



Post Meeting:  
26 October 2023

Value Added Tax and  
US DOD in Europe  
Industry – Government Engagement



SAME Mission

“To build leaders and lead **collaboration among government and industry** to develop multidisciplined solutions to national security infrastructure challenges.”



# SAME

Rhein-Main Post

---

Please switch off your camera and keep your microphone muted until the Q&A session

---

This session will be recorded and posted to our website and YouTube channel later this week

---

The presentations are available on our website at <https://www.classic.same.org/rhein-main-post>

---

# 2023 Post Officers



Position	
President	Scott Turygan
Vice President	Brian Osborn
Treasurer	Brian Wybrecht
Secretary	Ulrich Osberghaus
VP Programs & Industry Government Engagement	Tim Conley
VP Sustaining & Individual Membership	Cris Carlone; Ken Stehle
VP Publicity, Outreach, & Website Coordinator	Chandler Ogden
VP Young Professionals, Mentoring, & Leadership Dev.	Nick Erwin
VP Scholarship, Education, & STEM	Britta Ayers
Golf Tournament Coordinator	Ken Stehle
Streamer Coordinator	David Dederer

# VP Programs and Industry Government Engagement



*2023 Program (typically, the 4<sup>th</sup> Thursday of each month):*

- ❑ 26 October 2023 – Value Added Tax and US DOD in Europe
- ❑ 16 November 2023 – Resiliency
- ❑ 14 December 2023 – Christmas Market Fest Wiesbaden (18:00 Guude Stube)
- ❑ 25 January 2024 (TBC) – FY24 US Government Program Event, Wiesbaden
- ❑ February 2024 (TBC): Young Members Event
- ❑ March 2024 (TBC): SAME Regional Event, Naples, Italy
- ❑ April 2024 (TBC): STEM Potential Tour Identity Exploitation Lab
- ❑ May 2024 (TBC): GOLF Tournament

Watch previously recorded events on our [YouTube](#) Channel! @rhein-mainpostsame2214

<https://www.youtube.com/@rhein-mainpostsame2214/videos>

Questions/Comments to: Tim Conley at [tim.conley@aecom.com](mailto:tim.conley@aecom.com)

# VP Programs and Industry Government Engagement



## CHRISTMAS MARKET FEST

Society of American Military Engineers  
Thursday, 14 December @ 18:00

**Guude Stubb auf dem Mauritiusplatz in  
Wiesbaden**

<https://www.winterstubb.de/guudestubb.php>



The SAME Rhein-Main Post would like to celebrate the holiday season with our military and civilian engineers. Join us and raise a holiday glass together in celebration of the season.

RSVP on or before 30 Nov. to reserve your spot.  
Suggested donation to the ‚Pot‘ at the Event - €10

<https://classic.same.org/Rhein-Main-Post>



# Membership Update - Individuals



❑ 187 Members

❑ 13 new members joined the Post in 2023

*A warm welcome to:*

- Ms. Amanda and Mr. Luca Cerbone
- Mr. Alec Schaar

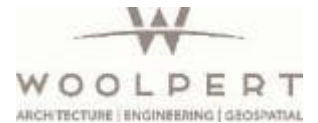
❑ Questions/Comments: Cristian Carlone:  
[cristian.carlone@wsp.com](mailto:cristian.carlone@wsp.com)

# Membership Update - Companies



- ❑ 27 Sustaining Members renewed for 2023. Thank you!

# 2023 RM Sustaining Members



THANK YOU!!!



BLACK & VEATCH





# VP Young Professionals, Mentoring, & Leadership Development



## ❑ Upcoming opportunities for leadership development

- SAME Leader Development Program (LDP): **APPLICATION PERIOD IS OPEN!!! [due by 01 Dec 2023]**
- **Find Information and Apply Here:** <https://www.same.org/career-leadership/ldp/>

## ❑ Online Resources for leadership development

- If you have never seen it, [here](#) is the classic "What it takes to be a great leader" Ted Talk – Watch it.
- Interested in taking Your PE? Government employees, check out [PPI 2 Pass](#) for opportunities
- Got a big job interview? Need help with your resume? SAME has some [career advice](#) for you!
- Watch previously recorded professional development [webinars](#)
- Call into the monthly Young Professional Community of Interest teleconference, 2nd Thursday of every month:  
16:30 CET (11:30am EST): <https://global.gotomeeting.com/join/563270069>

## ❑ Stay tuned for an upcoming young professionals networking event in the Rhein-Main Area

- In June we held our first networking event of the year. Looking for ideas on another event in the fall timeframe

Questions/Comments to: Nick Erwin at [nickstuarterwin@gmail.com](mailto:nickstuarterwin@gmail.com)

# Scholarship, Education, & STEM



- ❑ SAME Rhein-Main Post 2024 Scholarship Instructions and Application Form will be posted on 1 January 2024.
  - Deadline for submission is 17:00 CET on 29 March 2024.
  - Scholarship award(s) announcement will occur NLT 3 May 2024.
  - Initial Coordination with Guidance Counselors and STEM teachers at Wiesbaden High School, Stuttgart High School, and Frankfurt International School.
  - Information will be shared through social media.
- ❑ There will be an opportunity in Spring 2024 to participate in another Career Day at Wiesbaden High School. Please reach out if you would like to volunteer for this or similar opportunities.

Questions/Comments to: Britta Ayers at [britta.ayers@stantecgs.com](mailto:britta.ayers@stantecgs.com).

# Scholarship, Education, & STEM



Ken Stehle presented "Architectural & Structural Engineering Design" to STEM Academy students at Wiesbaden High School on 12 October 2023.

# VP Publicity, Outreach, & Website Coordinator



- ❑ Latest Rhein-Main Post information is announced on our website, including slides and recordings of past events:

<https://www.classic.same.org/rhein-main-post>

- ❑ We are working through the process of making updates to the new website. You can check out the new Post website by going to [www.same.org](http://www.same.org) and navigating to the Rhein-Main Post. We need to build out the Media Archive and several other sections before transitioning to the new site and sunsetting the old site.

- ❑ What's happening in the Europe Region Posts?

Members, watch your inbox for our monthly [NewsFlash!](#)

- ❑ Watch previously recorded events on our YouTube Channel (@rhein-mainpostsame2214)

<https://www.youtube.com/@rhein-mainpostsame2214/videos>

As of JULY 23, 32 videos with 1,537 views!

e.g., Cybersecurity Challenges and Solutions (156 views); A Constructive Guide to RFI and Submittal Reviews (167 views); Challenges of Estimating & Managing Design & Construction Cost in Europe (74 views)

Questions/Comments to: Chandler Ogden at [Chandler.Ogden@jacobs.com](mailto:Chandler.Ogden@jacobs.com)



Post Meeting:  
26 October 2023

Value Added Tax and  
US DOD in Europe  
Industry – Government Engagement



SAME Mission

“To build leaders and lead **collaboration among government and industry** to develop multidisciplined solutions to national security infrastructure challenges.”

# Purpose

*The purpose of this event is to share of viewpoints only and is not to be used as professional tax, financial, nor legal advice.*

*The views and opinions expressed during this event are those of the individuals and do not necessarily reflect the views or positions of any entities they represent.*

*None of the presenters, facilitators, contributors, administrators, or anyone else connected with this event, in any way whatsoever, can be responsible for your use of the information contained in or linked with the information shared during this event.*



Laura Strzemiecka, Senior Manager,  
PwC, Poland



Petra Levkova, Associate Partner,  
Rödl & Partner, Slovakia



Jens Müller-Lee, Indirect Tax Partner,  
PwC, Germany

VAT and SOFA  
Exemption  
A Round  
Table  
Discussion

## STR 52.000-4074 TAX RELIEF (FOREIGN COUNTRIES OTHER THAN GERMANY)

(a) Prices contained in this contract are exclusive of all taxes and duties from which the U.S. Government is exempt by virtue of any tax agreements between the United States Government and the Contractor's Government. The following taxes and duties have been excluded from the contract prices:

NAME OF TAX	PERCENTAGE
Enter calculated VAT from basic contract amount.	
Value Added Tax	Poland 23%
	Czech Republic 21%

(b) The Contractor's invoice shall separately list the gross price, amount of the tax deducted, and the net price changes.

(c) When items manufactured to United States Government specifications are being acquired, the Contractor shall identify the materials or components intended to be imported in order to ensure relief from import duties are obtained. If the Contractor intends to use imported products from inventories on hand, the price of which included a factor for import duties, arrangements will be made to pay a refund to the Contractor by its government; by the duty free import of a corresponding amount of supplies or components used from inventory; or otherwise, to ensure the exemption of the United States Government from these taxes.



# DCA: USA / Slovak Republic (1)

## Defense Cooperation Agreement (DCA) between the government of the USA and the government of the SR

- The National Council of the Slovak Republic gave its consent to the agreement and decided that it is an international treaty which, according to the Constitution of the Slovak Republic, takes precedence over laws. The DCA was published in the Collection of Laws of the Slovak Republic.
- The detailed conditions of cooperation in defence area will be subject to implementing agreements.
- It is concluded for a period of 10 years with the possibility of extension.
- DCA entered into force on 1 April 2022

## DCA - ARTICLE 16 - OFFICIAL TAX EXEMPTIONS

1. With respect to VAT, sales taxes, use taxes, excise taxes, or similar or successor taxes, an exemption shall apply to acquisitions by or for U.S. forces of materiel, supplies, services, equipment, and other property
  - a) acquired for the ultimate use by U.S. forces;
  - b) to be consumed in the performance of a contract with or on behalf of U.S. forces; or
  - c) to be incorporated into articles or facilities used by U.S. forces.

U.S. forces shall provide to the competent Slovak authorities an appropriate certification that such materiel, supplies, services, equipment, and other property are for U.S. forces.

2. The exemption shall be applied to acquisitions in accordance with mutually determined procedures set out in an implementing arrangement. The exemption shall be applied at the point of purchase, provided the transaction is accompanied by the appropriate certification. In all other cases, or in the event a vendor is unable to provide such point of purchase exemption, the exemption shall be granted by reimbursement within thirty (30) days of receipt of a request.

# DCA: USA / Slovak Republic (3)

## Illustrative example:

- Foreign company has been awarded a Contract with the US Army Corp of Engineers ('USACE') at a military air base in Slovakia (invoicing: foreign company --> USACE)
- Scope of work: supply of services connected with immovable property services and services for the preparation and coordination of construction work, such as the services of architects and of persons providing on-site supervision, Engineering Studies – PLACE OF SUPPLY of SERVICES for VAT purposes: Slovakia
- The transfer of the tax (VAT) liability to the customer (USACE) is not possible, as USACE does not have a fixed VAT establishment in Slovakia. For this reason, foreign company is obliged to register for VAT in Slovakia even before commencing to provide services.
- Foreign company is considered as a „US Contractor“ for US Forces under the DCA, that means, the foreign company has the right to claim a direct tax exemption/exemption in accordance with Article 16 of DCA when supplying services relating to immovable property with a place of supply in the Slovak Republic to the U.S. Armed Forces.

# DCA: USA / Slovak Republic (4)

## Application in practice:

VAT exemption according to article 16 of the DCA may be applied, e.g. foreign company issues an invoice to USACE without VAT, if the following conditions are met:

- ✓ Foreign company is **registered for VAT** with the Slovak Tax Authorities (Slovak VAT-ID- Number)
- ✓ Foreign company has a completed and USACE-certified **tax exemption certificate**
- ✓ Foreign company issues an **invoice** with reference to the DCA
- ✓ Foreign company shall include the invoice in the **Slovak VAT return** and in the Slovak VAT records
- ✓ Foreign company sends to the Slovak Ministry of Defence (MOD) the certificate (tax exemption certificate) and the information when the invoice was issued