



Reports of Cases

Order of the Court (Seventh Chamber) of 20 March 2014 — Gmina Wrocław

(Case C-72/13)

(VAT — Directive 2006/112/EC — Disposal by a municipality of parts of its assets)

1. *Harmonisation of fiscal legislation — Common system of value added tax — ‘Economic activities’ within the meaning of Article 9 of Directive 2006/112 — Property marketing — Included — Conditions — Assessment by the national court (Council Directive 2006/112, Art. 9(1)) (see paras 15-19, 23, operative part)*
2. *Harmonisation of fiscal legislation — Common system of value added tax — Taxable persons — Bodies governed by public law — Treatment as non-taxable persons in respect of activities in which they engage as public authorities — Exceptions — Activities taxable in the event of significant distortions of competition — Conditions — ‘Significant’ distortions — Scope — Current or potential distortions of competition which must be more than negligible (Council Directive 2006/112, Arts 9(1) and 13(1)) (see paras 19-21, 23, operative part)*

Re:

Request for a preliminary ruling — Naczelny Sąd Administracyjny — Interpretation of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1) — Taxation of the transactions of a municipality — Sale of property acquired by operation of law, by inheritance or by donation — Transfer of such property to companies

Operative part:

Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted as not precluding transactions such as those envisaged by the gmina Wrocław (municipality of Wrocław) from being subject to value added tax, in so far as the referring court states that those transactions constitute an economic activity within the meaning of Article 9(1) of that directive and such transactions are not carried out by that municipality as a public authority within the meaning of the first subparagraph of Article 13(1) of that directive. However, if those transactions were to be considered to be carried out by that municipality acting as a public authority, Directive

2006/112 would not prohibit their taxation to the extent that the referring court should find that their exemption would be capable of giving rise to significant distortions of competition within the meaning of the second subparagraph of Article 13(1) of that directive.