

Strengthening administrative cooperation in the field of value added tax

2017/0248(CNS) - 16/10/2018 - Final act

PURPOSE: to strengthen administrative cooperation between Member States in the area of VAT and to combat cross-border VAT fraud.

LEGISLATIVE ACT: Council Regulation (EU) 2018/1541 amending Regulations (EU) No 904/2010 and (EU) 2017/2454 as regards measures to strengthen administrative cooperation in the field of value added tax.

CONTENT: this Regulation amends Council Regulations [\(EU\) No 904/2010](#) and [\(EU\) 2017/2454](#) with a view to strengthening administrative cooperation to tackle more effectively the most common forms of cross-border VAT fraud.

Enhanced cooperation between Member States: where at least two Member States consider it necessary to carry out an administrative enquiry concerning sums declared by a taxable person who is not established in their territory but who is taxable in their territory, the Member State in which the taxable person is established shall carry out the enquiry, unless it is in a position to provide the requested information. Requesting Member States should be prepared to assist the Member State of establishment by actively participating in the investigation.

Officials in the requesting Member States (who are likely to have a better knowledge of the facts) may be **present during the administrative investigation** provided that the conditions laid down by the national law of the requested Member State are met. They will then have access to the same premises and documents as the officials of the requested Member State.

In all cases, officials of the requesting Member States, where they consider it necessary, shall be given the opportunity to be **present for consultation on the investigation** in the requested Member State with the officials of that Member State after informing them.

VAT on cars: to combat fraud resulting from the dual VAT regime applicable to cars, Eurofisc liaison officers will be able to **access vehicle registration data automatically**. This access will be provided through the computer application of the European Vehicle and Driving Licence Information System (Eucaris).

Combating the most serious cross-border fraud: the amending regulation clarifies and strengthens Eurofisc's governance, tasks and functioning. Eurofisc liaison officers will thus be able to consult, exchange, process and analyse all the information they need quickly and coordinate any follow-up action.

The Regulation also strengthens the fight against VAT fraud at EU level, in particular by allowing Eurofisc business area coordinators to request targeted information from the European Union Agency for Law Enforcement Cooperation (**Europol**) and the European Anti-Fraud Office (**OLAF**).

The information collected and exchanged under the Regulation should not relate to **sensitive data**. Such information may not be further processed in a way that is incompatible with such purposes, including the prohibition of processing for commercial purposes.

ENTRY INTO FORCE: 5.11.2018. Some provisions are applicable from 1.1.2020.

