European Tax Report
European Professional Law Report
December 2015 - February 2016

CFE EVENTS

CFE Forum 2016: „Rebuilding the international tax system: How to square the circle?“ on 21 April

The annual international tax conference of CFE will take place on Thursday, 21 April 2016 in Brussels. The finalisation of the BEPS project has provided governments with materials, tools and blueprints for re-applying the basic principles of international taxation like economic substance, permanent establishment and value creation. Yet it is far from clear how this large-scale project should be implemented: how to shape the new provisions so that they are fit for purpose? How can the implementation effort be coordinated internationally and achieve its political objectives? And how can one assure that the reconstruction does not lose sight of the taxpayers who are going to be subject to this new regime?It will be crucial for both companies and tax authorities to clearly understand the concepts, and how they interact, in order to ensure that reasonable transactions are not deemed to be abusive.Where traditional concepts are revised and tax rulings are under pressure, new ways of creating legal certainty and ensuring confidentiality must be explored.High-level speakers from the European Commission, the OECD and national tax administration have confirmed as well academia, business and tax advisers.

READ MORE *(click to open):*

- Programme and registration: **EN**

DIRECT TAX

“Anti-BEPS” – CBCR –tax havens: The EU Anti-Tax Avoidance Package in detail

On 28 January 2016, the European Commission presented its “Anti-Tax Avoidance Package”, consisting of four instruments designed at limiting tax avoidance by multinational enterprises:

A proposal for a Directive against tax avoidance practices, containing anti-avoidance elements partly known from the CCCTB proposal and reflecting the OECD BEPS Recommendations.
The main elements of this proposal are:

- an interest limitation rule;
- exit taxation of assets leaving the country, in line with the CJEU case law on cases such as Verder Labtech;
- a switch-over from tax exemption to tax credit for low-taxed profit distributions from third countries;
- a general anti-abuse rule (GAAR);
- a rule on income shifted to controlled foreign companies (CFC);
- a rule on the treatment of hybrid entities and hybrid instruments.

The proposal provides for minimum harmonisation only, allowing member states to adopt or leave in place stricter measures.

Another Directive proposal, introducing mandatory country by country reporting (CBCR) of a template of financial and tax information by large multinationals (revenues > € 750m annually) to tax administrations and exchange of this information among these, according to the OECD Recommendation on BEPS Action 13.

A Communication on an “External strategy for effective taxation” covering aspects relating to third countries: In particular, this includes the planned development of common EU transparency and fair tax competition criteria, and the setting up of a screening process that will result in a listing of countries that do not comply with these criteria. Possible counter-measures against listed jurisdictions such as withholding taxes or non-deductibility of transactions through these jurisdictions should be determined by member states and published by the end of 2016.Other measures with regard to third countries include:

- he inclusion of updated tax good governance criteria and state aid clauses in trade agree ments concluded by the Commission;
- assistance to developing countries in domestic revenue mobilisation;
- changes to the EU Regulation on investment of EU funds.The Commission would like to see this external strategy endorsed by the EU Council and Parliament. It has updated once more its overview on member states´ tax havens blacklists.

A Recommendation on “measures against tax treaty abuse”: Where member states include a “principle purpose tests” in their tax treaties to prevent treaty

shopping, they should use a modified version of the OECD Model provision, to ensure that such clause respects the EU freedoms. The Recommendation also refers to the OECD definition of permanent establishment in its post-BEPS shape.

The CCCTB proposal is now scheduled for autumn 2016. In summer 2016, the Commission intends to issue a proposal on enhancing double tax dispute resolution.

These measures are explained in the Communication "Next steps towards delivering effective taxation and greater tax transparency in the EU", dubbed "Chapeau Communication" which adds the wider political context and seeks to address subsidiarity concerns. A staff working paper and a study on tax avoidance carried out by a contractor add further detail to the package.

READ MORE *(click to open):*

European Commission documents (28 January 2016):

- Press release: **All EU languages**
- "Chapeau" Communication: **All EU languages**
- Anti Tax Avoidance Package, dedicated EU Commission webpage: **EN** (DE, FR available)
- Anti Tax Avoidance Directive proposal: **EN** (DE, FR available)
- Administrative Cooperation Directive amendment proposal („BEPS 13"): **EN** (DE, FR available)
- Recommendation on tax treaty abuse : **EN/DE/FR**
- Communication "External strategy for effective taxation": **All EU languages**
- Staff working document to "Chapeau" Communication: **EN**
- Study on Aggressive tax planning and indicators: **EN**
- Questions and answers: **EN** (FR available)
- Updated overview on EU tax havens lists (as of 31 December 2015): **EN**

Council developments on "EU-BEPS"

On 19 February 2016, the Dutch EU Council presidency presented a "BEPS Roadmap", indicating how it intends to achieve progress in the various BEPS dossiers, through legislation in the Council and policy coordination in the Code of Conduct Group.
One of the stated priorities is the revision of the Interest & Royalties Directive on which the Dutch presidency aims at reaching political agreement before the end of its term in mid-2016. As the roadmap states, it would build on either a minimum effective taxation (MET) rate as sole criterion or such rate combined with an economic activity test, "to have a practical and well targeted MET clause, giving legal certainty and preventing loopholes". The inclusion of the OECD modified nexus approach is also being considered. According to media reports, the presidency has proposed in the Council that the minimum taxation in the country of the beneficiary of a payment should be at an effective rate of 10%, irrespective of what the rate in the source country is.
On the Anti-Tax Avoidance Directive proposal, the Council presidency intends to reach political agreement before June 2016, but some member states have already expressed reservations. Among these, on 12 February, German Minister of Finance Wolfgang Schäuble suggested that the proposal should be split into one part strictly limited to implementing the BEPS recommendations, as they have already been endorsed at OECD/G20 level, and a second covering the remaining issues, namely matters that were previously part of the CCCTB discussions like the GAAR, the switchover clause and the exit taxation provision, to ensure a swift adoption of the BEPS-related matters.
The Council presidency will also try to submit proposals, by June 2016, for a reform of the Code of Conduct Group, both regarding its governance, transparency and working methods and its mandate which should be extended and contain the principle that profits should be subject to effective taxation in the EU. Guidance and explanatory notes on hybrid permanent establishment mismatches in situations involving third countries should also be developed.
Further "short-term" topics include patent boxes, good tax governance in third countries and BEPS matters concerning double tax treaties, namely as the planned multilateral instrument to modify bilateral agreements (BEPS Action 15).
Possible EU guidance on mandatory disclosure rules for certain tax planning arrangements (BEPS Action 12), which would likely involve tax advisers, is only to be found on the presidency´s "medium-term work" list, among topics such as revised guidance on transfer pricing and transfer pricing dispute resolution, outbound payments, access of tax authorities to beneficial ownership registers set up for anti-money laundering purposes and rules for the issuance of tax rulings.The roadmap also mentions the "BEPS 13-style" country by country reporting proposal on which political agreement has already been reached on 8 March 2016.

READ MORE *(click to open):*

- Council press release, 12 February 2016 (see page 5) : **EN**
- Reuters Article, 12 February 2016: **EN**
- Dutch presidency roadmap on BEPS, 19 February : **EN**

Improving double taxation dispute resolution mechanisms: Commission opens consultation

On 16 February 2016, the European Commission has opened a public consultation on improving double taxation dispute resolution mechanisms. The consultation takes the form of an electronic multiple choice questionnaire with very limited possibilities to add comments, but there is a possibility to attach position papers.
Key question is question 4.2 where the Commission explains four possible options:

- a soft law mechanism to encourage member states to revise their treaties to include a dispute resolution mechanism in the light of the expe rience from the Arbitration Convention and the BEPS 14 recommendations, including an arbitra tion clause;
- a soft law mechanism to encourage member states to introduce in their treaties a provision that gives the EU Court of Justice jurisdiction to de cide on a double tax case, after lapse of a speci fied time period;
- a binding measure obliging member states to provide access to binding arbitration or mediation by another body, after lapse of a specified time period, e.g. two years;
- a comprehensive EU law instrument providing for elimination of double taxation and a dispute reso lution mechanism.

Deadline for responses is 10 May 2016.

READ MORE *(click to open):*

- Consultation website: **EN** (DE, FR available)

CJEU decides on taxation of losses of a foreign PE transferred intra-group to another member state

On 17 December 2015, the CJEU delivered its judgment in the German preliminary ruling case Timac Agro Deutschland, C-388/14. The Court held that in the event of transfer of a permanent establishment (PE) in another member state by a resident company to a non-resident company within the same group, national tax law may reincorporate the losses previously deducted in respect of that PE into the taxable profit of the transferring company where, under a double taxation convention, the income of the PE is exempt from tax in the member state in which the company to which the PE belonged has its seat.
If, in the same situation, under a double tax convention, the exclusive power to tax the profits of that PE lies with the member state in which the PE is situated, the member state of the company to which the PE belonged may exclude the possibility for its resident company of taking into account in its tax base the losses of the establishment transferred.

READ MORE *(click to open):*

- Judgment: **EN**
- Advocate-General Opinion: **EN**

Germany and Australia conclude first "post-BEPS" double tax treaty

Germany and Australia have concluded a new double tax treaty including a number of anti-BEPS measures part of the final OECD Recommendations of October 2015. In the area of Permanent Establishment (PE), the Treaty includes a rule to prevent artificial fragmentation of PE, new rules to determine a dependent agent PE (as has been pointed out, the latter are not fully in line with the OECD Recommendations), a rule addressing the splitting up of contracts for construction or installation PEs, and the inclusion of a new rule on activities having a preparatory or auxiliary character. The Treaty also includes a principal purpose text and provides for binding arbitration in case of disputes (except where the principal purposes test applies).

READ MORE *(click to open):*

- Text of the Tax Treaty : **EN**

US Treasury publishes revised US Model Tax Convention

On 17 February 2016, the US Treasury Department issued a newly revised US Model Income Tax Convention which is the baseline text the Treasury Department uses when it negotiates tax treaties. As the Treasury explained, the 2016 Model includes a number of provisions intended to eliminate double taxation without creating opportunities for non-taxation or reduced taxation through tax evasion or avoidance.
For example, the 2016 Model does not reduce withholding taxes on payments of highly mobile income such as royalties and interest that are made to related persons that enjoy low or no taxation with respect to that income under a preferential tax regime. In addition, a new article obligates the treaty partners to consult with a view to amending the treaty as necessary when changes in the domestic law of a treaty partner draw into question the treaty's original balance of negotiated benefits and the need for the treaty to reduce double taxation. The 2016 Model also inclu-

des measures to reduce the tax benefits of corporate inversions. Specifically, it denies reduced withholding taxes on U.S. source payments made by companies that engage in inversions to related foreign persons. The 2016 Model also contains rules requiring that tax treaty disputes be resolved through mandatory binding arbitration, taking the "last best offer" approach.A detailed technical explanation of the 2016 Model is planned in spring 2016.

READ MORE *(click to open):*

- US Model Convention 2016: **EN**
- Press release, 17 February 2016 : **EN**

EU Council strategic agenda for Dutch, Slovak and Maltese presidencies trio

The current Dutch presidency of the EU Council and the two upcoming Council presidencies of Slovakia and Malta have published a joint "strategic agenda" demonstrating the three countries` commitment to ensure consistency and progress in the work of the EU Council for the next 18 months. Tax items mentioned include, i.a., improving exchange of tax information, and advancing the upcoming European Commission initiatives on (1) the Anti-Tax Avoidance Package, (2) the VAT Action Plan and (3) the CCCTB proposal expected in autumn 2016.

READ MORE *(click to open):*

- Strategic agenda: **EN**

Apple and Google conclude settlements on back taxes in UK/Italy; Google expecting heavy tax bill in France

On 30 December 2015, Italian press reported that Apple has agreed with tax authorities to pay back € 318m in taxes in Italy after a two-year investigation. Apple Italy had been accused of transferring about to €880 m of profit generated in Italy between 2008 and 2013 to an Irish subsidiary to take advantage of Ireland´s lower corporate tax rate. The deal has brought the investigation to an end.

On Friday, 22 January 2016, Google and the UK tax administration agreed a settlement according to which the multinational will pay £130m in back taxes for the past ten years and slightly higher taxes for the future, while allowing Google to continue routing £4.6bn of UK sales via an Irish company that pays no tax in the UK. The deal which follows a 2009 investigation into Google´s tax affairs has faced strong public criticism suggesting that it has not been in line with the recent OECD principles and amounts to another favourable tax treatment of a multinational.

According to press reports of 24 February 2016 citing an anonymous French government source, Google is to face a claim of € 1.6bn in back taxes in France. Unlike their UK colleagues, French tax authorities refused to reach as tax settlement with the multinational.

READ MORE *(click to open):*

- Politico article (Google UK), 23/27 January 2016: **EN**
- The Guardian article (Google UK), 27 January 2016: **EN**
- Reuters article (Google France), 24 February 2016: **EN**

European Commission's expert group releases two reports on cross border tax problems of individuals

On 3 March 2016, the findings of the Expert Group assisting the European Commission on practical ways to remove tax problems faced by individuals who move across the EU have been published in two reports:One report covers tax problems affecting citizens who work or invest in other EU Member States including measures already in place in certain Member States to facilitate tax compliance. The other report focuses on problems related to inheritance taxation.
The CFE has taken part in the work of this Expert Group through its representatives Volker Heydt and Isabelle Richelle, both active in the ECJ Task Force.

READ MORE *(click to open):*

- Background information: **EN**
- Report on cross-border tax obstacles: **EN**
- Report on inheritance tax problems : **EN**

Public consultation on OECD draft addressing treaty residence of pension funds

On 29 February 2016, the OECD has invited stakeholders to comment on draft proposals changing the rules for 'treaty residence' of pension funds in the OECD Model Tax Treaty. The issue of whether a pension fund should be treated as a resident for treaty purposes was included in the OECD's Base Erosion and Profit Shifting Project (BEPS Action 6: Tax treaty abuse).
In line with the BEPS Action plan, a pension fund is considered to be a resident of the State in which it is constituted for the purposes of tax treaties regardless of whether that pension fund benefits from a limited or complete exemption from taxation in that state. This principle will now be elaborated in the tax treaty model.
Comments should be submitted by 1 April 2016.

READ MORE *(click to open):*

- Press release: **EN** (FR available)

INDIRECT TAX

CJEU rules on VAT abuse in cross-border licensing arrangements and use of evidence obtained in criminal proceedings

On 17 December 2015, the EU Court of Justice (CJEU) decided in the Hungarian VAT preliminary ruling case WebMindLicenses, C-419/14 on the conditions of assuming an abuse of rights.
The Court held that in order to determine whether the licensing of content necessary for the operation of a website supplying interactive audio-visual services to a company in another member state where the VAT rate on those services is lower is an abuse of rights can only be determined by looking at all the circumstances of the case. The fact that the manager and sole shareholder of the licensee has also created the content, that he exercised influence over the development and exploitation of that content and the supply of related services, that management of the operations was carried out by subcontractors, or the reasons for licensing the content do not appear decisive in themselves.Where an abusive practice is found, VAT may have to be paid in the member state where it would have been paid in the absence of such practice, even if it has already been paid in the other member state.The tax authorities of a member state which are examining whether VAT is chargeable in respect of supplies of services that have already been subject to VAT in other member states are required to send a request for information to the tax authorities of those other member state(s) when such a request may help determine whether VAT is chargeable in the first member state.
To establish the existence of an abusive practice concerning VAT, tax authorities may use evidence obtained without the taxable person's knowledge in the context of a parallel criminal procedure that has not yet been concluded, by means, for example, of the interception of telecommunications and seizure of emails, provided that the obtaining of that evidence in the context of the criminal procedure and its use in the context of the administrative procedure do not infringe the rights guaranteed by EU law.The national court is to verify whether (1) the interception of telecommunications and seizure of emails in the context of the criminal procedure and (2) the use by the tax authorities of this evidence were legal. The taxable person must be given the opportunity, in the context of the administrative procedure, of gaining access to that evidence and of being heard. Otherwise, this evidence must be disregarded which may result in annulment of the decision.

READ MORE *(click to open):*

- Judgment: **EN** (All EU languages)
- Advocate-General opinion : **EN** (All EU languages)

CJEU decides on VAT treatment of property investment companies and their management

On 9 December 2015, the CJEU delivered its judgment on the VAT treatment of the management of property investment companies in the Dutch preliminary ruling case Fiscale Eenheid X, C-595/13.According to the Court, these companies (meeting the conditions that capital is pooled by several investors who bear the risk connected with the management of the assets assembled in those companies with a view to purchasing, owning, managing and selling immovable property to derive a profit which will be distributed to all unit-holders in the form of a dividend, and those unit-holders benefit also from an increase in the value of their holding) are special investment funds in the meaning of the VAT Directive, if the member state concerned has made those companies subject to specific state supervision. The exemption of 'management' however does not refer to the actual management of the immovable properties, but only to the management of the company itself.

READ MORE *(click to open):*

- Judgment: **EN** (All EU languages)
- Opinion of Advocate-General Kokott: **EN**

CJEU decides on VAT treatment of unused airline tickets

On 23 December 2015, the CJEU decided in French preliminary ruling cases C-250 and 289/14, Air France KLM and Hop! Brit Air SAS, that the issuing by an airline of tickets which were unused but could not be reimbursed is subject to VAT. Where a franchisee who sells these tickets on behalf of the airline and pays the airline, in respect of tickets issued and no longer valid, a lump sum calculated as a percentage of the annual turnover from the corresponding flight routes, that sum constitutes a sum that is taxable as consideration for those tickets.

READ MORE *(click to open):*

- Judgment: **EN** (All EU languages)

Advocate-General: VAT liability does not have to enjoy precedence in liquidation

On 14 January 2016, Advocate-General Sharpston issued her opinion in the Italian preliminary ruling case C-546/14, Degano Trasporti, on whether a liquidation process under Italian law which would result in only partial recovery of VAT violates´s the country´s duty to effectively recover the tax. The opinion finds that EU law does not require member states to grant VAT debts preferential treatment over all other categories of debt. In exceptional circumstances, a member state may reasonably consider it legitimate to waive full payment of a VAT debt. Where an undertaking is in financial difficulties, other categories of debt such as wages, social security contributions or maintenance payments may deserve higher protection.National law may also allow an arrangement with creditors involving liquidation of the assets without offering full payment of the state's VAT claim if conditions are attached to such arrangement to safeguard the state´s interest.

READ MORE *(click to open):*

- Opinion: **EN** (All EU languages)
- Press release: **EN** (several languages available)

Advocate General: Corrections to VAT invoices should have retrospective effect

On 17 February 2016, EU Court of Justice Advocate General Yves Bot delivered his opinion in the German preliminary ruling case C-518/14, Senatex, about the effect of corrections to VAT invoices.The case concerns a company that reclaimed VAT on commission statements from its sales representatives and other invoices, but the claims had not been based on valid VAT invoices. Tax authorities found that the original claims were invalid and input tax could only be reinstated once the corrected invoices were made available. The Advocate-General suggested that the correction should retrospectively validate the original claims, arguing that the invalidity of the original claims resulting in the imposition of interest, as in the case at issue, was disproportionate. This however should not prevent tax authorities from penalising non-compliance with VAT invoicing requirements.

READ MORE *(click to open):*

- Advocate-General Opinion, 17.2.2016 : **EN** (All EU languages)

Advocate-General: Import VAT should be paid on goods unduly removed from customs warehouse and re exported

On 12 January 2016, the CJEU Advocate-General Campos Sánchez Bordona issued his opinion in the joined German preliminary ruling cases Eurogate Distribution and DHL Hub Leipzig, C-226/14 and 228/14, stating that imported goods removed from a customs warehouse and re-exported without complying with the necessary customs formalities should be subject to import VAT, and that the warehouse keeper or carrier can be held liable, even if he could not legally dispose of the goods.

READ MORE *(click to open):*

- Opinion: **DE** (several EU languages, not EN)

Advocate-General: Outsourced handling of insurance claims should not be exempt from VAT

On 23 December 2015, Advocate-General Kokott delivered her opinion in the Polish preliminary ruling case Aspiro, C-40/15. Aspiro assesses for insurance companies the validity of claims made by policyholders and the amounts to be paid, without having a contractual relation to these clients. According to the opinion, such outsourced activity should not fall under the VAT exemption.

READ MORE *(click to open):*

- Opinion: **PL** (several EU languages, not EN)

OECD conducts business survey on cost of irrecoverable VAT

The OECD has opened a survey to assess how VAT/GST refund procedures work in practice, i.e. where laws on VAT/GST recovery in jurisdictions where a business is not established do not work as they should and what the magnitude of costs of irrecoverable VAT/GST is. Deadline for responses is 15 March 2016.

READ MORE *(click to open):*

- Link to the survey: **EN**

Commission updates VAT e-learning course

On 4 February 2015, the European Commission has updated its free on-line VAT e-learning course. The 12 modules available in English have an estimated duration between 20 and 65 minutes.

READ MORE *(click to open):*

- All modules: **EN**

Guidance on VAT place of supply for works on immovable property

On 4 February 2016, the European Commission published an explanatory note on the EU VAT place of supply rules on services connected with immovable property that will enter into force on 1 January 2017. These services should be taxed at the presumed place of consumption of the service, meaning at the place where the property is located. As the Commission explains, this cannot be circumvented through contractual arrangements. The notes are not legally binding and are to be considered a work in progress.

READ MORE *(click to open):*

- Explanatory notes: **EN**

Commission updates list of VAT cross-border rulings

On 16 February 2016, the European Commission has updated its list of (to date 17) VAT cross-border rulings resulting from the project the Commission started with member states in 2013 and that is currently scheduled to last until September 2018. To date, 18 EU member states (Belgium, Denmark, Ireland, Estonia, Spain, France, Italy, Cyprus, Latvia, Lithuania, Malta, Hungary, Netherlands, Portugal, Slovenia, Finland, Sweden and the United Kingdom) have agreed to take part in the project.

READ MORE *(click to open):*

- Updated VAT cross-border rulings list (until January 2016): **EN**
- Information notice with list of member states participating: **All EU languages**

European Court of Auditors tables report on how to tackle intra-Community VAT fraud

The European Court of Auditors (ECA) calls for tougher measures against intra-Community VAT fraud in a report released on 3 March 2016. The European Court of Auditors has no judicial power but audits the accounts of EU institutions. The ECA report reveals significant weakness of the current system and calls on the European Commission to put in place a common system to estimate the scale of intra-Community VAT fraud. The report's analysis was carried out at

both the Commission and member state level. Five EU member states were reviewed, namely Germany, Italy, Hungary, Latvia and the United Kingdom. According to ECA, the European Commission should propose amendments to the VAT directive to further harmonise the state requirements on VAT reporting for intra-Community supplies of goods and services and encourage EU member states to step up their coordination of reverse-charge policies. The European Commission is expected to unveil a new action plan on a definitive VAT regime on 16 March 2016.

READ MORE *(click to open):*

- Press release: **EN** (**all EU languages available**)

Advocate-General issues opinion on VAT on deemed supply of a building partly used for business purposes

On 3 March 2016, Advocate-General Julianne Kokott at the EU Court of Justice has delivered her opinion in the Polish C-229/15, Jan Mateusiak, on whether VAT has to be paid on a deemed supply of a building used only partly for business purposes. Mr Mateusiak purchased a building he used partly as his private residence and partly as his office as a notary. He deducted VAT on the part of the costs of the building that corresponded to its professional use but refused to repay that part when he ceased working and started using the house exclusively for private purposes, arguing that the 10-year period in Polish law for subsequent adjustment of the deduction had expired and therefore, such correction should not be made indirectly by taxing the part of the building on cessation of the business activity.Like the Polish tax authority, the Advocate-General did not agree with that interpretation.

READ MORE *(click to open):*

- Opinion: **EN** (all EU languages available)

VAT Committee publishes new guidelines on the sharing economy

The European Commission's VAT Committee has published new guidelines applicable the sharing economy, adopted at the group´s meeting of 26 October 2015. Further recent guidelines concern online gambling services, distance selling, a clarification on the definition of fixed establishment and the qualification of investment advice as negotiation in securities. The VAT Committee is an expert group consisting of representatives of EU member states and the European Commission. Its guidelines on the application of the VAT Directive are not legally binding.

READ MORE *(click to open):*

- List of guidelines (last updated 3 March 2016): **EN**

Ten countries give details on joint Financial Transaction Tax

On 8 December 2015, Austria, Belgium, France, Germany, Greece, Italy, Portugal, Slovakia, Slovenia and Spain issued a statement expressing their intention to progress jointly on the introduction of a Financial Transaction Tax and listing the main features of this tax:As the statement reads, the tax should cover all share transactions (including intra-day) in the chain, except agents and clearing members, when acting as facilitators. In order to sustain liquidity in illiquid market configurations, a narrow market making exemption might be required, which reportedly is a concession to France. The tax would be paid by traders in one of the participating countries, while it is remains to be determined whether to start only with shares issued in these states. Important elements in this determination would include relocation risks and administrative costs.For derivatives, the territorial scope should combine the residence and issuance principles with application of the counterparty principle. The aim is to apply a low rate to the widest possible base, but not to impact on the cost of sovereign borrowing.For option-type derivatives, the tax base should be based on the option premium; for other derivative products, the base could be the market value or a notional amount (these would be term-adjusted if the product has a maturity date). In some cases, adjustments to the tax rates or to the definition of the tax base might be necessary in order to avoid distortions. No exemption for market making activities should be granted. The countries stress that further impact analysis is still required. Agreement on all remaining issues should be reached by the end of June 2016.Estonia has left the group over concerns that it would hardly get any revenue and that traders would be encouraged to relocate, as most of the shares traded by Estonia´s financial institutions are issued in non-participating countries.

READ MORE *(click to open):*

- Text of the joint statement, Council press release (p.4-5), 8 December 2015: **EN**
- Reuters article: **EN**
- Council presidency note on the state of the FTT, 26 November 2015: **EN**

EP adopts report on Digital Single Market, including VAT issues

On 19 January 2016, the European Parliament had adopted an own-initiative report on the Digital Single Market, including statements on VAT. The EP favours the Mini One-Stop Shop (MOSS) system but suggests that there should be a threshold for SMEs. The report also asks the European Commission to propose a change to the VAT Directive allowing member states to reduce VAT rates for the press, digital publishing, e-books and on-line content. The EP has also used the occasion to express once more its support for a CCCTB.The Commission is expected to propose an Action Plan for an efficient and fraud-proof definitive VAT regime on 8 March 2016. The Commission confirmed that it would also look at the option of the reverse charge mechanism, reportedly at the request of Czech Republic.

READ MORE *(click to open):*

- Text adopted: **EN** (all EU languages), see paragraphs 47-51

OTHER TAX POLICY

"Taxation Trends 2015" published

On 2 December 2015, the European Commission published its report "Taxation Trends 2015" containing historical and recent data on tax and social security rates and revenues, specific features of the main taxes (PIT, CIT, VAT, SSC and wealth and transaction taxes), and an overview of the latest tax reforms in all EU member states, plus Iceland and Norway.

READ MORE *(click to open):*

- Full edition: **EN**
- Country chapters: **EN**

Press release: **EN** (DE,FR available)

EP report on corporate tax transparency adopted

On 16 December 2015, the European Parliament adopted the report "Bringing transparency, coordination and convergence to corporate tax policies", drafted by MEPs Anneliese Dodds (S&D, UK) and Luděk Niedermayer (EPP, CZ), containing recommendations on further initiatives to be proposed by the European Commission.Among others, the ECON members recommend that the Commission should

- table a proposal for country-by-country repor ting (CBCR) by June 2016, on the basis of the OECD (BEPS Action 13) proposals; the reports uses diplomatic language, asking for the EP´s –favourable- opinion on publication of CBCR to be considered, without explicitly demanding that the proposal should contain a provision on CBCR information to be public.
- table a proposal for introducing a „Fair Tax Payer" label,
- introduce a Common Tax Base (CCTB) as a first step, which later on should be consolidated as well (CCCTB),
- table a proposal for a common European Tax Identification Number,
- table a proposal for legal protection of whistleblowers,
- improve cross-border taxation dispute resolution mechanisms,
- table a proposal for a new mechanism whereby member states should inform each other before introducing a new allowance, relief, exception, incentive, etc. that may affect the tax base of others,
- strengthen the mandate and improve transparen cy of the Council Code of Conduct Working Group on Business Taxation,
- provide guidelines regarding "patent boxes",
- come up with common definitions for „permanent establishment" and „economic substance",
- come up with an EU definition of „tax haven" and counter-measures; and
- consider mandatory reporting of certain tax schemes by tax advisers and possible sharing of this information among tax authorities.

The Commission remains free to decide on whether to issue legislative proposals but will have to respond to the Parliament on its decision.

READ MORE *(click to open):*

- Text adopted: **EN** (All EU languages)
- Press release: **EN** (several languages available)

Commission agrees to give Parliament access to confidential documents

On 1 February 2016, the European Commission agreed to grant the European Parliament access to about 5500 confidential documents of the EU Council´s "Code of Conduct Group" on business taxation. which was set up in 1997 to identify and eliminate unfair tax competition among EU member states. The Group whose work is taking place behind closed doors has been criticised for having become ineffective.As the letter of Jean-Claude Juncker explains, documents or parts thereof which relate to issues which are still under discussion in the Group will only be made available in camera.Prior to the Commission´s move, German far-left MEP Fabio de Masi had filed a legal action against the Commission before the European Court.

READ MORE *(click to open):*

- Politico article, 8.2.2016: **EN**
- Der Spiegel article, 9.2.2016: **DE**

Letter by Jean-Claude Juncker to Martin Schulz: **EN**

Eurostat 2014 Tax Revenue Statistics: Tax-to-GDP ratio in Europe on the rise

On 15 January 2016, the European Commission´s statistical office Eurostat published its updated Tax Revenue Statistics for the EU countries, Iceland, Norway, Serbia and Switzerland, including data for 2014. The figures demonstrate a rise in the overall tax-to-GDP ratio, meaning the sum of taxes and net social contributions as a percentage of GDP, from 39.9% to 40% in the EU. The ratio is higher in the Eurozone (41.5%, up from 41.2%) and highest in Denmark (50.8%), followed by Belgium and France (both 47.9%). At the opposite end of the scale, Romania (27.7%), Bulgaria (27.8%) and Lithuania (28.0%) registered the lowest ratios. Due to progressive tax rates, tax-to-GDP ratios often rise in times of economic recovery.The figures also contain breakdowns by tax categories and by levels of government, revenues in absolute terms and historical data since 1995.

READ MORE *(click to open):*

- Eurostat Tax Revenue Statistics: **EN** (including more linked documents)
- Eurostat press release: **EN**

OECD invites all countries to join anti-BEPS effort

On the occasion of the G20 Finance Ministers´ meeting on 27-28 February 2016, the OECD invited all countries worldwide to participate in the OECD/G20 work on fighting corporate tax base erosion and profit shifting. Non- OECD or G20 members will be able to participate as "BEPS Associates" in an extension of the OECD's Committee on Fiscal Affairs.Under-representation of developing and emerging economies is a frequently-expressed criticism of the OECD´s work on BEPS.As the OECD notes, focus will be on the review of implementation of the four BEPS minimum standards, in the areas of harmful tax practices (Action 5), tax treaty abuse (Action 6), country-by-country reporting requirements for transfer pricing (Action 13) and improvements in cross-border tax dispute resolution (Action 14). They will also be involved in data gathering on the tax challenges in the digital economy and measuring the impact of BEPS, as well as monitoring implementation of the remainder of the BEPS package and finalising the remaining BEPS standard-setting work, notably as concerns work on tax treaties and transfer pricing.

READ MORE *(click to open):*

- Press release: **EN** (FR available)

IKEA accused of having avoided more than € 1 billion in taxes

On 12 February 2016, the Green Party in the European Parliament published a report explaining how IKEA has avoided more than € 1 billion in taxes in six years due to an arrangement involving subsidiaries in Belgium and Luxembourg and a Liechtenstein foundation.

READ MORE *(click to open):*

- The Greens/EFA website including short film and infographics: **EN** (infographics also in FR, DE, ES, CAT, SV, FI, NL)
- Full report: **EN**

10 non-EU countries planning to tax digital services consumption

On 9 February 2016, the website Taxamo has published a list of ten jurisdictions planning to tax consumption of digital services, a topic on which the OECD and G20 have refrained from making (BEPS) recommendations. The list mentions Australia, Canada, India, Israel, New Zealand, Russia, Singapore, Thailand, Turkey and Uruguay. Most plans feature the introduction of a destination-based VAT/GST on download and streaming services consumed by their residents. The most stated objective is, apart from increasing state revenues, to achieve a level playing field between foreign and resident providers that are subject to VAT/GST. The report provides further details on the respective countries.

READ MORE *(click to open):*

- Article on Taxamo website: **EN**

Automatic exchange of information on cross-border tax rulings/APAs formally adopted

On 8 December 2015, the EU Ecofin Council formally adopted the amendment to the Directive on Administrative Cooperation, introducing the automatic exchange on cross-border tax rulings and advance pricing agreements as of January 2017. A transitional regime applies to rulings issued or amended from 2012 to 2016. Agreement had been reached by the Ecofin Council on 6 October.

READ MORE *(click to open):*

- Tax rulings information exchange, Press release, 8.12.2015: **EN** (All EU languages)
- Outcomes of the Council meeting, Press release, 8.12.2015: **EN**
- Text adopted: **EN**

ADMINISTRATIVE COOPERATION AND FIGHT AGAINST TAX FRAUD

Country-by-country reporting: 31 countries sign agreement at OECD

On 27 January 2016, 31 countries have signed a “Multilateral Competent Authority Agreement (MCAA)” detailing the technicalities for the implementation of the planned automatic exchange of country by country information according to the OECD BEPS 13 Recommendation. Information on the allocation of income and taxes paid and on the economic activity of the entities within a multinational group will be collected by the country of residence of the multinational, and then be exchanged with the other countries part to the agreement. First exchanges will start in 2017-2018, concerning information for 2016. The initiative is legally independent of the parallel EU proposal based on the Directive on administrative cooperation. This MCAA is to be distinguished from the MCAA relating to the automatic exchange of financial account information (OECD Common Reporting Standard); on 27 January 2016, 79 countries have declared to take part in that exchange.

READ MORE *(click to open):*

- Press release, CBCR: **EN**, **FR**
- List of signatories, CBCR: **EN**
- Press release: Common Reporting Standard: **EN**

Automatic exchange of financial account information entered in force

On 1 January 2016, the automatic exchange of financial account information, included in the EU Directive on Administrative Cooperation and reflecting the OECD Common Reporting Standard, entered into force. Information will now be exchanged between member states´ tax administrations on all relevant financial income including interest, dividends and other similar types of income, account balances, sale proceeds from financial assets and income from certain insurance products. EU tax authorities will be able to use one single format for exchanging information both within and outside the EU.On 15 December 2015, the European Commission adopted an Implementing Regulation containing detailed rules for member states´ tax authorities.The Commission and the OECD have committed to further revise the rules in 2019, in close coordination, considering the addition of further information fields.

READ MORE *(click to open):*

- Press release, 15.12.2015: **EN**
- Implementing Regulation (EU) 2015/2378, 15.12.2015: **All EU languages**

Andorra and Monaco sign tax information exchange deals with EU

On 12 (and 22) February 2016, The EU and Andorra (Monaco) signed tax transparency agreements according to which the two countries and EU member states will, as of 2018, automatically exchange information on the financial accounts of each others´ residents. EU countries will receive the names, addresses, tax identification numbers and dates of birth of their residents with accounts in Andorra and Monaco, as well as other financial and account balance information. The exchange is in line with the OECD/G20 Common Reporting Standard implemented in EU law in January 2015. The agreement with Monaco still requires formal approval by the EU Council. The information will start being collected from 1 January 2017. In 2015, the EU has signed similar agreements with Switzerland, Liechtenstein and San Marino.

READ MORE *(click to open):*

- Commission press release (Andorra): **EN** (DE,ES,FR available)
- Council press release (Andorra), see page 14: **EN**
- Commission press release (Monaco): **EN** (DE, FR available)

Commission considers centralised bank and payment account data bases against terrorist financing, with access for tax investigations

On 2 February 2016, the European Commission has presented an “Action Plan to strengthen the fight against the financing of terrorism”. While the 4th EU Anti-Money Laundering Directive is yet to be implemented by member states, the Commission is already planning to propose amendments to that Directive before mid-2016, with the aim of giving Financial Intelligence Units easier and faster access to information on the holders of bank and payment accounts through centralised bank and payment account registers. As the Communcation reads, the Commission will in parallel explore the possibility of a distinct legal instrument to extend access to such centralised registers to other state authorities such as tax administrations, to carry out investigations e.g. on tax fraud.

READ MORE *(click to open):*

- Communication of 2 February 2016 and timing of the proposed actions (in Annex): **All EU languages available**
- Press release: **EN** (All EU languages available)

STATE AID

Commission considers Belgian „excess profit“ tax scheme illegal; around €700 million to be recovered from 35 multinationals

On 11 January 2016, the European Commission concluded that selective tax advantages granted by Belgium under its „excess profit“ tax scheme are illegal under EU state aid rules. As the Commission explains, the scheme has benefitted at least 35 multinationals mainly from the EU, who must now return unpaid taxes to Belgium. The tax scheme, applicable since 2005, allowed certain multinational group companies to pay substantially less tax in Belgium on the basis of tax rulings. The scheme reduced the corporate tax base of the companies by between 50% and 90% to discount for so-called „excess profits“ that allegedly result from being part of a multinational group. The Commission‘s in-depth investigation opened in February 2015 concluded that the scheme derogated from normal practice under Belgian company tax rules and the arm‘s length principle. This is illegal under EU state aid rules. The Commission decision requires Belgium to stop applying the excess profit scheme. In order to remove the unfair advantage the beneficiaries of the scheme have enjoyed and to restore fair competition, Belgium has to recover the full unpaid tax from the at least 35 multinational companies that have benefitted from the scheme.

READ MORE *(click to open):*

- Press release: **All EU languages**

Commission investigates into Luxembourg tax rulings concerning McDonald´s

On 3 December 2015, the European Commission opened formal in depth-investigations into two rulings concerning the tax treatment of McDonald‘s in

Luxembourg. The Commission´s preliminary view is that McDonald‘s has been granted a selective advantage not available to other companies in a comparable factual and legal situation, in breach of EU state aid rules. In particular, the Commission will assess whether Luxembourg authorities derogated from the provisions of their national tax law and the Luxembourg-US Double Taxation Treaty.The rulings concern royalties from franchisees in Europe to the Luxembourg company McDonald‘s Europe Franchising which were then transferred to a US branch of that company. The Luxembourg authorities had confirmed that McDonald‘s Europe Franchising was not due to pay corporate tax in Luxembourg as they considered the US branch a permanent establishment (PE) and the profits to be subject to taxation in the US. This however was not the case, as the US branch was not a PE under US law. Luxembourg tax authorities decided not to require McDonald´s Europe Franchising to prove that taxes were paid in the US.The opening of an in-depth investigation gives interested third parties and the member states concerned an opportunity to comment. It does not prejudge the outcome of the investigation.

READ MORE *(click to open):*

- Press release: **EN** (All EU languages)
- Commission decision: Case **SA.38945** in the Commission´s state aid register (not yet released)

Fiat and Starbucks cases: Luxembourg and the Netherlands lodge appeals

On 23 and 30 December 2015, Luxembourg and the Netherlands have lodged appeals against the European Commission´s decisions of 28 December 2015 ordering the countries to reclaim tax advantages given to Fiat Finance and Starbucks respectively, allegedly in violation of EU state aid rules. The appeals and main arguments were published in the EU Official Journal of 15 February 2016.

READ MORE *(click to open):*

- Fiat: **All EU languages**
- Starbucks: **All EU languages**

EU General Court annuls Commission´s state aid decision on Spanish “tax lease” system

On 17 December 2015, the EU General Court, in joined cases T-515/13 and T-719/13, Spain and others v Commission, has annulled the Commission’s decision finding that the Spanish ‘tax lease system’ was illegal state aid. As the Court explains, the advantage granted to investors was not selective and the Commission´s statement of reasons concerning the likelihood of a distortion of competition and an effect on trade was not sufficient.The Spanish tax regime at issue allowed maritime shipping companies to benefit from a 20-30% price reduction when purchasing ships constructed by Spanish shipyards, to the detriment of shipyards in other member states. This was based on a fiscal arrangement involving an intermediary (typically a bank) which interposed a leasing company and an economic interest company (EIG) set up by the intermediary. The latter sold to investors shares in the EIG and set up a complex network of contracts between the various parties. The aim of the arrangement was to generate tax advantages for the investors and to transfer part of those advantages (between 85% and 90%) to the maritime shipping company in the form of a rebate on the price of the vessel, the investors retaining the other advantages as a return on their investment (between 10% and 15%).The advantages derived from five fiscal measures applicable to finance leases (accelerated depreciation and – with authorisation – early depreciation of certain goods), to EIGs (fiscal transparency) and to maritime shipping activities (special regime of tonnage taxation).As to whether there was a selective economic advantage, the Court notes that due to their fiscal transparency, not the EIGs obtained the advantage, but their investors. This advantage could be obtained by anyone and thus was not selective. The decision is under appeal.

READ MORE *(click to open):*

- Judgment (including link to appeal case C-128/16): **several language versions**, not EN

Commission asks Belgium, France and the Netherlands to end tax exemptions for ports

On 21 January 2016, the European Commission requested that Belgium, France and the Netherlands should make the commercial activities of their ports fully subject to corporate income tax.The Commission states that public companies, when carrying out economic activities such as the commercial operation

of port infrastructure, compete with private operators who are subject to paying corporate tax, and a difference in taxation is a distortion of competition, giving port operators a selective advantage in breach of EU state aid rules. The Commission further argues that these activities can be distinguished from the operation of infrastructure for the exercise of the essential responsibilities of the State (e.g. safety, surveillance, traffic control), which fall outside the scope of EU state aid control.Most French ports are fully exempt from corporate income tax. The Netherlands have made public companies subject to corporation tax as of 2016, but have not included their sea ports. In Belgium, a number of sea and inland waterway ports are exempt from the general corporate income tax regime but subject to a different tax regime, resulting in an overall lower level of taxation compared to other companies in Belgium.

READ MORE *(click to open):*

- Press release : **EN** (FR, NL, DE)

EP issues opinion on state aid recovery

On 19 January 2016, the European Parliament adopted an "Annual Report on EU Competition Policy", a non-legislative and non-binding resolution which recommends that the European Commission, where it finds an infringement of EU state aid rules related to tax and orders the recovery of the tax advantages granted, these advantages should be paid to the member states that have suffered an erosion of their tax bases or to the EU budget, instead of the state that has granted the aid, as provided for under the current rules. The EP finds that the current rules are unfair to the extent that the country granting an illegal advantage and already benefiting from the presence of the enterprise, should not be rewarded by the repayment. The change demanded by the Parliament however is unlikely to happen, as it would require a change of the Council Regulation on the State Aid Procedure; the Parliament would only have consultative powers in such legislation.

READ MORE *(click to open):*

- EP resolution: **EN** (All EU languages)

PROCEDURAL LAW

IBFD publishes Model Taxpayer Charter Final Report

The Final Report "Towards greater fairness in Taxation: A Model Taxpayer Charter" which was presented to the public at the CFE PAC Conference on 13 November 2015 is now available on paper.The 264page book contains, next to the text of the Charter and explanations, background information on taxpayer rights such as the status quo on the recognition of taxpayer rights in 41 countries worldwide, illustrated by a coloured chart.The Final Report concludes a project started in 2011 by the CFE and two other international professional bodies of tax advisers, AOTCA (Asia-Oceania Tax Consultants` Association) and STEP (Society of Trust and Estate Practitioners). The overriding purpose of a Taxpayer Charter is to foster a relationship of mutual trust, respect and responsibility between taxpayers and the state in order to reduce the cost of compliance, increase the quality and efficacy of willing compliance, and ensure that all taxpayers are treated equally. The Model Charter aims at striking a fair balance between rights and responsibilities to be acceptable and beneficial to both governments and taxpayers.

READ MORE *(click to open):*

- A Model Taxpayer Charter, online version: **EN**
- Order the Final Report on IBFD website: **EN**

TAX TRANSPARENCY

Commission to propose making country by country tax information public in April?

The Guardian has reported that the European Commission is planning to propose, on 12 April 2016, public country by country reporting (CBCR) of tax information by multinationals. This would not come as a surprise given statements by Jean-Claude Juncker and Tax Commissioner Pierre Moscovici that they would be in favour of public CBCR and European Parliament´s repeatedly declared determination to include public CBCR in EU law. The Commission is currently finalising an impact assessment on this matter. Reportedly, the to-be-proposed measure would aim at all large multinationals, not only EU-based companies.As the Commission has repeatedly voiced

concerns over EU companies´ competitiveness it may well propose higher thresholds than favoured by Parliament (more than 500 employees and balance sheet total of € 86m or net turnover of € 100m) or applied in the EU Accounting Directive to define large undertakings (250 employees, € 20m balance sheet total and/or € 40m net turnover).

READ MORE *(click to open):*

- The Guardian article, 7 February 2016: **EN**

EP publishes draft report on including country by country reporting in Administrative Cooperation Directive

The European Parliament´s ECON Committee has published its draft report on the European Commission´s directive proposal of 28 January 2016 on including country by country reporting (CBCR) in the Directive on Administrative Cooperation, in line with the OECD´s (BEPS 13) Recommendation. According to that Recommendation, the country by country information would be exchanged among governments, but not be made public. The rapporteur, Polish conservative MEP Dariusz Rosati, proposes to make these reports available to the European Commission, to enable it to better detect possible violation of the state aid rules. The draft report does not favour publication of country by country reports in a first step. However, it is likely that such amendments will be proposed by other EP members. Reportedly, other likely amendment proposals include a lowering of the OECD threshold (group revenue exceeding € 750 million). The EP is aiming at adopting the report by 10 May 2016. The EP´s opinion on this proposal is not legally binding, but the EP could block progress in other dossiers under the ordinary legislative procedure, such as the pending Directive proposal on shareholder rights, if its views on public CBCR were completely disregarded.The EU Council has reached political agreement on a general approach at the draft Directive at the Ecofin meeting on 8 March 2016.

READ MORE *(click to open):*

- Draft report dated 23 February 2016: **EN**

Commission publishes summary of responses to corporate tax transparency consultation

On 20 January 2016, the European Commission published a summary of stakeholder responses to the Commission´s public consultation on further corporate tax transparency, carried out in summer 2015. The summary contains statistical information and with some quotes. The answers are presented in a way that differentiates between groups of respondents (business, NGOs, trade and professional associations and individuals). Overall, responses are very much in line with the opinions one would expect from members of the respective groups. The majority views expressed in the consultation do not have a direct impact on the European Commission´s proposal on public country by country reporting expected on 12 April 2016.

READ MORE *(click to open):*

- Factual Summary: **EN**
- Published responses: **EN**
- CFE Opinion Statement FC 12/2015 and PAC 2/2015: **EN**

CFE NEWS

Six CFE Opinion Statements published since December 2015

The following Opinion Statements have been published by the CFE since December 2015:

- **PAC 3/2015 on the draft TAXE Report**
- **FC 14/2015 on modernising VAT for cross-border e-commerce**
- **ECJ-TF 4/2015 on the case Steria and the French "intégration fiscale"**
- **FC 1/2016 on the re-launch of the CCCTB**
- **FC 2/2016 on VAT treatment on cross-border services connected with immovable property**
- **ECJ-TF 1/2016 on the case Miljoen et al, on the Dutch dividend withholding tax**

CFE updates GAAR survey

On 16 February 2016, the CFE has updated its overview on anti-abuse rules and rules against aggressive tax planning in EU law and the law of 19 European countries, including, for some countries, a selection of relevant case law. The update reflects the situation of 1 January 2016.

READ MORE *(click to open):*

- CFE GAAR survey: **EN**

CROSS-BORDER TAX ADVICE

CJEU: Germany must change its rules on temporary provision of cross-border tax advice through distance communication

On 17 December 2015, the CJEU decided in the German preliminary ruling case C-342/14, X-Steuerberatungsgesellschaft, that the German rules obliging tax advisers from other member states providing tax services in Germany on a temporary basis by means of distance communication (e-mail, telephone, letter) to obtain authorisation in Germany are disproportionate, as they do not foresee that the qualification of the persons providing the services is considered on an individual basis. While the CJEU considers that the protection of consumers and the prevention of tax evasion may justify a restriction of the freedom to provide services, the judgment does not address the question whether the German ownership requirements are in line with the freedom of establishment. The judgment only concerns situations in which the services are not rendered on German territory; for the latter cases, the EU Directive on Recognition of Professional Qualifications provides for a specific notification procedure. The CJEU however observed that the extension of this notification requirement to cases like the one at issue would probably be justified.

READ MORE *(click to open):*

- Judgment: **EN**
- Advocate-General Opinion: **DE** (most EU languages, not EN)

PROFESSIONAL LAW

ECtHR rules on violation of professional secrecy in criminal proceedings against a lawyer

On 1 December 2015, the European Court of Human Rights (ECtHR) ruled on the case of a Portuguese lawyer whose professional secrecy had been waived in investigations on tax evasion against her, in order to verify receipts of payments. The ECtHR held that her complaint was founded and the complainant´s rights to professional secrecy and to privacy had been violated (Art.8 ECHR). The restriction to professional secrecy was considered disproportionate because the complainant had not been involved in the procedure and not been given the possibility to present her arguments. Moreover, the professional body had to be consulted, even though its recommendations are not binding. The dismissal of the action by the Portuguese Supreme Court as inadmissible had also deprived the complainant of an effective legal remedy.

READ MORE *(click to open):*

- Judgment: **FR**

OTHER PROFESSIONAL AFFAIRS POLICY

Report on “Bolstering the business of liberal professions”

On 26 January 2016, the European Commission published a report concluding the work of a group on “Bolstering the business of liberal professions” set up by the Commission in 2013 to render liberal professionals´ practices more competitive, in the context of the Commission´s “Entrepreneurship 2020 Action Plan”. The group consisted of a number or organisations representing some or all liberal professions, at national or European level. The report touches on various topics such as education in entrepreneurship, professional training, common codes of conduct and access to finance, and suggests formalising the representation of the liberal professions in the working of DG GROW (Internal Market, Industry, Entrepreneurship and SMEs) but most proposed actions relate to existing initiatives and the follow-up appears to be rather vague.

READ MORE *(click to open):*

- Report : “Action lines for bolstering the business of liberal professions”: **EN**

IMPRESSUM

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Confédération Fiscale Européenne
-The European Federation of Tax Advisers-
188A, Av. de Tervuren
B-1150 Brussels

Editor: Rudolf Reibel, LL.M., CFE Tax Policy Manager

If you have any suggestions or questions, please feel free to contact the editor:
brusselsoffice@cfe-eutax.org

Layout: Karima Baakil, Management Assistant

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