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COMMISSION DECISION

of 16.7.2018

renewing the mandate of the EU VAT Forum

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) Article 113 of the Treaty assigned the institutions the task of harmonizing legislation concerning turnover taxes such as Value Added Tax ('VAT') in order to ensure the functioning of the internal market.
- (2) With a view to improving the governance of VAT at Union level, the Communication from the Commission on the future of VAT entitled 'Towards a simpler, more robust and efficient VAT system tailored to the single market'¹, has advocated setting up a channel of communication at Union level, where Member States tax authorities in conjunction with business representatives, tax practitioners and the Commission would be able to exchange views on the practical aspects of VAT administration, including in relation to the fight against fraud.
- (3) The expert group EU VAT Forum was therefore set up by Commission Decision 2012/C 198/05².
- (4) Since its establishment, the EU VAT Forum, with the support of its sub-groups, has produced innovative and tangible results such as the EU VAT Cross Border Ruling pilot project³.
- (5) The expert group has helped identify best practices from Member States tax authorities as well as from other stakeholders and has contributed to streamlining the management of the VAT system. Member States tax authorities and business have positively evaluated the work of the EU VAT Forum⁴ and support the prolongation of its mandate. It is therefore appropriate to renew the mandate of the EU VAT Forum, which expires on 30 September 2018, and to define the tasks and the structure of that expert group in accordance with the revised horizontal rules on expert groups adopted by the Commission⁵ ('the horizontal rules').
- (6) The EU VAT Forum should help to develop mutual trust between the different stakeholders, working together on topics of compliance, tax certainty and other good VAT tax administration issues.

¹ Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee of the 6 December 2011 on the future of VAT entitled 'Towards a simpler, more robust and efficient VAT system tailored to the single market' COM(2011)851 final.

² Commission Decision 2012/C 198/05 of 3 July 2012 setting up the EU VAT forum (OJ C198, 6.7.2012, p. 4)

³ https://ec.europa.eu/taxation_customs/business/vat/eu-vat-forum_en

⁴ Minutes of the EU VAT Forum meeting of 19.02.2018, point 4.

⁵ Commission Decision C(2016)3301 final of 30.5.2016 establishing horizontal rules on the creation and operation of Commission expert groups.

- (7) The EU VAT Forum should be composed of Member States' tax authorities and other stakeholders such as organisations representing business, association of VAT practitioners operating in the Union, non-governmental organisations, universities and research institutes.
- (8) Rules on disclosure of information by members of the group should be laid down.
- (9) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council⁶.
- (10) Decision 2012/C 198/05 expires on 30 September 2018. Accordingly, this Decision should apply from 1 October 2018,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The mandate of the EU VAT Forum (“the group”) is hereby renewed.

Article 2

Tasks

The group’s tasks shall be:

- (a) to be a platform where stakeholders and national tax authorities' experts can informally discuss practical tax administration issues with regard to VAT in a cross-border environment;
- (b) to discuss practical insights provided by national tax authorities as well as stakeholders and to elaborate on possible ways to manage the current VAT system more efficiently, including by combatting fraud, with a view to achieving a smoother functioning of that system;
- (c) to assist the Commission in promoting good practices including the use of IT, which could culminate in a more efficient, secure, fairer and cost effective VAT system in the interest of both national tax authorities and other stakeholders involved in collecting VAT;
- (d) to assist the Commission in the early preparation of implementing acts, before submission to the Committee in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁷;
- (e) to bring about an exchange of experience and good practice in the field of VAT administration and work where necessary in cooperation with any appropriate bodies or committees dealing with VAT and administrative cooperation in the tax field, including the VAT Committee, the Standing Committee on Administrative Cooperation (‘SCAC’) and the Recovery Expert Group.

⁶ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

⁷ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Article 3

Consultation

1. The Commission may consult the group on any practical tax administration issues with regard to VAT, including the collection and recovery of VAT, administrative cooperation, mutual assistance and the fight against fraud.

Article 4

Membership

1. The group shall be composed of a maximum of 45 members.
2. Members shall be Member States' tax authorities and other stakeholders such as organisations representing business, association of VAT practitioners operating in the Union, non-governmental organisations, universities and research institutes.
3. Member States' authorities and those organisations referred to in paragraph 2, shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise.
4. Members who are no longer capable of contributing effectively to the expert group's deliberations, who, in the opinion of the Commission department concerned, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.

Article 5

Selection process

1. The selection of organisations from the organisations referred to in Article 4(2) shall be carried out *via* a public call for applications, to be published on the Register of Commission expert groups and other similar entities ('the Register of expert groups'). In addition, the call for applications may be published through other means, including on dedicated websites⁸. The call for applications shall clearly outline the selection criteria, including the required expertise and the interests to be represented in relation to the work to be performed. The minimum deadline for application shall be four weeks.
2. Registration in the Transparency Register is required in order for those organisations to be appointed.
3. The members of the group shall be appointed by the Director-General for Taxation and Customs Union ('DG TAXUD') from specialists with competence in the areas referred to in Articles 2 and 3 and who have responded to the call for applications.
4. Members shall be appointed for 4 years. They shall remain in office until the end of their term of office. Their term of office may be reviewed once.
5. DG TAXUD shall establish a reserve list of suitable candidates that may be used to appoint members' replacements. DG TAXUD shall ask applicants for their consent before including their names on the reserve list.

⁸ Such as https://ec.europa.eu/taxation_customs/home_en

Article 6

Chair

The group shall be chaired by a representative of DG TAXUD.

Article 7

Operation

1. The group shall act at the request of DG TAXUD in compliance with the horizontal rules.
2. Meetings of the group shall, in principle, be held in Commission premises.
3. DG TAXUD shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG TAXUD the group may, by simple majority of its members, decide that deliberations shall be public.
5. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
6. The group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members who have voted against shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

Article 8

Sub-groups

1. DG TAXUD may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG TAXUD. The sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
2. The members of sub-groups that are not members of the group shall be selected via a public call for applications, in compliance with Article 5 and the horizontal rules.

Article 9

Invited experts

DG TAXUD may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an ad hoc basis.

Article 10

Observers

1. Organisations and public entities other than Member States' authorities may be granted an observer status, in compliance with the horizontal rules, by direct invitation.

2. Organisations and public entities appointed as observers shall nominate their representatives.
3. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice provided by the group.

Article 11

Rules of procedure

On a proposal by and in agreement with DG TAXUD, the group shall adopt its rules of procedure, by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules.

Article 12

Professional secrecy and handling of classified information

The members of the group and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443⁹ and 2015/444¹⁰. Should they fail to respect these obligations, the Commission may take all appropriate measures.

Article 13

Transparency

1. The group and sub-groups shall be registered in the Register of expert groups.
2. As concerns the group composition, the following data shall be published on the Register of expert groups:
 - (a) the name of member organisations; the interest represented shall be disclosed;
 - (b) the name of observers.
3. All relevant documents, including the agenda, the minutes and the participants' submissions, shall be made available either on the Register of expert groups or *via* a link from the Register to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, the agenda and other relevant background documents shall be published in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be foreseen where it is deemed that disclosure of a document would undermine the protection of a public or private

⁹ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

¹⁰ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

interest as defined in Article 4 of Regulation (EC) N° 1049/2001of the European Parliament and of the Council¹¹.

Article 14

Meeting expenses

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the group and sub-groups shall be reimbursed by the Commission. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

Article 15

Applicability

This Decision shall apply from 1st October 2018.

Done at Brussels, 16.7.2018

For the Commission

Pierre MOSCOVICI

Member of the Commission

¹¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.05.2001, p.43).