



Brussels, 25 November 2019
(OR. en)

14115/19

FISC 445
ECOFIN 1006

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Code of Conduct Group (Business Taxation)
– Council conclusions
= Adoption

1. At its meeting on 14 November 2019, the Code of Conduct Group (business taxation) agreed a progress report to the Council (doc. 14114/19 + ADDs 1 to 10) and the draft conclusions accompanying this report on 'the progress achieved by the Code of Conduct (Business Taxation) Group during the Finnish Presidency', with the exception of its paragraph 10.
2. The High Level Working Party on tax issues (HLWP) agreed on a final wording for the above-mentioned paragraph of the draft conclusions at its meeting of 22 November 2019. As a result, the final draft of the conclusions is set out below:

"With regard to the Code of Conduct (Business Taxation), the Council:

1. WELCOMES the progress achieved by the Code of Conduct Group during the Finnish Presidency as set out in its report (doc. 14114/19 + ADDs 1-10);
2. INVITES the Group to continue its work under its multiannual work package 2018 (doc. 10420/18);

3. ENDORSES the standstill assessments agreed by the Group and ASKS the Group to continue monitoring standstill and the implementation of the rollback;
4. ENDORSES the guidance on notional interest deduction regimes set out in annex to the Group's report and INVITES Member States that would wish to implement this type of regime to follow it;
5. ENDORSES the assessment of Member States' compliance with the 2013 COCG Guidance on intermediate (financing, licensing) companies, and ASKS the Group to continue monitoring the implementation of its past guidance notes;
6. With regard to the EU list of non-cooperative jurisdictions for tax purposes, ENDORSES the way the Group has resolved the procedural and political issues that arose in the process of monitoring the implementation of commitments taken by jurisdictions;
7. INVITES the Group to start the assessment of the newly identified foreign source income exemption regimes listed in its report;
8. ASKS the Group to resume discussions and seek an agreement on future criterion 1.4 (exchange of beneficial ownership information);
9. ENDORSES the activity-based approach agreed by the Group in respect of requirements for partnerships under criterion 2.2 set out in annex to the Group's report and the common approach for activating exchange of information with jurisdictions under this same criterion;
10. ENDORSES the Guidance on further coordination of defensive measures in the tax area set out in annex 4 to the Group's report and INVITES the Group to make an assessment of the implementation at the first stage. As a second step, INVITES the Group to assess the extent to which the implementation of defensive measures provided by the Guidance has been effective and coherent, and regularly report to the Council. The assessment of effectiveness should be done by measuring positive change leading to the removal of jurisdictions from the EU list of non-cooperative jurisdictions for tax purposes;

11. INVITES the Group to report back to the Council on its work during the Croatian Presidency."

3. The Permanent Representatives Committee is invited:

- to forward the report by the Code of Conduct Group (doc. 14114/19 FISC 444 ECOFIN 1005 + ADDs 1-10) to the Council, together with the conclusions as set out above;
- to suggest that it endorses the report and adopts the conclusions, both as "A" items on its agenda.
