

5. QUESTIONS CONCERNING THE APPLICATION OF EU VAT PROVISIONS

- 5.1. Origin: Denmark**
References: Articles 2(1) and 9(1)
Subject: VAT treatment of sales of skins in the secondary market
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For the purposes of determining whether the sale of digital assets such as skins by individuals in the secondary market falls within the scope of VAT:

1. The VAT Committee **unanimously** agrees that when an individual sells skins to other players via an online trading platform and receives in exchange payments capable of being expressed in monetary terms³ of an amount agreed between the parties, the supply shall be seen as effected for consideration within the meaning of Article 2(1)(c) of the VAT Directive.
2. The VAT Committee **unanimously** agrees that while all circumstances must be taken into account in the assessment of whether the sale of skins in the secondary market constitutes an economic activity, the fact that an individual sells skins for consideration regularly over an extended period of time shall in most cases be seen as evidence that this individual is performing an economic activity.
3. The VAT Committee **unanimously** agrees that a seller shall be considered to be acting independently regarding the sale of skins when the seller, as far as the sale is concerned, is not bound to an employer by a contract of employment or by any other legal ties creating a similar relationship including towards the platform where the sales are effected, makes the sale in its own name, on its own behalf, under its own responsibility, fixes the prices and bears the associated economic risk.
4. The VAT Committee **unanimously** agrees that a skins' seller being of legal age shall not be a condition to the possible qualification as a VAT taxable person.

³ This is to be taken to include any national currency.