



## Reports of Cases

Case C-283/12

Serebryannay vek EOOD

v

**Direktor na Direktsia 'Obzhalvane i upravlenie na izpalnenieto' — Varna pri Tsentralno upravlenie na Natsionalna agentsia za prihodite,**

(Request for a preliminary ruling from the Administrativen sad Varna)

(VAT — Directive 2006/112/EC — Articles 2(1)(c), 26, 62 and 63 — Chargeable event — Reciprocal supplies of services — Transactions for consideration — Basis of assessment for a transaction in the event of consideration in the form of goods or services — Assignment by a natural person to a company of the right to use and to let to third parties immovable property in exchange for that company's services to improve and furnish the property)

Summary — Judgment of the Court (Eighth Chamber), 26 September 2013

1. *Harmonisation of tax legislation — Common system of value added tax — Taxable amount — Supply of goods — Consideration which may consist of a supply of services — Condition — Supply of services linked directly to the supply of goods and capable of being expressed in monetary terms — Barter contracts*

*(Council Directive 2006/112, Art. 73)*

2. *Harmonisation of tax legislation — Common system of value added tax — Supplies of services effected for consideration — Concept — Services of fitting out and furnishing an apartment — Included*

*(Council Directive 2006/112, Art. 2(1)(c))*

1. The consideration for a supply of goods may consist of a supply of services, and so constitute the taxable amount within the meaning of Article 73 of Directive 2006/112 on the common system of value added tax, provided, however, that there is a direct link between the supply of goods and the supply of services and that the value of those services can be expressed in monetary terms. The same is true if a supply of services is performed in exchange for another supply of services, as long as the same conditions are satisfied. Consequently, barter contracts, under which the consideration is by definition in kind, and transactions for which the consideration is in money are, economically and commercially speaking, two identical situations.

(see paras 38, 39)

2. Article 2(1)(c) of Directive 2006/112 on the common system of value added tax must be interpreted as meaning that a supply of services to fit out and furnish an apartment must be regarded as having been carried out for consideration if, under a contract concluded with the owner of that apartment, the supplier of those services, first, undertakes to carry out that supply of services at its own expense

and, secondly, obtains the right to have that apartment at its disposal in order to use it for its business activities during the term of that contract, without being required to pay rent, whereas the owner recovers the improved apartment at the end of that contract.

The fact that the supply of fitting-out and furnishing services will benefit the owner of the apartment at issue only after the contract has expired does not alter anything in that regard, seeing that, as from the conclusion of that contract, the parties to such a bilateral contract undertake to perform reciprocal services for each other.

(see paras 41, 42, operative part)