

COMMISSION OF THE EUROPEAN COMMUNITIES

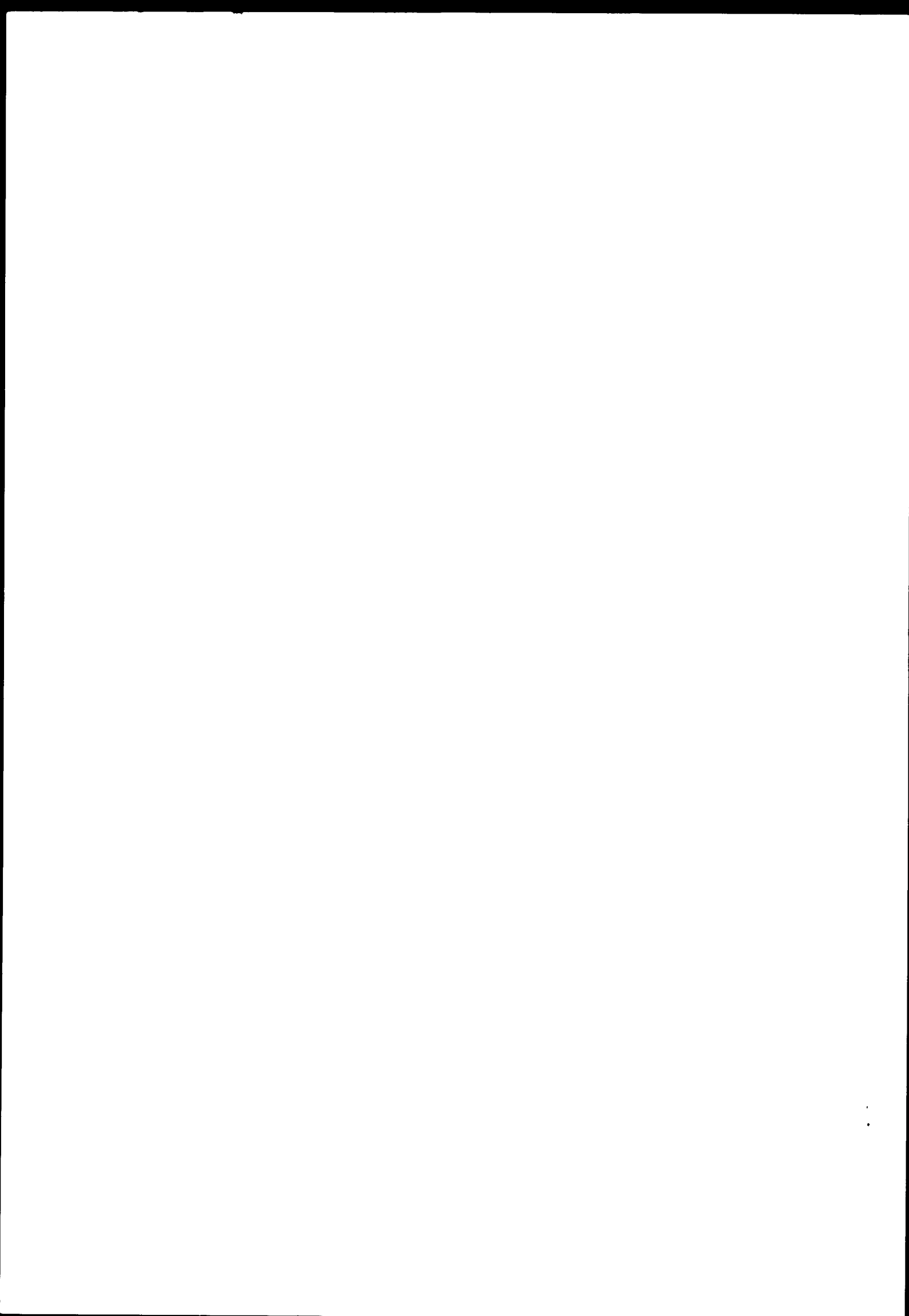
COM(88) 736 final

Brussels, 2 December 1988

Amendment to the proposal for a
COUNCIL REGULATION (ECSC, EEC, Euratom)

on the definitive uniform arrangements for the collection
of VAT own resources

(presented by the Commission pursuant to
Article 149(3) of the EEC Treaty
and the second paragraph of Article 119 Euratom)



EXPLANATORY MEMORANDUM

On 11 March 1988 the Commission presented to the Council a proposal for a Regulation on the definitive uniform arrangements for the collection of VAT own resources.¹ This Regulation is to replace Council Regulation (ECSC, EEC, Euratom) No 2892/77 of 19 December 1977,² as last amended and extended by Council Regulation (ECSC, EEC, Euratom) No 3735/85 of 20 December 1985.³

The Council consulted Parliament and the Court of Auditors on the proposal. The Court of Auditors adopted its opinion on 16 June 1988;⁴ Parliament adopted its opinion on 26 October 1988.⁵

In the light of Parliament's opinion, the Commission proposes the following amendments to its original proposal:

1. Parliament feels that the returns method is the only one which establishes a direct link between the taxpayer and the Community budget. Consequently, although Parliament recognizes that the revenue method must now be taken as the sole method because it is the one that all the Member States have opted for in practice, it has asked the Commission to begin considering a future comprehensive proposal on own resources to meet the new financial requirements arising after 1992 and to restore to VAT resources the genuine character of Community own resources.

The Commission does not entirely agree with Parliament's view, but it undertakes to submit a general report on the application of this Regulation before 31 December 1992,

¹ OJ C 128, 17.5.1988.
² OJ L 336, 27.12.1977.
³ OJ L 356, 31.12.1985.
⁴ Opinion 5/88; OJ C 191, 20.7.1988.
⁵ OJ

examining ways of improving arrangements for the collection of VAT resources so as to bring out more clearly the fact that they are Community own resources.

The Commission is therefore amending the third recital and adding a new Article 14 along the lines recommended by Parliament.

2. Parliament wants the Commission reports provided for in Article 12 to be made every year rather than every three years as under the original proposal.

The Commission agrees to this amendment, provided that the principle remains that the first report will not be presented until the end of 1991.

Parliament has also proposed that the reports should, in addition, cover the rules and administrative practices applied by the Member States to implement this Regulation and the Sixth VAT Directive.

The Commission is prepared to accept Parliament's proposal only as regards the application of this Regulation, since Article 34 of the Sixth VAT Directive already requires the Commission to present periodic reports on its application.

The Commission is therefore amending Article 12(2) of its proposal along the lines requested by Parliament, except as regards the reference to the Sixth VAT Directive.

3. The Commission is introducing a new Article 12a in the proposed Regulation, as requested by Parliament, to safeguard explicitly the powers vested in the Court of Auditors under Articles 206a EEC and 180a Euratom.

Amendment to the proposal for a Council Regulation (ECSC, EEC, Euratom) on the definitive uniform arrangements for the collection of VAT own resources ⁽¹⁾

COM(88) 736 final

(Submitted by the Commission to the Council pursuant to Article 149 (3) of the EEC Treaty and the second paragraph of Article 119 of the Euratom Treaty on 9 December 1988)

(89/C 15/09)

1. The third recital is amended to read as follows:

'Whereas, given the shift in practice towards the revenue method, this method should now be chosen as the sole definitive method for determining the VAT own resources base since it is reliable and is already applied by most Member States.'

2. Article 12 (2) is amended to read as follows:

'2. Following the examination, the Commission shall produce a report annually on the actual collection of VAT in each Member State and on the rules and administrative practices applied by each Member State to implement this Regulation.'

3. A new Article 12a is inserted, which reads as follows:

'Article 12a

This Regulation shall be without prejudice to the measures provided for in Article 206a of the EEC Treaty and Article 180a of the Euratom Treaty.'

4. A new Article 13a is added, which reads as follows:

'Article 13a

No later than 31 December 1992 the Commission shall submit a general report on the application of this Regulation and on ways of improving the arrangements for the collection of VAT resources in order to bring out more clearly the fact that they are Community own resources.'

⁽¹⁾ OJ No C 128, 17 5. 1988, p. 4.

CORRIGENDA

Corrigendum to Commission communications pursuant to Article 115 of the EEC Treaty (88/C 312/03)

(Official Journal of the European Communities No C 312 of 7 December 1988)

(89/C 15/10)

On page 3, third communication, concerning the authorization for the Kingdom of Spain not to apply Community treatment to certain motor vehicles of origin in the USSR:

for: 'The said Decision is applicable from 2 November 1988 until 31 December 1989.'

read: 'The said Decision is applicable from 2 November 1988 until 31 March 1989.'
