

ECJ Preliminary Ruling Request (VAT): *Dyrektor Izby Administracji Skarbowej w Warszawie* (Case C-241/23) – Naczelny Sąd Administracyjny Submits Referral on the Consideration as Either Nominal Value or Issue Value of Shares

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On 17 July 2023, a preliminary ruling request lodged on 18 April 2023 was published in the Official Journal of the European Union. By this, the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) made reference to the Court of Justice of the European Union (ECJ) for a preliminary ruling in the case *P. sp. z o.o. v. Dyrektor Krajowej Informacji Skarbowej* (C-241/23) on the interpretation of article 73 of the [VAT Directive \(2006/112\)](#), in order to determine the taxable amount for VAT purposes of a transaction related to the in-kind contribution in return of shares. In this sense, it should be determined whether the taxable amount could be the nominal value of the shares subscribed for by the company in return for the contribution in-kind or the issue value of those shares.

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

"Is consideration obtained or to be obtained by the supplier in return for a supply of goods, as referred to in Article 73 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax [[VAT Directive \(2006/112\)](#)], to be understood as meaning the nominal value of the shares acquired or the issue value, if the parties have stipulated that the consideration is to be the issue value of the shares?"