



## Parlamentul României Senat

*Bucharest, 24 March 2021*

Courtesy translation

### OPINION of the SENATE of ROMANIA

**on the Proposal for a Council Directive amending Directive 2006/112/EC as regards conferral of implementing powers to the Commission to determine the meaning of the terms used in certain provisions of that Directive**

**COM(2020) 749 final**

The Romanian Senate examined Proposal for a Council Directive amending Directive 2006/112/EC as regards conferral of implementing powers to the Commission to determine the meaning of the terms used in certain provisions of that Directive - COM (2020) 749 final, according to the provisions of the Treaty of Lisbon Protocol (no.1).

Taking into account the report of the Committee for European Affairs, **the plenum of the Senate**, during its session of March 8, 2021

1) Notes the following:

- a) the proposal for a directive is based on Article 113 of the Treaty on the Functioning of the EU. Pursuant to this Article, the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament and the Economic and Social Committee, shall adopt provisions on the harmonization of the rules of the Member States relating to indirect taxation;
- b) the proposal for a directive respects the principle of subsidiarity as the main problem identified is precisely the non-harmonized application by Member States of the concepts in the VAT Directive, which in turn may result in double taxation or non-taxation, especially in cross-border situations. Member States do not have the opportunity to address these issues through individual actions. The fact that certain implementing powers are conferred on the Commission will make it possible to deal more quickly and effectively with situations which are the result of differences of interpretation and which create problems for traders. To this end, the Commission will be assisted by a committee of VAT experts from the tax administrations of the Member States, which will therefore be well placed to resolve issues in a coherent and rapid manner;
- c) the proposal for a directive respects the principle of proportionality in terms of the legal form chosen, but is inappropriate in terms of its content.

2) Appreciates the need for uniform application of VAT legislation through a uniform interpretation at Member State level.

3) Expresses reservations about the proposal for a directive because, on the one hand, the acts to be adopted by the European Commission in order to implement certain provisions of the VAT Directive will be binding, as opposed to the guidelines currently adopted by the current VAT Committee, which are indicative for the Member States and, on the other hand, such implementing acts may be adopted by at least 55% of the members of the Council of the European Union, and not with the unanimity of the Member States, as proposals for amending the VAT Directive and its implementing Regulation are currently being adopted.

**Președinta Senatului**

**Anca Dana DRAGU**

A handwritten signature in blue ink, appearing to read 'Anca Dana Dragu', is positioned below the printed name.