Basic information

2003/0120(CNS) CNS - Consultation procedure Directive	Procedure completed
Value added tax VAT: measures for derogation, implementing powers (amend. Directive 77/388/EEC) **Subject** 2.70.02 Indirect taxation, VAT, excise duties	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	ECON Economic and Monetary Affairs	BLOKLAND Johannes (EDD)	02/07/2003
Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Economic and Financial Affairs ECOFIN	2546	2003-11-25
	Economic and Financial Affairs ECOFIN	2557	2004-01-20
European Commission	**Commission DG**	**Commissioner**	
	Taxation and Customs Union		

Key events

Date	Event	Reference	Summary
10/06/2003	Legislative proposal published	COM(2003)0335	Summary
30/06/2003	Committee referral announced in Parliament		
24/11/2003	Vote in committee		
24/11/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0427/2003	
25/11/2003	Debate in Council		
16/12/2003	Decision by Parliament	T5-0566/2003	Summary
20/01/2004	Act adopted by Council after consultation of Parliament		
20/01/2004	End of procedure in Parliament		
30/01/2004	Final act published in Official Journal		

Technical information

Procedure reference	2003/0120(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 093
Stage reached in procedure	Procedure completed
Committee dossier	ECON/5/19667

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0427/2003	24/11/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0566/2003 OJ C 091 15.04.2004, p. 0028-0082 E	16/12/2003	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0335	10/06/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1409/2003 OJ C 032 05.02.2004, p. 0120-0123	29/10/2003	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2004/0007
OJ L 027 30.01.2004, p. 0044-0045 Summary

Value added tax VAT: measures for derogation, implementing powers (amend. Directive 77/388/EEC)

2003/0120(CNS) - 16/12/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Hans BLOKLAND (EDD, NL), making some amendments which emphasise the importance of keeping Parliament properly informed.

Value added tax VAT: measures for derogation, implementing powers (amend. Directive 77/388/EEC)

2003/0120(CNS) - 20/01/2004 - Final act

PURPOSE : to establish procedures for the approval of derogations by the Council concerning the common system of value added tax. LEGISLATIVE ACT : Council Directive 2004/7/EC amending Directive 77/388/EEC concerning the common system of value added tax, as regards conferment of implementing powers and the procedure for adopting derogations. CONTENT : Articles 27 and 30 of Council Directive 77/388/EEC lay down procedures that may result in the tacit approval of derogations by the Council. In the interests of transparency and legal certainty, this Directive ensures that every derogation authorised under these Articles takes the form of an explicit decision adopted by the Council acting on a proposal from the Commission. The possibility of tacit approval by the Council on the expiry of a given period is therefore be removed. Furthermore: - In order to ensure that a Member State which has submitted a request for derogation is not left in doubt as to what action the Commission plans to take in response, time limits are laid down within which the Commission must present to the Council either a proposal for authorisation or a communication setting out its objections. - In order to enable Member States to follow more closely the processing of their requests, the Commission must, once it has all the information it considers necessary for appraising a request, notify the requesting Member State accordingly and transmit the request, in its original language, to the other Member States. - In the absence of any mechanism for the adoption of binding measures to govern the implementation of Directive 77/388/EEC, the application of rules laid down in that Directive varies from one Member State to another. In order to improve the functioning of the internal market, it is essential to ensure more uniform application of the current VAT system. The Directive introduces a procedure for the adoption of measures to ensure the correct implementation of existing rules. - The measures in question address the problem of double taxation of cross-border transactions which can occur as the result of divergences between Member States in the application of the provisions of Directive 77/388 /EEC governing the place of supply. - The scope of each implementing measure remains limited since, albeit designed to clarify a provision laid down in Directive 77/388/EEC, it could never derogate from such a provision. Measures implementing Directive 77/388/EEC will be adopted by the Council acting unanimously on a proposal from the Commission. ENTRY INTO FORCE : 19/02/04.

Value added tax VAT: measures for derogation, implementing powers (amend. Directive 77/388/EEC)

2003/0120(CNS) - 10/06/2003 - Legislative proposal

PURPOSE : to propose a Council Directive amending amending Directive 77/388/CEE concerning the common system of value added tax, as regards conferment of implementing powers and the procedure for adopting derogations. CONTENT : this proposal recalls that the Sixth Council Directive of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes (Directive 77/388/EEC) requires Member States to apply a common system of value added tax. This Directive establishes a general framework but contains no machinery providing for the introduction of implementing rules. However, while the Directive does not contain a procedure for laying down common implementing measures it does make specific provision for the adoption of measures derogating from the common system of VAT. Under Articles 27 and 30 of the Sixth Directive the Council can authorise a Member State to introduce special measures to derogate from its provisions in order to simplify the procedure for charging VAT, to prevent certain types of tax evasion or avoidance, or as part of an agreement with a non-member country or an international organisation. Therefore, the purpose of this proposal is to modernise the Article 27 and 30 procedure and specifically to make it more transparent, and also to provide for the adoption of implementing rules at Community level.