

Amendments to the normative provision, related to the obligations under the INTRASTAT system in force as of 1 January 2008

State Gazette issue 83, dated 16 October 2007 promulgates Order No RD 07-235 of 8 October 2007, for determination of the threshold for declaring of arrivals under the Intrastat system, issued by the Chairman of the National Statistics Institute. State Gazette issue 84, dated 19 October 2007 promulgates the Law for Amendment and Supplementation to the Law for Statistics of Intra-community Trade with Goods (LASLSICTG) and State Gazette issue 84 dated 11 January 2008 promulgates Regulation No H-4 of 21 December 2007 for application of the Intrastat system for 2008, which revokes Regulation H-13 of 2006.

By virtue of the quoted normative acts, which enter into force as of 1 January 2008 the main amendments in the requirements related to the obligations of traders for declaring under the Intrastat system are related to:

1. New thresholds for declaring data under the Intrastat system

As a whole the thresholds for declaring dispatches and arrivals in the system are increased.

For 2008 by virtue of Order No RD 07-235, the thresholds for declaring under the system are:

For dispatches – BGN 300,000 (at threshold of BGN 150,000 for 2007)

For arrivals – BGN 150,000 (at threshold of BGN 75,000 for 2007)

For statistical amount:

For dispatches – BGN 7 million (at threshold BGN 6 million for 2007)

For arrivals – BGN 3 million (at threshold BGN 2 million for 2007)

2. Submission of information to the National Revenue Agency

2.1. Software

The data, which shall be declared under the Intrastat system for 2008, is preserved although some technical amendments are introduced, which will not be commented in this expose.

By virtue of Art.17, para 5 of LASLSICTG the National Revenue Agency shall create, support and deliver free of charge the software application, which ensures the storage of electronic ledgers for Intrastat transactions and preparation of Intrastat declarations. Since 10 February 2008 the use of the old system has been terminated completely. The submission of the monthly declarations under the Intrastat system shall be done by a new, web-based application (free software) that differs from the old one that was in force by now, again after registration in Internet site of National Revenue Agency. The registration shall be done by submission of an electronic registration form, signed with a universal electronic signature by the Intrastat operator or by an agent, authorized by him. An “off-

line” application is also provided to this software, through which the operators can register their transactions in the Intrastat ledger and prepare their Intrastat declarations currently - during the month. After that the declarations shall be submitted through the “on-line” module on the Internet site of the National Revenue Agency (“Collecting authority” Module).

The “Collecting authority” Module (“on-line”) and the “off-line” application could be downloaded from the Internet site of the National Revenue Agency www.nap.bg.

2.2. Periods, during which the operator does not perform Intra-Community trade with goods

By virtue of the amendment of Art.21 of LASLSICTG, in order to be allowed not to submit Intrastat declarations for a certain period of time, in which he will not perform Intra-community trade with goods, it is necessary that the Intrastat operator only submits a notice to the Executive Director of the National Revenue Agency. Until present, in order not to submit an Intrastat declaration, the Intrastat operator had to have an explicit permission issued by the Executive Director of the National Revenue Agency, where the validity period was expressly mentioned. In case of resumption of the Intra-community trade, the operator renews the submission of declarations.

2.3. Correction of the declared information

By virtue of the amended Art.23 and the following of LASLSICTG the terms for correction of incorrect information are clarified. The corrections shall be done either through submission of a new declaration within the legal deadline (10 days after the expiry of the reference period), which shall replace the already submitted declaration, or by a corrective declaration. For a certain period, in which the Intrastat operator does not perform Intra-community arrivals or dispatches, he shall submit an Intrastat declaration, which does not contain commercial transactions data (zero declaration). It shall be considered, that the obligation of the operator for submitting the declaration is fulfilled, if all the mistakes and discrepancies are eliminated within the legal deadline for submission of the Intrastat declaration. For newly arisen circumstances after the submission of the monthly Intrastat declarations, the operators already have the right to submit corrective declarations but only for the last three reference periods.

2.4. Submission of declaration for the first monthly period

The opportunity to benefit from the extended deadline for submission of Intrastat declaration for the first monthly period, for which the obligation for submission arises, during the year is dropped off. By now the extended deadline was 20 days after the expiry of the first reference period, for which an obligation for submission of declaration arises. The new deadline is 10 days after the expiry of the reference period.

3. Sanctions

The sanctions for the Intrastat operators in case of breaching the legal requirements for submission of Intrastat declarations are increased.

The purpose of the information in this paper is only to point out certain issues, related to the application of the new regime for declaring under the Intrastat system and therefore, it is not exhaustive. Should any questions about the application of the new provisions arise, please do not hesitate to contact us on telephone number: +3592 943 33 70, fax number: +3592943 37 07, e-mail: office@afa.bg or at the postal address: 1504 Sofia, 38, Oborishte Str.

