



4th Annual Conference on Electronic Invoicing
September 13, 2007



Paris, France

The Legal Framework: Regulatory Aspects of Electronic Invoicing*

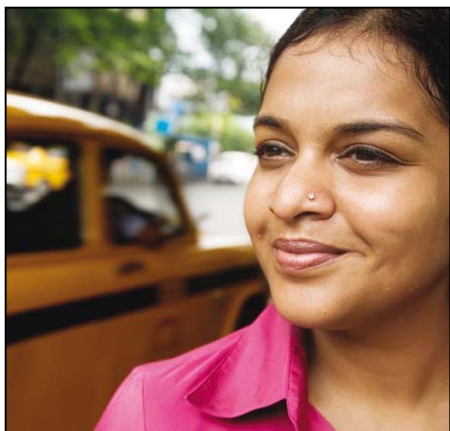
Marc Joostens, Director



*connectedthinking



European Commission – Council Directive 2001/115/EC



➤ Simplifying, modernising and harmonising the conditions laid down for invoicing in respect of VAT

➤ The obligation to issue an invoice

➤ Who should issue an invoice?

➤ For what transactions should an invoice be issued?

➤ What is an invoice?

➤ When should an invoice be issued?

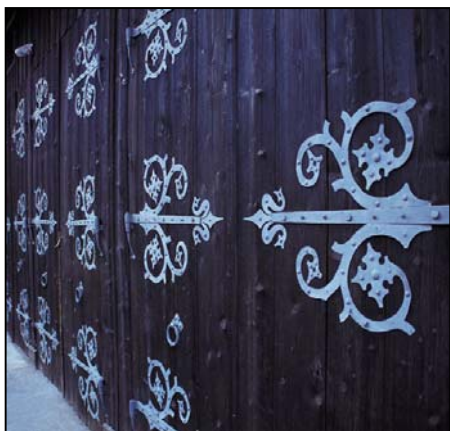
➤ Self-billing

➤ Outsourcing

➤ Content of an invoice

Format of an invoice

Storage of invoices



31/12/2008

Formal revision – Deadline report of EC regarding e-Invoicing

Electronic invoicing

Is there a compliant model for VAT?

- Acceptance by the customer
 - No licenses/authorisations required

- Authenticity of origin and integrity of content through
 - Use of EDI
 - Advanced electronic signature
 - Other electronic means



VAT possibility I EDI

Use of EDI

Advanced electronic signatures

Other electronic means

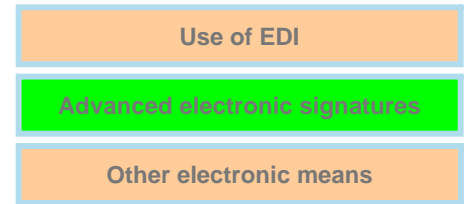
- Recommendation of the Commission 19 October 1994:
 - Electronic transfer
 - from computer to computer
 - using an agreed standard to structure the message
 - in a computer readable format
 - that can be processed automatically unambiguously

- Agreement relating to the exchange provides for the use of procedures guaranteeing authenticity of the origin and integrity of the data

- Option: creation of recapitulative statement on paper

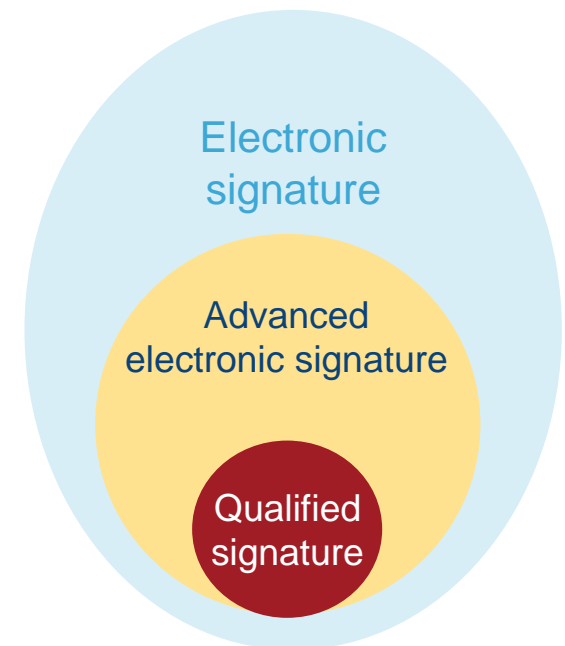


VAT possibility II – Advanced electronic signatures



- Art. 2 (2) of the Directive on electronic signatures
 - Connected to the signer in a unique way
 - Possibility to identify the signer
 - Realisation under exclusive control of the signer
 - Possibility to trace every change afterwards

- Options:
 - Qualified certificate (Art. 2(6))
 - Secure-signature creation device (Art. 2(10))



VAT possibility III – Other electronic means

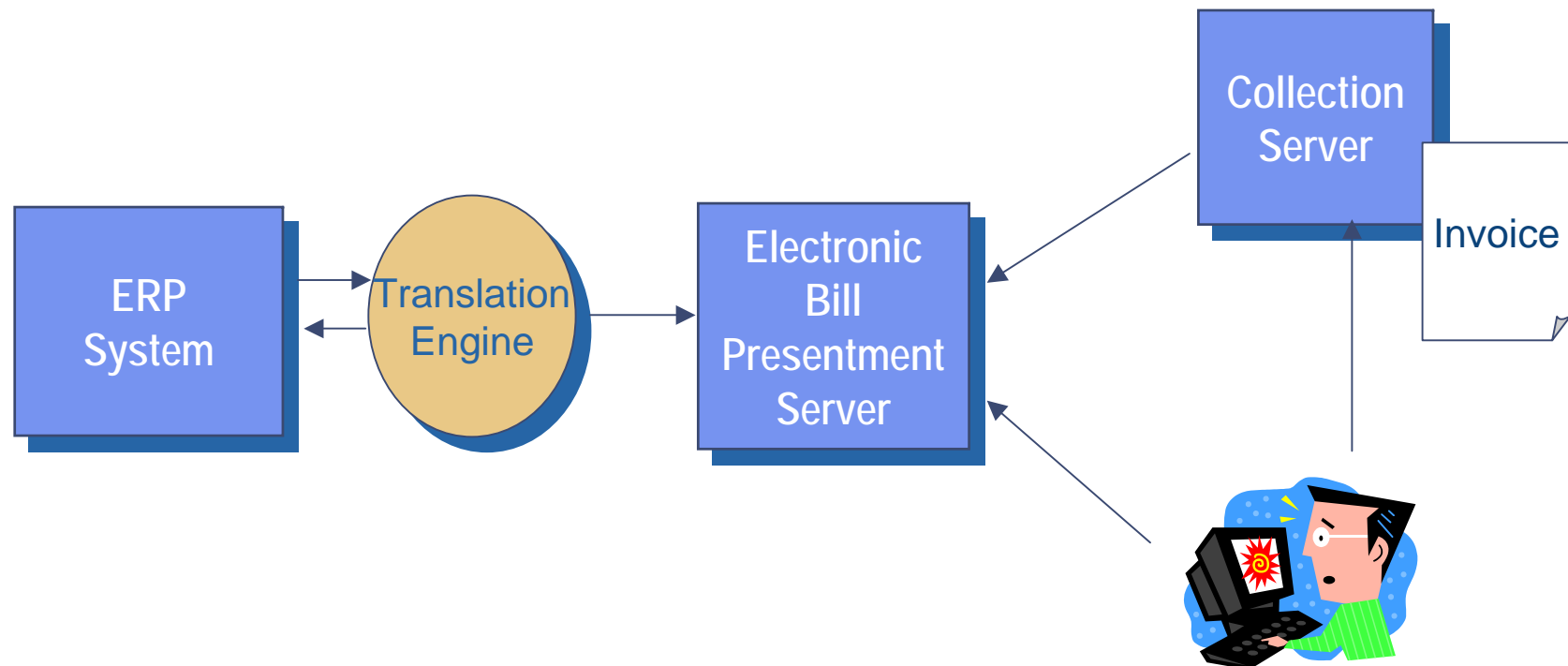
Use of EDI

Advanced electronic signatures

Other electronic means

Sell Side

Buy Side



4th Annual Conference
on Electronic Invoicing

Summary e-invoicing possibilities EU and some other countries

Use of EDI

Advanced electronic signatures

Other electronic means

	A	B	B	C	C	D	D	F	F	D	E	H	I	I	L	L	L	M	N	P	P	R	S	S	S	S	U	C	N	R	T	Z
	T	E	G	Y	Z	K	E	I	R	E	L	U	E	T	V	T	U	T	L	L	T	O	K	L	S	E	K	H	O	U	U	A
1A	Green	Green	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Red	Green	Red	Red	Green
1B	Amber	Green	Amber	Green	Green	Green	Green	Green	Amber	Amber	Amber	Amber	Green	Green	Amber	Green	Green	Green	Green	Green	Amber	Amber	Green	Green	Green	Green	Green	Green	Green	Amber	Amber	Green
2A	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
2B	Green	Green	Amber	Amber	Amber	Green	Amber	Green	Amber	Amber	Amber	Green	Amber	Green	Amber	Green	Amber	Green	Amber	Amber	Amber	Amber	Amber	Amber	Amber	Amber	Green	Amber	Green	Amber	Amber	Red
3	Amber	Green	Amber	Green	Green	Green	Green	Green	Amber	Amber	Green	Amber	Green	Amber	Amber	Green	Amber	Green	Green	Amber	Amber	Green	Amber	Amber	Green	Green	Green	Amber	Green	Amber	Amber	Green

1A. Acceptance of EDI to send e-invoices (green = yes)

1B. Obligation to issue paper recapitulative statements (amber = yes / green = no)

2A. Acceptance of 'advanced e-signatures' to send e-invoices (green = yes)

2B. Obligation to use a qualified certificate and a secure signature-creation device (amber = yes / green = no)

3. Acceptance of 'other electronic means' to send e-invoices (green = yes / amber = not accepted)

**Does a company need to consider all these rules
when invoicing cross-border?**

(Electronic) archiving

- Principle: at any place and on any medium:
 - Integrity
 - Authenticity
 - Readability

- Member States can impose conditions regarding:
 - Place of storage
 - Format of storage

- Storage period: not harmonised



How to meet the VAT requirements?

- Workshop to discuss the solution
- Completion of a description
- Validation of the description at EU, national or even OECD level
- Agreement on way forward – roll-out plan
- Present the description to the authorities, if appropriate



The Legal Framework: Regulatory Aspects of Electronic Invoicing

➤ Thank you! Any questions?

➤ Contact

Marc Joostens

Director

PricewaterhouseCoopers Belgium

+32 (0)9 268 83 24

+32 (0)477 61 91 86

Marc.joostens@pwc.be

