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| |  |  | | --- | --- | | cid:image002.jpg@01D03FCB.3ED2FCB0 |  |   **Fiscal Committee**    **3 February 2015**  **1.       CFE Forum 2015: "Tax governance and tax risk management in a post-BEPS world" on 26 March 2015 in Brussels**  As the BEPS project proceeds to completion, it is crucial that companies, their tax advisers and tax administrations are aware of the implications of the new international framework grounded on transparency, multilateral cooperation and information exchange. With concepts such as the “spirit of the law”, “economic substance” and “value creation” coming to the fore, tax mitigation and the structuring of companies’ businesses will have to take into account a larger number of variables and a different set of risks.  The forthcoming 2015 CFE Forum will address these pressing topics in direct and in indirect tax and help companies and their tax advisers prepare for the future.  -          Programme and registration: [EN](http://www.cfe-eutax.org/node/4089)  **2.       Cross-border group relief and final losses: CJEU dismisses infringement action against the UK**  On 3 February 2015, the EU Court of Justice (CJEU) has found UK legislation making cross-border loss relief subject to certain conditions compatible with EU law. The decision dismisses the European Commission´s infringement action against the UK (case C-172/13). The Commission had held that the legislation at issue (which had been enacted as a consequence of the CJEU´s 2005 judgment in the case Marks & Spencer) infringes the freedom of establishment to the extent that losses were only to be considered final if at the end of the relevant accounting period no rule on carrying-forward of losses exists in the country of the subsidiary or the subsidiary that incurred the losses had gone into liquidation, and that the UK provision excluded cases before April 2006 from cross-border group relief. The Court did not agree that the refusal of loss relief where there is no possibility of loss-carrying-forward in the subsidiary´s state violates the freedom of establishment. Moreover, it disagreed with the Commission´s conclusion that the subsidiary would have to go into liquidation to make losses final and found that the Commission had not established that losses incurred before April 2006 were actually not eligible.  -        Judgment: [All EU languages](http://curia.europa.eu/juris/fiche.jsf;jsessionid=9ea7d2dc30ddc7366d5b8d6e4b629490abf66890870a.e34KaxiLc3qMb40Rch0SaxuPaNf0?id=C%3B172%3B13%3BRD%3B1%3BP%3B1%3BC2013%2F0172%2FP&pro=&lgrec=en&nat=or&oqp=&dates=&lg=&language=en&jur=C%2CT%2CF&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&num=C-172%252F13&td=%3BALL&pcs=Oor&avg=&mat=or&jge=&for=&cid=186026)  -        Press release: [EN](http://curia.europa.eu/jcms/upload/docs/application/pdf/2015-02/cp150013en.pdf)  **3.       Commission renews Joint Transfer Pricing Forum**  On 26 January 2015, the European Commission has decided to set up a new Joint Transfer Pricing Forum (JTPF) consisting of representatives of the EU member states and 18 organisations to advise the Commission in finding practical solutions to transfer pricing issues. The mandate of the JTPF will be two years. Deadline for applications is 25 February 2015.  -          Commission decision: [EN, DE, FR](http://ec.europa.eu/taxation_customs/resources/documents/taxation/company_tax/transfer_pricing/forum/decision_c%282015%29247_xx.pdf)  -          Call for applications: [EN, DE, FR](http://ec.europa.eu/taxation_customs/resources/documents/taxation/company_tax/transfer_pricing/forum/call_applications_2015_en.pdf)  **4.       Council adopts anti-abuse rule in Parent-Subsidiary Directive**  The EU Ecofin Council of 27 January 2015 has formally adopted the revision of the EU Parent-Subsidiary-Directive, providing for a minimum anti-abuse rule. Agreement on the amendment had already been reached at the previous Ecofin meeting of 9 December 2014. EU member states have to implement the new rule (as well as the subject-to-tax clause adopted in July 2014) until the end of 2015.  -          Press release: [All EU languages](http://www.consilium.europa.eu/en/press/press-releases/2015/01/council-adopts-anti-abuse-clause/)  -          Text of the amendment: [EN](http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2016633%202014%20INIT)  **5.       FTT to be introduced as of 2016**  On 27 January 2015, the finance ministers of ten of the eleven EU countries participating in the plan to introduce a financial transactions tax by way of enhanced cooperation have agreed that such tax should be levied as of 1 January 2016. The countries (Austria, Belgium, Estonia, France, Germany, Italy, Portugal, Slovakia, Slovenia and Spain) agree that the tax shall apply to shares and derivatives. Details of the new tax are still to be discussed but discussions have reassumed under Austrian coordination. The only country absent was Greece, due to the upcoming change of government following the elections of end-January.  \*\*\*\*\*  *The selection of the remitted material has been prepared by Piergiorgio Valente / Filipa Correia / Rudolf Reibel*  [*www.cfe-eutax.org*](http://www.cfe-eutax.org)  *Follow us on* [Linked in](http://www.linkedin.com/company/confederation-fiscal-europeene?trk=company_name) cid:image004.png@01CFAA5C.15EA1810 |
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