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By PwC Deutschland | 14 September 2025

ECJ: Customer loyalty program with bonus points acquired treated as a voucher?

The issue of points following a purchase of goods in the course of a customer loyalty program where the customer is entitled to a rebate when making a future purchase does not constitute a voucher within the meaning of Article 30a of the VAT Directive. In the Opinion of the Advocate General there is no (self-standing) obligation to accept those points as consideration for a supply of goods. Therefore, such a bonus system constitutes only a discount on a future purchase.

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Background

The definition of a voucher according to Article 30a of the VAT Directive:

This is an instrument with an obligation to accept it as consideration or part consideration for a supply of goods or services and where the goods or services to be supplied or the identities of their potential suppliers are either indicated on the instrument itself or in related documentation, including the terms and conditions of use of such instrument.

A “single-purpose voucher” means a voucher where the place of supply of the goods or services to which the voucher relates, and the VAT due on those goods or services, are known at the time of issue of the voucher. A “multi-purpose voucher”, on the other hand, is understood to be a voucher, other than a single-purpose voucher.’

Case of dispute in the main proceedings

The preliminary request from Sweden concerns a customer loyalty program, which is common in practice, where customers collect, with their purchases, points which they can be redeemed in a subsequent purchase which lead to the next purchase becoming ‘cheaper’ for the customer, either in that the points can be deducted from the price or, as in the present case, additional goods are purchased from a reward shop. The decisive question, according to the referring court, is whether the issue of such points must be treated as a voucher within the meaning of Article 30a of the VAT Directive. If the answer is in the affirmative, the referring court wishes to know how the taxable amount under Article 73a of the VAT Directive is to be determined when the points are used to obtain goods from the seller.

Opinion of AG Juliane Kokott

According to the Opinion of the Advocate General (AG) the issue of points under a customer loyalty program which is designed in such a way that a customer who purchases goods obtains points according to the volume of the purchases and is then entitled, when making a future purchase, to use the points to obtain further goods from the seller’s range does not constitute a voucher within the meaning of Article 30a of the VAT Directive.

There is no (self-standing) obligation to accept those points as consideration for a supply of goods. Therefore, I could only be considered as a discount on a future purchase.

If the points grant **an independent right to a specifiable reward**, the points in the present case would have to be regarded as vouchers. **If the reward is not yet specified** (and it is therefore not possible, for example, to determine the correct tax rate), it would be a multi-purpose voucher, and its issue does not yet have any consequences for VAT purposes. Only the redemption of points would constitute a supply (of the reward) for consideration (in the form of the voucher). A multi-purpose voucher which does not

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represent a specified value but only a specifiable value is classified somewhere between a particular multi-purpose voucher and a discount. However, in the opinion of the AG, appropriate VAT may be levied without it being necessary to restrict the concept of vouchers.

This is also evident when looking at Article 79 of the VAT Directive which excludes granted discounts from the taxable amount for VAT purposes. However, the points themselves are not yet a discount that has been granted but merely a possibility of a discount. Although a discount after completion of the transaction (in the present case, the first purchase) leads to a reduction in the taxable amount under Article 90 of the VAT Directive it also presupposes implementation of the discount. That would be the case only upon redemption of the points, that is to say, upon receipt of the reward.

Bearing the above answer in mind, the AG saw no need to address the second question referred.

Notes:

(1) In a circular of 2 November 2020 (III C 2 -S 7100/19/10001 :002) the Federal Ministry of Finance has commented on the VAT aspects regarding the various types of vouchers after the implementation of the EU Voucher Directive into national law and states, among others, that vouchers which only entitle the holder to a discount or price refund but do not confer the right to receive such goods or services are not affected by the new regulations.

(2) In an earlier Swedish reference for a preliminary ruling, the European Court of Justice (ECJ) had already had a first opportunity to comment on the distinction and VAT treatment of single-purpose vouchers and multi-purpose vouchers in Article 30a of the VAT Directive. According to the ECJ in its judgment of 28 November 2022 the city-card of Stockholm can be viewed as a multi-purpose voucher, provided it meets the criteria for a voucher as set in Article 30a (further details on the decision to be found **here**).

Source:

ECJ case reference **C-436/24** *Lyko Operations*- Opinion of 11 September 2025.

Keywords

multiple-purpose voucher, rebate