

EN
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Answer given by Mr Moscovici
on behalf of the European Commission
(27.2.2019)

The Croatian Tourist Tax Act¹ provides for the application of a tax on accommodation services supplied to tourists, i.e. people who do not have a permanent residence in the same municipality as the accommodation facility. The tax is paid also by yachtsmen of moored vessels longer than 5 meters and is applied as a lump sum for a fixed period of at least three days.

The tax is applied to each accommodation service. A person who has paid for the mooring of a vessel could be asked as well to pay such a tax, and at the same time, also on accommodation services supplied by a hotel.

Member States may impose indirect taxes other than value added tax (VAT) and can decide unilaterally upon their levels and methods of calculation. However, they must exercise their rights in compliance with the EU Treaties and the derived Union Law avoiding, in particular, “any discrimination on grounds of nationality”. In addition, under the case-law of the Court of Justice of the European Union, the principle of equal treatment “requires that similar situations shall not be treated differently unless differentiation is objectively justified”.

It is the understanding of the Commission that the tourist tax at stake applies both to foreign and Croatian tourists and applies equally to similar situations without distinction.

EU consumer protection law requires that the amount of tax to be paid (or how it is calculated) for accommodation and other services must be made very clear to consumers before they conclude their booking.

At present, the Commission does not have any information at its disposal, which would lead it to conclude that the Croatian tourist tax is in breach of EU Law.

¹ Zakon o boravišnoj pristojbi (NN 152/2008).