



**JANUARY TO JUNE 2022**

**LATEST NEWS**

## **CFE Tax Advisers Europe's 2022 Forum**

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CFE Tax Advisers Europe's [2022 Forum](#) was held on 12 May 2022 in Brussels on the topic of *"The Future of Holding Companies & VAT Grouping in the Current Tax Policy Climate"*. The conference examined issues surrounding the European Commission's Unshell Proposal and how policy developments affect the use of holding companies and VAT groups across tax structures.

The CFE Executive Board and CFE Brussels Office were delighted to once again be able to hold an in-person conference event after the difficult and drawn-out lockdown period caused by the coronavirus pandemic and to

welcome CFE delegates and EU policy stakeholders back to Brussels for the Forum.

Mr Bert Zuijdendorp opened the conference with a key-note speech on the EU Commission's proposal, speaking on behalf of Benjamin Angel, Director, DG TAXUD, European Commission. In his address, Mr Zuijdendorp set out the policy background leading to the proposed directive and an overview of the technical detail of the proposal.

The first panel then discussed selected issues surrounding the unshell proposal, including: the issue of compatibility with primary EU law, the criteria used compared with other EU directives, presumptions and exclusions in the draft legislation, minimum substance indicators, freedom of establishment and free movement of capital considerations and the implications of the proposal on the future use of holding companies. The panel speakers were: Dr João Nogueira, Deputy Academic Chairman, IBFD, The Netherlands; Mr Eduardo Gracia Espinar, Global Head of Tax, Ashurst, Spain; Dr Christiana HJI Panayi, Professor, Queen Mary University of London, UK; and, Stephen Brunner, Partner, Deloitte, The Netherlands. The panel was moderated by Aleksandar Ivanovski, Director of Tax Policy at CFE Tax Advisers Europe.

The second panel examined issues concerning VAT grouping in the EU, including issues re-enlivened by the *Danske Bank* decision, problems of fragmentation within the EU due to lack of harmonization on VAT recovery on the EU level, treatment of separate activities/supplies within a VAT group & how to attribute costs to VAT supplies made within a VAT grouping. The panel also discussed whether there should be EU-wide VAT grouping rules to avoid cross-border issues caused by a fragmented approach. The speakers were: Pia Michelsen, Deputy Head of Unit, VAT, DG TAXUD, European Commission; Chris Borg, Indirect Tax Technical Committee Chair, Malta Institute of Taxation,

Malta; Petra Pospíšilová, Director of Taxation, CSOB (KBC Group), Czech Republic; and, Simon Cornielje, Professor, Amsterdam VU University, The Netherlands. Jeremy Woolf, Chair of the CFE Indirect Tax Subcommittee, acted as moderator for the panel.

The conference was well-attended and received by the audience, and the CFE will continue to closely follow the progress of the unshell proposal at Council level, and EU legal developments in VAT grouping rules.

## CFE Participation at EU Parliament Tax Subcommittee: Hearing on Regulating Intermediaries

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On 25 April 2022, the European Parliament's Permanent Subcommittee on Tax Matters ("FISC") held a [hearing](#) concerning regulation of the provision of tax advice across the European Union, under the title *"How to reinforce the regulation of intermediaries to create an intermediary sector that ensures a fair and user-friendly tax system?"*.

The hearing was a follow-up to a hearing held in November 2021 concerning the Pandora Papers and tax evasion. Members of FISC discussed the role of tax intermediaries in tax avoidance and tax evasion and evaluated options to improve tax intermediaries' regulatory framework to deter them from playing any part in tax abusive activities.

Aleksandar Ivanovski and Brodie McIntosh participated as expert speakers at the hearing, introducing to the Members of FISC the [CFE Discussion Paper on Professional Judgment in Tax Planning – An Ethics Quality Bar for All Tax Advisers](#) prepared by the Professional Affairs Committee of CFE Tax Advisers Europe in

mid-2021. Aleksandar and Brodie explained the paper's proposed Ethics Quality Bar for advisers to reflect on when giving advice, questioning whether there is manipulation and artificiality in tax planning, explaining that CFE issued the paper based on its long-standing commitment to high professional standards in tax advice and to stimulate a discussion on how to tackle this problem among all who have an interest in how our tax systems function in Europe.

The hearing also featured interventions by Ms. Khadija Sharife, Senior Editor for Africa at the Organized Crime and Corruption Reporting Project (OCCRP), Mr. Grant Wardell-Johnson, KPMG Global Tax Policy Leader and Chair of the Global Tax Policy Leadership Group (accompanied by Ms. Raluca Enache, Director at KPMG EU Tax Centre, KPMG in The Netherlands) and Prof. Emer Mulligan, Professor in Taxation and Finance at the National University of Ireland, Galway.

At the hearing, Ms Jasna Voje from DG TAXUD at the European Commission participated in the discussion, and informed attendees that a public consultation would soon be launched exploring policy options being considered by the Commission to improve tax intermediaries' regulatory framework to establish standards which intermediaries must adhere to, an instrument setting out harmonised definitions of wrong-doing across the EU, to tackle the activities of intermediaries operating in the grey-zone of providing tax advice. This has now been [published](#) and CFE is preparing its response to the public consultation.

## **MEETINGS & EVENTS**

The CFE Executive Board and CFE Brussels Office were delighted to once again be able to hold the in-person General Assembly and Technical

Committee meetings in Brussels in May after the difficult and drawn-out lockdown period caused by the coronavirus pandemic.

Notwithstanding this, the Executive Board will closely monitor and evaluate health risks and travel restrictions caused by the COVID-19 pandemic, and keep our Members updated on whether there will be any impact on any other CFE events or meetings in 2022. All upcoming CFE physical meetings and events will conform with any relevant safety protocols and rules put in place by the relevant authorities.

## TECHNICAL RELEASES

### Fiscal Committee Opinion Statements

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In the first half of 2022, the Fiscal Committee of CFE Tax Advisers Europe published 5 Opinion Statements, as follows:

- [FC 1/2022](#) on the EU Proposal for a Directive on Minimum Tax & OECD Model Rules Implementing Pillar 2 (Global Minimum Taxation).
- [FC 2/2022](#) on the EU Proposal on Fighting the Use of Shell Entities and Arrangements for Tax Purposes (Unshell Proposal).
- [FC 3/2022](#) on the EU Commission VAT in the Digital Age Consultation.
- [FC 4/2022](#) on Possible Solutions to Inheritance and Gift Double Taxation Issues Within the EU.
- [FC 5/2022](#) on Introducing a Common EU-wide System for Withholding Taxes.

### Tax Technology Committee Opinion Statement

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Between January and June 2022, the Tax Technology Committee of CFE Tax Advisers Europe published 1 Opinion Statement:

- [TTC 1/2022](#) on the OECD Public Consultation on a Crypto-Asset Reporting Framework and Amendments to the Common Reporting Standard.

## ECJ Task Force Opinion Statements

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In the first six months of 2022, the ECJ Task Force of CFE Tax Advisers Europe published 2 Opinion Statements:

- [ECJ-TF 1/2022](#) on the CJEU decision in Case C-437/19, État luxembourgeois v L, on the conditions for information requests and taxpayer remedies.
- [ECJ-TF 2/2022](#) on the CJEU decision in Case C-788/19, European Commission v Kingdom of Spain (Form 720).

## External Publications

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The leading European tax law journal European Taxation, published by IBFD, regularly publishes articles on selected CFE Opinion Statements of particular relevance. European Taxation has published 3 CFE articles in their journal in 2022 to date.

## EU Tax Policy Report

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In July 2022, CFE Tax Advisers Europe published its [EU Tax Policy Report](#) covering the period of January to June 2022. The EU Tax Policy Report is a bi-annual publication which provides a detailed analysis of significant primary law and tax policy developments at both the EU and the international level that have occurred in the previous six months, which would be of interest to European tax advisers. It also includes an overview of selected CJEU case-law and relevant European Commission decisions.

## **FORTHCOMING EVENTS**

### **CFE Tax Advisers Europe General Assembly & Technical Committee Meetings in Seville**

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The next CFE General Assembly, Technical Committee Meetings and Social Events will take place in Seville, Spain, between 22 and 24 September. The meetings and events will take into account any relevant safety protocols and rules for Covid-safe event spaces put in place by the authorities issued by the Government of Spain.

Delegates of the CFE General Assembly and the CFE Technical Committees should have received an invitation setting out further information concerning the meetings and events, including information concerning how to register to join the meetings virtually.

### **CFE Tax Advisers Europe's Professional Affairs Conference**

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The 2022 Professional Affairs Conference will be held on 2 December in Zagreb, Croatia, examining issues surrounding the EU Commission's public consultation on the policy options being considered to improve tax intermediaries' regulatory framework, for a legislative proposal referred to in the consultation document as "SAFE", a proposal to tackle the role of enablers that facilitate tax evasion and aggressive tax planning in the European Union (Securing the Activity Framework of Enablers – SAFE). An invitation containing additional information on the conference and means of registration will be sent in due course.

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The selection of the remitted material has been prepared by:  
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CFE Tax Advisers Europe is a Brussels-based association representing European tax institutes and associations of tax advisers. Founded in 1959, CFE brings together 33 national organisations from 26 European countries, associated via the Global Tax Advisers Platform (GTAP) with more than 600,000 tax advisers. CFE is part of the European Union Transparency Register no. 3543183647-05. For further information, please contact Piergiorgio Valente, CFE President or the CFE Brussels Office at [info@taxadviserseurope.org](mailto:info@taxadviserseurope.org).