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THE EUROPEAN UNION**

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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 6 December 2012

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No Cion doc.: SWD(2012) 403 final - Volume 3/14

Subject: Comission Staff Working Document
Impact Assessment
Accompanying the document
the Communication from the Commission to the European Parliament and the
Council - An Action Plan to strenghten the fight against tax fraud and tax
evasion
the Commission Recommendation regarding measures intended to encourage
third countries to apply minimum standards of good governance in tax matters
the Commission Recommendation on aggressive tax planning

Delegations will find attached Commission document SWD(2012) 403 final - Volume 3/14.

Encl.: SWD(2012) 403 - final Volume 3/14



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COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT

Accompanying the document

**the Communication from the Commission to the European Parliament and the Council -
An Action Plan to strengthen the fight against tax fraud and tax evasion**

**the Commission Recommendation regarding measures intended to encourage third
countries to apply minimum standards of good governance in tax matters**

the Commission Recommendation on aggressive tax planning

{COM(2012) 722 final}
{SWD(2012) 404 final}



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION

Direct taxation, Tax Coordination, Economic Analysis and Evaluation
Company Taxation Initiatives

REPORT OF MEETING

- 1. Meeting** Fiscalis Seminar
- 2. Subjects** Non-cooperative jurisdictions, aggressive tax planning, tax fraud and tax evasion
- 3. Date and Place** 17th July 2012, Brussels
- 4. Participants** Representatives of EU Member States (morning session)
Representatives of business, NGOs and academia (afternoon session)
DG TAXUD (D1, D2, C4)
- 4. Objectives** Exchange of views and experience on the outline results of the public consultation on double non-taxation, on the Communication on concrete ways to improve the fight against tax fraud and tax evasion including in relation to third countries, and on existing measures, and possible future measures in relation to non-cooperative jurisdictions and aggressive tax planning.
- 5. Results** Several delegations actively participated in the discussion. In general, MS were supportive towards an EU coordinated approach to tackle non-cooperative jurisdictions, aggressive tax planning, tax fraud and tax evasion although some of them would prefer national measures (having due consideration to the principles of subsidiarity and proportionality).

Stakeholders in the afternoon session also reacted positively on an EU coordinated approach but they stressed that any measure newly introduced had to replace the current one in order not to increase administrative burden and not to effect competition.
- 6. Some more general comments:**
 - Participants in both sessions emphasised that actions should be coordinated with other international fora in order to create synergies and to avoid any overlaps.
 - Participants in both session underlined that clear joint definitions (NCJs, ATP, tax avoidance, intentional and non-intentional double non-taxation) are needed. Some MS suggested a reference to the level of taxation. Amid it was stressed that COM should avoid including any of such definitions in non-tax legislation.
 - Participants in both sessions also agreed that administrative cooperation and exchange of information between MS have to be improved. The idea was tabled to establish a network of coordination between MS to tackle NCJs and ATP.

- Participants in both sessions were also in favour of introducing voluntary disclosure mechanism.
- Some NGOs pointed out that concerns of developing countries and impacts on them should be taken into account before any measures in developed countries are introduced. Some also raised doubts about strict conditionality of development aid.
- From the NGOs' point of view full country-by-country reporting (CBCR) could be an appropriate measure whilst representative of business sector raised doubts about efficiency of such a measure.
- As regards anti-abuse measures, concerns were expressed about their effectiveness given the Treaty rules. Some suggested that any EU anti-abuse measure should be supplementary to the national ones and not replace them. The business sector suggested focusing on other areas than GAAR.
- Participants in both sessions welcomed all three initiatives of the Commission (Communication of 27 June on tax fraud and tax evasion, December Communication on tax havens and aggressive tax planning, and perspective of an Action Plan by year-end).

7. Follow-up

The Commission asked for written comments before 17th August 2012, and for estimations on the quantitative impact of tax havens and aggressive tax planning. Some written contributions were sent but none on data or quantitative impact.