



Council of the
European Union

Brussels, 27 February 2018
(OR. en)

6603/18

FISC 83
ECOFIN 184

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
To: COCG delegations
Subject: Code of Conduct Group (business taxation)
- Priority list for monitoring agreed guidance

Delegations will find attached the priority list agreed by the Code of Conduct Group at its meeting of 14 February 2018.

Code of Conduct Group (business taxation)

Priority list for monitoring agreed guidance

At its meeting of 14 February 2018 and in line with its *Procedural Guidelines on setting working methods for an effective monitoring of Member States' compliance with agreed guidance* (doc. 15449/17), the Code of Conduct Group (business taxation) agreed that:

A- The following agreed guidance should continue to be monitored:

- a) 2014 Guidance on nexus approach for IP regimes.
- b) 2010 Guidance on inbound profits:
 - a. Member States should report on how they implemented the 2010 guidelines; and
 - b. The Group agreed to return to the issue of the dependant and associated territories after the end of the screening of third country jurisdictions under the external strategy.

B- The Group should start monitoring the following agreed guidance, one guidance at the time, in chronological order:

- a) 2000 Guidance on Rollback and Standstill.
 1. finance branches;
 2. holding companies;
 3. headquarter companies;
- b) 2013 Guidance on intermediate (financing, licensing) companies.
- c) 2016 Guidance on the conditions and rules for the issuance of tax rulings – standard requirements for good practice by Member States.
- d) 2017 Guidance on tax privileges related to special economic zones (SEZ).

C- Other agreed guidance do not need to be monitored either because of a significant overlap with EU law or because of their procedural nature.

The Group furthermore agreed that, for transparency reasons, a compilation of agreed guidance should be made public on the Council's website by the General Secretariat of the Council (see doc. 5814/18) together with the above explanatory note.
