



Council of the
European Union

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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
To: Delegations
No. prev. doc.: 14653/21 FISC 228 ECOFIN 1203
Subject: Code of Conduct Group (Business Taxation)
- Council Conclusions (7 December 2021)

Delegations will find in the Annex the Council conclusions on the progress achieved by the Code of Conduct (Business Taxation), approved by the Council at its 3835th meeting held on 7 December 2021.

Council conclusions
on the progress achieved by the Code of Conduct (Business Taxation) Group
during the Slovenian Presidency

The Council:

1. WELCOMES the progress achieved by the Code of Conduct Group during the Slovenian Presidency, in particular with regard to the revision of the EU list of non-cooperative jurisdictions in October 2021 and the reform of the Code of Conduct; WELCOMES the Group's report as set out in document 14230/21 + COR 1 + ADD 1-9;
2. INVITES the Group to continue an effective dialogue with jurisdictions and monitoring, so that jurisdictions continue to fulfil their respective commitments and comply with the EU listing criteria in accordance with the agreed deadlines; SUPPORTS the preparatory work done with a view to assessment of relevant jurisdictions for compliance with criterion 3.2 on country-by-country reporting (CbCR) in view of the update of the EU list in the first quarter of 2022; INVITES the Group to request commitments from jurisdictions where appropriate and according to a timeline agreed by the Group;
3. WELCOMES the positive effect of the Code of Conduct and the work of the Group on reducing harmful tax practices and the decrease of preferential tax regimes both at the EU level and globally; INVITES the Group to reflect on possible ways forward to enhance the current criteria and processes for third country jurisdictions, where appropriate;

4. ENDORSES the progress reached in the assessment of standstill and rollback notifications by the Group and ASKS the Group to continue monitoring standstill and the implementation of the rollback; WELCOMES the ongoing monitoring of actual effects of individual measures;
5. WELCOMES the ongoing monitoring by the Group of the implementation of its past guidance notes and the progress achieved with regard to the monitoring of the implementation of the 2017 Guidelines on tax privileges related to special economic zones;
6. APPRECIATES the report on the implementation by the Member States of defensive measures in the tax area towards non-cooperative jurisdictions; CALLS on the Group to keep on working in this area, in accordance with the agreed Guidance, and report to the Council on further progress in these matters;
7. TAKES NOTE of the discussion on the interaction between the EU list of non-cooperative jurisdictions for tax purposes and Member States' national lists, as well as the work of the Global Forum, including new ratings and determinations by the Global Forum; INVITES the Group to take this work forward by further exploring how to enhance the EU listing process based on progress at the international level;
8. INVITES the Group to report back to the Council on its work during the French Presidency.
