

Customs Manual on Import VAT

A Guide for Staff on Value Added Tax payable on goods imported from outside the European Union.

(This document does not purport to be a definitive legal interpretation of the law on this matter and it should be read in conjunction with the relevant legislation.)

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Table of Contents

1	Introduction.....	3
1.1	General	3
1.2	Circumstances giving rise to Import VAT	3
1.3	Import VAT similar to Customs Duty in Operation	5
1.4	Goods from within the European Union.....	5
1.5	Registered and Unregistered Traders.....	6
1.6	VAT Rates.....	6
2	The Basics of the Import VAT System	7
2.1	AEP / Automated Import System (AIS)	7
2.2	Payment of Import VAT	8
2.3	Value for Import VAT Purposes	9
2.4	Overpayments	11
2.5	Miscellaneous Refund Schemes	13
3	Relief from Import charges.....	14
3.1	Reliefs that apply to both Customs Duty & Import VAT	14
3.2	Other Reliefs which only apply to Import VAT	15
3.3	Application of these Reliefs	15
3.4	Relief under temporary admission	15
3.5	The VAT 56A Scheme.....	16
3.6	Onward Supply Relief (Also known as customs procedure 42 or cp42)	17
3.7	Re-importations.....	19
3.8	Customs-free airport	19
3.9	Waiver of small amounts.....	19
4	Modes of importation	20
4.1	Postal importations	20
4.2	Merchandise in Baggage.....	20
4.3	Personal travellers.....	20
4.4	Centralised Clearance.....	20
5	Import VAT in specific situations	22
5.1	Aircraft.....	22
5.2	Ships, boats and other vessels.....	23
5.3	Clothing.....	24
5.4	Cinematograph films, sound and video tapes, CD's and DVD's.....	24
5.5	Electronic data.....	24
6	Conclusion	25
6.1	Fraud.....	25
6.2	Doubts and difficulties.....	26
	Appendix A - Goods diverted to home use.....	27
	Appendix B - Onward Supply Relief	28
	Appendix C - Legislation	29

1 Introduction

1.1 General

In accordance with the Value-Added Tax Consolidation Act 2010 VAT is, broadly, payable

- a) on the supply of goods and services effected within the State for consideration by a taxable person in the course or furtherance of business;
- b) on the intra-Community acquisition of goods effected within the State for consideration by a taxable person; and
- c) on goods imported into the State from outside the European Union.

This Manual deals with the situation at (c) above and gives a general overview of the arrangements in place in relation to VAT payable on goods imported into the State from outside the EU (usually referred to as "Import VAT"). The relevant legislation is contained in Council Directive 2006/112/EC (often referred to as the VAT Directive) and the Value-Added Tax Consolidation Act 2010 (hereinafter referred to as the VAT Consolidation Act) and the Regulations made under that Act. A full list of the relevant legislation is set out in [Appendix C](#). The detailed circumstances under which Import VAT is payable are set out in the following paragraph.

AIS Changes:

On 23rd November 2020, Revenue will implement a new National Automated Import system (AIS) that will replace AEP for imports only. Further information regarding AIS can be found on the AIS section of the Revenue website. **This manual provides information on current Import VAT guide and also for the updated codes that will be implemented with the introduction of Revenue's new electronic Automated Import System (AIS) on 23rd November 2020.**

The majority of import procedures will not change. However, where AIS impacts a procedure it will be noted in the guide.

In AIS, information is contained in 8 Groups, each with its own Data Elements (DE). The reference is expressed as DE; X/XX. For example, DE 1/1, denotes Group 1, Data element 1.

1.2 Circumstances giving rise to Import VAT

1. **Third Countries and Third Territories** - Goods which enter the State from a territory outside the European Union (usually referred to as 'Third Countries') are subject to Import VAT. There are a number of places within the European Union which are not governed by the Principal VAT Directive and imports of goods from these territories may also be subject to Import VAT. These territories are referred to as 'Third Territories' or 'Non-Fiscal Territories' to distinguish them from 'Third Countries' and include the following:

- Mount Athos
- The Canary Islands
- The French overseas departments
- The Åland Islands
- The Channel Islands

In general, we can say that these territories are part of the Customs Territory of the European Union but not part of the Fiscal Territory of the European Union. For a complete list of places which do not fall neatly within the Customs Territory or the Fiscal Territory of the EU please refer to Articles 5 to 8 of the VAT Directive.²

Imports from the Third Territories are denoted on the import Customs Declaration by the code 'CO' in DE 1/1.

Import VAT does not apply to services.

2. **Other Member States** – As a general rule, EU goods brought into the State from another Member State are not subject to Import VAT (see [paragraph 1.4](#)). However, goods (originally from outside the EU) from another Member State which are not in free circulation at the time of their entry to the State are subject to Import VAT, if they are put into free circulation here. (Typically, this will arise in the context of goods in transit through the other Member State on their way to Ireland).
3. **Duty Suspension Arrangements** - Goods in the State which are held under one of the duty suspension arrangements listed in [paragraph 1.3](#) below are also subject to Import VAT if they are removed from the suspension arrangement and placed into free circulation. (This reflects the fact that the Import VAT treatment normally reflects the Customs duty treatment).
4. **Excise Warehousing** - Imports from outside the European Union (other than alcoholic products) which are entered for excise warehousing are subject to Import VAT. In this instance the goods are being released for free circulation (i.e. appropriate Customs duty is being paid) and the duty suspension (warehousing) only applies to the Excise duty. Again, the Import VAT treatment reflects the Customs duty treatment. (**Note: If the goods were being entered for customs warehousing and excise warehousing the Import VAT would not be payable**).
5. **Alcohol** - Special rules apply to the payment of VAT on alcohol products when supplied while being held under duty suspension arrangements. The effect of these rules is that
 - Import VAT is not chargeable on imported alcohol products being entered for an excise duty suspension arrangement (excise warehousing);
 - instead, the Import VAT due on the importation is payable with the Excise duty on removal of the goods from duty suspension (excise warehouse) and the value for Import VAT purposes includes the Excise duty payable.

See [Alcohol Products](#) on Revenue.ie for further information.⁴

1.3 Import VAT similar to Customs Duty in Operation

The VAT Consolidation Act provides that the provisions of the Customs Act 2015⁴ and other law in force in the State relating to customs apply, with such exemptions and modifications as may be specified in Regulations, to Import VAT as if it were a duty of customs. Therefore, the mechanisms for collecting VAT on imports generally parallel the arrangements for collecting Customs duty (e.g. the Import VAT is collected with the Customs duty on the basis of an import declaration). In addition, as a general rule, the VAT treatment will follow the Customs duty treatment (e.g. where the goods are placed under a customs regime where Customs duty is not payable (say inward processing) then Import VAT will also not be payable). However, **this is not an absolute rule** and there are situations where the Customs and Import VAT treatment diverges - these differences are outlined in more detail in this Manual.

The arrangements where the Import VAT treatment **follows** the Customs duty treatment are as follows:^{43A}

- a) arrangements for temporary importation **with total exemption from Customs duty**,
- b) external transit arrangements,
- c) temporary storage arrangements,
- d) customs warehousing arrangements,
- e) inward processing arrangements,
- f) arrangements for the admission of goods into territorial waters in connection with drilling or production platforms,
- g) outward processing arrangements.

Other arrangements relating to customs concerning the suspension of Customs duties, reduction in Customs duties or repayment or remission of Customs duties do NOT apply to Import VAT.⁴⁴ An example would be where the goods qualify for non payment of Customs duty because they are for use in a private aircraft - the End-Use Authorisation relieves them of Customs duty, but Import VAT remains payable. However, an End-use Authorisation to cover goods under paragraph f) above would relieve both Customs duty and Import VAT.

1.4 Goods from within the European Union

Union goods brought into the State from other Member States of the EU are still often loosely referred to as "imports". It should be noted, however, that since the introduction of the Single Market, Union goods brought into the State from other Member States are treated in VAT terms as [intra-Community acquisitions](#) and goods supplied to other Member States are treated as [intra-Community supplies](#). **This Manual does not cover these situations, so for further information on supplies of this nature follow the hyperlinks to Revenue.ie**

1.5 Registered and Unregistered Traders

Traders are required to register for VAT in certain situations – broadly, if their annual turnover exceeds a certain threshold – see Revenue.ie for further details on the [thresholds](#) that apply. Generally, VAT registered traders can claim back, in their VAT Return (VAT 3), the Import VAT paid on goods imported for their business. Subject to certain exceptions, traders involved in exempt activities and private individuals not registered for VAT pay the Import VAT without the possibility of reclaiming it later. The circumstances under which unregistered persons can claim a refund of VAT are listed in the [VAT section](#) of the Revenue website. This is an important distinction and explains why in some instances the approach to Import VAT will vary depending on whether or not the trader is registered for VAT.

See paragraph [2.5](#) below on Miscellaneous Refund Schemes for further information.

1.6 VAT Rates

The rate of Import VAT payable is the same as the rate that applies to supplies of the same (or similar) products in the domestic market. So, goods subject to the zero rate in Ireland will be subject to zero rate on importation, and likewise for goods subject to the reduced or standard rates. Most goods are subject to the standard VAT rate, as provided for in Section 46(1)(a) of the VAT Act. Those that are not are governed by Section 46(1)(b),(c), (ca) and (d) of the Act and the Schedules thereto, which are listed below. An index to the VAT rates that apply to a broad range of goods and services is available in the [VAT section](#) of the Revenue website.

- Schedule 1 of the VAT Consolidation Act covers goods which may be **Exempt** from VAT.¹⁰
- Schedule 2 of the VAT Consolidation Act¹¹ covers goods which may be **zero-rated** (0%).
- Schedule 3 of the VAT Consolidation Act¹² covers goods subject to the **reduced rates** (currently 13.5%).
- Schedule 5 of the VAT Consolidation Act¹³ covers Works of Art, Collectors' Items and Antiques also chargeable at the **reduced rate**.
- S. 46(1)(d) of the VAT Consolidation Act provides for the **special rate of VAT** applicable to livestock, live greyhounds and the hire of horses (currently 4.8%)

Second-hand goods are liable to VAT at the rate applicable to new goods of the same kind. The actual VAT payable will most likely be lower because of the lower second-hand value.

Questions concerning liability of goods to VAT and the rates that apply, which cannot be resolved locally, should be submitted to VAT Interpretation Branch (vatinfo@revenue.ie) for ruling.

2 The Basics of the Import VAT System

2.1 AEP / Automated Import System (AIS)

All goods imported to Ireland from outside the European Union must be declared to, and cleared by, Customs. The goods must be declared for free circulation or one of the duty suspensive arrangements listed in paragraph [1.3](#) above. The majority of Customs Declarations are now made by **direct trader input** (DTI) which involves the entry of the data on an IT system which, currently, is then transmitted electronically to customs via the Automated Entry Processing System (AEP).

From the 23rd November 2020 a new IT system to process IMPORTS is being introduced. This new platform is called Automated Import System (AIS).

The Customs Declaration data, which includes the commodity code of the product, the origin code, the customs value etc., enables the AIS, in conjunction with TARIC, to assess the Customs duty payable.

Many commodity codes are also linked to the VAT rate which applies to the product and in these cases, AIS will also calculate the amount of Import VAT payable.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

Where a system generated VAT rate is **not possible**, the importer must declare the appropriate VAT rate by making an entry under **DE 6/17 (Commodity code, National additional code)** of the Customs Declaration.

Consignments consisting of **goods subject to different VAT rates** must be entered as separate sub-items within the Customs Declaration. The Customs duties payable, along with the Import VAT, are displayed in **DE 4/7 (Calculation of Taxes)** of the Customs Declaration.

Import VAT is indicated by tax type Code B00.

The procedure code entered in **DE 1/10 (Procedure Code)** of the Customs Declaration indicates whether the imported goods are being declared for free circulation or one of the duty suspension procedures. **The payment of Import VAT on goods entered to any of these procedures is suspended in the same manner as the duty of Customs and only becomes payable when the goods cease to be held under those procedures.** The arrangements for the payment of duty and the clearance of goods from such procedures applies to Import VAT in the same way as it applies to Customs duty. (The Import VAT should be shown separately in the ledger or Home Consumption Warrants and in the Monthly Accounts.)

2.2 Payment of Import VAT

AIS is integrated with CRS and ITP. This enables the payment of Customs duties and Import VAT, calculated in AIS, to be processed electronically (by deduction from the trader's bank account) and recorded on ITP. **Import VAT is payable with the Customs duties** and the facilities available for making payments are the same. Information on the various payment options is available on the Customs section of the Revenue website.

Where a doubt/dispute arises as to the correct amount of Import VAT payable, the amount which appears prima facie to be correct is to be collected. The process setting out how [underpayments](#) and [overpayments](#) should be dealt with is set out below.

Following the Withdrawal of the UK from the EU and the ending of the 'Transition period on 31st December 2020. A procedure allowing for the postponement of paying 'Import VAT' at the point of entry to the EU will become live for VAT registered businesses in Ireland.

Those businesses already registered for VAT in Ireland, will be automatically granted this cashflow relieving procedure called 'Postponed Accounting'.

Postponed Accounting means that the **Import VAT** is to be accounted for in the next normal **VAT 3** return of the business using Box T1 and T2 (subjected to the usual rules regarding entitlement to deductibility) and the completion of a new Box PA1 showing **the value** of the goods imported. These entries will of course be verified in their Annual Return of Trading Details (**RTD**) form.

In order to avail of this procedure, businesses should if using:

- 1.) **Automated Import System (AIS)**, place the code **1A05** in data element **2/3 followed by the narrative 'IEPOSTPONED'**.
- 2.) **Automated Entry Processing System (AEP)**, place the code **1A01** in **Box 44** of the SAD **followed by the narrative 'IEPOSTPONED'**.

For further information, please see our weblink:

eCustoms Helpdesk Notification 032/2020 (12/12/2020)

<https://www.revenue.ie/en/customs-traders-and-agents/customs-electronic-systems/aep/ecustoms-notifications/2020/aep-notification-032-2020.pdf>

VAT – Postponed Accounting

<https://www.revenue.ie/en/tax-professionals/tdm/value-added-tax/part07-provisions-relating-to-imports-exports/postponed-accounting.pdf>

2.3 Value for Import VAT Purposes

The value on which import VAT is assessed is

- the value for customs purposes **plus** (CIF value)
- any Customs/Excise duty or other charges (apart from Import VAT) payable at importation **plus**
- the freight costs from the point of import into the EU to the point of import into Ireland.⁸

If the invoice value includes the freight costs to the final point of destination in Ireland, these costs will be included in the value of the consignment and subject to import VAT. If the internal freight costs are unknown at the time of importation, the VAT on this element will be payable as part of the transport service and thus will not be included with the Import VAT. Further information on the taxation of transport services is available in the [eCustoms area](#) of the Revenue website.

Subject to certain exceptions, all consignments in excess of €20,000 require a declaration, at **DE 2/2(Additional information)** of the Customs Declaration, of particulars relating to the customs value of the goods being imported. The relevant supporting documentation (including C&E Forms G563 or G563A) should be retained for production to Revenue if and when required. However, a declaration is not required for importations liable **only** to Import VAT where:

- (i) the importer is a **person registered for VAT**; or
- (ii) the customs value of the imported goods in a consignment does not exceed €10,000, provided that they do not constitute split or multiple consignments from the same consignor to the same consignee; or
- (iii) the importations involved are not of a commercial nature.

Further information on the valuation of imported goods is available on the [Customs section](#) of the Revenue website.

Underpayments

Underpayments of VAT at import arise as a result of the entry of incorrect information on the Customs Declaration, either intentional or unintentional. Examples of errors which can give rise to non-payment or underpayment of import VAT include:

- use of incorrect TARIC classification codes indicating a lower or zero rate of Customs duty, thus reducing the tax base on which the VAT is levied.
- use of incorrect Additional Codes indicating a reduced or zero rate of Anti-dumping duty, thus reducing the tax base on which the VAT is levied.
- incorrect valuation.
- entering relief codes indicating a relief entitlement for which the product or consignment does not qualify.
- entering a VAT rate code indicating the reduced or zero rate of VAT where the standard rate applies.
- entering a VAT56B code when the trader does not hold a valid VAT-free Authorisation

Correcting a Customs Declaration – Where an importer discovers a material error in the information provided in a previous Customs Declaration, they should submit a correction to the Customs Declaration without delay. Where this gives rise to an increased liability to Customs duty or Import VAT the transaction will be referred a customs official for acceptance as a transaction review work item. Once accepted the underpayment will be processed and collected by AIS in the normal way.

1. **Unregistered Persons** – Import VAT is treated the same as Customs duty and the procedures for dealing with underpayments are the same. These are as set out in Sections 6 & 11 of the Customs Debt Manual available on RevNet.
2. **Registered Persons** –Subject to the exceptions described in subsection 4 below, no reassessment of VAT is to be made after the VAT chargeable on a Customs Declaration has been brought to account and the goods have been cleared, where the importer is a registered person. (The registered person will only be entitled to claim a credit in their next VAT3 for the **actual amount** of Import VAT paid; in this way the underpayment of Import VAT is automatically adjusted through a higher amount being due with the VAT 3 return.)
3. **Non-Taxable Activities** - An exception to this rule applies where the VAT registered person is engaged in both taxable and non-taxable activities. Examples here would be Banks, State Departments, Hospitals, Opticians etc. VAT incurred in respect of non-taxable activities is not deductible. In the absence of deductibility, the possibility for compensatory adjustments in the registered person's next VAT3 does not arise. Underpayments which come to light in these sectors must therefore be examined to determine whether they relate to taxable or non-taxable activities and any underpayments of Import VAT arising from non-taxable activities should be pursued and brought to account directly. Where the VAT status of a particular trader or transaction is in doubt, the relevant Division should be consulted.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

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4. **Legislation** – Where a registered trader improperly procures the importation of taxable goods without the payment of VAT, s/he is liable to a fixed penalty of €4,000 in addition to the tax payable on the import consignment. This is provided for in S.116(18) of the Value-Added Tax Consolidation Act 2010.

2.4 Overpayments

As a general rule, and subject to statutory time limits outlined below, where it is discovered by the trader that the information provided in a previously cleared Customs Declaration was inaccurate, a corrected Customs Declaration must be submitted.

1. **Corrections submitted where payment is made from the Trader's AEP Account** - Where the correction made to the Customs Declaration results in a reduction in the Import VAT liability the AIS will automatically calculate any overpayment on record. This will trigger a Transaction Review work item and, if approved by the relevant customs official, the amount will be credited to the trader's AEP account and will be reflected in the trader's monthly AEP statement.

The monthly AEP statement takes account of all VAT liabilities and credits for the trader for each month. **The net VAT balance shown on this statement (whether it be a debit balance or a credit balance) is the figure that should be incorporated into the VAT3 return for the trader.**

2. **Corrections submitted where payment is made from the Agent's AEP Account**

a) VAT Registered Clients - Where an agent pays import VAT on behalf of a VAT registered client in error, the agent should submit the corrected Customs Declaration, and any refund of VAT due on the original transaction will, once the corrected Customs Declaration is accepted by the relevant customs official, be credited to the agent's AEP account.

The agent is then required to issue a credit note (or equivalent) to the importer for the refunded amount in order to ensure that the input credit for the importer's next VAT3 return will be reduced accordingly.

b) VAT Unregistered Clients - Where an agent pays import VAT on behalf of a VAT unregistered client in error, the agent should submit the corrected Customs Declaration, and any refund of VAT due on the original transaction will, once the corrected Customs Declaration is accepted by the relevant customs official, be credited to the agent's AEP account. It is a matter then for the agent to refund this amount to the VAT unregistered client.

3. **VAT Unregistered Persons** - Applications from unregistered persons (where the original non DTI declaration was not submitted by an agent) for a refund of Import VAT in respect of returned goods, a miscalculation or some other readjustment, should be made to the customs office through which the goods were cleared, within four years from the end of the taxable period to which the claim relates. The procedure for processing such claims is the same as for Customs Duty and is set out in section 13.8 of the [Customs Import Procedures Manual](#), under the heading 'Repayment and Remission of Import Duties. Information for customers on making refund applications is available in the Customs section of the Revenue website.

4. **Overpayment of VAT on Anti-dumping Duty** - A VAT refund situation can also arise where, post importation, the rate of anti-dumping duty is reduced. Typically this would arise where a provisional anti-dumping duty measure expires without being made definitive, or is made definitive at lower rates than the original provisional duty. This gives rise to an overpayment of Anti-dumping duty and also an overpayment of Import VAT.

Pending an update to the AIS to cater for such corrections, the overpayment is to be dealt with by inputting a negative short CI for the amount concerned using the tax type "provisional". (A negative "short CI" is a mechanism within ITP to create a credit in a trader's account.) The amount overpaid will be credited to the payers account in the same way as outlined earlier. The remarks field of the relevant Customs Declaration should be noted to this effect and the Customs Declaration and short CI should be cross-referenced. This is explained in more detail in Section 12 of the [Anti-Dumping and Countervailing Duties Manual](#)

NOTE:

Any transactions entered into AEP (before the launch date for AIS) which generate an overpayment will be processed in AEP. AEP will operate in parallel with AIS for a six-month transition period to deal with any such issues.

5. **Time Limits for claiming Repayments** – Under Section 99 (4) VAT Consolidation Act 2010 a claim for a refund may be made only within 4 years after the end of the taxable period to which it relates.^{8A}

2.5 Miscellaneous Refund Schemes

There are a number of specific situations, as listed below, which give rise to a refund entitlement to unregistered persons. Detailed information on each of these is available in the [VAT section](#) of the Revenue website.

- Non-established traders
- Farmers and fishermen⁴³
- Disabled persons
- [Donated Medical and Research Equipment](#)
- [Unregistered persons involved in qualifying activities](#)
- [Sea and inland waterway rescue craft](#)
- Touring coaches
- Residential caravans and mobile homes
- Charities and Philanthropic Organisations
- Investment gold

The procedures for claiming refunds under these schemes are not uniform, so it is important to follow the procedures for the appropriate scheme when processing a refund application.

NOTE:

In AIS, repayment applications will be a two-step process. Please consult the Customs Import procedures Manual (link above) for further details.

3 Relief from Import charges

3.1 Reliefs that apply to both **Customs Duty & Import VAT**

The following is a list of reliefs that apply equally to **both** Customs duty and Import VAT:

- (i) used personal property imported on transfer of residence;¹⁴
- (ii) goods imported on transfer of residence on the occasion of a marriage;¹⁵
- (iii) personal property acquired by inheritance;¹⁶
- (iv) educational materials, outfits and household effects imported for their personal use during the period of their studies by non-EU students;¹⁷
- (v) capital goods and other equipment imported on transfer of a taxable business activity;¹⁹
- (vi) live animals (sent free of charge) and biological or chemical substances intended for education or scientific research;²⁰
- (vii) therapeutic substances of human origin, blood grouping and tissue typing reagents;²¹
- (viii) pharmaceutical products for use at international sports events;²²
- (ix) samples of reference substances for the quality control of medical products;⁵²
- (x) articles imported by official bodies or by charitable or philanthropic organisations;²³
- (xi) articles intended for disaster victims;²⁵
- (xii) honorary decorations, awards, trophies, cups, medals, souvenirs etc;²⁶
- (xiii) presents received in the context of international relations;²⁷
- (xiv) goods to be used by monarchs, heads of state & diplomats;²⁸
- (xv) samples of negligible value for the purpose of soliciting sales;²⁹
- (xvi) printed advertising matter such as catalogues, price lists, directions for use or brochures relating to goods for sale or hire or services offered, by a person outside the State;³⁰
- (xvii) goods imported for trade fairs and trade promotion purposes;³¹
- (xviii) goods imported for examination, analysis or test purposes;³²
- (xix) consignments sent to organisations protecting copyrights or industrial or commercial patent rights;³³
- (xx) miscellaneous documents and articles of no commercial value;³⁵
- (xxi) ancillary materials for the stowage and protection of goods during their transportation;³⁸
- (xxii) litter, fodder and feeding stuffs for animals during their transportation;³⁹
- (xxiii) fuels and lubricants present in means of transport and accompanying portable containers;⁴⁰

- (xxiv) materials for the construction, upkeep or ornamentation of memorials to, or cemeteries for, war victims;⁴¹
- (xxv) coffins, funerary urns and ornamental funerary articles;⁴² and
- (xxvi) gift consignments not exceeding €45 in value, excluding Tobacco Products, Alcohol, Perfume and Toilet Waters;⁴⁸
- (xxvii) sea-fishing products caught outside the territorial sea by vessels registered in a Member State.⁵¹

3.2 Other Reliefs which **only apply** to Import VAT

- (i) goods not exceeding €22 in value (negligible value relief);¹⁸ This relief is due to be removed on the 01/07/2021 as part of the Commission's proposals to reform e-commerce.
- (ii) articles intended for people with disabilities or visual impairments donated free of charge to Revenue approved organisations;²⁴
- (iii) tourism advertising material for free distribution;³⁴
- (iv) visual and auditory materials of an educational, scientific or cultural character produced by the United Nations or one of its agencies;³⁶
- (v) collectors' pieces and works of art of an educational, scientific or cultural character imported free of charge by a Revenue approved institution.³⁷
- (vi) the importation of products which qualify for the VAT refunds described in [Section 2.5](#)

While some of these reliefs may also apply to Customs duty, the conditions that apply and/or the amount that qualifies for the relief are different.

3.3 Application of these Reliefs

The detailed arrangements for applying the reliefs listed in paragraphs 3.1 and 3.2 are set out in the customs manuals on [Permanent Relief from Import Charges](#) and [Gifts and Items of Negligible Value](#). Officers providing information to importers should pay particular attention to the instructions relating to the 'Relief Codes' to be entered in in **DE 1/10 (Procedure code)** of the Customs Declaration, as these codes vary from one relief category to another and also as between Customs duty and Import VAT. Information for importers on the more frequently used reliefs is available on the [Customs section](#) of the Revenue website.

3.4 Relief under temporary admission

Relief from import VAT under the Temporary Admission arrangements is confined to goods benefiting from TOTAL exemption from Customs duty.^{43A} In all other respects the provisions relating to Temporary Admission, as set out in the [Customs Temporary Importation Manual](#), apply equally to Customs duty and Import VAT. Importers seeking Information on Temporary Admission can access it on the [Customs section](#) of the Revenue website.

1. **Deposits** - Where the conditions for the granting of relief under Temporary Admission require a deposit to be taken as security, this is to be placed on deposit and either refunded if the goods are exported, or brought to account on foot of a pro-forma Customs Declaration where the goods are not exported or proof of export cannot be produced.
2. **Temporary Admissions Diverted to Home Use** - Where Import VAT is charged and brought to account on goods diverted to home use following importation under the temporary admission provisions, staff should issue to the importer concerned, for transmission to the **purchaser** of the goods, a statement showing the rate and amount of Import VAT paid. Payments other than Import VAT are not to be included. The statement should be worded along the lines of [Appendix A](#). The issue of the statement should be noted on the back of the relevant entry (Form 1047) and a copy of it attached thereto. Thus, **purchasers who are registered for VAT** can claim credit in their VAT3 returns for the Import VAT paid provided such VAT is properly deductible. They should retain the statement for production to Revenue, if and when required.

3.5 The VAT 56A Scheme

This scheme provides that traders who derive not less than 75% of their annual turnover from exports or intra-Community supplies of goods out of the State, can apply to have most goods and services supplied to them, and intra-Community acquisitions and imports made by them, zero-rated. The zero rating does not apply to supplies of goods or services which in the normal course would not be deductible. A VAT-registered person seeking authorisation under this scheme should make application to the Revenue Division responsible for their tax affairs on Form VAT 56A. Qualifying traders are issued with a numbered Authorisation, which is valid for up to three years.

In order to import qualifying goods VAT free under the 56A Scheme, the authorised person should make a **declaration that they are an authorised person** under Section 56 of the VAT Consolidation Act.⁷ This is done by entering **code 1A01** in **DE 2/3 (Documents to be produced)** of the Customs Declaration and entering the Authorisation number in **DE 3/39 (Holder of the Authorisation identification number)**. When requested by a Revenue officer, a copy of the **Authorisation** should be produced in support of the declaration.

Where a person accounts for VAT under the [postponed accounting](#) provisions, the zero rate of VAT would apply to qualifying goods imported into the State.

3.6 Onward Supply Relief (Also known as customs procedure 42 or cp42)

1. **Outline** – This provision allows goods entered for free circulation to qualify for a zero rate of VAT in the Member State of importation where:
 - the goods are imported from a third country (or a third territory) **into one Member State, but** at the time of importation are **already consigned to another Member State**. (Imports consigned to a **third territory** do not qualify for onward supply relief)
 - the importer **and** the final customer are **both registered** for VAT; **and**
 - the onward supply, by the importer in the Member State of importation to the consignee in the other Member State, **qualifies as a zero-rated intra-community transaction** under Article 138 of Council Directive 2006/112/EC.

The relevant legal provision is contained in Article 143(1)(d) & (2) of Council Directive 2006/112/EC, which is given effect in Irish legislation by Section 53(2) and paragraph 2(1) of Schedule 2 of the VAT Consolidation Act 2010.⁶ The effect of the provision is that **Import VAT** normally chargeable on the importation of goods from third countries and third **territories does not fall to be paid** in the Member State of importation; **instead VAT** will be accounted for by the purchaser in the Member State of **final destination** under the internal VAT system.

2. **Procedure for claiming Onward Supply Relief** - An importer who wishes to enter the goods at a **zero rate of VAT** under this provision and who qualifies to do so (see previous paragraph), must complete a Customs Declaration in accordance with the instructions contained in the [AEP Trader Guide for Imports](#), and comply with the following conditions:
 - (i) goods declared under these arrangements must be entered on a **separate Customs Declaration**, i.e. no other goods must be declared on the same Customs Declaration;
 - (ii) goods declared must be dispatched to their EU country of true consignment **within one month** of clearance;
 - (iii) a declaration that the goods being imported into Ireland are **already consigned** to another Member State must be entered in **DE 2/2** of the Customs Declaration and **Code 1Q99** entered in **DE 2/3**;
 - (iv) a **signed declaration** in the format at [Appendix B](#) must be made by the importer at the time of importation and produced to Revenue together with the relevant supporting documents;
 - (v) **the importer** declared on the Customs Declaration **must be** registered for VAT purposes in the State and their Irish VAT registration number must be declared on the Customs Declaration. This should be quoted in **DE 3/40 (Holder of Authorisations identification number)** of the Customs Declaration under Fiscal Reference **FR1 (The Y040 is not valid in the AIS system)**. **The Irish VAT registration number of a customs clearance agent or other agent of the importer is not acceptable**;
 - (vi) the **final customer** in the other Member State **must be registered** for VAT in that Member State and their identification number must also be declared in **DE 3/40 (Additional fiscal reference)** of the Customs Declaration, under Fiscal Reference **FR2 (The Y041 is not valid in the AIS system)**
 - (vii) Where a subsidiary or branch of a company is registered separately for VAT and is the importer, their own VAT registration number (and not that of the principal) must be quoted;

- (viii) **DE 1/10(Procedure Code) must contain** the specific procedure code to indicate that the declaration relates to entry for free circulation without payment of VAT. The procedure code to be used must commence **with 42 or 63**. 4200 is used when direct imports are already consigned to another Member State. 6321, 6322, 6323 are used for re-importations already consigned to another Member State;
- (ix) the **importer** must undertake to include the intra-Community supply to the other Member State in the following Returns:
- VAT3 Return – Box E1.
 - VIES Statement – all traders who make zero-rated Intra-Community supplies are obliged to provide specific details of these transactions to VIMA on a monthly, quarterly or yearly basis.
 - INTRASTAT Return – this statistical requirement only applies to traders whose supplies of goods to other Member States exceed €635,000 in value annually.

Further information on INTRASTAT and VIES can be obtained from the [Customs Section](#) of the Revenue website or from vimahelp@revenue.ie. If all the conditions for the zero rating of the VAT under this provision are not met, the importer should be given an opportunity to rectify the matter. In the event of non-compliance, the full VAT should be collected before the goods are released to free circulation.

4. **Third Territories** - Imports destined for onward supply to the Third Territories, as described in paragraph [1.2](#). **do not qualify** for the zero rate of VAT under this provision, so Import VAT is payable in the normal way. **Code '01'** should be entered in **DE 1/11(Additional procedure)** of the import Customs Declaration and the subsequent supply to the Third Territories must be declared on an export Customs Declaration in accordance with Articles 278 & 279 of the VAT Directive.
5. **Excisable Products** - If the entry for free circulation with zero rate of VAT includes goods that are subject to Excise duty then that duty must be paid. However, if the importer is an authorised warehouse keeper (and able to declare the goods for import into a warehouse), the excise duty will not be payable on importation and the onward movement will be required to be dealt with in accordance with the procedures set out in the [Movement of Excisable Products Manual](#)
6. **Control of Movement** - There is no specific customs function in controlling the movement of the goods to the other Member State. Such movement is governed by the arrangements which apply to intra-Community transactions. However, any case where concern arises that the requirements to forward the goods to the other Member State are not being met should be reported to the Revenue District responsible for the importer's tax affairs for appropriate follow up enquiries.
7. **Further Assistance** – For matters relating to the completion of the Customs Declaration the AEP HelpDesk can be contacted at aephelpdesk@revenue.ie or VPN 63378.

General VAT queries and VAT rate enquiries should be referred to the traders local Revenue District office.

Traders enquiring about the operation of this procedure, in respect of goods being imported through another Member State for subsequent supply to Ireland, should be directed to the customs authority of the other Member State. All such goods entering this State will be treated as intra community acquisitions and Import VAT will not arise. Additional assistance is available as set out in [paragraph 6.2](#) below.

3.7 Re-importations

1. **Re-importation of goods in the same state** – The re-importation of goods, which were previously exported, qualify for the zero VAT rate on condition that they are re-imported by the person who exported them and that they are **in the same state** as when they were exported. Otherwise Import VAT is payable.⁴⁵ Section 11.3 on Returned Goods in the [Customs Import Procedures Manual](#) describes the procedure involved. While the primary focus of this section is relief from Customs duty, **it is important to note that the goods must qualify for relief from Customs duty to qualify for the relief from Import VAT.**
2. **Re-importation of goods processed abroad** – VAT on re-imported goods, which are not in the same state as when they were exported, is calculated on the full CIF value of those goods at the time of their re-importation. However, under Regulation 14(3)(i) of the VAT Regulations 2010 (S.I. 639/10),⁴⁷ VAT on goods in an Outward Processing arrangement is treated the same as Customs Duty.⁴⁶ Outward Processing provides for **the duty to be applied to the additional value** of the re-imported goods – i.e. the increase in the value of the goods as a result of the processing they received abroad. To be eligible for Import VAT relief, the re-imported goods must be the subject of an Outward Processing Authorisation. Full details of the procedures governing Outward Processing are contained in the [Instruction Manual on Outward Processing](#).

3.8 Customs-free airport

The Customs Free Airport Act 1947, as amended by the Section 25 of the State Airports Act 2004, defines the Customs-Free Airport as the land at Shannon which belongs to the State and Dublin Airport Authority or Shannon Airport Authority.

Imports by VAT registered traders within the Customs-Free Airport qualify for the zero VAT rate under paragraph 7(3) of Schedule 2 of the VAT Consolidation Act 2010.

Importers declare eligibility for this relief by inserting **code 1A99 in in DE 2/2 (Additional information)** of the Customs Declaration and stating in **DE 2/2(Additional information)** that **the importer is a VAT registered person within the customs-free airport and qualifies for the zero VAT rate under paragraph 7(3) of Schedule 2 of the VAT Act 2010.**

Goods from within the Customs-Free Airport supplied to traders or individuals located elsewhere in the State are subject to VAT in the normal way and conventional VAT invoice rules apply.

3.9 Waiver of small amounts

The practice of not collecting Import VAT amounting to €6 or less on any one consignment is likely to be discontinued shortly. This is in line with a similar change on the Customs duty side when the practice of not collecting amounts less than €10 was discontinued when the Union Customs Code came into operation on the 01/05/2016.

4 Modes of importation

4.1 Postal importations

Payment of the VAT due on consignments imported by VAT registered traders **through the post** and valued at €260 or less can be postponed and included in the traders next VAT3 return. Details of this, and other simplifications relating to postal importations, are set out in Section 7 of the [Customs Import Procedures Manual](#).

4.2 Merchandise in Baggage

Merchandise in baggage means commercial consignments imported by passengers in their own (accompanied) baggage. Where the value of the goods is less than €260 they may be cleared without a Customs Declaration on payment of any Customs duty and/or Import VAT applicable, a receipt on Form C&E 305 being issued. In the case of a VAT registered person only the Customs Duty need be collected, provided an invoice is produced and the importer's VAT registration number is declared; (any Import VAT should be accounted for in the trader's next VAT3 return). Goods exceeding €260 in value must always be entered on a Customs Declaration and any Customs duty or Import VAT paid before the goods are released. All transactions, irrespective of value or registered status, must be recorded in the MIB Register. See Section 12.6 of the [Manual on the Control and Examination of Baggage](#) for further information.

4.3 Personal travellers

Import VAT, like Customs duty, is payable on all goods imported by passengers in excess of the duty free allowances.⁴⁹ The option to clear goods, not exceeding €700 in value, at the 2.5% standard rate of Customs duty has no equivalence in relation to Import VAT. Normal VAT rates apply, as set out in [Section 1.6](#).

4.4 Centralised Clearance

Introduction:

This procedure **allows a trader to clear goods in another Member State** (participating MS) while **paying the Customs duty and completing the Customs formalities in their own Member State** (supervising MS).

Centralised Clearance is the UCC evolution of Single Authorisation for Simplified Procedure (SASP). However, SASP **only covers Customs** matters, so the trader **still has to discharge** the Import VAT and statistical formalities in the Member State where the goods are physically imported. A trader will have to ensure that the necessary arrangements are in place to meet these Import VAT requirements, before a Centralised Clearance or SASP authorisation can issue.

Imports to Ireland:

Where goods are physically imported **into Ireland** (by a **trader authorised to use the Centralised Clearance procedure in another Member State**) the **trader pays Customs duties** and completes Customs formalities in **the other Member State**. However, the trader must discharge the Import VAT and statistical formalities here **in Ireland**.

This is done by means of a **Supplementary Customs Declaration**, which the trader submits once a month through the AIS and which is used for Import VAT collection purposes.

Imports to other Member States:

Where goods are physically imported **into another Member State** (by a trader authorised to use the Centralised Clearance procedure in Ireland) they pay Customs duties and complete Customs formalities, in respect of those goods, here in Ireland. The trader will need to comply with the local requirements of the other Member State in relation to the accounting and payment of the Import VAT and the statistical requirements that apply there.

The mechanism for discharging these requirements will be agreed in advance of the issue of the Centralised Clearance **or** SASP authorisation as part of the control plan to manage the process.

NOTE:

Please see the link below for more information:

<https://www.revenue.ie/en/customs-traders-and-agents/simplified-customs-procedures/centralised-clearance-sasp.aspx>

5 Import VAT in specific situations

5.1 Aircraft

Aircraft used or to be used by a transport undertaking operating for reward chiefly on international routes, and fuel for such aircraft, are zero-rated.^{11B} Importers may prove this eligibility for a zero rate by producing an Operating Licence from the Department of Transport Tourism & Sport or an Air Operators Certificate from the Irish Aviation Authority, as both documents should indicate whether or not the aircraft is to be used for reward chiefly on international routes. **The zero rate also applies to the supply, repair, maintenance and hiring of equipment incorporated or used in such aircraft.**^{11D}

- **Entry & Payment** - All aircraft importations must be entered on AIS by Direct Trader Input. Eligibility for the zero rate of VAT is declared by the entry of **code 1A03** in **DE 2/2** of the Customs Declaration **and quoting 'paragraph 4(2)(b) Schedule 2 VAT Act 2010'** in **DE 2/2**.
- All other aircraft (including helicopters, gliders and balloons) are chargeable at the standard rate and generally this is payable at importation in the normal way. Unless the arrangements for delayed payment described in the following paragraph apply, where Import VAT remains unpaid for a period of 7 days from the date of importation, the aircraft becomes liable to forfeiture.
- **Delayed Payment** - In any case where it is not practicable to secure immediate payment of Import VAT, the aircraft need not be detained provided an officer at Assistant Principal level or higher in the Revenue District, where the importer resides or is established, is satisfied that the importer has a residence in the State where s/he can readily be found. In such case, the importer is to be informed that the aircraft is liable to Import VAT and directed to produce evidence of value and pay the Import VAT at the Revenue District responsible for their tax affairs.
- **Proof of VAT Payment** - Import VAT paid on private aircraft imported by VAT registered persons for corporate/business use may be reclaimed in the normal way, so long as that use is in the normal course of their taxable business. The importation of aircraft by private (non-VAT registered) individuals will suffer the Import VAT without a refund entitlement. In all cases, proof of the VAT payment should always be carried on board the aircraft to avoid the possibility of having to pay the VAT again in another Member State. **Possible items of proof are a certified copy of the import Customs Declaration showing the amount of Import VAT paid or, in the case of purchases within the EU, an Invoice or a receipt showing the VAT element.**
- **Registration & Verification** - Civil Aircraft are normally registered with a national authority, such as the Irish Aviation Authority (IAA). Aircraft registered in the State are allotted registration letters in a five letter series - the first two letters being EI. Normally the registration letters are marked on an aircraft before it is taken into use. For each new or amended registration the IAA issues an Advice Note to the Economic Procedures Tariff & Compliance Branch of Customs Division where they are redirected to the Revenue Division or Branches responsible for the registered owners' tax affairs. The relevant **Divisions and Branches** use the information to:

- a. Verify that any VAT liability or accounting requirement arising from the new (or amended) registration has been met:
 - i. verifying VAT payment can be difficult where the aircraft subject to the change of ownership was imported in the distant past. If the new owner cannot produce the Invoice, receipt or Customs Declaration, it may prove useful to run a CIF report using the Tariff Classification number for the type of aircraft involved. This may narrow down the volume of search results produced and enable the particular Customs Declaration to be identified;
 - ii. bear in mind that a private aircraft arriving here from another Member State, which was not in free circulation in that Member State, may be liable to Import VAT here;
- b. Assess whether the registered owner's interest in the aircraft has implications for their overall tax situation and to take any necessary action;
- c. Update the CRS Notes, where the registration arises from the acquisition or disposal of an asset.

- **Foreign Registrations** - Registration in the EI series may be taken as evidence that the aircraft is owned by a citizen of the State or by a person or company resident, or having a place of business, in the State, and that the aircraft is, prima facie, liable to Import VAT on first arrival in the State. The converse is not necessarily true as an aircraft registered abroad may be imported bearing foreign registration marks and may be registered here after transfer to an Irish resident or company. Such aircraft may also be liable to Import VAT in the State.

5.2 Ships, boats and other vessels

The zero rate of VAT applies to seagoing vessels of a gross tonnage of more than 15 tons, and to fuel for such vessels, being used or to be used:^{[11A](#)}

- for the carriage of passengers for reward;
- for the purpose of a sea fishing business;
- for other commercial or industrial purposes; or
- for rescue or assistance at sea.

Eligibility for the zero rate can be declared by the entry of **code 1A03** in **1A03** in **DE 2/2** of the Customs Declaration and **by quoting 'paragraph 4(2)(a) Schedule 2 VAT Act 2010'** in in **DE 2/2**. The zero rate also applies to the supply, repair, maintenance and hiring of equipment incorporated or used in such vessels.^{[11C](#)}

Section 5 of the [Customs Temporary Admission Manual](#) sets out the circumstances under which seagoing vessels may be temporarily imported without Customs formalities.

Outside of these circumstances, Import VAT is chargeable on all vessels, whether imported temporarily or permanently and **whether or not registered** in the State or any other Member State of the EU. The standard rate applies, and all such vessels must be reported and entered in the normal way and the Import VAT paid with the other duties of customs before the vessel is released for free circulation. Bear in mind also that vessels arriving here from another Member State, which were not in free-circulation in that Member State, may be liable to Import VAT here.

Unless the Import VAT is paid, or the vessel is re-exported, it is to be detained – see [paragraph 6.1\(2\)](#). For this reason, proof that VAT has been paid should be carried on board at all times and persons acquiring second-hand vessels should ensure that evidence of VAT payment is handed over with the vessel. The following documents may be useful to establish that VAT has been paid:

- an Invoice or receipt showing the VAT element;
- a certified copy of the import Customs Declaration showing the amount of Import VAT paid
- Invoices for materials used in the construction of a 'Home-Built' vessel.

All cases of detention are to be reported to Customs Policy Branch, Customs Division.

5.3 Clothing

All articles of adult clothing and adult footwear are chargeable to Import VAT at the standard rate, while articles of children's clothing and children's footwear are generally zero-rated. The different rates inevitably give rise to an incentive for adult clothing and footwear to be declared as children's. Officers are therefore cautioned to exercise extra vigilance in relation to the importation of clothing and footwear and to heed the guidelines contained in the [VAT Rates Database](#) on the Revenue website. Articles of children's clothing and footwear are regarded as such **if described, labelled, marked or marketed for children under 11 years of age or up to and including ages 9-11 or 10-11.**

5.4 Cinematograph films, sound and video tapes, CD's and DVD's

The following goods are liable to Import VAT at the standard rate:

- Cinematograph films classified at Tariff heading 37.06; and
- Sound and Video Tapes, CDs and DVDs classified at Tariff heading 85.23.

However, when imported in connection with licensing arrangements for the showing of the films, they are not to be charged with Import VAT.⁵⁰

5.5 Electronic data

1. **Standard Software** - Imports of standardised software on a physical medium, such as a CD or memory stick, are considered to be imports of goods and Import VAT is payable. The value includes both the cost of the physical medium and the data.
2. **Customised Software** - Where the physical medium contains specific or customised software the transaction is considered to be a **supply of a service**.
 - a. **Registered Traders:** Where the importer is registered for VAT, the **reverse charge rule** applies and the trader **self-accounts** for the VAT on the service by entering it in **Box T1** of their **VAT3 Return**. To clear the CD or memory stick through customs the trader must declare in **DE 2/2** of the Customs Declaration, that it **"contains non-standard specialised software"** in respect of a Received Service that has been, or will be, accounted for in the appropriate VAT3 Return. The declaration **must also include** the trader's VAT Registration number. Pending the creation of a specific AIS code to cover these situations, the AEP Helpdesk should be contacted at VPN 63378 or aephelpdesk@revenue.ie, for the special

interim code to be entered in Customs Declaration **DE 2/2**. The consignment can then be released without being assessed for Import VAT.

- b. **Unregistered Traders:** Where the importer is not registered for VAT, the transaction is to be treated as a supply of goods and Import VAT is payable on the total cost or value of the software, including the physical medium.

More information on [electronically supplied services](#) is available in the VAT section of the Revenue website.

6 Conclusion

6.1 Fraud

1. **Action where fraud is suspected** - In any case where fraud is suspected, the matter is to be brought to the attention of the Assistant Principal without, if possible, letting the importer or their agent become aware of the suspicions entertained. The Assistant Principal will, unless they are fully satisfied that there are no grounds for suspicion, arrange for the information to be passed to the Investigation and Prosecutions Division (Telephone 01-8277559). If the Assistant Principal cannot be consulted, the responsibility of notifying the IPD will fall on the Higher Executive Officer or the next most senior officer available, the Assistant Principal being advised subsequently of the action taken. Where clear evidence of fraud is found the goods, if on hands, are to be detained.

[Guidance for traders](#) on how to protect their business from becoming involved in VAT fraud is available on the Revenue website. This is a useful reference point when engaging with traders on matters of this nature.

2. **Smuggling** - All staff engaged in the prevention of smuggling are to exercise extra vigilance in order to prevent or detect smuggling of goods chargeable with Import VAT. Where detention or seizure of goods is being considered staff should consult the [Customs and Excise Enforcement Procedures Manual](#) for information on Customs and Excise offences and the corresponding legislation, the powers of Authorised Officers, plus examples of Notices of Detention & Seizure.
3. **Penalties for offences** - Import VAT is to be included with the duty, if any, in the calculation of penalties taken in connection with seizures and smuggling offences. Where goods are seized, and local release is being considered, then the duty and Import VAT should be assessed, together with the appropriate penalty. The duty and Import VAT should be accounted for through AIS and the penalty in lieu of forfeiture/prosecution should be brought to account as Receipts Other Than Duty (R.O.D.).
4. **Anti-Fraud Unit** - All cases of smuggling are to be reported to the Anti-Fraud Unit, Bridgend, Co Donegal, who may be contacted, for advice and direction, by telephone at 074-9368834 or VPN 68834 or by e-mail to CandEAnti-FraudUnitBridgendGroup@revenue.ie.

6.2 Doubts and difficulties

Feedback from staff concerning the application of these guidelines should be directed to Customs Policy Branch, Customs Division by phone to 01 - 6744345, where assistance with cases of doubt or difficulty is also available.

VAT queries should typically be directed to the customer's local Revenue Divisional Office.

Where the customer is a non-resident their local Revenue Divisional Office is the Dublin City Centre Business Taxes District.

Queries that cannot be dealt with locally, because of their complexity or the absence of relevant expertise, should be directed to the Revenue Technical Service in accordance with the instructions set out in [Tax and Duty Manual Part 37-00-00A](#) of the Revenue Technical Service for Agents and Taxpayers.

A more recent version of this manual is available.

Appendix A - Goods diverted to home use

[\(See Paragraph 3.4\(2\)\)](#)

VAT STATEMENT ON TEMPORARY IMPORTATION GOODS DIVERTED TO HOME-USE

[For Import VAT Purposes Only]

Importer's Name: _____

Description of goods: _____

Tariff Heading: _____

Quantity: _____

Value €: _____

Rate of VAT: _____

Import VAT paid €: _____

Entry Number & Date: _____

Revenue Official's Name in Bloc CAPS: _____

Revenue Official's Signature: _____

DATE STAMP:

Appendix B - Onward Supply Relief

[\(See Paragraph 3.6\)](#)

Onward supply relief declaration

[Declaration in respect of goods already consigned, at the time of their importation into Ireland, to another EU Member State.]

1. I (name) being the managing director or the authorised employee of(company name) of(company address)

which importer is registered for VAT in Ireland under VAT Registration No. hereby declare that the following goods specified on the attached invoice(s) are being imported into Ireland by the said importer, and were dispatched/transported from a non-EU country and the place of arrival of the dispatch/transport is an EU country other than Ireland. I further declare that the goods in question are eligible for the application of the zero rate of import VAT in accordance with the laws in force.

Invoice No. & Date	Quantity	Description of Goods	Value €
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2. I further declare that the above goods will be the subject of an intra-Community supply, which will be zero-rated for VAT purposes, to:

EU Consignee Name & Address	EU Consignee VAT No.
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3. I further declare that the details of the intra-Community supply of the above goods will be included in the appropriate **VAT, VIES and INTRASTAT** returns which will be forwarded by(name of company) to the Revenue Commissioners.

4. I further declare that the above goods will be re-dispatched to their EU country of true consignment within 1 month, under the following arrangements:

Export Conveyance	Export Station and Date	EU Destination
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5. I further declare that all relevant documentation relating to the supply and transport of the goods will be retained by (name and address of importer or agent) for a period of three years and will be made available for inspection by any Officer of the Revenue Commissioners if required.

6. I undertake to pay to the Revenue Commissioners on demand any Import VAT due if any of the conditions governing the zero-rating for VAT purposes of the said goods are not complied with.

Signature: _____ Date: _____

Name in Block Capitals: _____

Address of signatory: _____

Appendix C - Legislation

Legislation References

1. Customs Act 2015.
2. VAT Consolidation Act 2010, S.2(1) "Community".
[Council Directive 2006/112/EC](#), Articles 5-8.
3. VAT Consolidation Act 2010, S.19
4. VAT Consolidation Act 2010, S.92(5)
5. DELETED
6. VAT Consolidation Act 2010, S.53(2) & paragraph 2(1) of Schedule 2.
[Council Directive 2006/112/EC](#), Article 143(1)(d) & (2).
7. VAT Consolidation Act 2010, S.56 & Schedule 2, paragraph 7(7).
8. VAT Consolidation Act 2010, S.53(1).
- 8A. VAT Consolidation Act 2010, S.99(4).
9. VAT Consolidation Act 2010, S.114(1).
- 9A. VAT Consolidation Act 2010, S.116(11)
- 9B. VAT Consolidation Act 2010, S.116(18).
10. VAT Consolidation Act 2010, Schedule 1.
- 10A. VAT Consolidation Act 2010, S.46(1)(a)
11. VAT Consolidation Act 2010, Schedule 2.
- 11A. VAT Consolidation Act 2010, Schedule 2, paragraph 4(2)(a).
- 11B. VAT Consolidation Act 2010, Schedule 2, paragraph 4(2)(b).
- 11C. VAT Consolidation Act 2010, Schedule 2, paragraph 4(3)
- 11D. VAT Consolidation Act 2010, Schedule 2, paragraph 4(4).
12. VAT Consolidation Act 2010, Schedule 3.
13. VAT Consolidation Act 2010, Schedule 5.

14. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 3.
[Council Directive 2009/132/EC](#), Article 3.
15. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 4.
[Council Directive 2009/132/EC](#), Article 12.
16. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 5.
[Council Directive 2009/132/EC](#), Article 17.
17. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 6.
[Council Directive 2009/132/EC](#), Article 21.
18. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 7.
[Council Directive 2009/132/EC](#), Article 23.
19. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 8.
[Council Directive 2009/132/EC](#), Article 25.
20. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 9(1)(a)&(b) & (2)(a).
[Council Directive 2009/132/EC](#), Article 36.
21. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 9(1)(c),(d)&(e).
[Council Directive 2009/132/EC](#), Article 37.
22. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 9(1)(f).
[Council Directive 2009/132/EC](#), Article 41.
23. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 10.
[Council Directive 2009/132/EC](#), Article 43.
24. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 11.
25. [Council Directive 2009/132/EC](#), Article 48.

26. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 12.
[Council Directive 2009/132/EC](#), Article 51.
27. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 13.
[Council Directive 2009/132/EC](#), Article 58.
28. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 13.
[Council Directive 2009/132/EC](#), Article 59.
29. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 13(3).
30. [Council Directive 2009/132/EC](#), Article 62.
[VAT \(Refund of Tax\)\(No. 29\) Order, 1996](#)
31. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 14.
[Council Directive 2009/132/EC](#), Article 63.
32. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 15.
[Council Directive 2009/132/EC](#), Article 64.
33. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 16.
[Council Directive 2009/132/EC](#), Article 67.
34. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 17.
[Council Directive 2009/132/EC](#), Article 72.
35. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 18.
[Council Directive 2009/132/EC](#), Article 79.
36. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 19.
[Council Directive 2009/132/EC](#), Article 80.
37. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 20.
[Council Directive 2009/132/EC](#), Article 81.

38. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 20(q).
[Council Directive 2009/132/EC](#), Article 81(1)(q).
39. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 20(r).
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42. [European Communities \(Exemption from VAT on the Permanent Importation of certain goods\) Regulations, 2012 \(SI 267/2012\)](#), Regulation 22.
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50. [European Communities \(Tax Exemption for Certain Non-Commercial Imports from Third Countries\) Regulations 2007 \(S.I. 549/07\)](#), Regulation 3.
[Council Directive 2006/79/EC](#), Article 1.
51. [European Communities \(Tax Exemption for Certain Non-Commercial Goods Imported in the Personal Luggage of Travellers from Third Countries\) Regulations 2008 \(S.I. 480/08\)](#), Regulations 4 - 6.
[Council Directive 2007/74/EC](#), Articles 7 – 9.
52. [Finance Act 1958, S.13](#) & VAT Consolidation Act 2010, S.53(3)
53. [Union Customs Code \(Regulation \(EU\) No. 952/2013\)](#)Article 208(1)(a)&(b)
54. [Council Directive 2009/132/EC](#), Article 40.

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