

EN
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Answer given by Mr Gentiloni
on behalf of the European Commission
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The Value Added Tax (VAT) Directive¹ subjects to VAT the supply of goods and services for consideration within the territory of a Member State by a taxable person acting as such². A supply of goods³ means the transfer of the right to dispose of tangible property as owner and a supply of services means any transaction which does not constitute a supply of goods⁴. In principle, the sale or trade of virtual items in online games, inter alia in a game or via a code, in exchange for virtual coins or real currency is a supply of services to be taxed in the Member State of the customer. The optional special scheme that applies to the supply of second-hand goods was introduced to account for the specificities of taxable dealers trading in goods and thus cannot cover services such as those in question. However, taxable persons may benefit from the special scheme for small enterprises and, under its conditions, be exempt from VAT obligations for supplies of these services. This special scheme was recently updated⁵, and new rules will come into effect in 2025.

The Commission considers that the current rules respect the principle of fiscal neutrality. Their wider application to non-fungible tokens will be discussed in the VAT Committee with a view to providing guidance to Member States to ensure a uniform application of existing EU VAT rules.

¹ Council Directive 2006/112/EC of 28 November 2006 on the common system of VAT, OJ 347, 11.12.2006, p. 1. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02006L0112-20220701&qid=1677166479418&from=EN>

² Article 2(1)(a) and (c).

³ Article 14.

⁴ Article 24.

⁵ Council Directive 2020/285 of 18 February 2020, OJ L 62, 2.3.2020, p. 13. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32020L0285&from=EN>