

Case C-288/94

Argos Distributors Limited

v

Commissioners of Customs and Excise

(Reference for a preliminary ruling
from the VAT and Duties Tribunal, London)

(Value added tax — Sixth Directive — Taxable amount)

Opinion of Advocate General Fennelly delivered on 27 June 1996	I - 5313
Judgment of the Court (Sixth Chamber), 24 October 1996	I - 5327

Summary of the Judgment

Tax provisions — Harmonization of laws — Turnover taxes — Common system of value added tax — Taxable amount — Sales transaction involving acceptance, at face value, of a voucher previously sold at a discount — Taxable amount constituted by the sum actually received on sale of the voucher

(Council Directive 77/388, Art. 11A(1)(a))

Article 11(A)(1)(a) of the Sixth Directive, Directive 77/388, on the harmonization of the laws of the Member States relating to turnover taxes, must be interpreted as mean-

ing that, when a supplier has sold a voucher to a buyer at a discount and promised subsequently to accept that voucher at its face value in full or part payment of the price of

goods purchased by a customer who was not the buyer of the voucher, and who does not normally know the actual price at which the voucher was sold by the supplier, the consideration represented by the voucher is the sum actually received by the supplier upon the sale of the voucher. It is therefore that

sum, and not the face value of the voucher, which, in accordance with that article, must be adopted as the taxable amount for application of value added tax to the sale in respect of which the voucher was accepted in payment.