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European Union

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**2011/0314 (CNS)**

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**NOTE**

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From:	Presidency
To:	Permanent Representatives Committee/Council
No. prev. doc.:	9364/15 FISC 52
No. Cion doc.:	16970/11 FISC 140
Subject:	Proposal for a COUNCIL DIRECTIVE on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States (recast)

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Delegations will find in annex a compromise text of the Directive, which has been drawn on the basis of the Commission proposal (doc. 16970/11 FISC 140). This compromise text will be discussed at Coreper on 12 June 2015 and at the ECOFIN Council on 19 June 2015 as set out in the Presidency note (doc. 9680/15 FISC 69 ECOFIN 458).

2011/0314 (CNS)

Proposal for a

**COUNCIL DIRECTIVE**

**on a common system of taxation applicable to interest and royalty payments made between  
associated companies of different Member States**

**(recast)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 115 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Parliament<sup>1</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,

Acting in accordance with a special legislative procedure,

Whereas:

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<sup>1</sup> OJ C 353 E, 3 December 2013, p. 196.

<sup>2</sup> OJ C 143, 22 May 2012, p. 46.

- (1) Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States<sup>1</sup> has been amended several times. Since further amendments are to be made, it should be recast in the interests of clarity.
- (2) In an internal market having the characteristics of a domestic market, transactions between companies of different Member States should not be subject to less favourable tax conditions than those applicable to the same transactions carried out between companies of the same Member State.
- (3) This requirement is not currently met as regards interest and royalty payments; national tax laws coupled, where applicable, with bilateral or multilateral agreements may not always ensure that double taxation is eliminated, and their application often entails burdensome administrative formalities and cash-flow problems for the companies concerned.
- (4) The abolition of taxation on interest and royalty payments in the Member State where they arise, whether collected by deduction at source or by assessment, is the most appropriate means of eliminating the aforementioned formalities and problems and of ensuring the equality of tax treatment as between national and cross-border transactions; it is particularly necessary to abolish such taxes in respect of such payments made between associated companies of different Member States as well as between permanent establishments of such companies.

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<sup>1</sup> OJ L 157, 26.6.2003, p. 49.

- (5) It is necessary to ensure that interest and royalty payments are subject to tax once in a Member State
- (6) The application of anti-abuse rules should be proportionate and should serve the specific purpose of tackling an arrangement or a series of arrangements which are not genuine, that is, which do not reflect economic reality.
- (7) To that end, when assessing whether an arrangement or a series of arrangements are abusive, Member States' tax administrations should undertake an objective analysis of all relevant facts and circumstances.
- (8) While Member States should use the anti-abuse clause to tackle arrangements which are, in their entirety, not genuine, there may also be cases where single steps or parts of an arrangement are, on a stand-alone basis, not genuine. Member States should be able to use the anti-abuse clause also to tackle those specific steps or parts, without prejudice to the remaining genuine steps or parts of the arrangement. That would maximise the effectiveness of the anti-abuse clause while guaranteeing its proportionality. The 'to the extent approach' can be effective in cases where the entities concerned, as such, are genuine but where, for example, debt claims of every kind or the right to use any copyright of literary, artistic or scientific work from which the payment arises are not genuinely attributed to a taxpayer that is established in a Member State, that is, if the arrangement based on its legal form transfers such claims or rights but its features do not reflect economic reality.

- (9) This Directive should only be applicable to the companies taking one of the legal forms listed in the Annex I, Part A and the aim should be to extend this list to cover as many corporate taxpayers as possible.
- (10) For the purpose of broadening the list of entities to which this Directive should apply, two criteria can be followed. In the first place, it can be observed that many of the entries in this list are narrower than those included in the Council Directive 90/435/EEC of 23 July 1990 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States<sup>1</sup>; it is important to align both lists and extend the one annexed to this Directive.
- (11) In the second place, there are some entries in the list annexed to this Directive that are identical to or broader than those included Directive 90/435/EEC and should not be amended, so that such entities continue enjoying the benefits of this Directive.
- (12) The tax exemption provided for in this Directive in the case of payments made by permanent establishments requires that these represent a tax deductible expense for the permanent establishment in the Member State in which it is situated in a manner that could result in denial of the benefits of this Directive if deduction was refused even in case where the payments are related to its activities. It is important to clarify that the exemption is applicable in cases where the payment represents an expense incurred for the purposes of the permanent establishment's activity.
- (13) The arrangements should only apply to the amount, if any, of interest or royalty payments which would have been agreed by the payer and the beneficial owner in the absence of a special relationship.

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<sup>1</sup> OJ L 225, 20.8.1990, p. 6.

- (14) It is moreover necessary not to preclude Member States from taking appropriate measures to combat fraud or abuse.
- (15) It is necessary for the Commission to report to the Council on the impact of this Directive three years after the date by which it must be transposed in order to verify how the objectives pursued are achieved
- (16) Since the objective of the proposed action, namely setting up a common system of taxation applicable to interest and royalty payments of associated companies of different Member States cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (17) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with the earlier Directives. The obligation to transpose the provisions which are unchanged arises under the earlier Directives.

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

**Scope and procedure**

1. Interest or royalty payments arising in a Member State shall be exempt from any taxes imposed on those payments in that Member State, whether by deduction at source or by assessment, provided that the beneficial owner of the interest or royalties is a company of another Member State or a permanent establishment situated in another Member State of a company of a Member State .
2. A payment made by a company of a Member State or by a permanent establishment situated in another Member State shall be deemed to arise in that Member State, hereinafter referred to as the ‘source State’.
3. A permanent establishment shall be treated as the payer of interest or royalties only insofar as those payments represent a tax-deductible expense incurred for the purposes of the activity of the permanent establishment.
4. A company of a Member State shall be treated as the beneficial owner of interest or royalties only if it receives those payments for its own benefit and not as an intermediary, such as an agent, trustee or authorised signatory, for some other person.
5. A permanent establishment shall be treated as the beneficial owner of interest or royalties:
  - (a) if the debt-claim, right or use of information in respect of which interest or royalty payments arise is effectively connected with that permanent establishment; and

- (b) if the interest or royalty payments represent income in respect of which that permanent establishment is subject in the Member State in which it is situated to one of the taxes mentioned in Annex I, Part B or in the case of Belgium to the ‘impôt des non-résidents/belasting der niet-verblijfhouders’ or in the case of Spain to the ‘Impuesto sobre la Renta de no Residentes’ or to a tax which is identical or substantially similar and which is imposed after the date of entry into force of this Directive in addition to, or in place of, those existing taxes.
6. Where a permanent establishment of a company of a Member State is treated as the payer, or as the beneficial owner, of interest or royalties, no other part of the company shall be treated as the payer, or as the beneficial owner, of that interest or those royalties for the purposes of this Article.
7. This Article shall apply only if the company which is the payer, or the company whose permanent establishment is treated as the payer, of interest or royalties is an associated company of the company which is the beneficial owner, or whose permanent establishment is treated as the beneficial owner, of that interest or those royalties.
8. This Article shall not apply where interest or royalties are paid by or to a permanent establishment situated in a third State of a company of a Member State and the business of the company is wholly or partly carried on through that permanent establishment.
9. Nothing in this Article shall prevent a Member State from taking interest or royalties received by its companies, by permanent establishments of its companies or by permanent establishments situated in that State into account when applying its tax law.
10. A Member State shall have the option of not applying this Directive to a company of another Member State or to a permanent establishment of a company of another Member State in circumstances where the conditions set out in Article 2(d) have not been maintained for an uninterrupted period of at least two years.



11. The source State may require that fulfilment of the requirements laid down in this Article and in Article 2 be substantiated at the time of payment of the interest or royalties by an attestation. If fulfilment of the requirements laid down in this Article has not been attested at the time of payment, the Member State shall be free to require deduction of tax at source.
12. The source State may make it a condition for exemption under this Directive that it has issued a decision currently granting the exemption following an attestation certifying the fulfilment of the requirements laid down in this Article and in Article 2. A decision on exemption shall be given within three months at most after the attestation and such supporting information as the source State may reasonably ask for have been provided, and shall be valid for a period of at least one year after it has been issued.
13. For the purposes of paragraphs 11 and 12, the attestation to be given shall, in respect of each contract for the payment, be valid for at least one year but for not more than three years from the date of issue and shall contain the following information:
  - (a) proof of the receiving company's residence for tax purposes and, where necessary, the existence of a permanent establishment certified by the tax authority of the Member State in which the receiving company is resident for tax purposes or in which the permanent establishment is situated;
  - (b) beneficial ownership by the receiving company in accordance with paragraph 4 or the existence of conditions in accordance with paragraph 5 where a permanent establishment is the recipient of the payment;
  - (c) fulfilment of the requirements in accordance with Article 2(c)(iii) in the case of the receiving company;

- (d) a minimum holding or the criterion of a minimum holding of voting rights in accordance with Article 2(d);
- (e) the period for which the holding referred to in point (d) has existed.

Member States may request in addition the legal justification for the payments under the contract (e.g. loan agreement or licensing contract).

14. If the requirements for exemption cease to be fulfilled, the receiving company or permanent establishment shall immediately inform the paying company or permanent establishment and, if the source State so requires, the competent authority of that State.
15. If the paying company or permanent establishment has withheld tax at source to be exempted under this Article, a claim may be made for repayment of that tax at source. The Member State may require the information specified in paragraph 13. The application for repayment must be submitted within the period laid down. That period shall last for at least two years from the date when the interest or royalties are paid.
16. The source State shall repay the excess tax withheld at source within one year following due receipt of the application and such supporting information as it may reasonably ask for. If the tax withheld at source has not been refunded within that period, the receiving company or permanent establishment shall be entitled on expiry of the year in question to interest on the tax which is refunded at a rate corresponding to the national interest rate to be applied in comparable cases under the domestic law of the source State.

## Article 2

### Definitions

For the purposes of this Directive, the following definitions apply :

- (a) 'interest' means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures; penalty charges for late payment shall not be regarded as interest;
- (b) 'royalties' means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work, including cinematograph films and software, any patent, trade mark, design or model, plan, secret formula or process, or for information concerning industrial, commercial or scientific experience; payments for the use of, or the right to use, industrial, commercial or scientific equipment shall be regarded as royalties;
- (c) 'company of a Member State' means any company:
  - (i) taking one of the forms listed in Annex I, Part A ; and
  - (ii) which in accordance with the tax laws of a Member State is considered to be resident in that Member State and is not, within the meaning of a Double Taxation Convention on Income concluded with a third state, considered to be resident for tax purposes outside the Union ; and

- (iii) which is subject to one of the taxes listed in Annex I, Part B, without the possibility of an option or of being exempt, or to a tax which is identical or substantially similar and which is imposed after the date of entry into force of this Directive in addition to, or in place of, those existing taxes;
- (d) a company is an ‘associated company’ of a second company if, at least:
- (i) the first company has a direct minimum holding of 25 % in the capital of the second company, or
  - (ii) the second company has a direct minimum holding of 25 % in the capital of the first company, or
  - (iii) a third company has a direct minimum holding of 25 % both in the capital of the first company and in the capital of the second company.

Holdings must involve only companies resident in Union territory.

However, Member States shall have the option of replacing the criterion of a minimum holding in the capital with that of a minimum holding of voting rights;

- (e) ‘permanent establishment’ means a fixed place of business situated in a Member State through which the business of a company of another Member State is wholly or partly carried on in so far as the profits of that place of business are subject to tax in the Member State in which it is situated by virtue of the relevant bilateral tax treaty or, in the absence of such a treaty, by virtue of national law.

### *Article 3*

#### **Exclusion of payments as interest or royalties**

1. The source State shall not be obliged to ensure the benefits of this Directive in the following cases:
  - (a) payments which are treated as a distribution of profits or as a repayment of capital under the law of the source State;
  - (b) payments from debt-claims which carry a right to participate in the debtor's profits;
  - (c) payments from debt-claims which entitle the creditor to exchange his right to interest for a right to participate in the debtor's profits;
  - (d) payments from debt-claims which contain no provision for repayment of the principal amount or where the repayment is due more than 50 years after the date of issue.
2. Where, by reason of a special relationship between the payer and the beneficial owner of interest or royalties, or between one of them and some other person, the amount of the interest or royalties exceeds the amount which would have been agreed by the payer and the beneficial owner in the absence of such a relationship, the provisions of this Directive shall apply only to the latter amount, if any.

## *Article 4*

### **Common anti-abuse rule**

1. This Directive shall not preclude the application of domestic or agreement-based provisions required for the prevention of tax evasion, tax fraud or abuse.
2. Member States shall not grant the benefits of this Directive to an arrangement or a series of arrangements that, having been put into place for the main purpose or one of the main purposes of obtaining a tax advantage which defeats the object or purpose of this Directive, are not genuine having regard to all relevant facts and circumstances.

An arrangement may comprise more than one step or part.

3. For the purposes of paragraph 2, an arrangement or a series of arrangements shall be regarded as not genuine to the extent that they are not put into place for valid commercial reasons which reflect economic reality.

## *Article 5*

### **Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1 (3), Article 2(c) and (d), Article 4 and Annex I, Parts A and B by 31 December 2017 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive. They shall apply those provisions from 1 January 2018.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the directives repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive, together with a table showing how the provisions of this Directive correspond to the national provisions adopted.

### *Article 6*

#### **Review**

By 31 December **2022**, the Commission shall report to the Council on the economic impact of this Directive.

### *Article 7*

#### **Delimitation clause**

This Directive shall not affect the application of domestic or agreement-based provisions which go beyond the provisions of this Directive and are designed to eliminate or mitigate the double taxation of interest and royalties.

## *Article 8*

### **Repeal**

Directive 2003/49/EC, as amended by the acts listed in Annex II, Part A, is repealed with effect from 1 January 2018 .

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.

## *Article 9*

### **Entry into force**

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

## *Article 10*

### **Addressees**

This Directive is addressed to the Member States.

Done at Brussels,

*For the Council*

*The President*



## ANNEX I

### PART A

#### LIST OF COMPANIES COVERED BY ARTICLE 2(c)

- (1) The European company or Societas Europaea (SE), as established Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE)<sup>1</sup> and Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees;<sup>2</sup>
- (2) the European Cooperative Society (SCE), as established in Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE)<sup>3</sup> and Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees<sup>4</sup>;
- (3) companies under Belgian law known as: ‘naamloze vennootschap/société anonyme, commanditaire vennootschap op aandelen/société en commandite par actions, besloten vennootschap met beperkte aansprakelijkheid/société privée à responsabilité limitée’ ‘coöperatieve vennootschap met beperkte aansprakelijkheid’/‘société coopérative à responsabilité limitée’, ‘coöperatieve vennootschap met onbeperkte aansprakelijkheid’/‘société coopérative à responsabilité illimitée’, ‘vennootschap onder firma’/‘société en nom collectif’, ‘gewone commanditaire vennootschap’/‘société en commandite simple’, public undertakings which have adopted one of the abovementioned legal forms and other companies constituted under Belgian law subject to Belgian corporate tax;

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<sup>1</sup> OJ L 294, 10.11.2001, p.1.

<sup>2</sup> OJ L 294, 10.11.2001, p. 22.

<sup>3</sup> OJ L 207, 18.8.2003, p. 1.

<sup>4</sup> OJ L 18.8.2003, p. 25.

- (4) companies under Bulgarian law known as: ‘събирателното дружество’, ‘командитното дружество’, ‘дружеството с ограничена отговорност’, ‘акционерното дружество’, ‘командитното дружество с акции’, ‘неперсонифицирано дружество’, ‘кооперации’, ‘кооперативни съюзи’, ‘държавни предприятия’ constituted under Bulgarian law and carrying on commercial activities;
- (5) companies under Czech law known as: ‘akciová společnost’, ‘společnost s ručením omezeným’, ‘družstvo’ and other companies constituted under the Czech law subject to Czech corporate tax law;
- (6) companies under Danish law known as: ‘aktieselskab’ and ‘anpartsselskab’ and other companies subject to tax under the Corporation Tax Act, insofar as their taxable income is calculated and taxed in accordance with the general tax legislation rules applicable to ‘aktieselskaber’;
- (7) companies under German law known as: ‘Aktiengesellschaft, Kommanditgesellschaft auf Aktien, Gesellschaft mit beschränkter Haftung’, ‘Versicherungsverein auf Gegenseitigkeit’, ‘Erwerbs- und Wirtschaftsgenossenschaft’, ‘Betriebe gewerblicher Art von juristischen Personen des öffentlichen Rechts’, and other companies constituted under German law subject to German corporate tax;
- (8) companies under Estonian law known as: ‘täisühing’, ‘usaldusühing’, ‘osühing’, ‘aktsiaselts’, ‘tulundusühistu’;
- (9) companies incorporated or existing under Irish law, bodies registered under the Industrial and Provident Societies Act, building societies incorporated under the Building Societies Acts and trustee savings banks within the meaning of the Trustee Savings Banks Act, 1989;

- (10) companies under Greek law known as: ‘ανώνυμη εταιρία’, ‘εταιρεία περιορισμένης ευθύνης (E.Π.Ε.)’ and other companies constituted under Greek law subject to Greek corporate tax;
- (11) companies under Spanish law known as: ‘sociedad anónima, sociedad comanditaria por acciones, sociedad de responsabilidad limitada’, those public law bodies which operate under private law and other entities constituted under Spanish law subject to Spanish corporate tax (‘Impuesto sobre Sociedades’);
- (12) companies under French law known as: ‘société anonyme, société en commandite par actions, société à responsabilité limitée’ ‘sociétés par actions simplifiées’, ‘sociétés d’assurances mutuelles’, ‘caisses d’épargne et de prévoyance’, ‘sociétés civiles’ which are automatically subject to corporation tax, ‘coopératives’, ‘unions de coopératives’, industrial and commercial public establishments and undertakings, and other companies constituted under French law subject to French corporate tax;
- (13) companies under Croatian law known as: 'dioničko društvo', 'društvo s ograničenom odgovornošću' and other companies constituted under Croatian law subject to Croatian profit tax.
- (14) companies under Italian law known as: ‘società per azioni, società in accomandita per azioni, società a responsabilità limitata’, ‘società cooperative’, ‘società di mutua assicurazione’ and public and private entities carrying on industrial and commercial activities;
- (15) companies (εταιρείες) under Cypriot law as defined in the income tax laws;
- (16) companies under Latvian law known as: ‘akciju sabiedrība’, ‘sabiedrība ar ierobežotu atbildību’;

- (17) companies incorporated under the law of Lithuania;
- (18) companies under Luxembourg law known as: ‘société anonyme, société en commandite par actions, société à responsabilité limitée’, ‘société coopérative’, ‘société coopérative organisée comme une société anonyme’, ‘association d’assurances mutuelles’, ‘association d’épargne-pension’, ‘entreprise de nature commerciale, industrielle ou minière de l’Etat, des communes, des syndicats de communes, des établissements publics et des autres personnes morales de droit public’, and other companies constituted under Luxembourg law subject to Luxembourg corporate tax;
- (19) companies under Hungarian law known as: ‘közkereseti társaság’, ‘betéti társaság’, ‘közös vállalat’, ‘korlátolt felelősségű társaság’, ‘részvénytársaság’, ‘egyesülés’, ‘szövetkezet’;
- (20) companies under Maltese law known as: ‘Kumpaniji ta’ Responsabilita’ Limitata’, ‘Soċjetajiet in akkomandita li l-kapital tagħhom maqsum f’azzjonijiet’;
- (21) companies under Dutch law known as: ‘naamloze vennootschap’, ‘besloten vennootschap met beperkte aansprakelijkheid’, ‘open commanditaire vennootschap’, ‘Coöperatie’, ‘onderlinge waarborgmaatschappij’, ‘fonds voor gemene rekening’, ‘vereniging op coöperatieve grondslag’, ‘vereniging welke op onderlinge grondslag als verzekeraar of kredietinstelling optreedt’, and other companies constituted under Dutch law subject to Dutch corporate tax;
- (22) companies under Austrian law known as: ‘Aktiengesellschaft’, ‘Gesellschaft mit beschränkter Haftung’, ‘Versicherungsvereine auf Gegenseitigkeit’, ‘Erwerbs- und Wirtschaftsgenossenschaften’, ‘Betriebe gewerblicher Art von Körperschaften des öffentlichen Rechts’, ‘Sparkassen’ and other companies constituted under Austrian law subject to Austrian corporate tax;

- (23) companies under Polish law known as: ‘spółka akcyjna’, ‘spółka z ograniczoną odpowiedzialnością’ ‘spółka komandytowo-akcyjna’, ‘spółdzielnia’, ‘przedsiębiorstwo państwowe’;
- (24) commercial companies or civil law companies having a commercial form, cooperatives and public undertakings incorporated in accordance with Portuguese law;
- (25) companies under Romanian law known as: ‘societăți pe acțiuni’, ‘societăți în comandită pe acțiuni’, ‘societăți cu răspundere limitată’ ‘societati in nume colectiv’, ‘societati in comandita simpla’;
- (26) companies under Slovenian law known as: ‘delniška družba’, ‘komanditna delniška družba’, ‘komanditna družba’, ‘družba z omejeno odgovornostjo’, ‘družba z neomejeno odgovornostjo’;
- (27) companies under Slovak law known as: ‘akciová spoločnosť’, ‘spoločnosť s ručením obmedzeným’, ‘komanditná spoločnosť’, ‘verejná obchodná’, ‘družstvo’;
- (28) companies under Finnish law known as: ‘osakeyhtiö/aktiebolag, osuuskunta/andelslag, säästöpankki/sparbank’ and ‘vakuutusyhtiö/försäkringsbolag’;
- (29) companies under Swedish law known as: ‘aktiebolag’, ‘försäkringsaktiebolag’, ‘ekonomiska föreningar’, ‘sparbanker’, ‘ömsesidiga försäkringsbolag’, ‘försäkringsföreningar’;
- (30) companies incorporated under the law of the United Kingdom.

## PART B

### LIST OF TAXES REFERRED TO IN ARTICLE 2(c)

- Impôt des sociétés/vennootschapsbelasting in Belgium,
- корпоративен данък in Bulgaria
- Daň z příjmů právnických osob in the Czech Republic,
- selskabsskat in Denmark,
- Körperschaftsteuer in Germany,
- Tulumaks in Estonia,
- corporation tax in Ireland,
- Φόρος εισοδήματος νομικών προσώπων in Greece,
- impuesto sobre sociedades in Spain,
- impôt sur les sociétés in France,
- Porez na dobit in Croatia
- imposta sul reddito delle società in Italy,
- φόρος εισοδήματος in Cyprus,
- Uzņēmumu ienākuma nodoklis in Latvia,
- Pelno mokestis in Lithuania,

- impôt sur le revenu des collectivités in Luxembourg,
- Társasági adó in Hungary,
- Taxxa fuq l-income in Malta,
- vennootschapsbelasting in the Netherlands,
- Körperschaftsteuer in Austria,
- Podatek dochodowy od osób prawnych in Poland,
- imposto sobre o rendimento das pessoas coletivas in Portugal,
- impozit pe profit in Romania;
- Davek od dobička pravnih oseb in Slovenia,
- Daň z príjmov právnických osôb in Slovakia,
- yhteisöjen tulovero/inkomstskatten för samfund in Finland,
- statlig inkomstskatt in Sweden,
- corporation tax in the United Kingdom.

## ANNEX II

### **PART A**

#### **Repealed Directive with list of its successive amendments**

(referred to in Article 9)

Council Directive 2003/49/EC

(OJ L 157, 26.6.2003, p. 49)

Council Directive 2004/66/EC      only point V(3) of the Annex

(OJ L 168, 1.5.2004, p. 35)

Council Directive 2004/76/EC

(OJ L 157, 30.4.2004, p. 106)

Council Directive 2006/98/EC      only point 9 of the Annex

(OJ L 363, 20.12.2006, p. 129)



## PART B

### List of time-limits for transposition into national law

(referred to in Article 10)

Directive	Time-limit for transposition	Date of application
2003/49/EC	1 January 2004	1 July 2011 (1) (2) 1 July 2013 (3) 1 January 2015 (4)
2004/66/EC	1 May 2004	–
2004/76/EC	1 May 2004	–
2006/98/EC	1 January 2007	–

(1) Applicable to Lithuania, as regards the provisions of Article 1.

(2) Applicable to the Czech Republic and Spain, as regards the provisions of Article 1 in the case of royalty payments.

(3) Applicable to Greece, Latvia, Poland and Portugal, as regards the provisions of Article 1.

(4) Applicable to Bulgaria, as regards the provisions of Article 1.

## ANNEX III

### Correlation table

Directive 2003/49/E	This Directive
Articles 1	Article 1
Article 2	Article 2(a) and (b)
Article 3(a)	Article 2(c) and Annex I, Part B
Article 3(b) and (c)	Article 2(d) and (e)
Article 4,	Article 3
Article 5	Article 4
Article 6	Article 5
Article 7	Article 6
Article 8	Article 7
Article 9	Article 8
–	Article 9
Article 10	Article 10
Article 11	Article 11
Annex	Annex I, Part A
–	Annex II
–	Annex III
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