

IVA

Il consignment stock/call-off stock con il Regno Unito

di **Marco Peirola**

Gli operatori che, in veste di fornitori, intendono stipulare un contratto di *consignment stock/call-off stock* con clienti identificati ai fini IVA nel Regno Unito devono sapere che la legislazione inglese prevede, in caso di *consignment stock*, l'obbligo di **apertura di una posizione IVA locale**, non richiesta invece in caso di *call-off stock*.

La distinzione tra i due accordi è illustrata dall'*HM Revenue & Customs*.

Secondo gli "*Intrastat Information Sheets*", disponibili sul sito internet www.uktradeinfo.com, si afferma che: "***Consignment stocks*** are created when a VAT registered business transfers its own goods to another EU Member State to create a stock **over which it has control** and from which it makes supplies, or supplies are made on its behalf in that Member State. Because the business is **effectively transferring its own goods to itself** in another Member State **it will be making an acquisition of goods in the other Member State**. The business **will be liable to account for acquisition tax in the other Member State and may be liable to register for VAT there**".

Specularmente, "*if a business in another Member State transfers goods to the UK to create a «consignment stock», it will be required to account for acquisition VAT (on positive-rated goods) and may be liable to register for VAT in the UK*".

Nello stesso documento viene anche definito l'accordo di *call-off stock*: "***Call-off stock*** is the description given to the transfer of goods (by a VAT registered business) from one EU Member State to another to create a stock of goods **from which their customer can «call-off» (use and pay for) the goods as and when they require them**.

Call-off goods delivered to storage facilities operated by the supplier, rather than the customer, should be treated as consignment stocks (...), unless the customer is aware of the details of deliveries into storage.

If the customer is aware of the details of deliveries into storage, the intra-EU movement can be treated as call-off stock. If stocks of goods are dispatched by an EU supplier direct to the UK for call-off by more than one customer, this does not qualify for treatment as call-off stock (see consignment stock)".

Come ulteriormente specificato nel punto 15.2 del "VAT Notice 725: the single market", pubblicato il 3 gennaio 2014, "*Call-off stocks are goods transferred by the supplier between Member States, to be held for an individual customer in the Member State of arrival*

*pending «call-off» for use by the customer as they need them. **In the meantime title and ownership of the goods remains with the supplier.***

*This only applies in cases where the goods are destined **for a single identified customer** either:*

- **for consumption within their business** (eg as part of a manufacturing process), or
- **to make onward supplies to their own customers.**

Movements of goods to maintain the suppliers own stocks in another Member State, or where they are available for call-off by more than one customer, are to be dealt with as consignment stocks”.

In pratica, la semplificazione applicabile in caso di *call-off stock* presuppone necessariamente che i beni inviati in Regno Unito siano nella **disponibilità di un unico cliente inglese** e, a tal fine, il magazzino in cui gli stessi vengono introdotti non deve essere gestito dal fornitore, ma dal cliente stesso, a meno che quest'ultimo sia puntualmente informato degli invii di beni nel deposito disposti dal fornitore.

Dal punto di vista dell’IVA, l’invio di beni nel Regno Unito in *consignment stock* obbliga il fornitore italiano ad aprire una posizione IVA locale in quanto la movimentazione di beni dà luogo ad un **trasferimento per esigenze della propria impresa**, assimilato ad un acquisto intracomunitario ai sensi dell’art. 21 della Direttiva n. 2006/112/CE.

Con il *call-off stock*, invece, il fornitore italiano non deve identificarsi ai fini IVA nel Regno Unito, ma nel “VAT Notice 725: the single market” si afferma che il cliente inglese effettua un acquisto intracomunitario, soggetto ad imposta secondo la tempistica prevista nel punto 7.3: “The time of acquisition is the earlier of either:

- **the 15th day of the month following the one in which the goods were sent to you, or**
- **the date your supplier issued their invoice to you”.**

In merito alla compilazione dei modelli INTRASTAT, nell’accordo di *consignment stock* è previsto che: “An arrivals SD must be completed **at the time the goods arrive in the UK**. The value to be declared for Intrastat purposes is the amount that would have been realised in the event of a purchase under normal market conditions. This means, the value to be used for Intrastat **is the same** that would have been applied if the transaction was purchased **from an unrelated party**”.

In caso, invece, di *call-off stock*, viene specificato che: “The UK business declares the «call-off» on an arrivals SD **at the time the goods arrive in storage**”. Il valore da dichiarare è il prezzo di costo dei beni (punto 15.2 del “VAT Notice 725: the single market”).