calculated on the basis of the payment services provided by the payment service provider to the payee who is located in Estonia or to the payer in case the payee is established in a non-Community country. The number of payments is calculated per payee, including also where the payment service provider has information that the payee has more than one location identifier.

(3) The payment service provider is obliged to store the information electronically for three calendar years from the end of the calendar year in which the payment was made.

(4) The information is submitted to the tax authority for each quarter by the end of the month following the quarter in the e-service environment of the tax authority. In case the obligation to provide information for the relevant quarter has not arisen, it is confirmed in the e-service environment of the tax authority by the end of the month following the quarter. The obligation to provide such confirmation lies with the person specified in clause 1 of subsection 6 of this section who is entitled to provide the payment services covered by the obligation to provide information.

(5) The requirement to store and transmit information to the tax authority is not applied to payment services provided by the payment service provider of the payer in relation to payments where at least one of the payment service providers of the payee is located in a Member State, in accordance with the BIC of the payment service provider or other company identifier code identifying the payment service provider and its location. However, this payment service is taken into account when calculating the number of cross-border payments.

(6) For the purposes of this section, the terms relating to payments have the following meanings:
1) the payment service provider is a person specified in clauses 1 to 4 of subsection 6 of §3 of the Payment Institutions and E-money Institutions Act;

2) the payment service is a service specified in clauses 3 to 6 of subsection 1 of § 3 of the Payment Institutions and E-money Institutions Act;
3) the payment is a payment transaction for the purposes of the Law of Obligations Act, taking into account special rules provided in § 4 of the Payment Institutions and E-money Institutions Act;
4) the payer or the payee is the payer or the payee for the purposes of the Law of Obligations Act;
5) a payment account is a payment account for the purposes of the Law of Obligations Act;
6) IBAN is an international payment account identifier as defined in clause 15 of Article 2 of Regulation (EU) No 260/2012 of the European Parliament and of the Council establishing technical and business requirements for credit transfers and direct debits in euros and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, pp 22–37);
7) BIC is the identifier code of the payment service provider as defined in clause 16 of Article 2 of Regulation (EU) No 260/2012 of the European Parliament and of the Council.

(7) The Member State which corresponds to IBAN or other identifier of the payment account of the payer which unambiguously identifies the payer and their location or, in the absence of such identifiers, the Member State which corresponds to BIC or other identification code which unambiguously identifies the payment service provider acting on behalf of the payer, and the location thereof. The place of establishment of the payee is deemed to be a Member State or a non-Community country which corresponds either to IBAN of the payment account of the payee or to any other identifier which unambiguously identifies the payee and the location thereof or, in the absence of such identifiers, to a Member State which corresponds to BIC or other identification code which unambiguously identifies the payment service provider acting on behalf of the payee, and the location thereof.
[RT I, 21.11.2023, 1 - entry into force 01.01.2024]

§ 37. Invoices

(1) A taxable person shall issue an invoice for the transfer of goods or provision of services within seven calendar days as of the date on which the goods are dispatched or made available to the purchaser or the services are provided or as of the last day of the taxable period specified in subsection 4 of § 11 of this Act, or ensure that the invoice is issued within that term by a person acting in the name and for the account of the taxable person or by the acquirer of the goods or the recipient of the services, except in the case specified in subsection 3 of this section.

(1^1) If the place of supply of goods is Estonia, a taxable person shall issue an invoice for the transfer of goods or provision of services in accordance with the requirements of this section. A taxable person shall issue an invoice in correspondence with the conditions specified in this section also in the case where the place of supply is in a third country and upon the transfer of goods and provision of services which are subject to taxation in the Member State of the acquirer of goods or recipient of the service to a person who is registered as a taxable person or taxable person with limited liability in another Member State, except in the case where the acquirer of goods or a recipient of the service in another Member State issues an invoice for the goods transferred or service provided thereto on behalf of the taxable person.
[RT I, 27.03.2012, 7 – entry into force 01.01.2013]

(1^2) A taxable person and a third country person engaged in business shall issue an invoice in accordance with the requirements of this section if the person implements special arrangements, provided for in § 43 of this Act, upon the provision of service.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(2) If the supply is created upon receipt of full or partial payment for the goods or services, an invoice shall be issued within seven calendar days as of the date of receipt of full or partial payment for the goods or services.

(2^1) In the event of the Intra-Community supply of goods or upon the provision of service specified in clause 9 of subsection 4 of § 10 of this Act to a taxable person or taxable person with limited liability in another Member State, a taxable person shall issue an invoice by the fifteenth day of the month following the month in which the goods are dispatched or made available or the service is provided.
[RT I, 27.03.2012, 7 – entry into force 01.01.2013]

(3) An invoice meeting the requirements of this section need not be issued upon the transfer of goods or provision of services to a natural person for personal use, except in the case of intra-Community distance selling, the transfer of a new means of transport or treating as exports the goods transferred to a third country natural persoon. An invoice need not be issued upon the intra-Community transfer of goods if the taxable person implements special arrangements provided for in § 43 of this Act, and also upon the transfer of goods or provision of services specified in subsection 1, 2 or $2^1$of § 16 of this Act if value added tax is not imposed on the corresponding supply.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(4) A document, including a credit invoice, which amends an initial invoice and which contains a reference to the initial invoice shall be deemed to be an invoice.

(5) An invoice may be issued by the acquirer of goods or the recipient of services in respect of goods transferred or services provided thereto by a taxable person or foreign taxable person, on the condition that, before supply is effected, there is a written agreement between the two parties pursuant to which the acquirer of goods or the recipient of services will issue an invoice and the taxable person or foreign taxable person will accept the invoice. The agreement must contain the procedure for the acceptance of each invoice by the taxable person or foreign taxable person.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(6) An invoice may be issued on paper or, subject to acceptance by the acquirer of goods or the recipient of services, by electronic means.

(7) The following shall be set out in an invoice:
1) the serial number and date of issue of the invoice;
2) the name and address of the taxable person and the person's registration number as a taxable person;
3) the name and address of the acquirer of goods or the recipient of services;
4) the registration number of the acquirer of goods or the recipient of services as a taxable person if the acquirer of goods or the recipient of services has tax liabilities upon the acquisition of goods or receipt of services;
5) the name or a description of the goods or services;
6) the quantity of the goods or extent of the services;
7) the date of dispatch of the goods or provision of the services or the date of receipt of full or partial payment for the goods or services if the date can be determined and differs from the date of issue of the invoice;
[RT I 2008, 58, 324 – entry into force 01.01.2009]
8) the price of the goods or services exclusive of value added tax and any discounts, if these are not included in the price;
9) the taxable amount broken down by different rates of value added tax together with the applicable rates of value added tax or the amount of supply exempt from tax;
10) the amount of value added tax payable, except in the cases provided by law. The amount of value added tax shall be indicated in euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

(8) In addition to the information listed in subsection 7 of this section, the following shall be set out in an invoice:
1) where supply subject to value added tax at the rate of 0 per cent or supply exempt from tax is involved, reference shall be made to the appropriate provision based on which such rate can be applied: to the appropriate clause of subsection 3 or 4 of § 15 or the appropriate subsection and clause of § 16 of this Act, or to the appropriate subparagraph of Article 132, 135, 146, 148, 151 or 156, or Article 136, 142, 152, 153, 159, 160, 346, 347, 382 or 37(3) of Council Directive 2006/112/EC, or where intra-Community supply of goods is involved, reference to Article 138 of the Council Directive, and where transport of goods to the Azores or Madeira, or from the Azores or Madeira to Estonia or another Member State is involved, reference to Article 142 of the Council Directive. Reference to the appropriate provision based on which the tax rate is applied need not be set out in the invoice upon export of goods;
[RT I, 27.03.2012, 7 – entry into force 01.01.2013]
2) where the acquirer of goods or the recipient of services is liable to pay the tax, the reference 'reverse charge' if the place of supply of goods is not Estonia and in the cases specified in § 41^1 of this Act;
[RT I, 27.03.2012, 7 – entry into force 01.01.2013]
3) where goods sold to a natural person of a third country are treated as exports (subsection 2 of § 5), reference to subsection 2 of § 5 of this Act or Article 147 of Council Directive 2006/112/EC;
[RT I 2008, 58, 324 – entry into force 01.01.2009]
4) in the case of intra-Community transfer of a new means of transport, the particulars certifying that the transferred goods are a new means of transport and reference to clause 2 of subsection 3 of § 15 of this Act or subparagraph 138(2)(a) of Council Directive 2006/112/EC;
[RT I 2008, 58, 324 – entry into force 01.01.2009]
5) [Repealed – RT, I, 18.02.2014, 2 – entry into force 01.03.2014]
6) where special arrangements apply for imposing value added tax on travel services (§ 40), a notation 'procedure for taxing the margin – travel agencies';
[RT I, 27.03.2012, 7 – entry into force 01.01.2013]
7) where special arrangements apply for imposing value added tax on the resale of second-hand goods, original works of art, collectors' items and antiques (§§ 41 and 42), the reference ' procedure for taxing the margin – second-hand goods', 'procedure for taxing the margin – works of art' or ' procedure for taxing the margin – collectors' items and antiques' correspondingly;
RT, I, 18.02.2014, 2 – entry into force 01.03.2014]
8) if a foreign person engaged in business has designated a tax representative (§ 20), the registration number as a taxable person and the name and address of the tax representative, and reference to subsection 6 of § 20 of this Act or Article 204 of Council Directive 2006/112/EC;
[RT I 2008, 58, 324 – entry into force 01.01.2009]
9) upon preparing an invoice on the basis of subsection 5 of this section, the reference 'self-billing'.
[RT I, 27.03.2012, 7 – entry into force 01.01.2013]

10) in the case of the implementation of the special arrangements for cash accounting for value added tax (§ 44), the note "cash accounting of VAT ".
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]

(8^1) The reference provided for in clauses 1, 3–5 and 8 of subsection 8 of this section may be replaced by another clear and unambiguous notation.
[RT I, 27.03.2012, 7 – entry into force 01.01.2013]

(9) A simplified invoice may be issued, provided that the amount indicated in the invoice does not exceed160 euros exclusive of value added tax, in the following cases:
1) upon the provision of transport services for passengers;
[RT I 2010, 22, 108 – entry into force 01.01.2011]
2) in the case of invoices printed by parking meters, automated petrol stations and other similar machines.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(10) In the cases specified in subsection 9 of this section, at least the following information shall be set out in an invoice:
1) the date of issue of the invoice;
2) the name of the taxable person and the person's registration number as a taxable person;
3) the name or a description of the goods or services;
4) the taxable amount;
5) the amount of value added tax to be paid.

(11) A taxable person to whom an invoice is issued in compliance with the requirements listed in subsection 10 of this section shall indicate the name of the taxable person and the person's registration number as a taxable person on the invoice.

§ 38. Payment and receipt of value added tax

(1) A taxable person or taxable person with limited liability shall pay the amount of value added tax due by the date of submission of the value added tax return. The person shall, pursuant to the same procedure, pay any amount of value added tax which the person has indicated in an invoice or other sales document issued in violation of provisions of law.

(2) Payment of value added tax upon the import of goods shall be subject to the procedure provided for by the customs legislation. Upon the import of goods in the case specified in subsection 4 of § 6 of this Act, a person shall submit information concerning the import of goods on a customs declaration form and shall pay value added tax pursuant to the procedure provided for in the customs legislation.
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(2^1) Upon notifying the tax authority in writing in advance, a taxable person may declare value added tax calculated on import of goods in the value added tax return, provided that the tax authority has confirmed, pursuant to subsection $2^3$of this section, that the taxable person complies with the following conditions:
1) has been registered as a taxable person for at least preceding 12 consecutive months;
2) [Repealed – RT I, 29.11.2018, 2 – entry into force 01.01.2019]
3) [Repealed – RT I, 29.11.2018, 2 – entry into force 01.01.2019]
4) has not failed to submit tax returns on time within preceding 12 months;
5) has not had tax arrears within the preceding 12 months.
[RT I, 29.04.2016, 6 – entry into force 01.07.2016]

(2^2) Upon import of fixed assets, the taxable person need not comply with the conditions specified in clause 1 of subsection $2^1$of this section. In the case of non-compliance with the specified conditions, the taxable person is required to provide a security to the tax authority at the request of the latter. The tax authority shall notify the taxable person of the claim for a security in writing within five working days as of the receipt of a written notice in accordance with subsection $2^1$of this section.
[RT I, 29.11.2018, 2 – entry into force 01.01.2019]

(2^3) The tax authority shall verify the compliance of the taxable person with the conditions specified in subsection $2^1$of this section, taking into account the specification provided for in subsections $2^2$and 2^7, and shall confirm the compliance with the conditions of the taxable person within 30 days as of the receipt of a written notice pursuant to subsection 2^1or notify of the non-compliance.
[RT I, 29.11.2018, 2 – entry into force 01.02.2019]

(2^4) Every month, the tax authority checks the continued compliance of the taxable person with the conditions specified in subsection $2^1$of this section, taking account of the specification provided for in subsections $2^2$and

2^7, as of the confirmation of the compliance with the conditions of the taxable person provided for in subsection 2^3, and in the case of the non-compliance of the taxable person with them, the tax authority shall have the right to suspend the right to declare the value added tax calculated on the import of the goods in the value added tax return until the end of the following calendar month. The tax authority shall have the right to suspend the right to declare the value added tax calculated on the import of the goods in the value added tax return during the tax procedure.
[RT I, 29.11.2018, 2 – entry into force 01.02.2019]

(2^5) The right to declare the value added tax calculated on the import of goods in the value added tax return shall be repealed on the basis of the notification of a taxable person in writing or upon the deletion of the taxable person from the register as a taxable person.
[RT I, 29.04.2016, 6 – entry into force 01.07.2016]

(2^6) The tax authority may repeal the right to declare the value added tax calculated on the import of goods in the value added tax return by a notice of assessment or if such right has been suspended for six consecutive months on the basis of subsection $2^4$of this section.
[RT I, 29.04.2016, 6 – entry into force 01.07.2016]

(2^7) In the case of fuel import, a taxable person who is a fuel seller within the meaning of the Liquid Fuel Act needs not comply with the conditions specified in subsection 21 of this section if the taxable person has the obligation to provide a security upon import of fuel.
[RT I, 29.11.2018, 2 – entry into force 01.02.2019]

(3) A person specified in clause 2 of subsection 6 of § 3 of this Act shall pay value added tax by the twentieth day of the month following the month in which the corresponding invoice or other sales document is issued.

(4) A person specified in clause 3 of subsection 6 of § 3 of this Act shall pay, pursuant to the procedure established by the minister in charge of the policy sector, value added tax to the customs authorities within ten calendar days as of the date of delivery to Estonia of the new means of transport acquired from another Member State but not later than by the date of registration of a means of transport.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(5) Upon acquisition of excise goods from another Member State a person specified in clause 4 of subsection 6 of § 3 of this Act pays value added tax by the due date for payment of excise duty provided in the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]

(5^1) A person specified in clauses 5 and 6 of subsection 6 of § 3 of this Act, who is not a taxable person, pays value added tax without transfer of goods upon termination of tax storage or upon delivery of excise goods out of the excise warehouse.
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]

(6) Value added tax shall be paid into the state budget.

(7) The procedure for the payment of value added tax upon intra-Community acquisition of a new means of transport by a person who is not registered as a taxable person or taxable person with limited liability shall be established by a regulation of the minister in charge of the policy sector.

(8) Upon acquisition of excise goods from another member state by a person who is not registered as a taxable person or a taxable person with limited liability and termination of the tax warehousing of the goods without transfer of the goods by a person who is not registered as a taxable person or upon taking the excise goods out of the excise warehouse the procedure for declaring and paying value added tax is established by a regulation of the minister in charge of the policy sector..
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]

Chapter 5
SPECIFIC PROVISIONS CONCERNING TAXATION

§ 39. Tax incentives applicable to foreign missions, diplomats, Union institutions or an agency or body established under the Union law and armed forces of foreign states

[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(1) Value added tax shall not be imposed on the import of goods to a foreign diplomatic representation and consular post, a special mission, a representation or headquarters of an international organisation recognised by the Ministry of Foreign Affairs, a Union institution or an agency or body established under the Union law, a diplomatic representative or consular agent of a foreign state accredited to Estonia (except for honorary consul), a representative of a special mission and international organisation, as well as to a member of the administrative staff of a diplomatic representation, consular post and special mission. Upon acquisition of goods,

except foodstuffs, or services in Estonia, value added tax paid on such goods or services shall be refunded to a representation, institution, special mission, headquarters and natural person, except the Union institution or an agency or body established under the Union law, on the basis of an invoice meeting the requirements provided for in § 37 of this Act if, according to the invoice, the total value of the goods and services, including the value added tax, makes up at least 64 euros. In the case of public utility services, telecommunications services and fuel within the meaning of the Liquid Fuel Act, value added tax shall also be refunded if the value of the goods or services is less than 64 euros.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(1^1) Value added tax shall not be imposed on the import of goods to the European Commission or an agency or body established under the Union law upon the performance of the tasks assigned to it by the Union law in order to respond to the COVID-19 pandemic, unless those goods are imported for resale for consideration.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(1^2) If the conditions for tax exemption provided for in subsection 1^1 of this section do not apply any longer, the European Commission, agency or body which imports the goods under a tax exemption shall notify the tax authority thereof and pay the value added tax on the goods in question if the conditions for exemption from the value added tax cease to exist pursuant to the procedure and under the conditions established on the basis of subsection 3 of § 39 of this Act.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(2) Value added tax is not imposed on the import of goods to international military headquarters if the tax incentives are laid down in an international agreement ratified by the Riigikogu and on import of goods necessary for the armed forces of a NATO Member State participating in the common defence effort or a Member State participating in the defence effort implemented for the implementation of Union measures within the framework of the Common Security and Defence Policy, except Estonia, and the civilian staff accompanying them and to their members. Tax exemption on the import of goods and the refund of the value added tax paid upon acquisition of goods or services from Estonia is applied with regard to a member of the armed forces and the civilian staff of a foreign state and the dependant thereof, to an employee of the contractual partner of the armed forces of a foreign state, to a member of the international military headquarters and the dependent thereof and to an employee of the contractual partner of the international military headquarters and the dependents thereof and to the armed forces and civilian staff of a foreign state which is not a Member State or a NATO Member State, to an international military educational institution if the tax incentives are laid down in an international agreement ratified by the Riigikogu. Upon refund of the value added tax paid in Estonia upon acquisition of goods or receipt of service the minimum rate of the total value provided in subsection 1 of this section is applied with regard to the members of the international military headquarters and their dependents.
[RT I, 09.12.2021, 1 – entry into force 01.07.2022]

(3) The procedure for and conditions of exemption from value added tax and the procedure for and conditions of refund of value added tax on goods imported to meet the needs of a representation, authority, special mission, institution or an agency or body established under the Union law, specified in subsections 1–1^2 of this section, and the armed forces and civilian staff accompanying them and a member thereof and the dependent of the member, an employee of the contractual partner of the armed forces, headquarters, a member of the headquarters and the dependent of the member and of an educational institution specified in subsection 2 of this section shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(3^1) The format of applications for the refund of value added tax paid on goods acquired in Estonia shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 01.06.2013, 1 – entry into force 01.07.2013]

(4) On the proposal of the Minister of Foreign Affairs, exceptions to the provisions of subsection 1 of this section may be made on the basis of the principle of reciprocity by a regulation of the Government of the Republic.

(5) The right of a representation, authority, special mission, institution or an agency or body established under the Union law and natural person, specified in subsections 1 and 1^1 of this section, and members of an international military headquarters and their dependents, specified in subsection 2 of this section, to apply for exemption from or a refund of value added tax shall be approved by the Minister of Foreign Affairs or an official authorised by him or her.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(6) The right of the armed forces and accompanying civilian staff and their member and the dependent of the member, an employee of the contractual partner of the armed forces, headquarters, an employee of the headquarters and the dependent of the employee and of an educational institution specified in subsection 2 of this section to apply for exemption from or a refund of value added tax shall be approved by the minister in charge of the policy sector of national defence or an official authorised by him or her.

[RT I, 27.06.2017, 1 – entry into force 01.07.2017]

§ 40. Special arrangements for imposing value added tax on travel services

(1) Special arrangements for imposing value added tax on travel services (hereinafter special arrangements) are applicable to taxable persons who, acting in their own name, provide services directly related to travel (hereinafter travel services) to travellers, including legal persons and agencies, and use goods acquired and services received from other Estonian or foreign persons engaged in business in the provision of travel services.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(2) The special arrangements need not be applied to taxable persons who, acting in their own name, provide travel services to other Estonian or foreign taxable persons for resale.

(3) The place of supply of travel services subject to value added tax under special arrangements is Estonia. The place of supply of travel services is not Estonia if the services used in the provision of travel services are received from another taxable person or person engaged in business and if the other person provides the services in a third country. If a part of travel services is provided in a third country, Estonia shall not be deemed to be the place of supply of those travel services which are related to the services provided in the third country.

(4) The taxable value of travel services subject to special arrangements shall be the difference between the total amount to be paid for the services to a taxable person by the recipient of the services and the total cost, inclusive of value added tax, to the taxable person of goods acquired and services received from other taxable persons or persons engaged in business where these transactions are for the direct benefit of the recipient of the services, and the difference shall then be reduced by the value added tax contained therein.

(5) On the basis of a reasoned written application from a taxable person, the tax authority may grant permission to the taxable person to use, when calculating the taxable value of travel services, the average margin of the calendar year prior to the provision of the services. The margin is the proportion of the total cost, inclusive of value added tax, to a taxable person of goods acquired and services received from other taxable persons for the direct benefit of the recipient of the services to the total amount to be paid for the services to the taxable person by the recipient of the services. A taxable person that uses, with the permission of the tax authority, the average margin of the calendar year prior to the provision of the travel services in the calculation of the taxable value of the travel services, shall use the margin until the end of the calendar year and adjust the taxable value of the travel services at the end of the calendar year for the entire calendar year, proceeding from the taxable value of the travel services calculated pursuant to subsection 4 of this section.

(6) A taxable person that applies special arrangements shall not be entitled to the right to deduct from value added tax calculated pursuant to subsection 4 or 5 of this section input value added tax paid by the taxable person to another taxable person upon the acquisition of goods or receipt of services for the direct benefit of the recipient of the services.

(7) A taxable person shall treat all services provided and goods transferred to a recipient of travel services pursuant to special arrangements as a single travel service.

(8) If a taxable person applies special arrangements, the taxable person shall not indicate the amount of value added tax paid upon the acquisition of goods or the receipt of services or calculated on the taxable value determined pursuant to subsection 4 or 5 of this section on an invoice issued for travel services subject to special arrangements.

(9) A taxable person that provides both travel services subject to special arrangements and services not subject to special arrangements is required to keep separate records for travel services subject to special arrangements and goods acquired or services received therefor and of other services not subject to special arrangements and goods acquired or services received therefor.

(10) [Repealed – RT I 2005, 68, 528 – entry into force 01.01.2008]

(11) The procedure for adjustment, by taxable persons using an average margin, of the taxable value of travel services shall be established by a regulation of the minister in charge of the policy sector.
[RT I 2005, 68, 528 – entry into force 01.01.2006]

§ 41. Special arrangements for imposing value added tax on resale of second-hand goods, original works of art, collectors' items and antiques

(1) A taxable person that acquires second-hand goods, original works of art, collectors' items or antiques with a view to resale and does not use the goods may, upon resale, apply the procedure for the calculation of taxable value provided for in subsection 3 of this section on the condition that the taxable person acquired the goods:
1) from a person of Estonia or another Member State who is not a taxable person;
2) from a taxable person of Estonia or another Member State who did not add value added tax to the price of the goods upon transfer of the goods and who could not deduct input value added tax paid upon acquisition of the goods;

3) from a taxable person of Estonia or another Member State, in so far as the resale of second-hand goods, original works of art, collectors' items or antiques by that other taxable person was subject to value added tax in accordance with special arrangements provided for in this section.

(2) "Second-hand goods" means movables which have been used and which are suitable for further use as they are or after repair, other than original works of art, collectors' items or antiques and other than precious metals or precious stones. "Original works of art" means the goods referred to in Part A of Annex IX to Council Directive 2006/112/EC, thereby taxable persons shall have the option of not considering the items mentioned in points (5)-(7) of Part A of Annex IX to Council Directive 2006/112/EC as "original works of art". "Collectors' items" means philately items (CN code 9704 00 00) and collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological, paleontological, ethnographic or numismatic interest (CN code 9705 00 00). "Antiques" means objects which are more than 100 years old (CN code 9706 00 00).
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(3) In the case of the resale of second-hand goods, original works of art, collectors' items or antiques, the taxable value of supply shall be the difference between the sales price and purchase price of the goods, which has been reduced by the value added tax contained therein. If the procedure for calculating the taxable value provided for in the first sentence of this subsection is difficult to follow in respect of each individual item of second-hand goods, the tax authority may, based on a reasoned written request, grant the taxable person the right to calculate the taxable amount to be declared in the taxable period in the case of the resale of those goods, on the basis of the difference between the resale and purchase prices of the specified goods resold and purchased in the taxable period, less the value added tax contained therein. If the taxable value to be declared in the taxable period is negative, it is not reflected in the value added tax return and is carried forward to the next taxable period in the daily accounting of the value added tax of the taxable person. If the taxable amount calculated in accordance with the procedure provided in this subsection is positive, it shall be reduced to zero by carrying forward the negative taxable amount from previous taxable periods.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(4) A taxable person that applies the procedure for the calculation of taxable value set out in subsection 3 of this section shall not indicate the amount of value added tax paid upon the acquisition of goods or calculated on the taxable value determined pursuant to subsection 3 of this section on an invoice or other sales document issued.

(5) If a taxable person has notified the tax authority accordingly, the person may also resell the following goods under the procedure for calculating taxable value provided for in subsection 3 of this section:
1) original works of art, collectors' items and antiques imported by the person;
2) original works of art sold to the taxable person by the author or the copyright holder.

(6) A taxable person that utilises the option specified in subsection 5 of this section shall observe the procedure for calculating taxable value provided for in subsection 3 of this section upon the resale of the goods specified in subsection 5 of this section for at least two calendar years as of taking up the option specified in subsection 5 of this section.

(7) In the case of the supply of original works of art, collectors' items or antiques imported by a taxable person, the taxable value calculated pursuant to subsection 1 of § 13 of this Act plus the value added tax calculated on the taxable value is deemed to be the purchase price.

(8) [Repealed – RT I 2008, 58, 324 – entry into force 01.01.2009]

(9) A taxable person does not have the right to deduct value added tax pursuant to the procedure for calculating taxable value provided for in subsection 3 of this section upon the taxation of supply effected by the taxable person, where the person paid the value added tax on the following:
1) the import of original works of art, collectors' items or antiques;
2) the acquisition of original works of art from the author or the copyright holder.

(10) A taxable person is required, under the procedure for calculating taxable value provided for in subsection 3 of this section, to keep separate records of the acquisition and transfer of goods transferred. A taxable person must have documents certifying the acquisition of goods from a person specified in subsection 1 of this section and the compliance of the goods with the criteria set out in subsection 2 of this section.

§ 41[1]. Special arrangements for imposing value added tax on immovables, scrap metal, precious metal and metal products

[RT I, 08.11.2016, 1 – entry into force 01.01.2017]

(1) If a taxable person transfers the goods specified in subsection 2 of this section to another taxable person, the acquirer of the goods shall pay the sales price exclusive of value added tax to the transferor. The acquirer of the

goods shall calculate the amount of the value added tax mentioned on the invoice issued for the transaction as the amount of value added tax to be paid by the acquirer instead of the transferor.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(2) The special arrangements provided in this section shall apply for the supply of the following goods:
1) immovable or part thereof about adding a value added tax to a taxable value of which a taxable person is required to notify the tax authority pursuant to subsection 3 of § 16 of this Act;
2) scrap metal within the meaning of the § 104 of the Waste Act..
3) investment gold about including a value added tax in the taxable amount of which a taxable person is required to notify the tax authority pursuant to subsection 3 of § 16 of this Act.
[RT I, 06.06.2014, 2 – entry into force 01.07.2014]
4) precious metal for the purposes of the Precious Metal Articles Act, except for investment gold and metal material containing precious metals, including waste containing precious metals, if they are transferred to a taxable person not holding waste permit.
[RT I, 06.06.2014, 2 – entry into force 01.07.2014]
5) metal products with CN-codes 7208-7220 (except products with code 721691, welding wire and welding rods) 7222, 7225, 7226, 7228 (except welding rods), 73011000, 730300–7306 (except ventilation, aspiration, smoke and rainwater pipes), 73081000, 73082000, 73121061, 73121069, 731420 and 73143900, which are specified in the Commission Implementing Regulation (EU) 2015/1754 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 285, 30.10.2015, pp. 1–926).
[RT I, 24.04.2018, 2 – entry into force 01.05.2018]

(3) Upon acquisition of the goods specified in subsection 2 of this section the acquirer of the goods shall record the value added tax of the taxable transaction and the amount of value added tax to be paid in the value added tax return during the period of the receipt of the invoice for such goods.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(4) In the case specified in subsection 1 of this section the purchaser deducts the input value added tax from the calculated value added tax pursuant to the provisions of this Act in the same taxation period where the purchaser calculates the amount of the value added tax as the value added tax paid by the purchaser.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(5) The transaction specified in subsection 1 of this section must be set out on the invoice separately with the reference „reverse charge“. If the supply has not been fully effected by the time of submission of the invoice pursuant to § 11 of this Act, a separate invoice shall be issued for the transaction specified in subsection 1 of this section with the reference „reverse charge“.
[RT I, 24.04.2018, 2 – entry into force 01.05.2018]

§ 42. Special arrangements for imposing value added tax on sale of second-hand goods, original works of art, collectors' items and antiques at public auctions

(1) In the case of the sale of second-hand goods, original works of art, collectors' items or antiques at a public auction, the taxable value of the supply of the organiser of the auction shall be the difference between the sales price and the price paid to the principal which has been reduced by the value added tax contained therein.

(2) The sales price of the goods is the amount paid by the purchaser to the organiser of the auction on the basis of an invoice or other sales documents issued by the organiser. The sales price of the goods shall include the price of the goods at the public auction and other amounts payable by the purchaser of the goods to the organiser of the auction in connection with the acquisition of the goods.

(3) The price payable to the principal is equal to the difference between the price of the goods at the public auction and the commission obtained or to be obtained by the organiser of the public auction from the principal under the contract.

(4) The organiser of a public auction shall not indicate the amount of value added tax calculated on the taxable value determined pursuant to subsection 1 of this section on an invoice or other sales document issued to a purchaser.

(5) The procedure for calculating taxable value provided for in subsection 1 of this section shall be applicable if the organiser of the public auction acts on the basis of a commission contract concluded with a person specified in clauses 1–3 of subsection 1 of § 41 of this Act, whereby commission is payable on the sale of goods at the public auction.

(6) A taxable person acting as an organiser of an auction to whom goods are delivered under a contract specified in subsection 5 of this section shall issue a statement to the principal of the person setting out the price of the goods at the public auction and the amount representing the price of the goods at the public auction less the commission payable by the principal. The statement shall also serve as an invoice issued by the principal to the organiser of the public auction.

§ 43. Special arrangements for imposing value added tax on services, intra-Community distance selling and transfer of goods through online marketing

[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

(1) A taxable person and a third country person engaged business (hereinafter in this chapter a person implementing special arrangements) may implement special arrangements for imposing value added tax (hereinafter in this chapter special arrangements) specified in this section upon imposing the value added tax (hereinafter in this chapter special arrangements) on the services, intra-Community distance selling and transfer of goods through online marketplace (hereinafter goods and services covered by special arrangements) on condition that:
1) a taxable person whose company has a seat in Estonia provides services with the place of supply is in another Member State to a person who is not registered as a taxable person or a taxable person with limited liability;
2) a taxable person whose company has a seat outside the Community but whose permanent business establishment is located in Estonia provides service with the place of supply in another Member State to a person, who is not registered as a taxable person or a taxable person with limited liability;
3) a third country person engaged in business, whose company has a seat outside the Community and who has no permanent business establishment in the Community, provides services to a person who is not registered as a taxable person or a taxable person with limited liability;
4) a taxable person whose company has a seat in Estonia carries out intra-Community distance selling;
5) a taxable person whose company has a seat in Estonia enables a taxable person whose company has a seat outside the Community and who does not have a permanent business establishment in the Community to carry out intra-Community distance selling through online marketplace;
6) a taxable person whose company has a seat outside the Community but whose permanent business establishment is in Estonia carries out intra-Community distance selling;
7) a taxable person whose company has a seat outside the Community but whose permanent business establishment is in Estonia enables a taxable person whose company has a seat outside the Community and who does not have a permanent business establishment in the Community to carry out intra-Community distance selling through online marketplace;
8) a taxable person whose company has a seat outside the Community and who does not have a permanent business establishment in the Community carries out intra-Community distance selling from Estonia;
9) a taxable person whose company has a seat outside the Community and who does not have a permanent business establishment in the Community enables a taxable person whose company has a seat outside the Community and who does not have a permanent business establishment in the Community to carry out intra-Community distance selling from Estonia through online marketplace;
10) a taxable person whose company has a seat in Estonia enables a taxable person whose company has a seat outside the Community and who does not have a permanent business establishment in the Community to transfer goods to a person who is not registered as a taxable person or a taxable person with limited liability if the delivery of the goods transferred begins and ends in the same Member State, including Estonia;
11) a taxable person whose company has a seat outside the Community but whose permanent business establishment is in Estonia enables a taxable person whose company has a seat outside the Community and who does not have a permanent business establishment in the Community to transfer goods located in the Community through online marketplace to a person not registered as a taxable person or a taxable person with limited liability if the delivery of the goods to be transferred to the acquirer begins and ends in the same Member State, including Estonia;
12) a taxable person whose company has a seat outside the Community and who does not have a permanent business establishment in the Community enables, through online marketplace, a taxable person whose company has a seat outside the Community and who does not have a permanent business establishment in the Community to transfer goods located in Estonia to a person who is not registered as a taxable person or a taxable person with limited liability in Estonia.

(2) Special arrangements shall be applied to the taxation of all the goods and services covered by special arrangements.

(3) A taxable person whose company has a seat or permanent business establishment in Estonia shall not implement special arrangements upon provision of such service whose place of supply is in Estonia or in another Member State where is located his or her permanent business establishment.

(4) If a taxable person whose company has a seat outside the Community and whose permanent business establishment is in Estonia and another Member State has chosen to implement special arrangements in Estonia, such decision shall be binding on the taxable person in the calendar year in which the implementation of special arrangements begins and in two consequent calendar years.

(5) If a taxable person whose company has a seat outside the Community and who does not have a permanent business establishment in the Community carries out intra-Community distance selling from Estonia and another Member State or enables a taxable person whose company has a seat outside the Community and who does not have a permanent business establishment in the Community to transfer goods located in Estonia to a person who

is not registered as a taxable person or a taxable person with limited liability in Estonia and another Member State, and has chosen to implement special arrangements in Estonia, such decision shall be binding on the taxable person in the calendar year in which the implementation of special arrangements begins and in two consequent calendar years.

(6) A taxable person, who wishes to implement special arrangements, or a third country person engaged in business specified in clause 3 of subsection 1 of this section, who wishes to register in Estonia on the basis of special arrangements, shall submit a petition therefor via the electronic portal.

(7) The tax authority shall assign a registration number to a third country person engaged in business for the implementation of a specific special arrangement and shall notify the person thereof electronically within five working days as of the receipt of the petition.

(8) The special arrangements shall be implemented as of the first day of the quarter which is following the quarter when the taxable person submitted a petition to the tax authority for the implementation of special arrangements or the third country person engaged in business was registered.

(9) If a person transfers goods or provides a service covered by special arrangements before the date specified in subsection 8 of this section, the special arrangements shall be implemented as of the first day of the transaction covered by special arrangements on condition that the person has submitted a petition for the implementation of special arrangements at the latest on the tenth date of the month following the month of the transfer of the goods or provision of services covered by special arrangements.

(10) A person implementing special arrangements shall submit a value added tax return for the goods and services covered by special arrangements for each quarter through the electronic portal on the website of the tax authority. The value added tax return for goods and services covered by special arrangements shall be submitted by the end of the first month of the next quarter. The person implementing special arrangements shall pay the amount of the value added tax payable by the date of submission of the value added tax return specified.

(11) Where a taxable person implementing special arrangements has a permanent business establishment in another Member State from which the person provides services to a person who is not registered as a taxable person or a taxable person with limited liability, the place of supply of which is elsewhere in the Member State where the taxable person does not have a permanent business establishment, the supply of such services is declared on the value added tax return of the goods and services covered by special arrangements.

(12) Where goods and services covered by special arrangements have been paid for in a currency other than the euro, in order to express the necessary data in euros on the value added tax return for the goods and services covered by special arrangements, the exchange rate of the euro is applied, determined by the European Central Bank on the last day of the quarter preceding the quarter in which the value added tax return is submitted, or if it is not published, the exchange rate of the next publication date.

(13) Changes in the value added tax return for goods and services covered by special arrangements shall be presented in the relevant value added tax return for the current quarter during three years as of the date of submission of the original declaration, indicating the Member State in which the goods were transferred or services provided under special arrangements and the period and amount of the value added tax for which the change is necessary.

(14) A person implementing special arrangements may not, relating to its taxable activities covered by special arrangements, deduct the value added tax paid in the Member State to which specific special arrangements are implemented, as the input value added tax in respect of the person’s taxable activities covered by the special arrangement but has the right to claim a refund thereof from the tax authorities of the relevant Member State.

(15) A person implementing special arrangements is required to keep for ten years, as of 31 December of the year of transaction, the following data:
1) the Member State to which the goods or services were transferred;
2) a description and quantity of the transferred goods or the type of service provided;
3) the date of transfer of the goods or provision of the service;
4) the taxable amount and the currency used;
5) subsequent increase or decrease of the taxable amount;
6) the applicable value added tax rate;
7) the amount of the value added tax payable and the currency used;
8) the date and amount of the receipt of payments received;
9) advance payments received before the transfer of goods or provision of a service;
10) in the case of the issue of an invoice, the information contained in the invoice;
11) in the case of a service, information which is used to determine the location or residence of the customer and, in the case of goods, information which is used to determine the place of despatch and destination of the delivery of goods to the consignee;
12) evidence of possible return of the goods, including the taxable amount and the applicable value added tax rate.

(16) A person implementing special arrangements is required to make the information specified in subsection 15 of this section immediately available electronically at the request of the tax authority.

(17) A person implementing special arrangements shall notify the tax authority via the electronic portal on the webpage of the tax authority of the termination of the transfer of goods or provision of services covered by special arrangements, of the change in their activities in such a manner that they no longer fulfil the conditions necessary for implementation of special arrangements and the change in the data presented in the petition, specified in subsection 6 of this section, by the tenth date of the month following the month of changes. The tax authority shall be notified of the termination of the implementation of special arrangements if the person continues to transfer goods or provide services covered by special arrangements, at least 15 days before the end of the quarter in which the person intends to terminate the implementation of special arrangements.

(18) The tax authority shall terminate the implementation of special arrangements to a taxable person or delete a third country person engaged in business from the register if at least one of the following circumstances exists:
1) the person implementing special arrangements has declared that the person no longer transfers goods or provides services covered by special arrangements;
2) the person implementing special arrangements has not transferred the goods or provided the services taxable under special arrangements for two years;
3) the person implementing special arrangements no longer complies with the conditions for the implementation special arrangements;
4) the person implementing special arrangements has repeatedly failed to comply with the requirements established for the implementation of special arrangements.

(19) The tax authority shall send a decision to terminate the implementation of special arrangements with regard to the person or to delete the person electronically to the person implementing special arrangements. The decision shall enter into force on the first day of the quarter following the quarter in which the decision was sent. If the termination of special arrangements is related to the change of the seat or permanent business establishment of the person, the decision shall take effect on the date of that change. If the termination of the implementation of special arrangements or the deletion from the register of a person implementing special arrangements is related to the repeated failure of that person to comply with the requirements established for the implementation of special arrangements, the decision shall enter into force on the day following its electronic transmission.

(20) If the tax authority terminates the implementation of special arrangements to a taxable person or deletes a third country person engaged in business because the person has repeatedly failed to comply with the requirements established for the implementation of special arrangements, the person shall not have the right to implement special arrangements and the special arrangements specified in § 43[1] of this Act within two years as of the quarter following the quarter in which the decision to terminate implementation of special arrangements enter into force.

(21) For the purposes of this section, non-compliance with the requirements established for the implementation of special arrangements is repeated if at least one of the following circumstances occurs:
1) the tax authority has electronically issued reminders to the person implementing special arrangements for three immediately preceding quarters of the obligation to submit value added tax declarations for goods and services covered by special arrangements, but these declarations have not been submitted with regard to any relevant quarter within ten days as of the sending of the reminder;
2) the tax authority has issued reminders of the value added tax arrears electronically to the person implementing special arrangements for three immediately preceding quarters, but the person has not paid the amount of value added tax due for any relevant quarter within ten days as of sending the reminder, unless the unpaid amount is less than 100 euros per quarter;
3) at the request of the tax authority and one month after the reminder was sent by the tax authority, the person implementing special arrangements has not made electronically available the information specified in subsection 15 of this section.

(22) A third country person engaged in business, specified in clause 3 of subsection 1 of this section, who has chosen to use special arrangements, cannot appoint a tax representative to himself.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

§ 43[1]. Special arrangement for taxation of distance selling of goods imported from third Countries

(1) The special arrangements for taxation of distance selling of goods imported from a third country (hereinafter in this section special arrangements) apply to the consignment of goods the actual value of which does not exceed 150 euros in the case of distance selling of goods imported from a third country. The special arrangements do not apply to excise goods.

(2) The following persons may implement special arrangements (hereinafter in this section person implementing special arrangements):
1) a taxable person whose company has a seat in Estonia and who carries out distance selling of goods imported from a third country;

2) a taxable person whose company has a seat outside the Community but whose permanent business establishment is located in Estonia and who carries out distance selling of goods imported from a third country;
3) a taxable person whose company has a seat in Estonia and who enables the distance selling of goods imported from a third country through an online marketplace;
4) a taxable person whose company has a seat outside the Community but whose permanent business establishment is in Estonia and who enables the distance selling of goods imported from a third country through an online marketplace;
5) a taxable person specified in clauses 1–4 of this subsection and a third country person engaged in business who does not have a seat or permanent business establishment in the Community, or a taxable person of another Member State, who carries out distance selling of goods imported from a third country or enables distance selling of goods imported from a third country through an online marketplace and who is represented by an intermediary;
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]
6) a third country person engaged in business, who does not have a seat or a permanent business establishment in the Community, with whose country of residence the Union has concluded a mutual assistance contract concerning administrative cooperation, the fight against fraud and the recovery of claims related to the value added tax, and who carries out distance selling of goods from their country of residence.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(3) For the purposes of this section, an intermediary is a taxable person whose company has a seat in Estonia and who has been appointed by the person implementing special arrangements as the person who, for and on behalf of him, is required to perform the obligations provided for in special arrangements. A person who is solvent and has an impeccable reputation and who has no tax debt has the right to act as an intermediary.

(4) A person implementing special arrangements is required to apply special arrangements to the distance selling of all the goods imported from a third country.

(5) If a taxable person, whose company has a seat outside the Community but whose permanent business establishment is in Estonia and another Member State, has chosen to implement special arrangements in Estonia, such decision shall be binding on the taxable person in the calendar year of commencement of implementation of special arrangements and in two consequent calendar years.

(6) A person implementing special arrangements may appoint one intermediary at a time.

(7) The time of the supply of distance selling of goods subject to taxation under special arrangements is the day on which the person implementing special arrangements has received confirmation of payment for the goods or payment obligation or notice of payment authorization.

(8) A taxable person, a third country person or an intermediary who wishes to commence the implementation of special arrangements shall submit a petition for that purpose on the website of the tax authority through an electronic portal.

(9) In order to implement special arrangements, the tax authority shall assign a registration number to a taxable person, a third country person and an intermediary for each person whom he or she has been appointed to represent. The intermediary shall be given a registration number as a taxable person for and on behalf of the person implementing special arrangements for the performance of the obligations provided for in special arrangements. The tax authority shall notify the person of the registration number electronically. The specific registration number shall only be used for specific special arrangements.

(10) The right to implement special arrangements begins as of the day when the person implementing special arrangements, or the intermediary has been given the registration number specified in subsection 9 of this section.

(11) A person implementing special arrangements, or an intermediary shall submit the value added tax return for the distance selling of goods imported from a third country on a monthly basis through the electronic portal on the website of the tax authority. The value added tax return for the distance selling of imported goods shall be submitted by the end of the month following the month of supply. The person implementing special arrangements, or the intermediary is required to pay the amount of the value added tax due by the date of submission of the value added tax return for the distance selling of imported goods.

(12) Amendments to the value added tax return for the distance selling of imported goods shall be submitted on the relevant value added tax return for the current month within three years as of the date of the original declaration, indicating the Member State, the period for which the submitted value added tax return is amended and the amount of the value added tax in which amendment is necessary.

(13) If the goods covered by special arrangements have been paid for in a currency other than the euro, for expressing the necessary data in euros in the value added tax return for distance selling of goods imported from a third country, the exchange rate of the euro determined by the European Central Bank valid on the last day of the month preceding the month in which the value added tax return was submitted or, if the exchange rate of that day is not published, the exchange rate of the next date of publication.

(14) A person implementing special arrangements may not, relating to the taxable activities covered by special arrangements, deduct value added tax, paid in the Member State with regard to which special arrangements are implemented, as input value added tax from the value added tax payable, but the person shall have the right to apply to the tax authority of the relevant Member State for a refund thereof.

(15) A person implementing special arrangements and an intermediary are required to keep the following information for each of their principals for a period of ten years as of 31 December of the year in which the transaction takes place:
1) the Member State to which the goods are delivered;
2) the description and quantity of the goods;
3) the date of supply of the goods;
4) the taxable amount in euros;
5) subsequent increase or decrease of the taxable amount;
6) the applicable value added tax rate;
7) the amount of value added tax payable in euros;
8) the date and amount of the receipt of payments received in euros;
9) upon issue of an invoice the information contained in the invoice;
10) information used to determine the place of despatch and destination of the goods to the consignee;
11) evidence of possible return of the goods, including the taxable amount and the applicable value added tax rate;
12) order number or transaction number;
13) the number of the consignment if the person implementing special arrangements is directly related to the transfer of the goods.

(16) A person implementing special arrangements, or an intermediary is required to make the information specified in subsection 15 of this section immediately available electronically at the request of the tax authority.

(17) A person implementing special arrangements or an intermediary shall notify, via the electronic portal on the webpage of the tax authority, of the termination of the implementation of special arrangements, of the change of their activities in such a manner that they no longer comply with the conditions provided for the implementation of special arrangements, and the change in the data submitted in the petition specified in subsection 8 of this section by the tenth date of the month following the month of changes. The tax authority shall be notified of the termination of the implementation of special arrangements for at least 15 days before the end of the month preceding the month in which the person intends to terminate the implementation of special arrangements.

(18) The tax authority shall delete the person implementing special arrangements from the register if at least one of the following circumstances occurs:
1) the person implementing special arrangements has notified the tax authority that he does not carry out distance selling of goods imported from a third country;
2) the person implementing special arrangements has not carried out distance selling of goods imported from a third country on the basis of special arrangements for two years;
3) the person implementing special arrangements no longer complies with the conditions for the implementation of special arrangements;
4) the person implementing special arrangements has repeatedly failed to comply with the requirements established for the implementation of special arrangements.

(19) The tax authority shall delete the intermediary and the person represented by that intermediary from the register if at least one of the following circumstances exists:
1) the intermediary has not acted as an intermediary for two consecutive quarters;
2) the intermediary does not comply with the conditions for acting as an intermediary;
3) the intermediary has repeatedly failed to comply with the requirements established for the implementation of special arrangements.

(20) The tax authority shall delete the person represented by the intermediary from the register if at least one of the following circumstances exists:
1) the intermediary has informed the tax authority that the person represented by the intermediary no longer carries out distance selling of goods imported from a third country;
2) the person has not carried out distance selling of goods imported from a third country on the basis of special arrangements within two years;
3) the person no longer complies with the conditions for the implementation of special arrangements;
4) the person has repeatedly failed to comply with the requirements established for the implementation of special arrangements;
5) the intermediary has informed the tax authority that the intermediary of the person concerned no longer represents the person concerned.
21) The tax authority shall send electronically the decision to delete the person from the register to the person implementing special arrangements and to the intermediary. The decision shall enter into force on the first day of the month following its issue. If the deletion from the register of a person implementing special arrangements

or of an intermediary is related to the change of the seat or permanent business establishment of the person implementing special arrangements or the intermediary, the decision shall enter into force on the date of that change. If the deletion from the register of the person implementing special arrangements or the intermediary is related to repeated failure by the person implementing special arrangements or the intermediary to comply with the requirements established for the implementation of special arrangements, the decision shall enter into force on the day following its electronic transmission.

(22) If the tax authority removes the person implementing special arrangements from the register because the latter has repeatedly failed to comply with the requirements established for the implementation of special arrangements, the person shall not have the right to implement special arrangements and the special arrangements provided for in § 43 of this Act within two years as of the month following the month of the entry into force of the decision to delete from the register. If the tax authority removes the intermediary from the register because the latter has repeatedly failed to comply with the requirements established for the implementation of special arrangements, the person shall not have the right to act as an intermediary for two years as of the beginning of the month when the intermediary was deleted from the register.

(23) The number assigned for the implementation of special arrangements on the basis of subsection 9 of this section shall be valid for up to two months after the entry into force of the decision to delete the person from the register only in the case of transactions covered by special arrangements, which have been made before the entry into force of the decision. The provision shall not be applied with regard to the person implementing special arrangements, who has been deleted from the register for a repeated failure to comply with the requirements established for the implementation of special arrangements, including with regard to the person whose intermediary has been deleted from the register for a repeated failure to comply with the requirements specified above.

(24) For the purposes of this section, non-compliance with the requirements established for the implementation of special arrangements is repeated if at least one of the following circumstances occurs:
1) the tax authority has issued reminders electronically to the person implementing special arrangements or to the intermediary with regard to three months immediately preceding the obligation to submit the value added tax return for the distance selling of imported goods, but these declarations have not been submitted for any relevant month within ten days as of the sending of the reminder;
2) the tax authority has electronically issued reminders of the value added tax debt to the person implementing special arrangements or to the intermediary for three immediately preceding months, but the person has not paid the amount of the value added tax payable for any relevant month within ten days as of the sending of the reminder, except in the case the unpaid amount is less than 100 euros for each month;
3) upon the request of the tax authority and one month after the reminder was sent by the tax authority, the person implementing special arrangements or the intermediary has not made the information specified in subsection 15 of this section electronically available.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

§ 43[2]. Special arrangements for declaration and payment of value added tax on imported goods

(1) The special arrangements for declaring and paying value added tax on goods imported from a third country (hereinafter in this section special arrangements) shall be applied to imported consignments whose actual value does not exceed 150 euros and to which the special arrangements for distance selling of goods imported from a third country do not apply. The special arrangements shall not be applied to excise goods.

(2) Special arrangements may be implemented by a taxable person (hereinafter in this section person implementing special arrangements), who:
1) submits to the customs authorities a customs declaration for imported goods as an indirect representative on behalf of the consignee of the goods;
2) is the possessor of goods within the meaning of the Customs Code;
3) delivers the goods to the consignee located in Estonia.

(3) A person implementing special arrangements shall collect the value added tax from the person to whom the goods are sent and on behalf of whom the customs declaration is submitted.

(4) A person implementing special arrangements shall pay within a calendar month, on behalf of the consignee, the amount of the value added tax payable determined on the customs declarations submitted to the tax authority on the basis of the summary declaration by the 16th date of the following month. The summary declaration shall be prepared by the tax authority on the basis of the customs declarations submitted by the person during the calendar month and shall be submitted to the person at the latest on the first day of the month following the month of submission of the customs declarations. The amount payable on the summary declaration shall be adjusted in accordance with the changes in the data of the customs declarations submitted by the person in previous periods.

(5) The value added tax rate of 22 per cent shall be applied to the taxation of an imported consignment under special arrangements.
[RT I, 01.07.2023, 2 – entry into force 01.01.2024]

(6) A person implementing special arrangements is required to make electronically available additional documents related to the customs declaration specified in subsection 4 of this section at the request of the tax authority.
[RT I, 23.02.2021, 1 – entry into force 01.07.2021]

§ 44. Special arrangements for cash accounting for value added tax

(1) A taxable person whose taxable supply did not exceed 200,000 euros in the previous calendar year or as of the beginning of the current calendar year may implement special arrangements in cash accounting for value added tax (hereinafter special arrangement). A person shall notify in writing the tax authority about the taxation period from which the person shall commence using special arrangements either upon registration as a taxable person or at the latest during the taxation period prior to implementation of special arrangements. The calculation of the threshold of the taxable supply does not take into account the transfer of fixed assets and the incidental transfer of immovable as good.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(2) A person that wishes to implement special arrangement shall keep records of the registration obligation threshold specified in 19 (1) of this Act on the cash basis. Value added tax shall be added to the transaction with which the threshold is exceeded in the extent of the entire transaction.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(3) Upon using special arrangements, the day when the act specified in 11 (1) 2) or 3) was performed is deemed the time of supply.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(4) Upon transfer of goods free of charge by a taxable person that uses special arrangement, the date on which the goods are dispatched or made available to the purchaser shall be the time of supply.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(5) [Repealed – RT I, 09.12.2021, 1 – entry into force 01.07.2022]

(6) If the dispatched goods and services provided are not paid for and the taxable person that uses special arrangement is deleted from the register of taxable persons the supply is deemed to have been effected in the taxation period for which the last value added tax return is to be submitted.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(7) Upon implementation of special arrangements, the entitlement to the deduction of input value added tax on goods acquired or service provided arises after payment for the goods or services. Upon partial payment for the goods acquired or service provided the entitlement to the deduction of input value added tax arises to the extent in which the goods or services are paid for.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(8) To discontinue special arrangements a taxable person shall notify the tax authority in writing at the latest during the taxation period prior to the discontinuation and in the case provided in subsection 9 of this section at the latest in the first taxation period from which the implementation of special arrangement was discontinued.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(9) A taxable person is required to discontinue implementation of special arrangements if the supply of the taxable person exceeds 200,000 euros as of the beginning of the calendar year. The special arrangements shall not be implemented as of the first date of the calendar month following the generation of the supply. Upon keeping record of the threshold of the taxable supply the transfer of fixed assets and the incidental transfer of immovable as goods shall not be taken into account.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(10) After termination of the implementation of special arrangement a taxable person calculates the value added tax on goods dispatched and made available and services provided, and the input value added tax on goods acquired and services received during the period of implementing special arrangements in the procedure provided in this section. The general procedure of value added tax accounting shall be applied to the supply that was effected before implementation of special arrangements and the calculation of the input value added tax on goods acquired and service received.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(11) Special arrangements are not implemented in case of the following transactions and acts:
1) import of goods;
2) intra-Community supply and acquisition;
3) provision to a taxable person or to a taxable person with limited liability of another Member State of such service specified in clause 9 of subsection 4 of § 10 of this Act the place of supply of which is not Estonia;

4) receipt from a foreign person engaged in business of such service the place of supply of which is not Estonia;
5) [Repealed – RT I, 09.12.2021, 1 – entry into force 01.07.2022]

(12) [Repealed – RT I, 29.05.2014, 1 – entry into force 01.11.2014]

§ 44[1]. Tax warehousing

(1) Tax warehousing means placing the Union goods specified in Annex V to Council Directive 2006/112/EC in a place approved by the tax authority for the purpose of application of value added tax incentives. A tax warehouse is a place where tax warehousing is carried out.
[RT I, 18.02.2014, 2 – entry into force 01.03.2014]

(2) The keeper of a tax warehouse shall provide security in order to guarantee performance of tax obligations which may arise with regard to the goods stored in the tax warehouse. In the cases not regulated in the Taxation Act the provisions concerning customs debt provided for in customs legislation shall be applied to the provision, acceptance, release and use of the security and the calculation of its amount.
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(3) A permit issued by the tax authority is required for operating a tax warehouse. A person wishing to operate a tax warehouse shall submit a written application containing the information necessary for obtaining a permit for operating a tax warehouse.

(4) The tax authority shall issue a permit for operating a tax warehouse if the following conditions are met:
1) the accounting of the applicant enables the tax authority to check the activities of the applicant;
2) the applicant keeps accurate accounts concerning the movement of the goods;
3) the applicant has no tax arrears;
4) the applicant has submitted accurate data to the tax authority;
5) the application is economically justified.

(5) The tax authority may refuse to issue a permit for operating a tax warehouse if, within a period of six months before the date of submission of the application, the applicant has been punished for a misdemeanour provided by §§ 154 or 156 of the Taxation Act, or the applicant has committed a criminal offence specified in §§ 389[1] or 389[2] of the Penal Code if information concerning the punishment has not been expunged from the criminal records database.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(6) The keeper of a tax warehouse shall keep stock records of all the goods admitted in the tax warehouse in a form approved by the tax authority. Goods shall be entered in the warehouse stock records without delay after the relevant person brings the goods in the tax warehouse. The stock records must enable the tax authority to identify the goods and record the transactions carried out with the goods as well as the movements of the goods.

(7) The goods are deemed to be admitted in the tax warehouse after they have been entered in the warehouse stock records. Tax warehousing is deemed to be terminated after the goods have been deleted from the warehouse stock records.

(8) If as a result of processing, goods no longer belong to the list of goods specified in Annex V to Council Directive 2006/112/EC, the tax warehousing of the goods shall be immediately terminated.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(9) Goods which are admitted in a tax warehouse may be transferred to another tax warehouse without suspending the tax warehousing. The keeper of the sending tax warehouse is liable for the performance of the tax obligation until the goods are entered in the stock records of the other tax warehouse. If goods are unlawfully taken out of the place prescribed for tax warehousing, the keeper of the tax warehouse and the person who took the goods out shall bear solidary liability for the performance of the tax obligation provided in clause 5 of subsection 6 of § 3 of this Act.

(10) Goods missing from a tax warehouse are deemed to be goods unlawfully taken out of the place prescribed for tax warehousing. Upon comparing the results of measurements of liquids or bulk with the data submitted concerning such goods, the tax authority may consider the measurement uncertainty of the measurement process. If goods are lost to an extent which exceeds the measurement uncertainty, the warehouse keeper must prove to the tax authority that the loss occurred by virtue of unforeseeable circumstances, a natural process or the particular nature of the goods.

(11) The tax authority may suspend a permit for operating a tax warehouse for up to two calendar months and set a term for elimination of the differences based on which the permit was suspended, for compliance with the requirements of the tax authority or for taking the goods out of the tax warehouse, if:
1) within a period of six months before the date of suspension of the permit, the warehouse keeper has been punished for a misdemeanour provided by §§ 154 or 156 of the Taxation Act or the warehouse keeper has committed a criminal offence specified in §§ 3891 or 3892 of the Penal Code;
[RT I 2009, 56, 376 – entry into force 01.01.2010]
2) the keeper of the warehouse has tax arrears;

3) false information has been submitted upon application for the permit;
4) the operation of the tax warehouse does not conform to the requirements for operating a tax warehouse;
5) the obligation to provide a tax warehouse security has not been performed.

(12) A permit for operating a tax warehouse shall be invalidated on the basis of a written application of the warehouse keeper or on the initiative of the tax authorities. The tax authority may revoke a permit if:
1) the permit was suspended prior to revocation on the grounds specified in clause 1 of subsection 11 of this section;
2) the warehouse keeper fails to eliminate the circumstances underlying the invalidation of the permit within the specified term.

(13) The requirements for tax warehouses and the procedure for the issue, suspension and invalidation of a permit for operating a tax warehouse, and the procedure for the storage and transport of the goods admitted to a tax warehouse shall be established by a regulation of the minister in charge of the policy sector.
[RT I 2005, 68, 528 – entry into force 01.01.2006]

§ 44[2]. Securities

(1) To secure the performance of the tax liability which may arise, the tax authority shall have the right to require a security from the handler of alcohol, the handler of tobacco products and the handler of fuel in accordance with the procedure established in the Taxation Act.
[RT I 2009, 56, 376 – entry into force 01.01.2010]

(2) The seller of liquid fuel shall submit security to the tax authority in the procedure established in the Liquid Fuel Act.
[RT I, 15.03.2011, 11 – entry into force 01.04.2011]

Chapter 6
FINAL PROVISIONS

§ 45. Taxation of supply based on contracts entered into before entry into force of this Act

(1) This Act also applies to the taxation of supply which is based on contracts entered into before the entry into force of this Act if the actual supply is effected after the entry into force of this Act.

(2) In the following cases, supply is deemed to have been effected during the time governed by the Value Added Tax Act in force until the entry into force of this Act:
1) if supply is created pursuant to the Value Added Tax Act in force until the entry into force of this Act prior to the entry into force of this Act but, pursuant to this Act, upon the entry into force of this Act or later;
2) if supply is created pursuant to the Value Added Tax Act in force until the entry into force of this Act upon the entry into force of this Act or later but, pursuant to this Act, prior to the entry into force of this Act. In both cases, the taxable person shall perform any obligations relating to value added tax pursuant to the Value Added Tax Act in force until the entry into force of this Act.

§ 46. Implementation of Act

(1) Persons who have been registered as taxable persons on the basis of the Value Added Tax Act in force until the entry into force of this Act and who have not been deleted from the register are deemed to be taxable persons as of the entry into force of this Act. Taxable persons who have been registered as a single taxable person on the basis of the Value Added Tax Act in force until the entry into force of this Act and the decision concerning whose registration as a single taxable person has not been annulled are deemed to be a single taxable person as of the entry into force of this Act.

(2) A person specified in subsection 1 of this section shall submit a value added tax return and pay value added tax for the taxable period prior to the entry into force of this Act pursuant to the procedure prescribed by the Value Added Tax Act in force prior to the entry into force of this Act.

(3) [Repealed – RT I, 24.04.2018, 2 – entry into force 01.10.2018]

(4) If a taxable person notified the tax authority prior to 1 January 2004 in writing of the person's wish that the supply of the person's dwelling or services of leasing a dwelling or supply of costs relating to land tax and building insurance demanded by the person as the lessor of a dwelling from the recipient of the service be taxed, taxation of such supply may continue until 1 May 2014.

(5) The period for the recalculation of input value added tax (§ 32) on immovables which a taxable person has been using for business for less than five calendar years upon the entry into force of this Act shall be extended

to ten calendar years as of the commencement of use of the immovables for business. The number of calendar years from the commencement of use of the immovables for business until the entry into force of this Act shall be multiplied by two upon calculation of the recalculation period.

(6) The right to apply an exemption from value added tax or the 0 per cent value added tax rate granted by the tax authority pursuant to § 31 of the Value Added Tax Act in force until the entry into force of this Act shall be valid even if the transaction or act to which the decision of the tax authority pertains is performed after the entry into force of this Act. Value added tax paid on goods or services until the entry into force of this Act shall be refunded under the conditions and pursuant to the procedure established on the basis of § 31 of the Value Added Tax Act in force until the entry into force of this Act.

(7) The provisions of the Value Added Tax Act in force until the entry into force of this Act apply to the transfer of goods pursuant to a capital lease contract entered into prior to the entry into force of this Act on the condition that the goods have been transferred into the possession of the contractual user of the goods prior to the entry into force of this Act.

(8) [Repealed – RT I, 11.07.2014, 3 – entry into force 01.12.2014]

(9) [Repealed – RT I, 10.12.2010, 3 – entry into force 01.01.2011]

(10) The provisions of the Value Added Tax Act in force until the entry into force of this Act apply to Community goods or goods in free circulation in the Czech Republic, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia or the Slovak Republic (hereinafter acceding countries) which are delivered to Estonia and on the export of which customs formalities are completed in the Community or the acceding country prior to the entry into force of this Act until value added tax is paid on the import of the goods.

(11) If a person does not have the right to deduct input value added tax and cannot apply for a refund of value added tax on the basis of subsection 1 of § 35 of this Act, value added tax paid upon the import of goods covered by the temporary importation procedure with total relief from import duties shall be refunded to the person as of the entry into force of this Act, on the condition that the person proves that earlier export of the goods from a Member State of the Community or an acceding country has not given rise to the application of the 0 per cent value added tax rate, an exemption from value added tax or a refund of value added tax.

(12) If goods which are undergoing the outward processing procedure in the Community or an acceding country upon the entry into force of this Act are delivered into Estonia under customs supervision, the provisions of the Value Added Tax Act in force until the entry into force of this Act apply to the goods until value added tax is paid on the import of the goods.

(13) If Estonian goods which were delivered to a Member State of the Community or an acceding country for purposes which comply with the purposes of implementing the temporary importation procedure with total relief from import duties prior to the entry into force of this Act are delivered into Estonia under customs supervision, the provisions of the Value Added Tax Act in force until the entry into force of this Act apply to the goods until the goods are imported.
[RT I 2005, 68, 528 – entry into force 01.01.2006]

(14) If goods which were undergoing the processing procedure under customs control in Estonia on 1 January 2009 are placed under the customs procedure of release for free circulation, the provisions of this Act in force on 31 December 2008 apply to the import of the goods.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(15) Decisions concerning the registration as a single taxable person and made before 31 December 2009 shall be annulled as of 1 January 2010.
[RT I 2008, 58, 324 – entry into force 01.01.2009]

(16) Until 31 December 2011 the export of goods is deemed to be the transfer of the goods to a third county natural person for transportation to the third country in baggage with which the person is travelling if the sales price of the goods in the packaging transferred to the person by the same taxable person at the same point of sale on the same date, with value added tax, exceeds 38.35 euros and the criteria provided for in clauses 1, 3 and 4 of subsection 2 of § 5 of this Act are met.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

(17) As an exemption from clause 5 of subsection 1 of § 35 of this Act a taxable person of another Member State is entitled to submit the application for return of the value added tax paid in Estonia upon import or acquisition of goods or service received used for the purpose of business created in the country of location in 2009 at the latest by 31 March 2011.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011 – is applied retroactively pursuant to subsection 6 of § 50 as of 1 October 2010)

(17^1) On the basis of a reasoned request of a taxable person the tax authority may allow not to submit the appendix to the tax return or part thereof until 20 June 2015. The permission shall be given in the case the administrative burden of the taxable person for performance of information technology developments would get unreasonably large upon the entry into force of the obligation provided for in subsection $1^2$of § 27 of this Act on

1 November 2015. The application shall be submitted to the tax authority by 31 August 2014. The tax authority shall make the decision for the grant of permission within 30 calendar days as of the receipt of the application.
[RT I, 29.05.2014, 1 – entry into force 01.07.2014]

(17^2) The extension of the term for fulfilment of the claim for refund submitted until 31 July 2014 shall be applied the procedure for extension of the term for fulfilment of the claim for refund valid until 31 July 2014.
[RT I, 11.07.2014, 4 – entry into force 01.08.2014]

(18) A taxable person or a third country person engaged in business that wishes to implement a special arrangement for imposing value added tax on electronic communications services or electronically supplied services from 1 January 2015 may submit a petition for that purpose on the web page of the tax authority through the electronic portal as of 1 October 2014.
[RT I, 18.02.2014, 2 – entry into force 01.10.2014]

(19) The tax authority shall allocate a registration number to the third country person engaged in business and shall notify the taxable person thereof by electronic means within five working days as of the receipt of the application specified in subsection 18 of this section.
[RT I, 18.02.2014, 2 – entry into force 01.10.2014]

(20) The appendix to the value added tax return specified in subsection 1 of § 27 of this Act shall be submitted for the first time by 20 December 2014.
[RT I, 29.05.2014, 1 – entry into force 01.11.2014]

(21) Until 20 January 2016 a taxable person shall have the right to reflect the amounts of the invoices in the appendix to the value added tax return by transaction partners in the procedure established by a regulation of the minister in charge of the policy sector.
[RT I, 29.05.2014, 1 – entry into force 01.11.2014]

(22) The regulation on taxation of vouchers provided in subsection 13 of § 2, subsection $1^1$of § 4, subsection $2^1$of § 11 and subsection $1^1$of § 12 of this Act shall apply only to vouchers issued from 1 January 2019.
[RT I, 29.11.2018, 2 – entry into force 01.01.2019]

(23) The value added tax paid in Estonia on goods purchased or services received or goods imported in order to respond to the COVID-19 pandemic in 2021 upon the performance of the tasks assigned to it by the European Commission or an agency or body established under the Union law shall be refunded, unless the specified goods are acquired or imported for resale for consideration or the service is received for resale for consideration. The value added tax shall be refunded pursuant to the procedure and under the conditions established on the basis of subsection 3 of § 39 of this Act on the basis of a request approved by the minister in charge of the policy sector or an official authorized by the minister. If the conditions for refunding the value added tax have ceased to exist, the value added tax is subject to payment on such goods or services. The principles provided for in subsection 8 of § 15 and subsection $1^2$of § 39 of this Act apply upon the payment of the value added tax.
[RT I, 09.12.2021, 1 – entry into force 01.01.2022]

(24) A taxable person who, upon calculating the value added tax, complies with special arrangements provided in § 44 of this Act, may, until 31 December 2025, pay value added tax at a rate of 20% on the turnover of goods or services subject to the value added tax rate provided in subsection 1 of § 15, which were provided after 31 December 2023, in case an invoice was issued to the purchaser and the goods were dispatched or made available or the service was provided before 1 January 2024.
[RT I, 01.07.2023, 2 – entry into force 01.01.2024]

(25) Until 31 December 2025 a taxable person is entitled, on the basis of a written contract concluded before 1 May 2023, to apply the rate of the value added tax provided in subsection 1 of §15 of this Act in force until 31 December 2023 to the supply of taxable goods or provision of services, where that relevant contract provides that the price of the goods or services includes the value added tax or the price is added the value added tax at a rate of 20% and the contract does not provide for a change in price resulting from the change of the rate of the value added tax.
[RT I, 01.07.2023, 2 – entry into force 01.01.2024]

§ 47.–§ 49.[Omitted from this text]

§ 50. Entry into force of Act

(1) This Act enters into force as of Estonia's accession to the European Union.

(2) Section 48 of this Act enters into force on 1 January 2004.

(3) [Repealed – RT I 2007, 17, 83 – entry into force 01.03.2007]

(4) [Repealed – RT I 2007, 17, 83 – entry into force 01.03.2007]

(5) Subsection 10 of § 40 of this Act applies until 31 December 2007.
[RT I 2005, 68, 528 – entry into force 01.01.2006]

(6) Subsection 17 of § 46 of this Act is applied retroactively as of 1 October 2010.
[RT I, 10.12.2010, 3 – entry into force 01.01.2011]

[1] Thirteenth Council Directive 86/560/EEC on the harmonisation of the laws of the Member States relating to turnover taxes – Arrangements for the refund of value added tax to taxable persons not registered in Community territory (OJ L 326, 21.11.1986, pp.40-41; Council Directive 2006/79/EC on the exemption from taxes of imports of small consignments of goods of a non-commercial character from third countries (OJ L 286, 17.10.2006, pp. 15-18); Council Directive 2006/112/EC on common system of value added tax (OJ L 347, 11.12.2006, pp.1-118), as amended by Directives 2006/138 / EC (OJ L 384, 29.12.2006, p. 92–93), 2007 / 75 / EC (OJ L 346, 29.12.2007, pp. 13-14), 2008/8 / EC (OJ L 44, 20.2.2008, pp. 11-22), 2008/117 / EC (OJ L 14, 20.1.2008) .2009, pp. 7-9), 2009/47 / EC (OJ L 116, 4.5.2009, pp. 18-20), 2009/69 / EC (OJ L 175, 4.7.2009, pp. 12-13), 2009 / 162 / EU (OJ L 10, 15.1.2010, pp. 14-18), 2010/23 / EU (OJ L 72, 20.3.2010, pp. 1-2), 2010/45 / EU (OJ L 189, 22.7.2010) .2010, pp. 1-8), 2010/88 / EU (OJ L 326, 10.12.2010, pp. 1-2), 2013/42 / EU (OJ L 201, 26.7.2013, pp. 1-3), 2013 / 43 / EU (OJ L 201, 26.7.2013, p. 4-6), 2013/61 / EU (OJ L 353, 28.12.2013, p. 5-6), (EU) 2016/856 (OJ L 142, 31.05.2016, pp. 12-13), (EU) 2016/1065 (OJ L 177, 1.7.2007, pp. 9-12), (EU) 2017/2455 (OJ L 348, 29.12.2017, pp. 7-22)), (EL) 2018/912 (OJ L 162, 27.6.2018, p. 1-2), (EL) 2018/1695 (OJ L 282, 12.11.2018, p. 5-7), (EL) 2018/1713 (OJ L 286, 14.11.2018, p. 20–21) (EL) 2018/1910 (OJ L 311, 7.12.2018, p. 3–7), (EU) 2018/2057 (OJ L 329, 27.12.2018, p. 3–7), (EU) 2019/475 (OJ L 83, 25.3.2019, pp. 42-43), (EL) 2019/1995 (OJ L 310, 02.12.2019, p. 1-5), EU) 2021/1159 (OJ L 250, 02.15..07.2021, pp. 1-3); Council Directive 2007/74/EC on the exemption from value added tax and excise duty of goods imported by persons travelling from third countries (OJ L 346, 29.12.2007, pp.6-12); Council Directive 2008/9/EC laying down detailed rules for the refund of value added tax , provided for in Directive 2006/112/EC, to taxable person not established in the Member State of refund but established in another Member State (OJ L 44, 20.02.2008, pp.23-28), as last amended by Directive 2010/66/EU (OJ L, 275, 20.10,2010, pp.1-2); Council Directive 2009/132/EC determining the scope of Article 143 (b) and (c) of Directive 2006/112/EC as regards exemption from value added tax on the final importation of certain goods (OJ L 292, 10.11.2009, pp.5-30), as amended by Directive 2017/2455 (OJ L 348, 29.12.2017, p. 7–22). [RT I, 21.11.2023, 1 – entry into force 01.01.2024]