Council of the European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL IMPLEMENTING DECISION amending Implementing Decision (EU) 2018/485 as regards an extension of the authorisation for Denmark to apply a special measure derogating from Article 75 of Directive 2006/112/EC on the common system of value added tax

COUNCIL IMPLEMENTING DECISION (EU) 2026/…

of …

amending Implementing Decision (EU) 2018/485
as regards an extension of the authorisation for Denmark
to apply a special measure derogating from Article 75
of Directive 2006/112/EC on the common system of value added tax

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax[1], and in particular Article 395(1), first subparagraph, thereof,

Having regard to the proposal from the European Commission,

[1] OJ L 347, 11.12.2006, p. 1, ELI: http://data.europa.eu/eli/dir/2006/112/oj.

Whereas:

(1) By means of Council Implementing Decision (EU) 2018/485[2], Denmark was authorised to apply a special measure derogating from Article 75 of Directive 2006/112/EC to apply a flat-rate scheme for the private use of light goods vehicles with a maximum authorised total weight of three tonnes which have been registered solely for business (the 'special measure'). The special measure is set to expire on 31 December 2026.

(2) By letter registered with the Commission on 31 March 2026, Denmark requested an authorisation to continue to apply the special measure beyond 31 December 2026.

(3) Pursuant to Article 395(2), second subparagraph, of Directive 2006/112/EC, the Commission transmitted the request submitted by Denmark to the other Member States by letters dated 24 July 2026. By letter dated 29 July 2026, the Commission notified Denmark that it had all the information necessary for appraisal of that request.

(4) The continued application of the special measure would allow taxable persons who have registered a vehicle solely for business purposes to use that vehicle for private purposes, and to calculate the taxable amount of the deemed supply of services pursuant to Article 75 of Directive 2006/112/EC on a daily flat-rate basis, rather than lose their right to deduct the value added tax (VAT) incurred on the purchase cost of that vehicle.

[2] Council Implementing Decision (EU) 2018/485 of 19 March 2018 authorising Denmark to apply a special measure derogating from Article 75 of Directive 2006/112/EC on the common system of value added tax (OJ L 81, 23.3.2018, p. 13, ELI: http://data.europa.eu/eli/dec_impl/2018/485/oj).

(5) That simplified calculation method under the special measure should, however, be limited to 20 days of use for private purposes for each calendar year.

(6) According to the information provided by Denmark in its request, the factual situation justifying the application of the special measure has not changed. Denmark submitted to the Commission, together with its request, a report reviewing the flat-rate amount to be paid per day for the private use of a vehicle registered solely for business. In that report, Denmark confirms, on the basis of updated data for 2024, that the total estimated VAT per day of private use amounts to approximately DKK 40,3, and that the amount of VAT charged per day therefore remains unchanged at DKK 40.

(7) Denmark submits that the special measure has worked very well in recent years and that data for 2023, 2024 and 2025 show that 37 600, 38 800 and 38 000 day vouchers were sold, respectively. Denmark also maintains that the special measure has the aim of simplifying the VAT obligations of taxable persons who make occasional private use of a vehicle that was registered solely for business purposes, thereby simplifying the procedure for collecting VAT. However, it would remain possible for a taxable person to choose to register a light goods vehicle as being used for both business and private purposes. In doing so, the taxable person would lose the right to deduct the VAT incurred on the purchase cost of the vehicle, but would not be required to pay a daily charge for any use for private purposes.

(8) The authorisation of the special measure does not deprive taxable persons of the right to deduct fully the input VAT on a vehicle registered solely for business purposes that is used occasionally for private purposes and is consistent with the general rules on deduction as set out in Directive 2006/112/EC.

(9) It is therefore appropriate to extend the application of the special measure. That extension should be limited in time to allow the Commission to evaluate the effectiveness and appropriateness of the special measure. The authorisation of the special measure should therefore expire on 31 December 2029.

(10) In the event that Denmark requests a further extension of the special measure beyond 31 December 2029, it should submit a report to the Commission together with its extension request by 31 March 2029.

(11) According to information provided by Denmark, the special measure will only have a negligible effect on the overall amount of the tax revenue Denmark collects at the stage of final consumption and it will have no adverse impact on the Union's own resources accruing from VAT.

(12) Implementing Decision (EU) 2018/485 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 3 of Implementing Decision (EU) 2018/485, the second and third paragraphs are replaced by the following:

‘It shall apply from 1 January 2018 to 31 December 2029.

Any request for extension of the measure provided for in this Decision shall be submitted to the Commission by 31 March 2029 and shall be accompanied by a report which includes a review of the measure.’.

Article 2

This Decision shall take effect on the date of its notification.

Article 3

This Decision is addressed to the Kingdom of Denmark.

Done at …, …

For the Council
The President