



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION
Indirect Taxation and Tax administration
Value added tax

taxud.c.1(2023)11202766 – EN

Brussels, 23 October 2023

**VALUE ADDED TAX COMMITTEE
(ARTICLE 398 OF DIRECTIVE 2006/112/EC)**

INFORMATION PAPER

ORIGIN: Commission

SUBJECT: Informing the VAT Committee of options exercised under Articles 80, 101a, 167a, 199 and 199a of Directive 2006/112/EC

**INFORMING THE VAT COMMITTEE OF OPTIONS
EXERCISED UNDER ARTICLES 80, 101a, 167a, 199 AND 199a
OF DIRECTIVE 2006/112/EC**

Not all optional provisions of the VAT Directive require prior consultation of the VAT Committee. Member States may instead have to notify the VAT Committee after national legislation has been put in place. This is the case for the options exercised under Articles 80, 101a, 167a, 199 and 199a of the VAT Directive:

- Article 80 allows Member States to take measures to ensure that the taxable amount is the open market value for supplies of goods or services in case of close personal ties between the supplier and the customer.
- Article 101a allows Member States authorised by the Commission by way of Article 53, first paragraph, of Council Directive 2009/132/EC to apply an exemption on goods imported for the benefit of disaster victims, to grant an exemption with deductibility of the VAT paid at the preceding stage under the same conditions, in respect of the intra-Community acquisitions and the supply of those goods and services related to such goods, including rental services.
- Article 167a allows Member States from 1 January 2013 to take measures within an optional scheme for cash accounting to postpone the right of deduction of a taxable person until the VAT on the goods or services supplied to him has been paid to his supplier.
- Article 199 allows Member States, on a permanent basis, to introduce the reverse charge for taxable persons and certain non-taxable legal persons (public bodies) to whom certain supplies of goods or services are made.
- Article 199a, as amended, allows Member States to introduce, on a temporary basis until 31 December 2026¹, the reverse charge for taxable persons and certain non-taxable legal persons (public bodies) to whom certain supplies of goods or services are made.

Since the 122nd meeting of 20 March 2023, the following options have been notified and published on CIRCABC for the information of all Member States:

Article 80(1) of the VAT Directive: Open market value option.

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Article 101a of the VAT Directive: Exceptional situations.

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¹ Council Directive (EU) 2022/890 of 3 June 2022 amending Directive 2006/112/EC as regards the extension of the application period of the optional reverse charge mechanism in relation to supplies of certain goods and services susceptible to fraud and of the Quick Reaction Mechanism against VAT fraud (OJ L 155, 8.6.2022, p. 1).

Article 167a(1) of the VAT Directive: Cash accounting option.

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Article 199(1) of the VAT Directive: Permanent reverse charge option.

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Article 199a(1)² of the VAT Directive: Temporary reverse charge option.

Notification was received from Poland.

All Member States which have adopted pertinent legislation and have not yet notified the Commission thereof are invited to do so providing the information as set out in the document presented at the 81st meeting of the VAT Committee³.

Regularly updated information on notifications received is available at the following public website:

http://ec.europa.eu/taxation_customs/taxation/vat/key_documents/vat_committee/index_en.htm

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² This includes notifications of measures introduced pursuant to the entry into force of Council Directive 2013/43/EU.

³ Information paper (document TAXUD/2128/07) presented at the 81st meeting on 25 April 2007.