VAT treatment of blood and blood plasma products

This document should be read in conjunction with paragraph 2(6) of Schedule 1 to the VAT Consolidation Act 2010 (VATCA 2010).

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Introduction

This guidance sets out the VAT treatment of human blood, human blood plasma, pharmaceutical products derived from human blood plasma and recombinant products. It also highlights the change of VAT treatment of human blood plasma and pharmaceutical products derived from human blood plasma.

The Court of Justice of the European Union's (CJEU) judgment in Case C-412/15 TMD held that human blood plasma intended to be used in the manufacturing of pharmaceutical products is subject to VAT. This VAT treatment will take effect from 1 January 2020 (see paragraph 2.2).

Revenue previously treated pharmaceutical products derived from human blood plasma as exempt from VAT. From 1 January 2020 this practice will cease, and these products will be subject to VAT (see paragraph 3).

1. What is the VAT treatment of human blood?

The collection, storage, supply, intra-community acquisition or importation of human blood is exempt from VAT ('human blood exemption').

Donations of human blood are outside the scope of VAT.

2. What is the VAT treatment of human blood plasma products?

The collection, storage, supply, intra-community acquisition and importation of human blood plasma products is either exempt from VAT or taxable at the standard rate of VAT depending on the intended use of the product as per the CJEU judgment in the TMD case. Generally, the contracts set out the intended use of the blood plasma.

2.1. Human blood plasma in its natural state

Human blood plasma in its natural state which is used directly for therapeutic purposes is exempt from VAT.

2.2. Human blood plasma intended to be used in the manufacturing of pharmaceutical products

From 1 January 2020 and in accordance with the TMD judgment, human blood plasma which is intended to be incorporated into an industrial production, in particular with a view to manufacturing pharmaceutical products, is subject to the standard rate of VAT.

The fact that the 'plasma intended for industrial use' may in theory be put to direct therapeutic use, even if proved, does not mean that it can benefit from the exemption according to the CJEU judgment in the TMD case.

3. Pharmaceutical products derived from human blood plasma

Revenue previously applied the human blood exemption to pharmaceutical products derived from human blood plasma. From 1 January 2020 pharmaceutical products derived from human blood plasma will be subject to the standard rate of VAT.

These types of pharmaceutical products include:

- Human Albumin
- Human Derived Factor 8 - FVIII (as distinct from Recombinant Factor 8 rFVIII)
- Human Derived Factor 9 FIX
- Human Derived Factor 10 FX
- Normal Human Immunoglobulin
- Anti-D immunoglobulin
- Alpha 1 Protease Inhibitors.

4. Recombinant products

Recombinant products are not derived from human blood and therefore cannot benefit from the exemption. They are subject to the standard rate of VAT.

5. Transport of human blood plasma products

The transport and delivery of human blood, human blood plasma, pharmaceutical products and recombinant products is subject to the standard rate of VAT.