

La Comisió Europea consulta sobre l'aplicació de tipus d'IVA reduït a les publicacions electròniques

S'ha conegut recentment el resultat de la consulta pública que la Comissió Europea (CE), a través de la Direcció General de Fiscalitat i Unió Duanera, va realitzar entre els dies 25 de juliol i 19 de setembre de 2016 amb l'objectiu de conèixer l'opinió dels agents implicats (indústria, autoritats i consumidors) en relació amb una possible reforma de la Directiva de l'IVA que permetés als Estats Membres l'aplicació d'un mateix tipus impositiu reduït tant a les publicacions en paper com a les electròniques.

Concretament, de les 858 respostes rebudes per la CE al respecte, el 50% corresponien a lectors, el 30% a empreses i organitzacions privades, el 12% a autors, un altre 7% a institucions acadèmiques i un 1% a autoritats públiques de diferents Estats Membres de la Unió Europea (UE). Destaca dins aquest últim percentatge la opinió del Regne d'Espanya, remesa a la CE a través del Conseller de Finances de la Representació Permanent d'Espanya davant la UE (Francisco Fernández Monje), i que va tenir la següent literalitat: *«les autoritats fiscals espanyoles estan a favor de trobar la via per a igualar el tractament en IVA de les prestacions de serveis o entregues de béns sense tenir en compte si es duen a terme per medis electrònics o tradicionals. Per exemple, en els serveis d'educació a distància o llibres electrònics»*.

Analitzant el contingut de les respostes rebudes, informa la CE que el 94% d'aquelles estaven a favor de permetre als Estats Membres l'aplicació d'un tipus reduït d'IVA als llibres electrònics mentre que el percentatge baixava fins el 88% en el cas de diaris i publicacions en format electrònic. Destaca que, en el cas concret de les editorials, el suport va ser del 83%.

D'altra banda, la consulta de la CE plantejava, altrament, quins serien els possibles efectes de la implementació del tipus d'IVA reduït als llibres electrònics. En aquest sentit, les respostes rebudes van ser les següents:

- Que es produiria una baixada dels preus dels llibres electrònics equitativa amb la baixada de tipus impositiu (45% de les respostes) o lleugerament inferior (39% de les respostes).
- Que si la reducció de tipus impositiu no es repercutís al consumidor final, s'incrementarien els marges de benefici dels editors i, en conseqüència, el sector invertiria en nous continguts (47% de les respostes de particulars). En aquest mateix sentit però en un percentatge del 60% van ser les respostes rebudes de la indústria editorial.

- Que si els preus de les publicacions electròniques disminuïssin, els consumidors comprarien aproximadament el mateix número de llibres impresos però augmentaria la compra de llibres electrònics (46% de les respostes).

Per últim, la CE va consultar sobre la necessitat de definir, a nivell comunitari, el concepte de llibre, diari i publicacions periòdiques, essent les respostes rebudes (59%) negatives a aquest proposta. Aquesta posició contrària, s'elevà fins el 80% en les respostes rebudes de la indústria editorial.

En conclusió, es confirma, doncs, l'existència d'un debat cada cop més important per part de les institucions europees en el sentit d'impulsar una modificació de la Directiva europea de l'IVA per tal de permetre els Estats Membres aplicar a les publicacions electròniques el mateix tipus reduït d'IVA que actualment només s'aplica a les publicacions en format físic.

Barcelona, a 11 de novembre de 2016

Summary Report
Responses received on
The Commission's consultation on
reduced VAT rates for electronically
supplied publications

Directorate General for Taxation and Customs Union

October 2016

Background

An open public consultation was held for 8 weeks between 25 July and 19 September 2016 using the EU Survey tool; in the rare cases, where respondents wished to provide a filled in questionnaire by email rather than in the EU Survey tool, the answers were introduced in the system on behalf of the respondents. The Commission received 858 submissions included in EU Survey and four other contributions by email.

A large majority of respondents were readers, but with 251 responses also business and organisations participated largely in the consultation together with 107 authors. Nearly all respondents indicated under 'other' were libraries, for which no specific category had been foreseen.

Five Member States (the Belgian Federal Public Service of Finance, the Slovenian Ministry of Culture, the HM Treasury of the United Kingdom, the Spanish tax authorities and the Swedish government) responded to the open public consultation and expressed support for such a Commission initiative.

Profile of respondents Open Public Consultation

Author	12%
Company/enterprise	16%
Organisation, association, consultancy, law firm	14%
Member State or other Public authority	1%
Researcher, academic institution, think tank	4%
Reader	50%
Other	4%

The main field of economic activity of the participating businesses and organisation were publishing of books, newspapers, periodicals, music or video recordings (56%).

There is evidence of a campaign due to a large number of replies from Poland (28%), mainly in the 'readers' category. However, these responses have no material impact on the results and therefore all contributions have been included in the analysis. In terms of the participation from other countries, a significant 19% indicated that the respondent was based in the UK and 15% in France.

The consultation also included an open question at the end of each section. These questions gave respondents an opportunity to elaborate on their replies. Mainly businesses and organisations elaborated on their responses and pointed out the need to enable Member States to apply the same reduced VAT rates to printed publications and e-publications.

Overview of consultation results

It is important to note that the responses do not differ significantly between the different groups of respondents. The key findings are:

1. 94% of the respondents agreed that Member States should be allowed to apply a reduced VAT rate to e-books.
2. 88% of the respondents agreed that Member States should be allowed to apply a reduced VAT rate to e-newspapers and e-periodicals, too.
3. A plurality of respondents (45%) found that super-reduced and zero rates for printed publications should not be abolished. Out of these 45%, an overwhelming majority (90%) was in favour of allowing all Member States to apply super-reduced or zero VAT rates to printed publications and e-publications.

The results of this open public consultation are in no way representative, because participation was made on a voluntary basis and for specific groups of respondents the number of responses was simply too low. In addition, asking consumers and in particular readers about a potential tax cut by Member States, triggers positive answers towards a tax cut. However, the answers relating to existing super-reduced and zero rates show that respondents are well aware of a situation where tax cuts might go too far.

Open public consultations also give a good picture about the interest of stakeholders in a specific issue and the overall high amount of responses in a very limited time frame shows great interest by readers and the publishing industry in this subject. It is important to carve out the nuances of differences in responses to the closed questions as far as possible, in order to value the results of this open public consultation. Otherwise, it can only be concluded from this public consultations that readers have already been influenced by several campaigns advocating for reduced VAT rates for e-books, because obviously most respondents were motivated to reply to this consultation because of books and when being asked about newspapers they were slightly less in favour of allowing reduced VAT rates.

Therefore, stakeholders were asked about the effects they expected from a reduction of VAT rates in two distinct sections (one on books and one on newspapers and periodicals). According to the stakeholders, the predominant effects would be the following:

- For e-books, prices go down, either by the amount the VAT is reduced (45%) or less than the amount the VAT is reduced (39%).
- For e-newspapers and e-periodicals prices go down, either by less than the amount the VAT is reduced (42%) or by the amount the VAT is reduced (32%).
- If the VAT cuts are not fully passed on to final consumers, profit margins for publishers would increase; the sector would, in the case of books, invest in new content (47%) and, in the case of newspapers, not only invest in new content (42%), but also be less dependent on advertising revenue (41%).
- In case prices for e-publications fall, consumers would buy roughly the same amount of printed books, but buy more e-books (46%) and some consumers would switch from printed to e-newspapers/e-periodicals (40%).
- No impact of reduced prices for e-books is assumed by the majority of stakeholders (55%) for the printing industry, the pulp and paper industry, and bookstores. With regard to newspapers stakeholders were more divided: 37% assume a reduced demand for print and reduced number of newspaper stores and equally 37% assume no impact.

These answers show that respondents even though the large majority of them advocates for a reduction in VAT rates for e-publications are well aware that a reduction in VAT will not automatically be passed on to final consumers.

When asked about the definition of the terms book, newspaper and periodical at EU level, the majority (59%) of respondents indicated that there is no need to define the terms in a uniform way at EU level. Even when respondents replied that there was a need to define the terms in a uniform way at EU level, they often argued differently in their comments. Some respondents tried to elaborate on this complex issue and concluded that there was even no need in some Member States to define further the terms book, newspaper or periodical in their national law. One respondent summarised the situation, recalling the diverging definitions in several Member States, and concluded that the International Standard Book Number (ISBN) could qualify as a criterion for books; however, this respondent also noted that the ISBN encompasses a range of educational materials, some of which may not be regarded as books, such as videos and films.

In two final sections, businesses were asked about the inclusion of audio and video material in e-publications:

- 25% of the businesses already now sell e-books with audio and video content alongside text, 52% do not offer it but think that the market may soon demand it and only 23% do not envisage, in the foreseeable future, selling e-books with audio and video content alongside text.
- 39% already offer now paid services including audio and video content alongside text, 41% do not offer it but think that the market may soon demand it and only 20% do not envisage, in the foreseeable future, offering paid services including audio and video content alongside text.

In the same section businesses were subsequently asked if the introduction of reduced VAT rates for e-books would increase the administrative burden for their business. A 12% share of the businesses see such an increase with regard to e-books and 6% with regard to e-newspapers and e-periodicals. However, the large majority (around 68%) of the businesses do not expect an increase in administrative burden. In this regard, those businesses that commented further nearly unanimously argued that they would face a lesser administrative burden with regard to bundle sales, and some mentioned the challenge of complying with diverging VAT rates, particularly for smaller businesses.

Observations relating to specific groups of respondents

As previously mentioned, answers to the consultations do not differ significantly between the different groups of respondents. Most importantly, the overall sample of the consultation is not representative and this is in particular true for partial samples. Hence, differences between groups have to be interpreted carefully.

A small difference can be observed with regard to the support for a reduced rate for e-books, which was the highest among readers (97%), researchers (98%) and libraries (100%), whereas a lower level support was found in the printing industry (73%) and, surprisingly, the publishing industry (still however overwhelming at 83%). This less-than-unanimous support among publishers might perhaps result from entries of businesses whose main focus is on the traditional printed medium. However, with regard to e-newspapers and e-periodicals the support was between 88% and 90% among all groups.

As previously mentioned, readers are mainly located in Poland (53%). On the other hand, the large majority of authors are located in the United Kingdom (81%), in line with the greater development of the e-book sector there. Researchers participating in the survey come mainly from Italy, Spain and the Netherlands.

The respondents from the publishing industry indicate mostly France (21%), Germany (17%) and the United Kingdom (17%) as their location. The biggest difference in their answer to the other respondents relates to a possible EU level definition of books, newspapers or periodicals. Compared to an average of 59% of respondents, 80% of the publishing industry respondents indicate that no specific EU level definition was required. A second difference is that 60% (with regard to books) and 62% (with regard to newspapers/periodicals) of these respondents declare that their sector would invest in new content, in case profit margins for publishers would increase. This is considerably higher than what the average of all respondent (47% with regard to books and 42% with regard to newspapers/periodicals) believes.

From the 22 answers from the printing industry 27% came from Germany and 23% from the United Kingdom. The most remarkable observation about this group relates to the fact that the majority of these respondents do not see any impact on the printing industry in case of reduced prices for e-publications (68% with regard to e-newspapers/e-periodicals and 50% with regard to e-books) and only 18% expect a reduced demand for print. The difference among sectors might be due to already high penetration of digital publications in the newspaper market.

Finally, with regard to super-reduced and zero rates, a difference can be observed between readers, authors and researchers on the one hand and the printing industry and publishing industry on the other hand. The first group is undecided about abolishing super-reduced and zero rates, whereas both the printing and publishing industry not surprisingly argue strongly against abolishing super-reduced and zero rates (74%) and demand to allow Member States applying such rates to all publications (on average 66%).