

Case C-13/06

Commission of the European Communities

v

Hellenic Republic

(Failure of a Member State to fulfil obligations — Sixth VAT Directive — Exemptions — Article 13B(a) — Insurance transactions — Body providing road assistance services)

Judgment of the Court (Fourth Chamber), 7 December 2006 I - 11565

Summary of the Judgment

*Tax provisions — Harmonisation of laws — Turnover taxes — Common system of value added tax — Exemptions provided for in the Sixth Directive
(Council Directive 77/388, Art. 13B(a))*

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By levying value added tax on road assistance services that a body undertakes to provide to its members, in return for the payment by those members of a fixed annual subscription, should the risk of breakdown or accident covered by that body materialise, a Member State fails to fulfil its obligations under Article 13B(a) of Directive 77/388 on the harmonisation of the laws of the Member States relating to turnover taxes. Such

services fall within the definition of 'insurance transactions' referred to in that article, and must consequently be exempt from value added tax.

(see paras 14, 15, operative part)