

## Joint letter

**Mr. Sven Giegold, MEP**  
**Committee on Economic and Monetary Affairs**  
**European Parliament**  
**60, Rue Wiertz**  
**1047 Brussels**

Brussels & Berlin, 2 March 2021

Dear Mr. Giegold,

Ecommerce Europe, the voice of the European Digital Commerce industry, bevh, the Bundesverband E-Commerce und Versandhandel Deutschland, and logistic-natives e.V., an international logistics infrastructure network for modern commerce, would like to jointly bring to your attention some issues that have been flagged by our members in relation to the implementation and transposition of EU VAT E-commerce Package.

The European Commission has already showed a forward-looking approach with regards to the implementation by postponing the entry into force of the expanded Union OSS scheme and the new Import OSS by 6 months, to 1 July in 2021. This was also due to the fact that some EU Member States had declared that they needed more time to set up the necessary technical framework, especially in light of the shift of focus caused by the COVID-19 pandemic. As Ecommerce Europe already previously declared, the postponement allows Member States and businesses to better prepare for the new rules, adapting or developing the national IT systems.

However, some Member States have declared that their IT systems will not be ready by 1 July 2021, which, in our opinion, is a serious concern. First and foremost, having the IT systems ready in all EU Member States except for one or two will nullify the efforts of both the Commission and the other Member States in ensuring to be ready on time, by creating a gap in the implementation scheme, which could be exploited for unfair trading practices and have a distortive effect on market competition.

In particular, Germany and the Netherlands have publicly declared that they will not be ready by the deadline. On 3 November 2020, the German Federal Ministry of Finance announced that the German IT system compliant with the EU VAT E-commerce Package will be ready for usage no later than Q1 2022, although applications to register for IOSS VAT ID Numbers in Germany will be accepted by 1 April 2021. This has been confirmed by the German Customs on 17 February 2021. Hence, registration will be possible but the necessary certification for those planning to use the new customs application compliant with the EU VAT E-commerce Package will only start in Q4 2021 at the earliest.

Furthermore, on 19 January 2021, the Dutch Ministry of Finance addressed a letter to the Lower House of the States General claiming that the Netherlands would not be ready to set up an (I)OSS by 1 July 2021, but rather they would make available an emergency facility as a replacement. However, the facility would still need a manual input from the tax authority and traders and it may also not be sufficiently capable of

bearing a high number of registration entries, which could ultimately lead to increased chances of error and longer processing times.

Additionally, another concern that we would like to flag is raised by France. On the one hand, from exchanges held between several of our members and the French tax and customs administrations, it would appear that no IT system has been prepared for online marketplaces to comply with the new rules. On the other hand, a challenge is created by the French transposition law<sup>1</sup> which does not *per se* infringe the EU VAT E-commerce Package, but rather goes beyond what has been set out in the EU legislation. Namely, the consolidated version of article 293 A ter of the *Code général des impôts* reads that online platforms are made liable for VAT collection on all goods reimported, meaning that the new capping at €150 of value for marketplace VAT liability is overlooked. In this context, online marketplaces would be liable for import VAT and customs duties on these shipments, implying further red tape and burdensome practices for online platforms, and raising several concerns regarding the collection of customs duties. So far, the French authorities have not provided impacted stakeholders with a solution on how to comply with these unprecedented new liabilities, that remain uncovered by the IOSS system.

Considering the above-mentioned concerns, namely the risk of non-compliance and gold-plating practices by certain EU Countries, Ecommerce Europe, bevh and logistic-natives would like to ask you, as Member of the European Parliament, to consider the possibility to pose a parliamentary question before the European Commission to shed some light on the IT readiness of Member States in general (Germany and the Netherlands in particular) and assess the French situation on platforms liability for (import) VAT collection, to avoid that these concerns lead to further national gaps in the implementation of the Package and potential losses in VAT collection at Member State level.

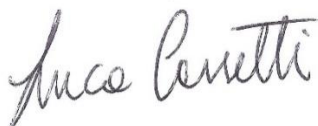
Ecommerce Europe, bevh and logistic-natives look forward to hearing from you about the concerns we raised in this letter and we remain available to discuss and provide further information, if needed.

Thank you in advance for your consideration.

Yours sincerely,

Luca Cassetti

*Secretary General*  
*Ecommerce Europe*



Christoph Wenk-Fischer

*Hauptgeschäftsführer*  
*Bundesverband E-Commerce und*  
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Florian Seikel

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*logistic-natives*



<sup>1</sup> LOI n° 2019-1479 du 28 décembre 2019

### **About Ecommerce Europe**

Ecommerce Europe is the sole voice of the European Digital Commerce sector. As a result of joining forces with EMOTA, Ecommerce Europe now represents, via its 23 national associations, more than 100,000 companies selling goods and services online to consumers in Europe. Ecommerce Europe acts at European level to help legislators create a better framework for online merchants, so that their sales can grow further.

Website: [www.ecommerce-europe.eu](http://www.ecommerce-europe.eu)

### **About bevh**

The German E-Commerce and Mail Order Association (bevh) is the e-commerce association and thus the industry association for interactive retailers (i.e., online and mail-order retailers). The bevh currently has 500 members. These include mail-order companies with catalog and Internet offerings, Internet pure players, teleshopping companies, mail-order pharmacies, sellers on online marketplaces and mail-order companies with a home in stationary retail. Mail-order booksellers are also included.

Website: [www.bevh.org/](http://www.bevh.org/)

### **About logistic-natives e.V.**

The logistic-natives e.V. is an international logistics infrastructure network for modern commerce, whose members are predominantly German SMEs. As an association, logistic-natives e.V actively represents the economic and legal interests of over 30,000 companies in the industry. The network is the first point of contact for representatives from politics, administration, business and other institutions wishing to create national and international solutions for tomorrow's commerce. The logistics-natives e.V. sees itself as a cross-sectional association for various branches of industries, making it relevant to all stakeholders involved in commerce.

Website: [www.logistic-natives.com/](http://www.logistic-natives.com/)