



2025/1986

30.9.2025

COUNCIL IMPLEMENTING DECISION (EU) 2025/1986

of 22 September 2025

amending Implementing Decision 2013/805/EU authorising the Republic of Poland to introduce measures derogating from point (a) of Article 26(1) and Article 168 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,

Whereas:

- (1) Article 168 of Directive 2006/112/EC establishes a taxable person's right to deduct value added tax ("VAT") charged on supplies of goods or services received by them for the purposes of their taxed transactions. Article 26(1), point (a), of that Directive contains a requirement to account for VAT when a business asset is used for private purposes of taxable persons or their staff or, more generally, for purposes other than those of their business.
- (2) By Council Implementing Decision 2013/805/EU ⁽²⁾ the Republic of Poland ('Poland') was authorised, until 31 December 2025, to limit to 50 % the right to deduct VAT on the purchase, intra-Community acquisition, importation, hire, or leasing of certain motorised road vehicles and expenditure related to those vehicles, where such vehicles are not entirely used for business purposes, and to relieve the taxable person from having to treat non-business use of such vehicles as a supply of services for consideration in accordance with Article 26(1), point (a), of Directive 2006/112/EC (the 'special measures').
- (3) Implementing Decision 2013/805/EU is to expire on 31 December 2025.
- (4) By letter registered with the Commission on 25 February 2025, Poland requested authorisation to continue to apply the special measures for a further period until 31 December 2028 ('the request').
- (5) In accordance with Article 3, second paragraph, of Implementing Decision 2013/805/EU, Poland submitted to the Commission, together with the request, a report on the application of the special measures, including a review of the percentage limitation applied on the right to deduct VAT. Based on that information, Poland maintains that a rate of 50 % is still appropriate. It also considers that the derogation from the requirement in Article 26(1), point (a), of Directive 2006/112/EC is still necessary to avoid double taxation. Those special measures are justified by the need to simplify the procedure for collecting VAT and to prevent evasion resulting from incorrect record keeping and false tax declarations.
- (6) In accordance with Article 395(2), second subparagraph, of Directive 2006/112/EC, the Commission transmitted the request to the other Member States, by letter dated 10 April 2025. By letter dated 11 April 2025, the Commission notified Poland that it had all the information necessary for appraisal of the request.
- (7) The application of the special measures beyond 31 December 2025 will have a negligible effect on the overall amount of the tax revenue that Poland collects at the stage of final consumption and will not adversely affect the Union's own resources accruing from VAT.
- (8) It is therefore appropriate to extend the authorisation set out in Implementing Decision 2013/805/EU. The extension of the special measures should be limited in time to allow for an evaluation of its effectiveness and of the appropriate percentage limitation applied on the right to deduct VAT.

⁽¹⁾ OJ L 347, 11.12.2006, p. 1, ELI: <http://data.europa.eu/eli/dir/2006/112/oj>.

⁽²⁾ Council Implementing Decision 2013/805/EU of 17 December 2013 authorising the Republic of Poland to introduce measures derogating from point (a) of Article 26(1) and Article 168 of Directive 2006/112/EC on the common system of value added tax (OJ L 353, 28.12.2013, p. 51, ELI: http://data.europa.eu/eli/dec_impl/2013/805/oj).

- (9) Poland should therefore be authorised to continue to apply the special measures until 31 December 2028.
- (10) Where Poland considers the special measures to be necessary beyond the date of expiry of Implementing Decision 2013/805/EU, a request to extend the authorisation set out therein should be accompanied by a report on the application of the special measures, including a review of the percentage limitation applied, and should be submitted to the Commission by 31 March 2028 in order to ensure its timely examination.
- (11) Implementing Decision 2013/805/EU should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Implementing Decision 2013/805/EU is replaced by the following:

'Article 3

This Decision shall expire on 31 December 2028.

Any request for an extension of the authorisation provided for in this Decision shall be submitted to the Commission by 31 March 2028. Such request shall be accompanied by a report, including a review of the percentage limitation applied on the right to deduct VAT on the basis of this Decision.'

Article 2

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

Article 3

This Decision is addressed to the Republic of Poland.

Done at Brussels, 22 September 2025.

For the Council

The President

J. JENSEN
