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**Fiscal Committee****26 May 2014**  1. **ECJ Advocate-General: Facilities provided by a third party may create a fixed establishment for VAT**

On 15 May 2014, EU Court of Justice Advocate-General Juliane Kokott has delivered her opinion on fixed establishment in VAT in the Polish case C-605/12, *Welmory*. The case concerns an internet site operated by a company in Cyprus using infrastructure in Poland belonging to a Polish company.  The Polish tax authority considered that the services supplied to the Cypriot company were subject to Polish VAT, arguing that the services provided by the Polish company for the Cypriot company constituted a fixed establishment of the latter in Poland at which those services were received. According to the (non-binding) opinion, when assessing whether a company has human and technical resources in another state to be considered a fixed establishment, resources provided by a third party may be sufficient, if the local infrastructure can be used as if it belonged to the company receiving the services. * [Opinion](http://curia.europa.eu/juris/celex.jsf?celex=62012CC0605&lang1=en&type=TXT&ancre=) (not available in English)

1. **Switzerland getting ready for automatic information exchange**

 On 21 May 2014, the Swiss government has adopted draft mandates for the introduction of the global standard for automatic tax information exchange. These are to be finally adopted in autumn, following consultation with the parliamentary committees and the Cantons.  **3-  ECJ Advocate-General: Different VAT treatment of books and audiobooks can be justified** EU Court of Justice´s Advocate-General Mengozzi has issued his opinion in a Finnish case (C-219/13) on the justification of a different VAT treatment of books and audiobooks. According to EU VAT rules, member states may apply a reduced VAT rate to all books on a physical medium, including paper, CD-ROM or USB sticks. Finland applies the reduced rate only to paper books. The Advocate-General suggests that the differences between paper books and content only accessible by means of a playing device could justify a different treatment. The opinion is not binding. * [Opinion (not available in English)](http://curia.europa.eu/juris/celex.jsf?celex=62013CC0219&lang1=en&type=TXT&ancre=)

 **4- State aid: Commission approves Spanish cinema support scheme**On 19 May 2014, the European Commission has announced that amendments to a Spanish scheme allowing to grant tax deductions for cinema and audio-visual productions to be in line with EU state aid rules. The Commission concluded, in particular, that the benefit of the scheme is not contingent on spending a certain proportion of the production costs in Spain and therefore complies with the November 2013 EU criteria for cinema support. * [Press release](http://europa.eu/rapid/midday-express-19-05-2014.htm)

  \*\*\*\*\* *The selection of the remitted material has been prepared by Piergiorgio Valente / Filipa Correia / Rudolf Reibel* [*www.cfe-eutax.org*](http://www.cfe-eutax.org) |
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