



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

taxud.c.1(2018)6370928 – EN

Brussels, 7 November 2018

**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, 167a, 199 and 199a of Directive 2006/112/EC

**INFORMING THE VAT COMMITTEE OF OPTIONS
EXERCISED UNDER ARTICLES 80, 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, 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 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 2018¹ and for a minimum period of two years, 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 109th meeting of 1 December 2017, 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.

–

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

–

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

A notification was received from the **Czech Republic**.

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

–

¹ With the adoption on 6 November 2018 of a Council Directive amending Directive 2006/112/EC ([doc. 12033/1/18 REV 1 FISC 351 ECOFIN 813](#)), the period of application has been extended to 30 June 2022.

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

taxud.c.1(2018)6370928
VAT Committee – Information paper

All Member States who 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 also available at the following public website:

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

*
* *
*

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