

Amendments to the Law on Fiscalization

Tax Alert

December 2022

At its session held on 9 December 2022, the Serbian Parliament adopted the Law on Amendments to the Law on Fiscalization (**Law**). The Law was published in the Official Gazette of the Republic of Serbia No. 138 dated 12 December 2022.

The Law enters into force and applies as of 20 December 2022.

The most important novelties are presented below.

The subject of fiscalization

In order to determine more precisely what is considered as a retail supply, i.e. what is the subject of fiscalization, the following is prescribed:

- The supply of goods and services that is performed by a fiscalization obligor to a legal entity or taxpayer of income from self-employment outside the retail store is not considered as retail supply. The said supply is not the subject of fiscalization rules and, accordingly, there is no obligation of recording through an electronic fiscal device.
- A retail store is considered, inter alia, to be a business premise that is registered as a headquarter of the fiscalization obligor who performs retail supply over the Internet.

Contents of a fiscal receipt

It is prescribed that the data on the value of the transaction per tax rates shall not be considered as a mandatory element of the fiscal receipt. Obtaining additional information about the fiscal receipt will be possible by scanning the QR code or via the hyperlink for verification.

Fiscalization procedure

As a significant novelty, the broadening of the exception to the rule relating to the mandatory use of at least one electronic fiscal device that uses its own fiscal receipt processor in the retail store is prescribed.

The broadening of the exception to the rule includes fiscalization obligors who occasionally perform retail supply of their own used movable assets.

The abovesaid fiscalization obligors can use an electronic fiscal device that uses the fiscal receipt processor in the Fiscalization Management System (**SUF**).

Data transference to SEF

The data contained in the SUF related to fiscal receipts issued to legal entities or taxpayers of income from self-employment will be transferred to the Electronic Invoice System (**SEF**) database.

The method and process of data transference will be more closely regulated by the Minister of Finance.

Supervision of the application of the Law

The following are prescribed:

- The new amendments specify the duration of the ban on conducting a business activity that tax inspectors can impose during a supervision, if irregularities in the application of the Law are detected. The ban is imposed for a period of 15 days, 90 days, or for one year, depending on the number of detected irregularities in the period of 24 months from the first detected irregularity.



- In the case of performing activities at events such as fairs, festivals and similar, the ban on conducting the business activity is imposed for the duration of such event.
- A special rule is prescribed for the situation when an irregularity is detected with a fiscalization obligor whose TIN was previously temporarily suspended. In such cases, the Tax Administration will issue a decision for confiscating any instruments of security provided by the obligor. An appeal against such decision will not be allowed.

If you have any questions or need the support of our experts, feel free to contact us at tax@kpmg.rs

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