

# ECJ Preliminary Ruling Request (VAT): P. S.A. (Case C-615/23) – Naczelny Sąd Administracyjny Submits Referral on Inclusion of Compensation Paid for Public Transport Services within VAT Taxable Amount

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On 3 January 2024, a preliminary ruling request lodged to the Court of Justice of the European Union (ECJ) on 6 October 2023 was published in the Official Journal of the European Union. By this, the Naczelny Sąd Administracyjny (Supreme Administrative Court in Poland) made reference to the ECJ for a preliminary ruling in the case of *Dyrektor Krajowej Informacji Skarbowej v. P. S.A.* (C-615/23), on whether article 73 of the [VAT Directive \(2006/112\)](#) must be interpreted as meaning that the compensation paid by a local authority for the provision of public transport services by an operator, calculated on a vehicle per km basis, constitutes consideration for the provision of transport services and, therefore, should be subject to VAT. Specifically, the referring court also wants to know whether a direct link between the compensation paid and the services provided can be inferred from the fact that the operator is always ready to provide the transport services on a continuous basis.

In this context, the Naczelny Sąd Administracyjny requested the ECJ to answer the following question:

"Must Article 73 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1, as amended) [[VAT Directive \(2006/112\)](#)] be interpreted as meaning that compensation, such as that described in the application for an advance tax ruling, paid to a separate entity (operator) by a local authority for the provision of public transport services, is included in the taxable amount referred to in that provision?"