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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Commission Communication on further measures to enhance transparency and the fight against tax evasion and avoidance - Council conclusions (11 October 2016)

Delegations will find in the annex the Council conclusions on the Commission Communication on further measures to enhance transparency and the fight against tax evasion and avoidance, adopted by the Council at its 3488th meeting held on 11 October 2016.

Communication from the Commission of 5 July 2016 on further measures to enhance transparency and the fight against tax evasion and avoidance

Council conclusions

The Council:

1. RECOGNISES the progress made in pursuing the ambitious EU agenda for fairer, more transparent and more effective taxation and in strengthening the cooperation between fiscal authorities across the EU;
2. CONFIRMS the importance of improving further the EU and international tax framework to prevent cross-border tax abuse and illicit financial activity;
3. WELCOMES the Communication from the Commission of 5 July 2016 on further measures to enhance transparency and the fight against tax evasion and avoidance;
4. AGREES that recent EU legislation to automatically exchange information on tax rulings and on tax related country-by-country reports of multinationals between Member States' competent authorities is an important step forward;
5. CALLS for looking at options for enhancing the administrative cooperation between competent authorities within the EU even further, including through considering options inspired by the work of the OECD Joint International Taskforce on Shared Intelligence and Collaboration (JITSIC);
6. CONSIDERS the proposals by the Commission for revision of the Directive on Administrative Cooperation and of the Anti-Money Laundering Directive in view of the synergies between these two areas as timely and INTENDS to work towards their swift adoption in accordance with the EU legislative process;

7. CONFIRMS that there is a need for more effective and efficient cooperation between tax authorities and other agencies involved in the fight against tax evasion, money laundering and terrorist financing in line with the appropriate legal safeguards;
8. STRESSES the need to prevent the large-scale concealment of funds which hinders the effective fight against tax evasion, money laundering and terrorist financing, and to ensure that the identities of beneficial owners of companies, legal entities or legal arrangements are known;
9. WELCOMES the initiative for the automatic exchange of information on ultimate beneficial owners whereby many jurisdictions, including all Member States, have agreed to exchange information on the beneficial owners of companies, legal entities and legal arrangements and LOOKS FORWARD to rapid international progress;
10. INVITES the Commission to analyse the possibility for a proposal on improving the cross-border access to information on ultimate beneficial owners on the basis of the ongoing work at international level;
11. NOTES that at its October 2016 meeting the G20 heard initial proposals by OECD and FATF on ways to improve the implementation of the international standards on transparency, including on the availability of beneficial ownership information;
12. RECALLS the need to increase oversight of enablers and promoters of aggressive tax planning and to introduce more effective disincentives for such activities;
13. WELCOMES the intention of the Commission to launch in autumn 2016 a public consultation to gather feedback on the most appropriate approach to achieve greater transparency on the activities of intermediaries who assist in tax evasion or avoidance schemes;

14. NOTES the intention of the Commission to explore possibilities for Mandatory Disclosure Rules inspired by Action 12 of the OECD BEPS project, drawing on the experiences in this area of some EU Member States, and to possibly come forward with a legislative proposal in 2017;
15. ENCOURAGES the Commission to start reflecting on the possibility for future exchange of such information between tax administrations in the EU;
16. STRESSES the need to work closely with the OECD and other international partners on a possible global approach to greater transparency in this area;
17. SUPPORTS the promotion of higher tax good governance standards worldwide and NOTES that technical work in the Council has already started within the Code of Conduct on Business Taxation Group on establishing an EU list of non-cooperative third country jurisdictions to be ready in 2017, including on defining the criteria for listing jurisdictions and on exploring possible countermeasures;
18. AGREES that the protection of whistle blowers is important and ENCOURAGES the Commission to explore the possibility for future action at EU level while respecting the principle of subsidiarity;
19. RECOGNISES that improving tax certainty in the EU can contribute to further increase the competitiveness of EU businesses and TAKES NOTE of the intention of the Commission to present proposals aimed at fighting BEPS and tax avoidance while also ensuring a stable and predictable tax environment and eliminating double taxation, namely on improving dispute resolution and the relaunch of the CCCTB.