

## FAQ INDEX:

1. VAT REFUND. REQUIREMENTS.....	3
2. VAT REFUND. PROCEDURE.....	3
3. VAT COLLABORATING ENTITIES .....	4
4. PROOF OF HABITUALLY RESIDENCE .....	5
5. NON-COMMERCIAL DISPATCH.....	6
6. MEANS OF PAYMENT .....	6
7. ELIGIBLE MERCHANDISES.....	7
8. DOCUMENT AT THE SHOP.....	7
9. TIME LIMIT FOR EXIT .....	8
10. TIME LIMIT TO APPLY FOR THE VAT REFUND .....	9
11. EXIT FROM EU WITHOUT VALIDATION IN TAX-FREE DOCUMENT .....	9
12. DUTY FREE STORE.....	10
13. SERVICES ON THE INVOICE.....	10
14. PORTS AND AIRPORTS AVAILABLE FOR VALIDATION.....	10
15. DIGITAL VALIDATION AT A DIVA TERMINAL .....	11
16. DISCOUNTS ON DIVA.....	12
17. PREVALENCE OF THE DIGITAL VALIDATION .....	12
18. EMPLOYEES OF EMBASSIES AND CONSULATES .....	12
19. CANARY ISLANDS, CEUTA AND MELILLA .....	13
20. RETURN OF GOODS .....	13
21. “DER” IMPRESSION .....	14
22. TRANSIT PASSENGERS.....	14
23. SHOPPING IN ANOTHER EU STATE.....	15
24. PASSENGER (TAX FREE SHOPPING) SCHEME: DELIVERY OF TYRES.....	15
25. POST-VISA OBLIGATIONS .....	16
26. DER NOT IDENTIFIED IN THE SYSTEM .....	17
27. PERSONS MAKING THE REFUND .....	17
28. ISSUER OF THE ELECTRONIC TAX FREE DOCUMENT .....	17

29. UNITED KINGDOM RESIDENT TRAVELLERS' REGIME AFTER BREXIT ..... 18

## VAT REFUND. REQUIREMENTS

### Question:

**A tourist with permanent residence outside the EU, who has made purchases in Spain. Can he get a refund of the VAT paid on those purchases?**

### Answer:

Yes, provided that they are resident in a country outside the EU, or in the Canary Islands, or in the autonomous cities of Ceuta and Melilla, and also meet the following conditions:

-The purchases must be properly documented (commercial invoice and an Electronic Tax-free Document submitted to the Tax Agency).

-The purchases must have been made in the Iberian Peninsula, or in the Balearic Islands, not applying this system to those, which have been made in the Canary Islands, Ceuta or Melilla.

-The goods must not constitute a commercial dispatch, i.e. they must have been acquired on an occasional basis and intended for their personal or family use or offered as gifts and, which, according to their nature and quantity, cannot be presumed to be the subject of a commercial activity.

-The goods acquired actually shall leave the territory of the Community within three months of the month in which the supply took place.

Likewise, the supply of goods intended for the equipping or provisioning of any means of transport for private use (e.g. tyres and fuel) is excluded from this regime.

## VAT REFUND. PROCEDURE

### Question:

**When can a traveller, who is not resident in the European Union, get refunded the VAT paid on purchases made in Spain?**

**Answer:**

For the refund of input VAT amounts paid by travellers, who are not resident in the territory of the European Union, those amounts must have been previously charged and documented on an invoice. Likewise, the seller must submit an electronic tax-free document (DER, in Spanish) to the Tax Agency.

In Spain, there are two systems for the refund of the amounts previously paid by non-resident travellers. The traveller can freely choose any of those two systems at any time:

- 1- Directly through the shop. The traveller submits the electronic tax-free document validated by the customs office (authority) to the supplier, who will refund the full amount charged within fifteen days by cheque, bank transfer, credit card payment or any other means supporting the refund. The time limit for the traveller to submit the DER validated by the customs office to the supplier must be the general four-year statute of limitations on the supplier's right to rectify the amounts charged. After this time, the supplier has no obligation to refund VAT.
- 2- Through Collaborating Entities authorized by the AEAT (Tax Agency). In this case, the travellers will present the electronic tax-free documents validated by the customs office to these entities, that will refund the VAT paid in the acquisition of the goods minus the corresponding authorized commission. The traveller must agree to such refund. Subsequently, the Collaborating Entities will submit the electronic tax-free documents validated by the Customs office to the suppliers who will order the corresponding refund, in this case, in full.

The VAT refund to travellers by the Collaborating Entity will be made in cash, by credit card, cheque or bank transfer.

## VAT COLLABORATING ENTITIES

**Question:**

**Which cooperating entities are authorised by the Tax Agency to refund paid VAT to travellers?**

**Answer:**

- Global Blue España S. A. (formerly European Tax-free Shopping Spain S. A.).
- Premier Tax-free (formerly Cashback).
- Innova Taxfree Spain (formerly Spain Refund S. L.)
- Caja de Ahorros y Pensiones de Barcelona (Barcelona Savings and Pension Bank)
- Open Refund S. L.
- Comercia Global Payments Entidad de Pago S. L.
- Financiera El Corte Inglés, EFC
- Travel Tax Free, S. L. U
- S21 TAX FREE, SL
- KEEP SHOPPING TAX FREE, SL
- HISPANIA TAX FREE, SL.
- B FreeTax Back S.L.
- Safety Tax-free España, S.L.
- Wiblink, S.L
- Getrefund, S.L
- Secret Berbere Europe Sl
- Traveleasy GmbH
- Pucela Brain Storm, S.L.
- Refundit, S.L.

Travellers shall present the tax-free document validated by the customs office to the mentioned entities, which will refund the corresponding amount (invoiced amount minus the amount for commission) indicating on record the traveller's conformity.

## PROOF OF HABITUALLY RESIDENCE

### Question:

**For VAT refund purposes in the tax-free shopping system, how can I prove that I am habitually resident?**

### Answer

Travellers must have their habitual residence outside the territory of the European Union. Travellers' habitual residence shall be attested by any of the following means: passport, identity card or any other legally accepted means of proof.

## NON-COMMERCIAL DISPATCH

### Question:

**For VAT refund purposes in the tax-free shopping system, What does the expression “the goods purchased do not constitute a commercial dispatch” stand for?**

### Answer

For the purposes of this Law, goods carried by travellers shall be deemed not to constitute a commercial dispatch when they are goods acquired occasionally, intended for the personal or family use of travellers or to be offered as gifts and which, due to their nature and quantity, cannot be presumed to be the object of a commercial activity.

The rule does not establish any quantitative threshold, above which goods are deemed to constitute a commercial dispatch. It must therefore be analysed on a case-by-case basis.

## MEANS OF PAYMENT

### Question:

**By what means of payment will the VAT refund to travellers be made?**

### Answer

If the traveller opts to obtain the refund directly from the salesman, this last one will refund the full amount charged within a period of fifteen days either by cheque, bank transfer, credit card payment or other means that attest the refund.

If the traveller opts for the VAT refund through a Collaborating Entity authorized by the Tax Agency, the VAT refund to travellers shall be made in cash, by credit card, cheque or bank transfer. When the refund is made in cash, it will necessarily have to be made in euros.

## ELIGIBLE MERCHANDISES

### Question:

**What kind of goods can benefit from VAT refund to travellers in the Tax-free shopping scheme?**

### Answer

Only goods acquired, which actually leave (the territory of) the European Union are eligible for a refund. The exemption therefore does not apply to services of any kind (accommodation, car hire, catering, etc.) or to goods, which have been totally or partly used within the territory of the Union (drinks, chocolates, perfumes).

It is important to note that the validation of the electronic tax-free document (DER) is carried out or not in its entirety; so that, if only some of the goods included in a DER actually leave, the condition of effective exit of all the goods is not met and will therefore not be validated.

Shall consumables be purchased in order to benefit from the exemption and to be able to get a refund of paid VAT, these goods must leave the territory of the Union in the same condition as when they were purchased.

The exemption from VAT on the supply of goods in the tax-free shopping scheme excludes the supply of goods intended for equipment (e.g. tyres, fuel) or victualling of any means of transport for private use.

## DOCUMENT AT THE SHOP

### Question:

**What document does the shop assistant have to provide to the traveller to be sealed at the customs office of exit?**

### Answer

The shop assistant must issue the corresponding invoice and besides an electronic tax-free document (DER), available on the website of the State Agency of the Tax Administration, where the goods acquired will be recorded showing, separately, the corresponding tax amount.

The identity, date of birth and passport number of the traveller must be entered on the electronic tax-free document.

The collaborating entity or the selling store must check the DER validation, as a prerequisite to the awarding of the refund. It is as well required to inform the Tax Agency that the refund has been made.

The copy of the form provided (DER) to the travellers must bear a CSV (secure verification code), which will allow the traveller to know the processing status of his refund, with which the traveller will always be able to know the status of the processing of their VAT refund request, at all times. This information is available at the following web address:

<https://www.agenciatributaria.gob.es/AEAT.sede/tramitacion/ZZ05.shtml>

It is important to take into account that the DER issued to the traveller must contain a bar code or a QR code for later reading at time of validation (a simple screenshot of the form does not fulfil this requirement).

## TIME LIMIT FOR EXIT

### Question:

**What is the maximum time for a traveller to leave the European Union since the purchase was made?**

### Answer

It is a condition for the refund of VAT paid on purchases of goods by travellers, who are not resident in the territory of the Union, that they actually leave the territory of the Union within a maximum period of three months following the purchase.

Example

- Delivery date May 5 (credited by invoice date)
- Effective date of departure: Before 31 August.

Spanish invoicing regulations allow entrepreneurs and professionals to issue summary invoices. In the event that the sale of the goods being exported corresponds to a summary invoice, the period of three months will be counted from the date of the latter document.

## TIME LIMIT TO APPLY FOR THE VAT REFUND

### Question:

**What is the maximum period to apply for the refund of the paid VAT once the proof of exit has been validated?**

### Answer

The traveller may request the refund of the VAT paid on his purchases in Spain, provided that he complies with all the legally enforceable requirements and that the electronic tax-free document (DER) proving his purchase, is correctly validated by the customs office of exit.

The maximum period for requesting a refund is the general four-year statute of limitations, coinciding with the term of the supplier's right to rectify the VAT amounts charged. Once this period has elapsed, the supplier has no obligation to refund the VAT.

## EXIT FROM EU WITHOUT VALIDATION IN TAX-FREE DOCUMENT

### Question:

**Is it possible to claim a refund of paid VAT after having left the territory of the Union without having filled in the invoice at the last point of exit?**

### Answer

No. It is a condition for the refund of VAT paid on purchases of goods by travellers not resident in the territory of the Community that the traveller presents the goods to the Customs office of export.

Therefore, if the goods have not been presented and the electronic refund document, DER, has been endorsed, the requirements, to which the regulations make the right to the refund of VAT, are not met.

## DUTY FREE STORE

### Question:

**What are the differences between buying in a duty free store and one that is not?**

### Answer

In ports and airports there are duty free shops. These ones (shops) are under customs supervision. In this kind of shops supplies of goods are exempt from tax provided that the purchaser is a traveller to a third country. This circumstance must be proved by showing the boarding card. This exemption does not apply to goods constituting a commercial dispatch. This means that, under the indicated conditions, the sales made do not include VAT (without prejudice to the Price policy of the duty-free shop).

## SERVICES ON THE INVOICE

### Question:

**Two items appear on the purchase invoice: one the item itself and the other the amount paid for an extended purchase guarantee (above the legal limit). Can I claim VAT paid on the purchase of the extended guarantee service?**

### Answer

Only goods acquired, which actually leave the territory of the European Union, are liable to be refunded (get the VAT refund) under the tax-free system for travellers. However, the exemption does not apply to services of any kind (accommodation, car hire, catering, etc.). The provision of an extended warranty service is an ancillary service to the good, and as a service it cannot be refunded for the VAT to which it is subject.

## PORTS AND AIRPORTS AVAILABLE FOR VALIDATION

### Question:

**Spanish ports and airports where you can find a digital validation terminal.**

### Answer

The electronic tax-free document can be validated at any of the points of exit of the territory of the European Union, through our country. For more information:

[https://www.agenciatributaria.es/AEAT.internet/Inicio/La\\_Agencia\\_Tributaria/Aduanas\\_e\\_Impuestos\\_Especiales/ Presentacion/Procedimientos\\_y\\_gestiones\\_en\\_la\\_Aduana/ PARTICULARES/Viajeros/ INFORMACION/Compras\\_Devolucion\\_IVA/ INFORMACION/ Puertos\\_y\\_aeropuertos\\_con\\_DIVA / Puertos\\_y\\_aeropuertos\\_con\\_DIVA .shtml](https://www.agenciatributaria.es/AEAT.internet/Inicio/La_Agencia_Tributaria/Aduanas_e_Impuestos_Especiales/ Presentacion/Procedimientos_y_gestiones_en_la_Aduana/ PARTICULARES/Viajeros/ INFORMACION/Compras_Devolucion_IVA/ INFORMACION/ Puertos_y_aeropuertos_con_DIVA / Puertos_y_aeropuertos_con_DIVA .shtml)

## DIGITAL VALIDATION AT A DIVA TERMINAL

### Question:

#### Digital Validation at a DIVA terminal

### Answer

- If you are a traveller with habitual residence outside the territory of the European Union and have made purchases in Spain, the salesman in the shop must have issued to you, together with the corresponding invoice, an electronic tax free document (DER) with the word "DIVA" on the top. If you leave the territory of the Union through a Spanish port or airport that has a DIVA terminal, you will be able to complete your RCD digitally by going directly to the terminal.

To do this:

Locate the terminal at your departure airport // port

Choose your language

Scan the DER barcode

Follow the instructions on the screen

If the result is OK you already have a DER validated. You only need to claim your money to the shop or to the collaborating entity, by means of (the) remittance of the already endorsed DER in electronic form.

If the result is not OK you will have to go to the Customs office where you will have to show your passport, your invoice, the boarding card and the good/-s.

## DISCOUNTS ON DIVA

### Question:

**What is the DIVA treatment for discounts?**

### Answer

In the DIVA tax-free shopping scheme, discounts may appear as a product category of their own, expressly identified, that allows negative monetary values.

## PREVALENCE OF THE DIGITAL VALIDATION

### Question:

**During the transitional period, what happens if a DER that is recorded in the system as nonconforming later obtains a manual stamp validation?**

### Answer

In case of discrepancies between the manual stamp and the digital validation, the result of the electronic system prevails, as it is much more guarantor for all the actors involved in the process.

## EMPLOYEES OF EMBASSIES AND CONSULATES

### Question:

**VAT refund under the tax-free shopping scheme to employees of Embassies and Consulates.**

### Answer

Spanish diplomatic and consular staff residing outside the European Union may benefit from the exemption provided for in Article 21.2 of Law 37/1992, provided that the

requirements set out in the Law and the Regulation are met, including the requirement that travellers have their habitual residence outside the territory of the Community.

Habitual residence outside the European Union must be a fact at the time the tax is due and may be accredited by any means of proof admitted by law (e.g. certificate of residence, etc.).

In the case of acquisitions of goods by staff of accredited foreign diplomatic missions resident in Spain and career consular offices, the exemption regime applicable is that provided for in Article 22. eight of Law 37/1992 and its implementing regulations.

## CANARY ISLANDS, CEUTA AND MELILLA

### Question:

**Is it possible to obtain an electronic validation at DIVA for purchases made by residents of the Canary Islands, Ceuta and Melilla?**

### Answer

In the case of residents in Ceuta and Melilla, the electronic documents of reimbursement of purchases made in the Peninsula and Balearic Islands may be electronically validated in the customs of such territories.

In the case of residents in the Canary Islands, the validation, for the time being, remains solely manual.

## RETURN OF GOODS

### Question:

**What is the handling of the return of goods by the traveller?**

### Answer

- Re-importations of goods definitively exported to third countries are not exempted.

When the goods are rejected because they are defective, a re-importation takes place, which is exempted since it cannot be considered to have been preceded by a definitive export.

The corresponding amount of the defective goods must therefore be refunded.

The delivery of the new good will be subject to VAT, being able to enjoy the exemption if the requirements of article 21.2 of Law 37/1992 and 9 of R.D.1624/1992 are fulfilled.

## “DER” IMPRESSION

### Question:

**Does the validation of a Tax-free Shopping Document (in Spanish ERD) require a printed document?**

### Answer

- In DIVA the whole process may be ascertained in a paperless environment.

To this end, travellers, who so wish, may present themselves before the customs office of departure holding the tax-free shopping document in digital form.

However, it is recommended that shops provide a paper copy of the tax-free shopping document to provide for the eventuality in which the traveller leaves through a Member State other than Spain.

## TRANSIT PASSENGERS

### Question:

**Where should the validation of the tax-free shopping document be done, in the case of a traveller who leaves Europe through Spain, but must make a stop-over at another point of the European territory?**

### Answer

In the event that the traveller leaves the European Union transiting through any other European airport, the validation of the tax-free shopping document corresponding to the goods invoiced will necessarily be carried out at the Spanish customs office of departure (beginning of the journey).

With regard to goods exported in hand luggage, the validation of the tax-free shopping document may be carried out both at the customs office of departure (when the traveller also carries checked luggage) as well as at the customs office corresponding to the place of transit.

## SHOPPING IN ANOTHER EU STATE

### Question:

**When a traveller leaves the territory of the Union through Spain and arrives at a port or airport, what should he or she do to apply for a refund of VAT on purchases made in another Member State?**

### Answer

- If the purchases have been made in a country of the Union other than Spain, you will have to look for the customs office, identified as “**Oficina de Sellado Tax Free**” and “**Tax-free Customs Office**” and readily identifiable with posters of the following type:

Tax-free Customs Office

Tax-free Stamping Office

- At the validation office, you must show your passport, boarding pass, the corresponding invoice and the goods. The invoice will be stamped with a physical seal (rubber seal) and in order to make the right of refund effective, you must proceed as provided by the regulations of the country where the purchases were made.

## PASSENGER (TAX FREE SHOPPING) SCHEME: DELIVERY OF TYRES

### Question:

**A resident in Ceuta changes the wheels of his passenger car in the Spanish territory in which the tax applies. Is the exemption provided for the supply of goods to travellers whose residence is outside the territory of the Community applicable?**

**Answer**

No. The exemption from VAT on the supply of goods under the tax-free shopping system excludes the supply of goods intended for the equipment (e.g. tyres, fuel) or victualling of any means of transport for private use.

This exclusion applies both to the supply of such goods to travellers and to the supply of such goods in duty-free shops.

## **POST-VISA OBLIGATIONS**

**Question:**

**Once the validation has been carried out, is it necessary for the supplier or the collaborating entity to carry out any additional procedures in order to be able to make the refund? What if the sealing customs office is located in a Member State other than Spain?**

**Answer**

- Once the electronic tax-free shopping refund document has been validated, the supplier or the collaborating entity must check its validation at the “Sede Electrónica” (online office) of the State Agency of Tax Administration or through the web server before proceeding with the refund of VAT.

Once the amount owed to the tourist has been refunded, he must communicate electronically, that such payment has been made.

In the case where the validation has taken place in another Member State and therefore through a manual procedure, the supplier or the collaborating entity must check that the stamp is affixed on the refund document as well as electronically report the VAT refund.

## DER NOT IDENTIFIED IN THE SYSTEM

### Question:

**Can an electronic tax-free document (DER), that is not registered in the Tax Agency system, support the VAT refund to travellers?**

### Answer

The electronic tax-free document is an electronic message sent by the supplier, or by the collaborating entity on its behalf, (and) which is recorded in the Tax Agency.

The regulations condition the right to obtain the refund to the electronic validation of the DER. A sensu contrario, if at the time of validating, the electronic document of the delivery of goods is not in the AEAT system, no refund will be possible on a tax-free shopping scheme basis, without prejudice to the eventual existence of a contingency (backup) plan in the event of the AEAT systems collapsing.

## PERSONS MAKING THE REFUND

### Question:

**Which persons are entitled to carry out the VAT refund under the tax-free shopping scheme?**

### Answer

According to the legislation, only the supplier, who makes the supply of goods, or, on his behalf, an entity duly authorised to do so by the Tax Agency, can mediate in the procedure for the refunding of VAT to travellers.

Only companies listed in FAQ 03 are allowed to provide this intermediation service.

## ISSUER OF THE ELECTRONIC TAX FREE DOCUMENT

### Question:

**Who is the issuer of the electronic tax-free document?**

### Answer

According to the legislation, it is the obligation of the seller to issue the invoice and the electronic tax-free document. This obligation may be fulfilled personally or through an entity collaborating in the refund of VAT to travellers, under the mandate of the latter (with the corresponding contractual relationship).

In this sense, it is not possible to issue any electronic refund document on behalf of the traveller.

## UNITED KINGDOM RESIDENT TRAVELLERS' REGIME AFTER BREXIT

### Question:

**Right to VAT refund in case of British travellers after the UK leaves the European Union**

### Answer

Residents in the United Kingdom will be entitled to VAT refunds under the Tax-free Shopping Scheme after the United Kingdom leaves the European Union, provided that they comply with the requirements laid down in the regulations.

To this end, it is important to note that these requirements must be met at the time the tax becomes chargeable (at the time the goods are made available to such travellers) in order to benefit from this tax advantage.

This means that purchases made by British residents prior to the actual departure of the United Kingdom from the European Union do not give rise to a right to a refund of the tax (for failure to comply with the requirement of habitual residence outside the European Union), irrespective of when those residents leave the European Union.