



22 May 2017

1. ECOFIN Meeting expected to agree proposed Directive on Dispute Resolution Mechanism

The next ECOFIN meeting of European Finance ministers will take place in Brussels on Tuesday 23 May. The top priority will be finalising the work done in the area of dispute resolution with, agreement anticipated on the proposal for Directive on Double Taxation Dispute Resolution Mechanisms.

CCCTB will also be in the agenda. The Council will be briefed on the progress achieved in the technical examination of the proposal for a Council directive to introduce a common corporate tax base in the EU. Ministers will be asked to provide guidance for future work on the proposal.

2. G7 Finance Ministers issue communique on tackling tax challenges & encouraging implementation of BEPS measures and signing of the Multilateral Instrument

At a recent meeting in Italy, the G7 Ministers emphasised the importance of implementing the BEPS package to achieve a globally fair and modern tax system. They encouraged all jurisdictions to sign the Multilateral Instrument and to ratify the Multilateral Convention on Mutual Administrative Assistance in Tax Matters.

They emphasised the need for all jurisdictions including financial centres to commit to implementing the Common Reporting Standard (CRS) on automatic exchange of financial account information, which will commence in September 2017 encouraging jurisdictions to put in place the necessary legislation to enable exchanges under the CRS by September 2018 at the latest.

The communique acknowledges the work done by the OECD and IMF on tax certainty and addresses the potential tax challenges of an increasingly digitalised economy stating that subject to the conclusions of the report being prepared by OECD Task Force on the Digital Economy will develop policy options to address these tax challenges in a consistent manner.

Finally, the communique speaks of the OECD's preparation of a list of non-cooperative jurisdictions with respect of tax transparency, which will guide future work on defensive measures against listed jurisdictions.

Follow this link for a copy of the [G7 Communique](#)

3. EU Parliament again rejects as inadequate the blacklist of states at risk of money laundering

MEPs rejected as inadequate what they believe to be an overly narrow list of countries at risk of money laundering.

Earlier this year, Parliament vetoed a similar list drawn up by the Commission, of countries thought to be at risk of money laundering, financing terrorism or promoting tax evasion. A resolution voted on Wednesday says the EU should have an independent, autonomous process for judging whether countries pose a threat of financial criminality rather than relying on the judgement of an external body.

4. Important Taxpayer rights Judgment delivered by ECJ (Case C-682/15 Berlioz Investment Fund S.A.) – Taxpayers have the right to challenge a tax information exchange order

The case concerned the right of the taxpayer to challenge a request for information issued by a Member State's administration pursuant to Directive 2011/16 on administrative cooperation in the field of taxation (the "Directive").

Berlioz was the subject of a request for information from the French tax authorities to their Luxembourg counterparts concerning dividends received by Berlioz from its French subsidiary Cofima. Berlioz objected to providing information relating to shareholders names and individual percentage shareholdings because it lacked 'foreseeable relevance'. Berlioz was subject to a pecuniary penalty for failure to comply. Berlioz appealed to the Administrative Court in Luxembourg alleging a breach of Article 6 of the European Convention on Human Rights and Fundamental Freedoms. The Court filed a preliminary reference to the Court of Justice of the EU adding also reference to Article 47 of the EU Charter of Fundamental Rights guaranteeing 'right of effective remedy and to a fair trial'.

In relation to the 'foreseeably relevant' criterion, the ECJ held that pursuant to Article 1(1) and Article 5 of the Directive the information requested must be 'foreseeably relevant' in order for the recipient Member State to be obliged to comply with the information request.

In relation Article 47 of the EU Charter of Fundamental Rights the Court held that it must be interpreted as meaning that a relevant person on whom a pecuniary penalty has been imposed for failure to comply with an 'information order' is entitled to challenge the legality of that decision to issue an 'information order'. As part of that challenge under judicial review, the Court must have access to the document containing the request for information. However, it should otherwise remain a secret document in accordance with the Directive and the taxpayer should not have sight of the whole of the document.

The Court also held that the Charter of Fundamental Rights of the European Union is applicable to situations involving information requests when the national legislation contains pecuniary penalties for failure to comply by the taxpayer with an information request between tax authorities, particularly in the context of the Directive on.

Finally, the Court also held that the national court has authority to vary the pecuniary penalty imposed for failure to comply with an information order but also has the jurisdiction to review the legality of the information order. In this regard, the Court must focus on whether the requested information has 'foreseeable relevance'.

Follow this link to a copy of the [DECISION](#) .

5. Dates for the diary:

EU Commission Conference on Tax Fairness – 28 & 29 June, Brussels

The European Commission is hosting a conference on tax fairness in Brussels on 28 and 29 June. The conference is part of the new training launched by the Commission in 2017 for civil society on international and EU corporate tax issues.

Register at the following [link](#)

Accountancy Europe Tax Day – 20 May, Brussels

Accountancy Europe's Tax Day 2017 will take place in Brussels on 30 May. It will discuss international tax cooperation and global efforts to combat tax avoidance and evasion with particular focus on technology and increasingly digitalised economies. It will also look at political developments in the EU and beyond, including anticipated US tax reforms.

Register at the following [link](#)

International Tax Conference "Growth and Taxes" – 30 June, Munich

In cooperation with ICC, BIAAC and BusinessEurope, speakers will discuss tax policy issues, which would help facilitate cross border trade by reducing double taxation, simplify tax rules, strengthen tax payers' rights, foster a growth oriented tax policy and increase tax certainty.

CFE President, Prof. Piergiorgio Valente will be speaking at the event on the Charter of Taxpayers Rights.

Register at the following [link](#)

*The selection of the remitted material has been prepared by
Aleksandar Ivanovski / Mary Dineen / Piergiorgio Valente / Filipa Correia*

Follow CFE on [LinkedIn](#)  and [Twitter](#) 