17<sup>th</sup> Annual Conference

Maximise Shareholder Value 2016

# Are you using the correct VAT documentation?

### 27 October 2015

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# Agenda

Section 1 : Introduction to VAT documentation

**Section 2 :** VAT documentation issues

2.1 Tax invoices

2.2 Debit note, credit note and cancellation of tax invoices

2.3 Tax point

2.4 Place of business

2.5 Input VAT

2.6 VAT rate

Section 3 : Conclusion



# Section 1

### Introduction to VAT documentation

#### **Section 1:** Introduction to VAT documentation

#### VAT documentation

Tax invoice / Debit note / Credit note

Input / Output tax report

Inventory report

#### Other supporting document

#### **Section 1:** Introduction to VAT documentation

#### **Punishment - example**

### Fine

#### **Section 90 (12)**

A registrant who issues a tax invoice, a summary tax invoice, a debit note or a credit note containing particulars incomplete in the matter of substance as required will subject to <u>fine not exceeding two</u> <u>thousand baht.</u>

#### **Section 89 (6)**

# Penalty

If person liable to tax or non-VAT registrant issues a tax invoice, a debit note or a credit note without a lawful right to do so, the <u>penalty shall be twice the amount of</u> <u>tax</u> under the tax invoice, debit note or credit note.

#### **Section 1:** Introduction to VAT documentation

#### **Punishment - example**

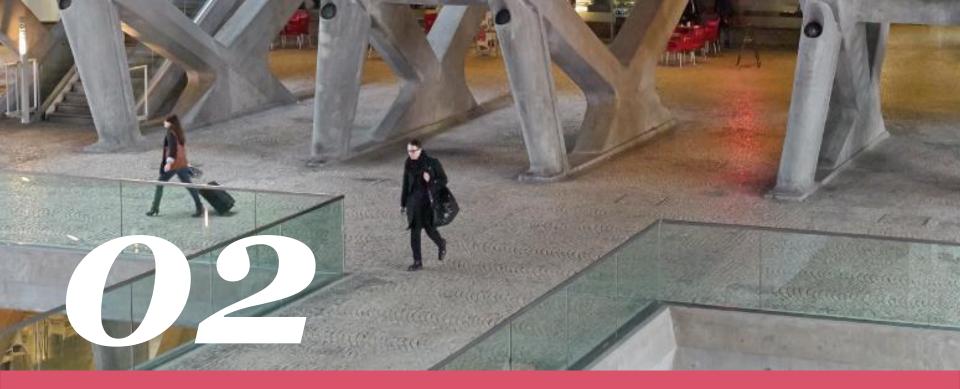
#### Fine and/or Imprisonment

Section 90/2 (3)

A registrant who fails to prepare a tax invoice or a copy thereof, or who has prepared but fails to deliver it to the purchaser of goods or the recipient of services shall be punished with <u>imprisonment not exceeding one</u> <u>month or a fine not exceeding five thousand baht or</u> <u>both</u>

#### Section 90/4 (5)

A registrant who, with intent to evade or attempt to evade value added tax, fails to issue a tax invoice, a debit note or a credit note, or a duplicate thereof; shall be punished with <u>imprisonment from three months to</u> <u>seven years and a fine from two thousand to two</u> <u>hundred thousand baht.</u>



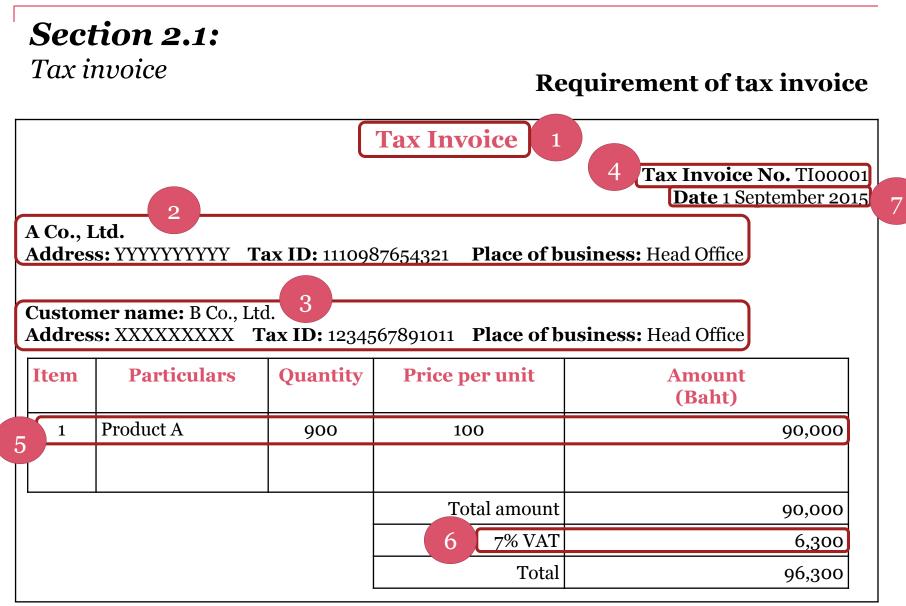
# Section 2

### VAT documentation issues



### Tax invoice

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#### Tax invoice

#### **Case 1: Incomplete tax invoice**

		Tax Invo	ice			
<b>Tax Invoice No.</b> TI0000 <b>Date</b> 1 September 201						
A Co.,Ltd. Address: YYYYYYYYYY Tax ID: 1110987654321 Place of business: Head Office						
Customer name: Cash Address: Tax ID: Place of business: Head Office						
Item	Particulars	Quantity	Price per unit	Amount (Baht)		
1	Air Conditioner	1	18,000	18,000		
2	Installation charge	1	2,000	2,000		
		<u> </u>	Total amount	20,000		
			7% VAT	1,400		
			Total	21,400		

#### Facts:

- 1) Co. A identifies the buyer as "Cash" and does not state the address in the tax invoice.
- 2) The tax invoice is not given to the buyer.
- 3) The buyer does not provide the information.
- 4) The buyer does not want a tax invoice because the buyer is not a VAT registrant.

#### **Question:**

- 1. Is the tax invoice prepared in compliance with VAT regulations?
- 2. How should Co. A issue tax invoice so that it is acceptable to the Revenue Department and comply with VAT regulations?

Tax invoice

**Case 1: Incomplete tax invoice** 

#### Ruling Gor Kor 0811 (Gor Mor)/Phor 519

#### dated 12/4/2542 (B.E.):

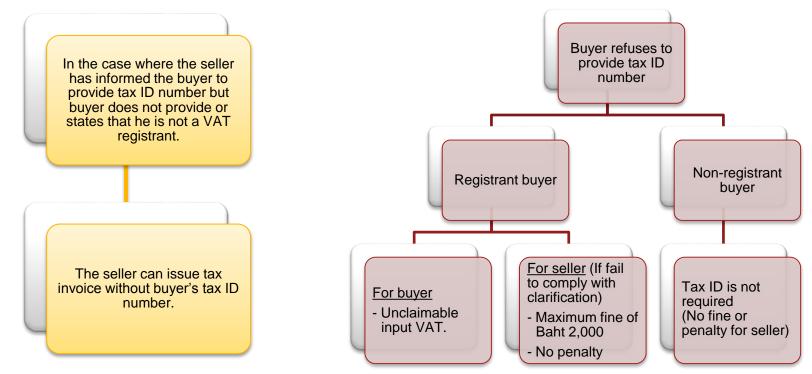
- Tax invoice with name of buyer as "Cash" does not have the significant contents required according to Section 86/4 of the Revenue Code.
- Fine of not exceeding Baht 2,000 under Section 90(12) of the Revenue Code.

Tax invoice

#### **Case 1: Incomplete tax invoice**

#### **<u>Clarification of the Revenue Code:</u>**

Specification of taxpayer ID no. for the buyer of goods or the recipient of the service in tax invoice (dated 24 March 2015)



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*Tax invoice* 

#### **Case 2:** Tax invoice with many pages

Tax Invoice				<b>Tax Invoice</b> <b>Tax Invoice No.</b> TI0000 <b>Date</b> 1 September 201					
<b>Tax Invoice No.</b> TI00001 <b>Date</b> 1 September 2015									
ddres	Co., Ltd. (Head Office) dress: YYYYYYYYYY Tax ID: 1110987654321 ace of business: Head Office			Item	Particulars	Quantity	Price per unit (USD)	Amount (Baht)	
Customer name: B Co., Ltd. Address: XXXXXXXXX Tax ID: 1234567891011					3	Product L	30	100	3,000
							1 1		
			1567801011		4	Product Z	100	50	5,000
ddress		Tax ID: 1234	4567891011		4	Product Z Product W	100 2	50 400	5,000 8,000
ddres	s: XXXXXXXXX	Tax ID: 1234	Price per	Amount				, , , , , , , , , , , , , , , , , , ,	5,000 8,000 24,000
ldress ace of	s: XXXXXXXXX f <b>business:</b> Head	<b>Tax ID:</b> 1234 Office		Amount (Baht)				400	8,000
ldress ace of	s: XXXXXXXXX f <b>business:</b> Head	<b>Tax ID:</b> 1234 Office	Price per					400 Total amount	8,000 24,000
ldress ace of Item	s: XXXXXXXXX f business: Head Particulars	Tax ID: 1234 Office Quantity	Price per unit (USD)	(Baht)				400 Total amount 7% VAT	8,000 24,000 1,680

**Fact**: Co. A issues tax invoice with two pages as there are many items being sold, but the second page does not have the name and address of both the buyer and seller.

#### Has this tax invoice been prepared in

**Question:** 

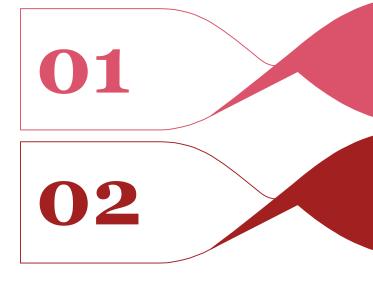
compliance with VAT regulations?

Tax invoice

#### **Case 2: Tax invoice with many pages**

**Answer:** The tax invoice is not prepared in compliance with the VAT guidelines.

# Departmental Instruction No. Paw 86/2542, Clause 9, allows two options:



#### **Option 1**

Prepare a set of tax invoices which contains one sheet of tax invoice and one or more supplementary sheets.

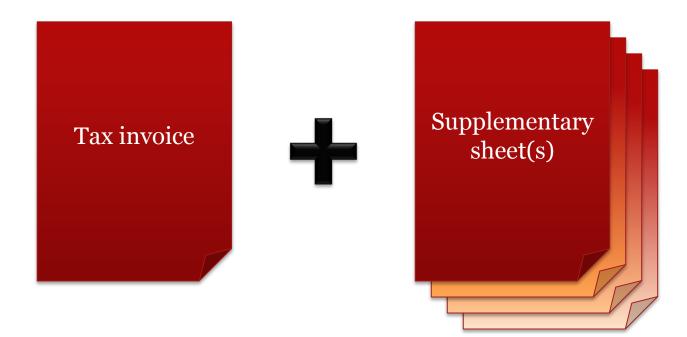
#### **Option 2**

Prepare a set of tax invoices which contains more than one sheet of tax invoice.

Tax invoice

#### **Case 2: Tax invoice with many pages**

**Option 1**: Prepare a set of tax invoices which contains one sheet of tax invoice and one or more supplementary sheet.



Tax invoice

#### **Case 2:** Tax invoice with many pages

	• • •						
Option	11:	Tax Invoice					
				Tax Invoice No. TI00001 Date 1 September 2015			
		A Co., Ltd. (Head Office) Address: YYYYYYYYY Tax ID: 1110987654321 Place of business: Head Office					
Customer name: B Co., Ltd. Address: XXXXXXXX Tax ID: 1234567891011 Place of business: Head O							
Remark under the description that there are details in the		Desci	ription	Amount (Baht)			
supplementary tax invoice.		See enclosed documents		100,000			
	Total amount of	goods or	Total	100,000			
	services and the	amount of VAT	VAT 7%	7,000			
	in the tax invoice	U	Grand Total	107,000			
with the supplementary s		lentary sneets.					

#### Section 2.1: *Tax invoice* **Case 2 Tax invoice with many pages: Option 1 Supplementary Tax Invoice** Tax Invoice No. TI00001 4 Date 1 September 2015 **Particulars** Quantity **Price per unit** Item Amount (Baht) Product A 900 90,000 3 1 100 If there is more than one sheet of supplementary tax invoices, the sheet number Total amount 90,000 must be specified. · The details of the total amount of goods or 5 7% VAT 6,300 services and the total amount of VAT must be stated only on the last page of the Total 96,300 supplementary tax invoice. Sheet 2 Sheet 1

Tax invoice

#### **Case 2: Tax invoice with many pages**

**Option 2**: Prepare a set of tax invoices which contains more than one sheet of tax invoice.

Each sheet must contain complete and adequate particulars under Section 86/4(1)-(5) and (7) of the Revenue Code. Each sheet of tax invoice that is not the last sheet must contain a passage showing that there is another page of the tax invoice (can be in Thai or English).

The total amount of goods or services and the total amount of VAT must only be on the last page.

<b>Section 2.1:</b> Tax invoice					
Case 2: Tax invoice	Tax Invoice         Tax Invoice No. TI00001         Date 1 September 2015         A Co., Ltd. (Head Office)         Address: YYYYYYYY Tax ID: 1110987654321         Place of business: Head Office         Customer name: B Co., Ltd.				
with many pages					
<b>Option 2</b> : Page 1 of the set	Address: XXXXXXXX Tax ID: 12345678 Description	Amount (Baht)			
of tax invoice.	Service fee for April-May 2015 Continued on Page 2		100,000		
	,	Total amount			
		7% VAT			
		Total			

<b>Section 2.1:</b> Tax invoice					
<b>Case 2:</b> Tax invoice	Tax InvoiceTax Invoice No. TI00001Date 1 September 2015Page 2 of 2Address: YYYYYYYY Tax ID: 1110987654321Place of business: Head Office				
with many pages					
<b>Option 2</b> :	Customer name: B Co., Ltd. Address: YYYYYYYY Tax ID: 111098 Description	87654321 Place o		Head Office	
Page 2 of the		(Baht)			
set of tax invoice.	Service fee for June-July 2015 Service fee for August-September 2015		150,000 150,000		
		Total amount		400,000	
		7% VAT		28,000	
		Total		428,000	

#### Section 2.1: Tax invoice **Tax Invoice** Case 2: Tax Invoice No. TI00001 Date 1 September 2015 Tax invoice A Co., Ltd. (Head Offi with many Address: YYYYYYYYY T **Question:** Is this acceptable? pages Customer name: B Co **Option 3**: Address: YYYYYYYYY Descript Amount Issue a tax (Baht) invoice with no Refer to Invoice no. 12345 dated 30/9/2015 200,000 description of goods or B Goods and services as per enclosed services as: 300,000

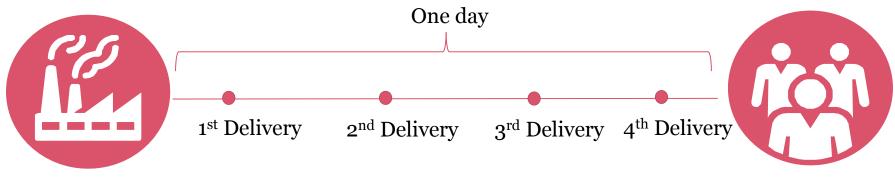
Total amount

7% VAT

Total

Tax invoice

Case 3: Tax invoice issued for many deliveries of goods sold per day



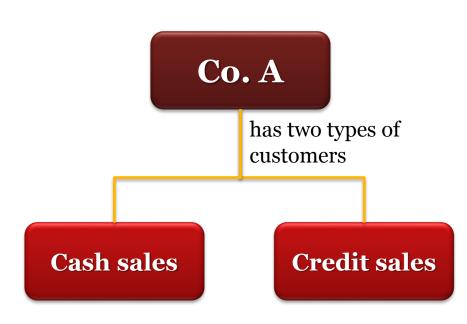
**Question:** How should the company prepare the tax invoice to be in compliance with VAT regulations?

#### **Answer:**

If the registrant sells the same type and category of goods to one buyer many times in one working day, the registrant can prepare one tax invoice which sums up the value for that working day at the last delivery of the day.

Tax invoice

**Case 4: Tax invoices issued from separate tax invoice pads** 



#### Fact:

- For the purpose of controlling the accounts receivable, the company would issue tax invoices for different types of customers from separate tax invoice pads.
- As a result, the number of tax invoices on output tax report will not run sequentially.

#### Question: Can the company do this?

#### Answer:

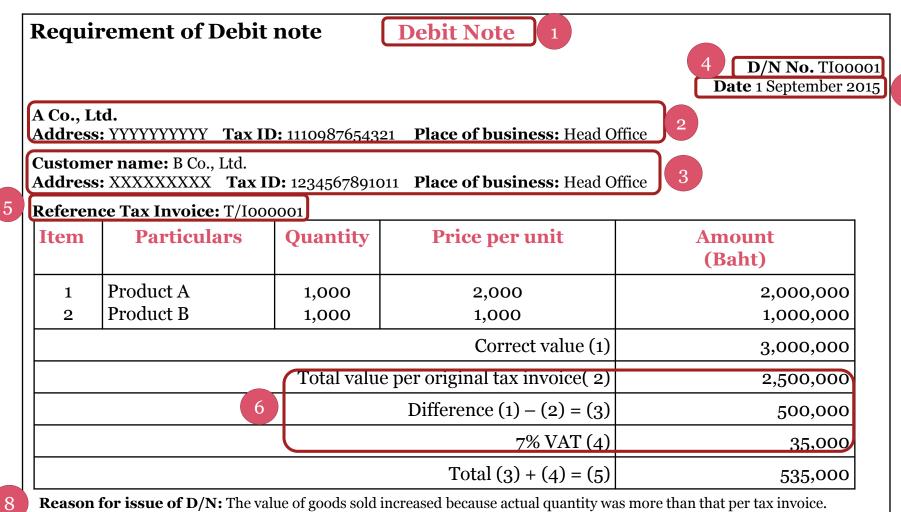
#### Yes.

However, the tax invoice must be issued instantly at the time the liability to VAT arises and must contain the required significant contents.

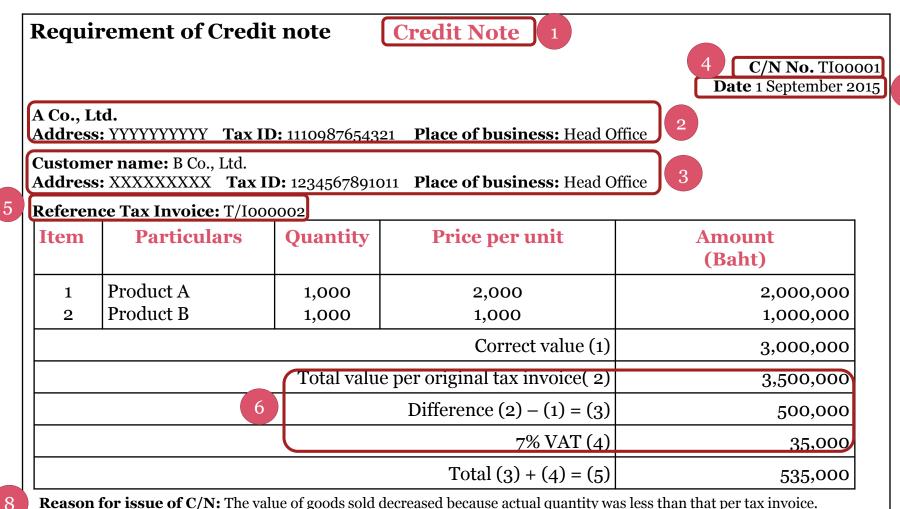


# Debit note, credit note and cancellation of tax invoices

Debit note, credit note and cancellation of tax invoices



Debit note, credit note and cancellation of tax invoices



Debit note, credit note and cancellation of tax invoices

**Case 5: Incorrect VAT amount** 



- Issued tax invoice to Co. B.
- Co. A was informed that tax invoice contained incorrect VAT amount and was requested to re-issue correct tax invoice to Co. B

• Received tax invoice containing incorrect VAT amount from Co. A.

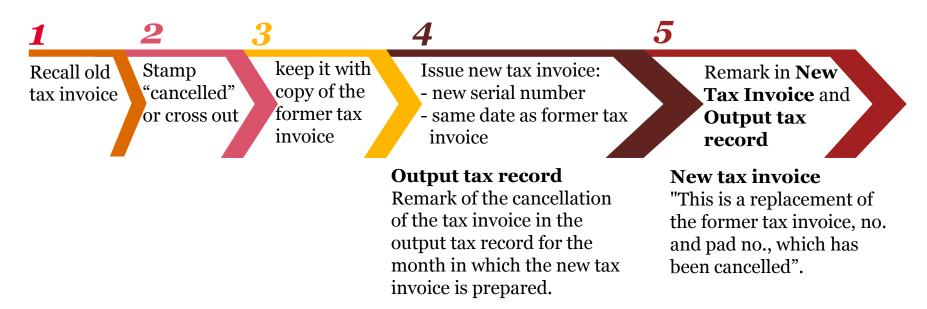
Question: How does Co. A (seller) revise the tax invoice?

Debit note, credit note and cancellation of tax invoices

#### Case 5: Incorrect VAT amount

<u>Alternative 1</u>:

Cancel the former tax invoice and issue a new tax invoice.



<u>Alternative 2</u>: Issue a credit note or debit note to adjust the VAT amount.

Debit note, credit note and cancellation of tax invoices

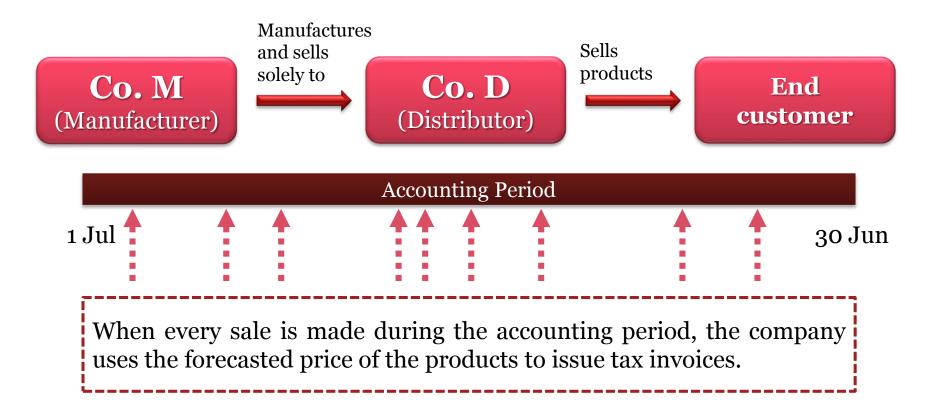
#### **Case 6: Price adjustment**



Based on the purchase agreement between Co. M and Co. D, Co. M will sell products at a price which makes Co. D generate operating profit of 5% (Resale minus method).

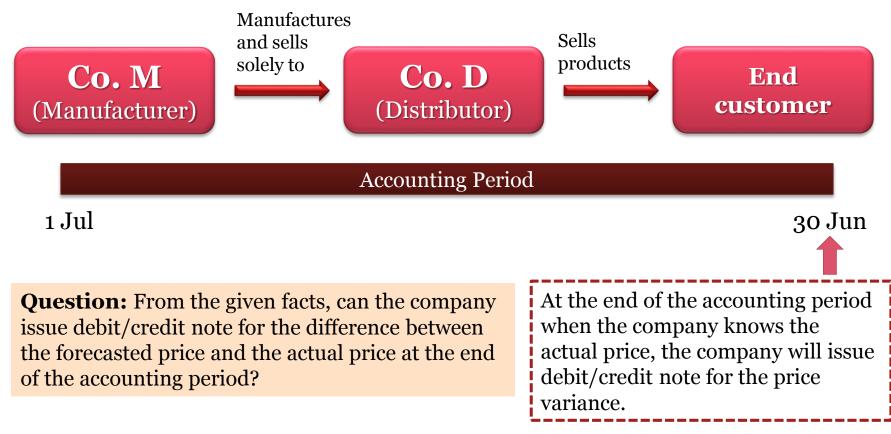
Debit note, credit note and cancellation of tax invoices

#### **Case 6: Price adjustment**



Debit note, credit note and cancellation of tax invoices

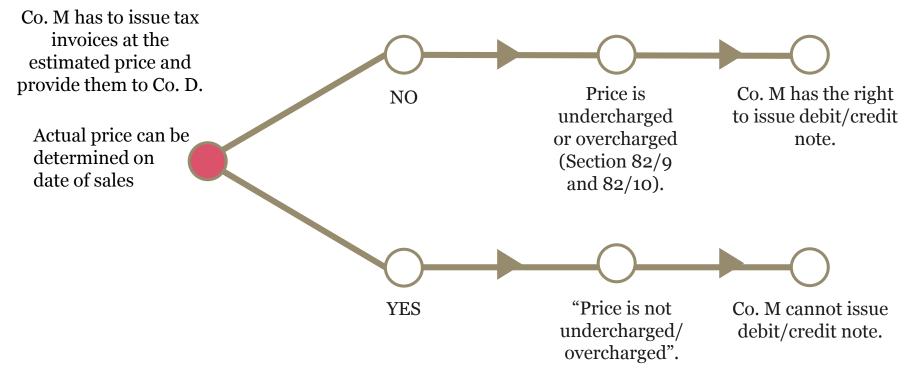
#### **Case 6: Price adjustment**



Debit note, credit note and cancellation of tax invoices

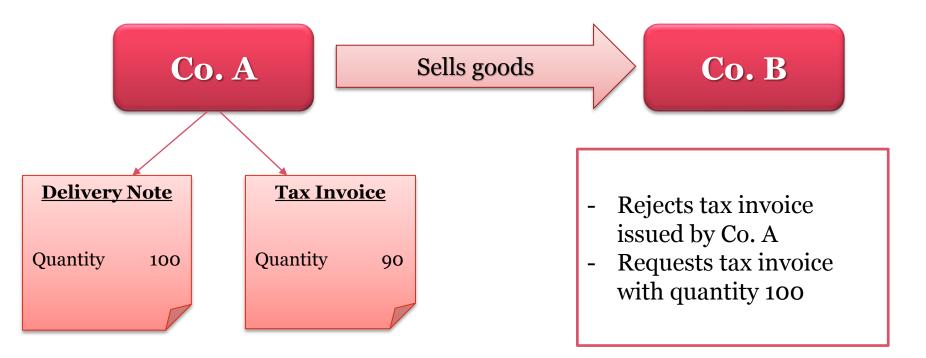
#### **Case 6: Price adjustment**

#### Ruling Gor Kor 0702/Paw 3113 dated 13/3/2558(B.E.):



Debit note, credit note and cancellation of tax invoices

**Case 7: Tax invoice issued with incorrect quantity** 



#### Question: What should Co. A do to comply with VAT regulations?

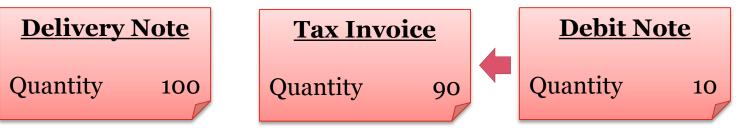
Debit note, credit note and cancellation of tax invoices

### **Case 7: Tax invoice issued with incorrect quantity**

#### Answer: Co. A should:

#### **Option 1:**

- Explain to the buyer to accept the tax invoices issued on delivery of goods, and
- Subsequently issue debit note for the quantity that is short containing the particulars required under Section 82/9 and 86/9 of the Revenue Code, and deliver debit note to Co. B.



**Option 2:** Recall tax invoice for cancellation and issue a new correct tax invoice.

Debit note, credit note and cancellation of tax invoices

**Case 8: More than one tax invoice issued for the same transaction** 

- Issues two tax invoices for one sale
- Remits output VAT on both tax invoices



#### **Question:** What should Co. A do to comply with VAT regulations?



### Tax point

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Tax point

Registrant shall prepare **a tax invoice and a copy** thereof for every sale of goods or provision of services promptly.

Prepare tax invoice **promptly** at the time the VAT liability arises. • Delivery of goods • Receipt of

payment for service fee Section 86

Tax invoice shall be **delivered** to the purchaser of goods or the recipient of services.

#### Tax point

**Case 9: Tax invoice issued with** 

#### the date blank

**Tax Invoice** Tax Invoice No. TI00001 Date A Co.,Ltd. Address: YYYYYYYY Tax ID: 1110987654321 Place of business: Head Office **Customer name:** Government B. Address: XXXXXXXXX Tax ID: 1234567891011 Item Particulars Quantity Amount (Baht) Product A 1 1 2.000 Total amount 2,000 7% VAT 140 Total 2,140

#### Facts:

- Co. A issues a tax invoice with the date blank as requested by the customer.
- Co. A manually enters the tax invoice date (delivery date) using a rubber stamp on the **copy tax invoice**.
- Co. A submits the VAT return in the month in which the goods were delivered.
- After payment is made, the customer manually enters the date on the **original tax invoice**.

#### **Question:**

- Can Co. A issue a tax invoice with the date blank?
- Can the customer enter the tax invoice date by himself?

## Section 2.3: Tax point

## **Case 9: Tax invoice issued with the date blank**

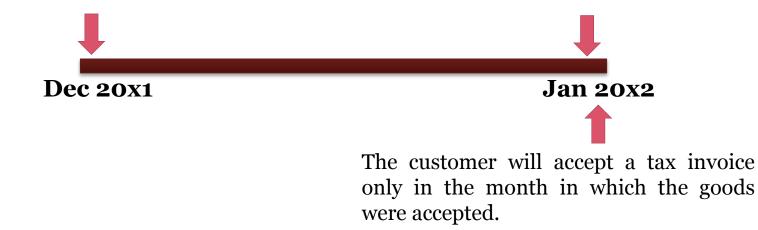
## Revenue Department's ruling no. Gor Kor 0702/8798 dated 9 October 2013

- The seller can use a rubber stamp to stamp the date on the copy tax invoice.
- The seller should stamp the same date on both the original and copy tax invoice.

**Section 2.3:** *Tax point* **Case 10: Tax invoice not accepted by customer on delivery date** 

Co. A delivers goods to customer in Dec 20x1.

It takes approximately 1-4 weeks for the process of testing the goods, so the customer accepts the goods in Jan 20x2.



**Question:** What should be the suggested practice for compliance with VAT regulations and Co. A's business?

Tax point

# Case 10: Tax invoice not accepted by customer on delivery date

#### <u>Alternative 1</u>

Issue tax invoice to the customer and submit the monthly VAT return Issue credit note to cancel Dec 20x1 tax invoice and issue new tax invoice dated in Jan 20x2



# **Tax exposure:** The RD may query the reason for the issue of the credit note.

Tax point

# Case 10: Tax invoice not accepted by customer on delivery date

<u>Alternative 2</u>

#### **Upon delivery:**

- Issue tax invoice (dated on goods delivery date).
- Report and pay output VAT in the tax month of goods delivery.
- Issue delivery order for the customer to sign off with a remark such that "Tax invoice is not accepted until the inspection of goods is completed."

#### **Upon acceptance:**

- Distribute original tax invoice (dated on goods delivery date) to the customer and ask him to stamp "Received date" as date of acceptance on the tax invoice, or
- Cancel the original tax invoice and issue a new one with "delivery date" and "received date".

Dec 20x1

Jan 20x2

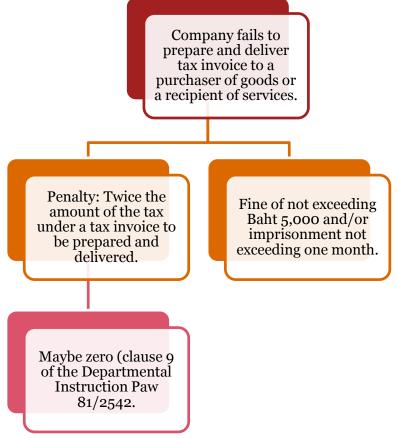
Tax point

Case 10: Tax invoice not accepted by customer on delivery date

## <u>Alternative 2</u>

#### Tax exposure:

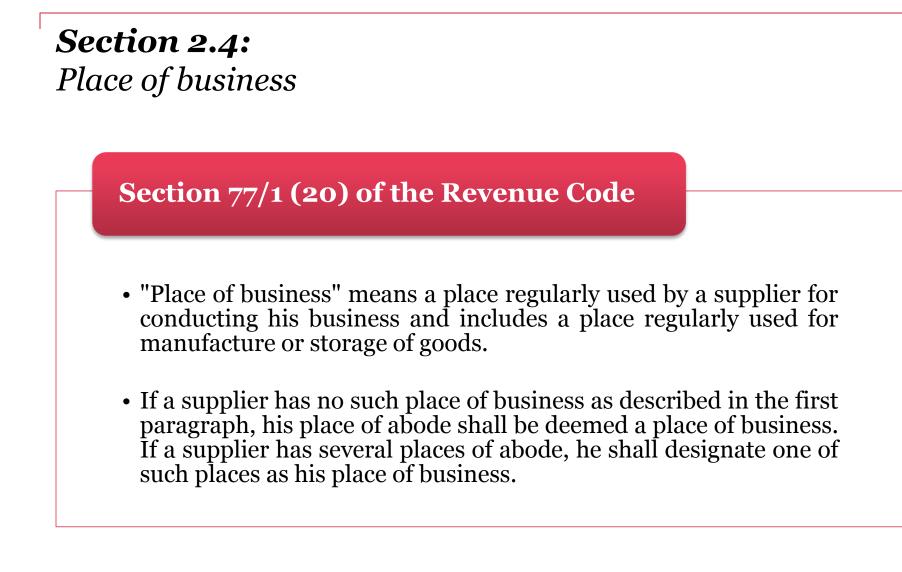
- Penalty
- Fine





## Place of business

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## **Section 2.4:** *Place of business*

## **Case 11: Factory under construction**

Tax Invoice

Tax Invoice No. TI00001 Date 1 September 2015

S Co.,Ltd. Address: xxxxxxx Tax ID: 1110987654321 Place of business: Head Office

Customer name: A Co., Ltd. Address: Temporary address 1234567891011 Place of business: Head Office

2 Installation charge 1 2,000 Total amount 2	ount uht)		Price per unit	Quantity	Particulars	Item
charge 1 2,000 Total amount 2	8,000		18,000	1	Air Conditioner	1
	2,000		2,000	1		2
	0,000	:	Total amount			
7% VAT	1,400		7% VAT			
Total	21,400		Total			

#### **Facts:**

- Co A., a VAT registrant, is constructing a factory.
- Co. A has not yet registered the factory under construction as a place of business for VAT.
- During the construction period, Co. A purchased items for the construction.
- The tax invoices for the purchases show the temporary address and place of Co. A

#### **Questions**:

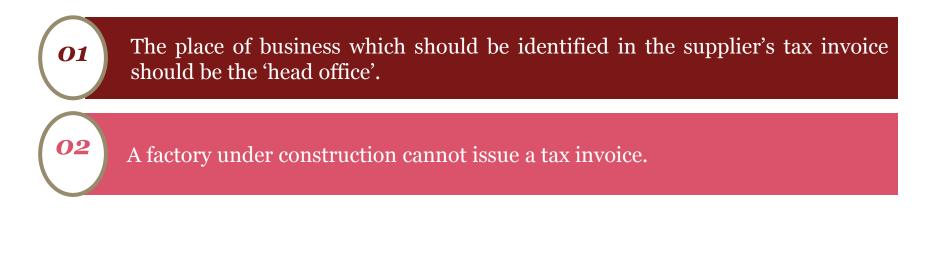
- 1. Can Co. A use these purchase tax invoices?
- 2. If Co. A wants to sell the goods purchased for the construction because they did not match the specifications, can Co. A issue a tax invoice?

## **Section 2.4:** Place of business

**Case 11: Factory under construction** 

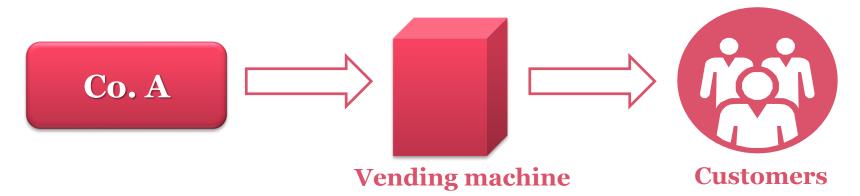
## Key consideration:

A factory under construction is not regarded as a place of business (Section 77/1 (20) of the Revenue Code).



## Section 2.4: Place of business

## **Case 12: Sale by vending machine**



### Facts:

Co. A sells its products through vending machines without any salespersons.

#### **Question:**

Is a vending machine considered as a place of business?



# Input VAT

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• A receipt issued by the Revenue Department for the remittance of value added tax under Section 83/6 or 83/7 and a receipt issued by the Customs Department or the Excise Department for the collection of value added tax for the Revenue Department under Section 83/10 (1) or (2) shall be treated as **a tax invoice.** 

### **Case 13: Receipt of Customs Department**



**Question:** As the new regulations require the taxpayer ID no. of the buyer to be specified in the tax invoice and a receipt of the Customs Department contains the taxpayer ID no. of Co. B., can Co. A use the receipt of the Customs Department to claim as input VAT?

### **Case 13: Receipt of Customs Department**

Departmental Instruction Paw 86/2542 clause 20 paragraph 3:

- In the case where the receipt issued by the Department of Customs specified the name of the registrant and also the name of the operator of the air carrier service
- If there is evidence that shows that the registrant hired the operator of the air carrier service to transport goods to/from a foreign country, the registrant is entitled to treat the receipt as input tax in computing VAT.

Section 82/5: Unclaimable input tax

(1) A tax invoice is missing or cannot be produced to prove that input tax has been collected.

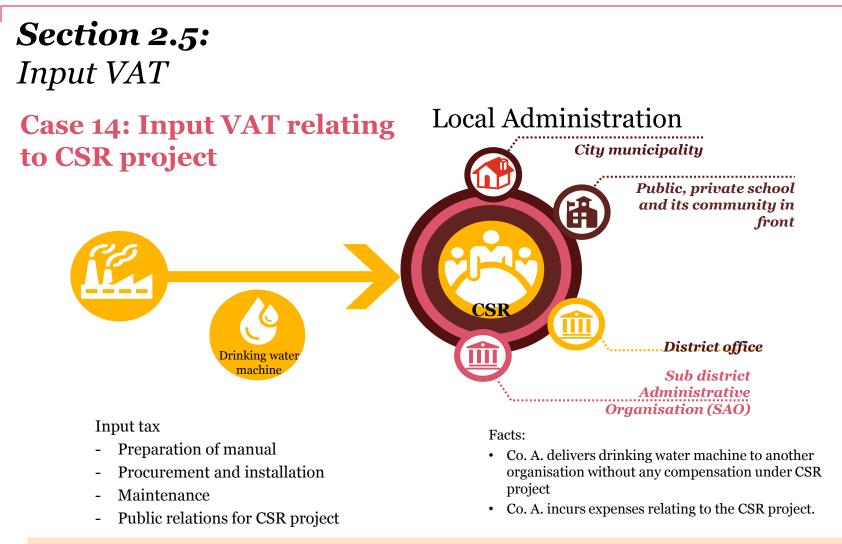
(2) A tax invoice contains information which is incorrect or insufficient in substance.

(3) Input tax is not directly connected with the business carried on by a supplier.

(4) Input tax originated from entertainment expenses or expenses of a similar nature

(5) Input tax under a tax invoice issued by a person not authorised to do so

(6) Input tax designated by the Director-General



#### Question: Can input VAT relating to a CSR project be used as VAT credit?



## VAT rate

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## Section 2.6: VAT rate

Director General Notification on VAT (No. 105), Clause 3: Documents required for the export of services to be qualified for 0%VAT

Document showing payment of services under the invoice in the name of the registrant such as:

- Letter of credit (L/C)
- Telex transfer (T/T)
- Terms of payment (T/P)
- Receipt
- Document showing the receipt of payment under a letter of credit (L/C)
- Bank statement specifying that money has been deposited into the bank account by using the bank deposit book, deposit slip, credit card payment slip, using E-money or E-cash

Except in the case of a registrant providing services without any consideration, the document showing payment for the services is not required.

#### Section 2.6: VAT rate **Case 15: Export service** Designer of car model Make decision and sell car model Seller Co. A (2)Coordinate **Overseas** (1)(3)Thailand Coordinate Customer Co. B Coordinate Seller **Car manufacturer** Coordinate - Raw materials - Machinery and tools

#### Facts:

- (1) Co A hires Co. B:
  - 1.1) Coordinate with customers and car manufacturer on car model.
  - 1.2) Deal with seller of raw materials, machinery and tools.
- (2) Co. B sends employees overseas to gather information and comes back to Thailand to discuss the assignment and prepare report.(3) Co. B provides the report to Co. A and drawing plan.

Co. B will not be involved in the engagement between Co. A and customer, car manufacturer and seller.

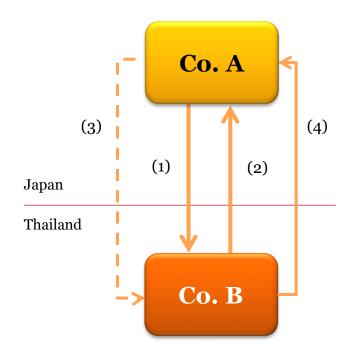
#### **Questions:**

What rate of VAT should apply on the service by Co. B to Co. A?

- a. 0%
- b. 7%
- c. Exempt

## Section 2.6: VAT rate

### **Case 16: Export service**



#### Facts:

(1) Co. A hires Co. B for software development.

(2) Co. B sends the software to Co. A in Japan and charges Co. A for the service rendered.

(3) Co. B borrows money from Co. A for R&D purpose regarding software development.

(4) Co. B collects its fees by settlement of loan from Co. A.

#### **Questions:**

What rate of VAT should apply on sale by Co. B to Co. A?

- a. 0%
- b. 7%
- c. Exempt



Section 3

# Conclusion

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## Section 3: Conclusion

Lack of knowledge of the tax regulations in particular those in relation to the VAT documentation can be time-consuming and costly in solving VAT issues. Even small errors can bring about significant tax implications and exposures to the taxpayer. All taxpayers should therefore have a clear understanding of the relevant regulations for preparing VAT documentation, e.g. the regulations concerning tax invoices, debit notes, credit notes, claimable input VAT, VAT rate, etc.

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# Thank you

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