



**2016/0107(COD)**

28.3.2017

# **AMENDMENTS**

## **31 - 73**

**Draft opinion**

**Elly Schlein**

(PE585.508v01-00)

Disclosure of income tax information by certain undertakings and branches

Proposal for a directive

(COM(2016)0198 – C8-0146/2016 – 2016/0107(COD))



**Amendment 31**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Recital 1**

*Text proposed by the Commission*

(1) In recent years, the challenge posed by corporate income tax avoidance has increased considerably and has become a major focus of concern within the Union and globally. The European Council in its conclusions of 18 December 2014 acknowledged the urgent need to advance efforts in the fight against tax avoidance both at global and Union level. The Commission in its communications entitled ‘Commission Work Programme 2016 - No time for business as usual’<sup>16</sup> and ‘Commission Work Programme 2015 - A New Start’<sup>17</sup> identified as a priority the need to move to a system whereby the country in which profits are generated is also the country of taxation. The Commission also identified as a priority the need to respond to our societies’ call for fairness and tax transparency.

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<sup>16</sup> COM(2015) 610 final of 27 October 2015.

<sup>17</sup> COM(2014) 910 final of 16 December 2014.

*Amendment*

(1) In recent years, the challenge posed by corporate income tax avoidance **and aggressive tax planning** has increased considerably and has become a major focus of concern within the Union and globally. The European Council in its conclusions of 18 December 2014 acknowledged the urgent need to advance efforts in the fight against tax avoidance both at global and Union level. The Commission in its communications entitled ‘Commission Work Programme 2016 - No time for business as usual’<sup>16</sup> and ‘Commission Work Programme 2015 - A New Start’<sup>17</sup> identified as a priority the need to move to a system whereby the country in which profits are generated is also the country of taxation. The Commission also identified as a priority the need to respond to our societies’ call for fairness and tax transparency.

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<sup>16</sup> COM(2015) 610 final of 27 October 2015.

<sup>17</sup> COM(2014) 910 final of 16 December 2014.

Or. en

**Amendment 32**  
**Lola Sánchez Caldentey**

**Proposal for a directive**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**(1 a) Meaningful disaggregated public country-by-country reporting for**

*multinational undertakings for each country and jurisdiction of operation is essential in order to empower developing countries' tax authorities and legislators to effectively tackle tax base erosion caused by aggressive tax planning, tax evasion and tax avoidance.*

Or. en

**Amendment 33**  
**Elly Schlein**

**Proposal for a directive**  
**Recital 6**

*Text proposed by the Commission*

(6) The public should be able to scrutinise all the activities of a group when the group has certain establishments within the Union. *For groups which carry out activities within the Union only through subsidiary undertakings or branches, subsidiaries and branches should publish and make accessible the report of the ultimate parent undertaking. However for reasons of proportionality and effectiveness, the obligation to publish and make accessible the report should be limited to medium-sized or large subsidiaries established in the Union, or branches of a comparable size opened in a Member State. The scope of Directive 2013/34/EU should therefore be extended accordingly to branches opened in a Member State by an undertaking which is established outside the Union.*

*Amendment*

(6) The public should be able to scrutinise all the activities of a group when the group has certain establishments within *and outside* the Union. *Multinational undertakings are operating worldwide and their corporate behaviour has a substantial impact on developing countries. Providing their citizens access to corporate country-by-country information would allow them and tax administrations in their countries to monitor, assess and/or hold those companies to account. By making the information public for each tax jurisdiction where the multinational undertaking has operations, the Union would increase its policy coherence for development and limit potential tax avoidance schemes in countries where domestic resources mobilization has been identified as a key component of the development policy of the Union.*

Or. en

**Amendment 34**  
**Eleftherios Synadinos**

**Proposal for a directive**

PE601.061v01-00

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## Recital 6

*Text proposed by the Commission*

(6) The public should be able to scrutinise all the activities of a group when the group has certain establishments within the Union. For groups which carry out activities within the Union only through subsidiary undertakings or branches, subsidiaries and branches should publish and make accessible the report of the ultimate parent undertaking. However for reasons of proportionality and effectiveness, the obligation to publish and make accessible the report should be limited to medium-sized or large subsidiaries established in the Union, or branches of a comparable size opened in a Member State. The scope of Directive 2013/34/EU should therefore be extended accordingly to branches opened in a Member State by an undertaking which is established outside the Union.

*Amendment*

(6) The public should be able to scrutinise all the activities of a group when the group has certain establishments ***and interests*** within the Union. For groups which carry out activities within the Union only through subsidiary undertakings or branches, subsidiaries and branches should publish and make accessible the report of the ultimate parent undertaking. However for reasons of proportionality and effectiveness, the obligation to publish and make accessible the report should be limited to medium-sized or large subsidiaries established ***or with a strong continuous presence*** in the Union, or branches of a comparable size opened ***and operating*** in a Member State. The scope of Directive 2013/34/EU should therefore be extended accordingly to branches opened in a Member State by an undertaking which is established outside the Union.

Or. en

## Amendment 35

**Heidi Hautala**

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(6 a) Multinational undertakings are operating worldwide and their strategies and behaviors have significant impacts on developing countries. Country-by-country reporting would therefore allow citizens and public authorities from those countries to monitor those companies activities. It would also provide the Union with some important information to increase consistency between internal policies and development policy.***

**Amendment 36**

**Heidi Hautala**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Recital 6 b (new)**

*Text proposed by the Commission*

*Amendment*

***(6 b) To ensure policy coherence for development, the Union should effectively commit to enhance transparency in tax matters as part of its efforts to increase financing development in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development.***

Or. en

**Amendment 37**

**Eleftherios Synadinos**

**Proposal for a directive**

**Recital 7**

*Text proposed by the Commission*

*Amendment*

(7) In order to avoid double reporting for the banking sector, ultimate parent undertakings which are subject to Directive 2013/36/EU of the European Parliament and of the Council<sup>21</sup> and which include in their report prepared in accordance with Article 89 of Directive 2013/36/EU all its activities and all the activities of its affiliated undertakings included in the consolidated financial statements, including activities not subject to the provisions of Chapter 2 of Title 1 of Part Three of Regulation (EU) No 575/2013 of the European Parliament and of the Council<sup>22</sup>, should be exempted from the reporting requirements set out in this Directive.

(7) In order to avoid double ***or multiple*** reporting for the banking sector, ultimate parent undertakings which are subject to Directive 2013/36/EU of the European Parliament and of the Council<sup>21</sup> and which include in their report prepared in accordance with Article 89 of Directive 2013/36/EU all its activities and all the activities of its affiliated undertakings included in the consolidated financial statements, including activities not subject to the provisions of Chapter 2 of Title 1 of Part Three of Regulation (EU) No 575/2013 of the European Parliament and of the Council<sup>22</sup>, should be exempted from the reporting requirements set out in this Directive.

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<sup>21</sup> Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

<sup>22</sup> Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

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<sup>21</sup> Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

<sup>22</sup> Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

Or. en

## **Amendment 38**

### **Eleftherios Synadinos**

#### **Proposal for a directive**

#### **Recital 8**

##### *Text proposed by the Commission*

(8) The report on income tax information should provide information concerning all the activities of an undertaking or of all the affiliated undertakings of a group controlled by an ultimate parent undertaking. The information should be based on the reporting specifications of BEPS' Action 13 and should be limited to what is necessary to enable effective public scrutiny, in order to ensure that disclosure does not give rise to disproportionate risks or disadvantages. The report should also include a brief description of the nature of the activities. Such description might be based on the categorisation provided for in table 2 of the Annex III of Chapter V of the OECD "Transfer Pricing Guidelines on Documentation". The report should include an overall narrative providing explanations in case of material discrepancies at group level between the amounts of taxes accrued

##### *Amendment*

(8) The **comprehensive** report on income tax information should provide information concerning all the activities of an undertaking or of all the affiliated undertakings of a group controlled by an ultimate parent undertaking. The information should be based on the reporting specifications of BEPS' Action 13 and should be limited to what is necessary to enable effective public scrutiny, in order to ensure that disclosure does not give rise to disproportionate risks or **any unfair** disadvantages. The report should also include a brief description of the nature of the activities. Such description might be based on the categorisation provided for in table 2 of the Annex III of Chapter V of the OECD "Transfer Pricing Guidelines on Documentation". The report should include an overall narrative providing explanations in case of material discrepancies at group

and the amounts of taxes paid, taking into account corresponding amounts concerning previous financial years.

level between the amounts of taxes accrued and the amounts of taxes paid, taking into account ***and in comparison with*** corresponding amounts concerning previous financial years.

Or. en

**Amendment 39**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

(9) In order to ensure a level of detail that enables citizens to better assess the contribution of multinational undertakings to welfare in each Member State, the information should be broken down by Member State. Moreover, information concerning the operations of multinational enterprises should also be shown with a high level of detail as regards certain tax jurisdictions which pose particular challenges. For all other third country operations, ***the information*** should be ***given*** in an aggregate number.

*Amendment*

(9) In order to ensure a level of detail that enables citizens to better assess ***and scrutinize*** the contribution of multinational undertakings to ***tax and*** welfare in each Member State, the information should be broken down by Member State ***as well as Member States' constituent countries and states***. Moreover, information concerning the operations of multinational enterprises should also be shown with a high level of detail as regards ***non-cooperative tax jurisdictions or*** certain tax jurisdictions which pose particular challenges. For all other third country operations, ***it*** should be ***possible to provide the information*** in an aggregate number.

Or. en

**Amendment 40**  
**Ignazio Corrao**

**Proposal for a directive**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9 a) Member States should ensure that an adequate level of human, technical and financial resources is dedicated within tax administrations to the***



*automatic exchange of information and data processing and to the fight against tax fraud and tax avoidance. Developed country governments should commit to exchange information automatically with developing countries by establishing the necessary bilateral exchange relationships.*

Or. en

**Amendment 41**  
**Paul Rübig**

**Proposal for a directive**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

*(9 a) In order to assist developing countries in improving the capacity of their tax administrations, Member States should assist them by sharing know-how and best practices.*

Or. en

**Amendment 42**  
**Paul Rübig**

**Proposal for a directive**  
**Recital 9 b (new)**

*Text proposed by the Commission*

*Amendment*

*(9 b) When supporting developing countries in capacity building, special emphasis should be given to efficient online platform solutions that avoid bureaucratic hurdles, in particular for small and medium-sized enterprises.*

Or. en

**Amendment 43**

**Eleftherios Synadinos**

**Proposal for a directive**

**Recital 10**

*Text proposed by the Commission*

(10) In order to strengthen responsibility vis-à-vis third parties and to ensure appropriate governance, the members of the administrative, management and supervisory bodies of the ultimate parent undertaking which is established within the Union and which has the obligation to draw up, publish and make accessible the report on income tax information, should be collectively responsible for ensuring the compliance with these reporting obligations. Given that members of the administrative, management and supervisory bodies of the subsidiaries which are established within the Union and which are controlled by an ultimate parent undertaking established outside the Union or the person(s) in charge of carrying out the disclosures formalities for the branch may have limited knowledge of the content of the report on income tax information prepared by the ultimate parent undertaking, *their* responsibility to publish and make accessible the report on income tax information should *be limited*.

*Amendment*

(10) In order to strengthen responsibility vis-à-vis third parties and to ensure appropriate governance, the members of the administrative, management and supervisory bodies of the ultimate parent undertaking which is established within the Union and which has the obligation to draw up, publish and make accessible the report on income tax information, should be collectively responsible for ensuring the compliance with these reporting obligations. Given that members of the administrative, management and supervisory bodies of the subsidiaries which are established within the Union and which are controlled by an ultimate parent undertaking established outside the Union or the person(s) in charge of carrying out the disclosures formalities for the branch may have limited knowledge of the content of the report on income tax information prepared by the ultimate parent undertaking, *the legal* responsibility to publish and make accessible the report on income tax information should *lie with those in positions of authority as per the internal hierarchical structures applicable by custom or the organizational chart*.

Or. en

**Amendment 44**

**Eleftherios Synadinos**

**Proposal for a directive**

**Recital 11**

*Text proposed by the Commission*

(11) To ensure that cases of non-compliance are disclosed to the public, statutory auditor(s) or audit firm(s) should

*Amendment*

(11) To ensure that *all finalized* cases of non-compliance are disclosed to the public, statutory auditor(s) or audit firm(s) should

**check** whether the report on income tax information has been submitted and presented in accordance with the requirements of this Directive and made accessible on the relevant undertaking's website or on the website of an affiliated undertaking.

**first establish** whether the report on income tax information has been submitted and presented in accordance with the requirements of this Directive and **duly** made accessible on the relevant undertaking's website or on the website of an affiliated undertaking.

Or. en

## **Amendment 45** **Eleftherios Synadinos**

### **Proposal for a directive** **Recital 12**

#### *Text proposed by the Commission*

(12) This Directive aims to enhance transparency and **public scrutiny on** corporate income tax by adapting the existing legal framework concerning the obligations imposed on companies and firms in respect of the publication of reports, for the protection of the interests of members and others, within the meaning of Article 50(2)(g) TFEU. As the Court of Justice held, in particular, in Case C-97/96 *Verband deutscher Daihatsu-Händler*<sup>23</sup>, Article 50(2)(g) TFEU refers to the need to protect the interests of "others" generally, without distinguishing or excluding any categories falling within the ambit of that term. Moreover, the objective of attaining freedom of establishment, which is assigned in very broad terms to the institutions by Article 50(1) TFEU, cannot be circumscribed by the provisions of Article 50(2) TFEU. Given that this Directive does not concern the harmonisation of taxes but **only** obligations to publish reports on income tax information, Article 50(1) TFEU constitutes the appropriate legal basis.

#### *Amendment*

(12) This Directive aims to enhance transparency and **the public's capability to scrutinise all the activities of a group ordinarily present or established in the Union based on data related to** corporate income tax by adapting the existing legal framework concerning the obligations imposed on companies and firms in respect of the publication of reports, for the protection of the interests of members and others, within the meaning of Article 50(2)(g) TFEU. As the Court of Justice held, in particular, in Case C-97/96 *Verband deutscher Daihatsu-Händler*<sup>23</sup>, Article 50(2)(g) TFEU refers to the need to protect the interests of "others" generally, without distinguishing or excluding any categories falling within the ambit of that term. Moreover, the objective of attaining freedom of establishment, which is assigned in very broad terms to the institutions by Article 50(1) TFEU, cannot be circumscribed by the provisions of Article 50(2) TFEU. Given that this Directive does not concern the harmonisation of taxes but **is strictly limited to** obligations to publish reports on income tax information **only**, Article 50(1) TFEU constitutes the appropriate legal basis.

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<sup>23</sup> Judgement of the Court of Justice of 4 December 1997, C-97/96 Verband deutscher Daihatsu-Händler ECLI:EU:C:1997:581

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<sup>23</sup> Judgement of the Court of Justice of 4 December 1997, C-97/96 Verband deutscher Daihatsu-Händler ECLI:EU:C:1997:581

Or. en

**Amendment 46**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Recital 13**

*Text proposed by the Commission*

(13) In order to determine certain tax jurisdictions for which a high level of detail should be shown, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of drawing up a common Union list of these tax jurisdictions. This list should be drawn up on the basis of certain criteria, identified on the basis of Annex 1 of the Communication from the Commission to the European Parliament and Council on an External Strategy for Effective Taxation (COM(2016) 24 final). It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making as approved by the European Parliament, the Council and the Commission and pending formal signature. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

*Amendment*

(13) In order to determine **non-cooperative tax jurisdictions and** certain tax jurisdictions for which a high level of detail should be shown, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of drawing up a common Union list of these tax jurisdictions. This list should be drawn up on the basis of certain criteria, identified on the basis of Annex 1 of the Communication from the Commission to the European Parliament and Council on an External Strategy for Effective Taxation (COM(2016) 24 final). It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making as approved by the European Parliament, the Council and the Commission and pending formal signature. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

**Amendment 47**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

(14) Since the objective of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of its effect, 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 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.

*Amendment*

(14) Since the objective of this Directive cannot be sufficiently achieved by the Member States **alone** but can rather, by reason of its effect, be **procedurally normalized and more effectively** 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 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.

Or. en

**Amendment 48**  
**Ignazio Corrao**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
 Directive 2013/34/EU  
 Article 48b – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

Member States shall require ultimate parent undertakings governed by their national laws **and having a consolidated net turnover exceeding EUR 750 000 000 as well as undertakings** governed by their national laws that are not affiliated undertakings **and having a net turnover exceeding EUR 750 000 000** to draw up and publish a report on income tax information on an annual basis.

*Amendment*

Member States shall require ultimate parent undertakings **of large groups as defined in Article 3(7),** governed by their national laws, **and of large undertakings as defined in Article 3(4),** governed by their national laws that are not affiliated undertakings to draw up and publish a report on income tax information on an annual basis.

*Member States shall publish the basic elements of all tax rulings granted to multinational undertakings and move towards a clear and less complex system for taxing multinational undertakings, which can make the excessive use of tax rulings redundant.*

Or. en

**Amendment 49**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48b – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

Member States shall require ultimate parent undertakings governed by their national laws and having a consolidated net turnover exceeding EUR **750 000 000** as well as undertakings governed by their national laws that are not affiliated undertakings and having a net turnover exceeding EUR **750 000 000** to draw up and publish a report on income tax information on an annual basis.

*Amendment*

Member States shall require ultimate parent undertakings governed by their national laws and having a consolidated net turnover exceeding EUR **250 000 000** as well as undertakings governed by their national laws that are not affiliated undertakings and having a net turnover exceeding EUR **250 000 000** to draw up and publish a report on income tax information on an annual basis.

Or. en

**Amendment 50**  
**Ignazio Corrao**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48b – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

The report on income tax information shall be made accessible to the public on the website of the undertaking on the date of its publication.

*Amendment*

The report on income tax information shall be ***published in a common template available in an open data format and*** made accessible to the public on the

website of the undertaking on the date of its publication *in at least one of the official languages of the Union. On the date of publication of the report on income tax information, the undertaking shall also file the report in a public registry managed by the Commission.*

*Member states shall adopt effective whistleblower protection measures to protect those who act in the public interest, including those who disclose tax dodging practices.*

Or. en

**Amendment 51**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48b – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

The report on income tax information shall be made accessible to the public on the website of the undertaking on the date of its publication.

*Amendment*

The report on income tax information shall be made accessible to the public *in a comprehensive manner and appropriate format for an average reader* on the website of the undertaking on the date of its publication.

Or. en

**Amendment 52**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48b – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

Member States shall require the medium-sized and large subsidiary undertakings

*Amendment*

Member States shall require the medium-sized and large subsidiary undertakings

referred to in Article 3(3) and (4) which are governed by their national laws and controlled by an ultimate parent undertaking which has a consolidated net turnover exceeding EUR **750 000 000** and which is not governed by the law of a Member State, to publish the report on income tax information of that ultimate parent undertaking on an annual basis.

referred to in Article 3(3) and (4) which are governed by their national laws and controlled by an ultimate parent undertaking which has a consolidated net turnover exceeding EUR **250 000 000** and which is not governed by the law of a Member State, to publish the report on income tax information of that ultimate parent undertaking on an annual basis.

Or. en

**Amendment 53**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48b – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

The report on income tax information shall be made accessible to the public on the date of its publication on the website of the subsidiary undertaking or on the website of an affiliated undertaking.

*Amendment*

The report on income tax information shall be made accessible to the public on the date of its publication ***in a comprehensive manner and appropriate format for an average reader*** on the website of the subsidiary undertaking or on the website of an affiliated undertaking.

Or. en

**Amendment 54**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48b – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

Member States shall require branches which are opened in their territories by an undertaking which is not governed by the law of a Member State to publish on an annual basis the report on income tax

*Amendment*

Member States shall ***duly*** require branches which are opened in their territories by an undertaking which is not governed by the law of a Member State to ***appropriately and fully*** publish on an annual ***and binding***



information of the ultimate parent undertaking referred to in point (a) of paragraph 5 of this Article.

basis the **disclosing** report on **relevant** income tax information of the ultimate parent undertaking referred to in point (a) of paragraph 5 of this Article.

Or. en

**Amendment 55**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48b – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

The report on income tax information shall be made accessible to the public **on the date of its publication** on the website of the branch or on the website of an affiliated undertaking.

*Amendment*

The report on income tax information shall be made accessible to the public **in a comprehensive manner and appropriate format for an average reader** on the website of the branch or on the website of an affiliated undertaking **on the date of its publication** .

Or. en

**Amendment 56**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48b – paragraph 5 – point a

*Text proposed by the Commission*

(a) the undertaking which opened the branch is either an affiliated undertaking of a group which is controlled by an ultimate parent undertaking not governed by the law of a Member State and which has a consolidated net turnover exceeding EUR **750 000 000** or an undertaking that is not an affiliated and which has a net turnover exceeding EUR **750 000 000**;

*Amendment*

(a) the undertaking which opened the branch is either an affiliated undertaking of a group which is controlled by an ultimate parent undertaking not governed by the law of a Member State and which has a consolidated net turnover exceeding EUR **250 000 000** or an undertaking that is not an affiliated and which has a net turnover exceeding EUR **250 000 000**;

**Amendment 57**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48b – paragraph 6

*Text proposed by the Commission*

6. Member States shall not apply the rules set out in paragraphs 3 and 4 of this Article where a report on income tax information drawn up in accordance with Article 48c is made accessible to the public on the website of the ultimate parent undertaking not governed by the law of a Member State within a reasonable period of time, which shall not exceed **12** months after the balance sheet date and where the report identifies the name and registered office of the single subsidiary undertaking or the single branch governed by the law of a Member State which has published the report in accordance with Article 48d(1).

*Amendment*

6. Member States shall not apply the rules set out in paragraphs 3 and 4 of this Article where a report on income tax information drawn up in accordance with Article 48c is ***otherwise*** made accessible to the public ***in the required standard and an appropriate manner*** on the website of the ultimate parent undertaking not governed by the law of a Member State within a reasonable period of time, which shall not exceed **6** months after the balance sheet date and where the report identifies the name and registered office of the single subsidiary undertaking or the single branch ***ordinarily*** governed by the law of a Member State which has published the report in accordance with Article 48d(1).

Or. en

**Amendment 58**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48b – paragraph 7

*Text proposed by the Commission*

7. Member State shall require subsidiaries or branches not subject to the provisions of paragraphs 3 and 4 to publish and ***make accessible the*** report on income tax information where such subsidiaries or

*Amendment*

7. Member State shall ***duly*** require subsidiaries or branches not ***strictly*** subject to the ***narrow*** provisions of paragraphs 3 and 4 to ***appropriately*** publish and ***fully and accessibly disclose on an annual and***

branches have been established for the purpose of avoiding the reporting requirements set out in this Chapter.

***binding basis the respective*** report on income tax information where such subsidiaries or branches have been established for the purpose of avoiding the reporting requirements set out in this Chapter.

Or. en

**Amendment 59**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48c – paragraph 2 – introductory sentence

*Text proposed by the Commission*

2. The information referred to in paragraph 1 shall comprise the following:

*Amendment*

2. The information referred to in paragraph 1 shall comprise ***at least*** the following:

Or. en

**Amendment 60**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48c – paragraph 2 – point a

*Text proposed by the Commission*

(a) a brief ***description*** of the nature of the activities;

*Amendment*

(a) a brief, ***relevant, descriptive and factual illustration*** of the nature of ***all*** the activities;

Or. en

**Amendment 61**  
**Eleftherios Synadinos**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2**

Directive 2013/34/EU

Article 48c – paragraph 2 – point b

*Text proposed by the Commission*

(b) the number of employees;

*Amendment*

(b) the number of ***full-time and part-time*** employees, ***including those on fixed-term contracts, on a traineeship or research contract, or on probation period;***

Or. en

**Amendment 62**

**Eleftherios Synadinos**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2**

Directive 2013/34/EU

Article 48c – paragraph 2 – point c

*Text proposed by the Commission*

(c) the amount of the net turnover, which includes the turnover made with related parties;

*Amendment*

(c) the amount of the net turnover ***in the currency or currencies used as a medium for the respective transactions or other actions,*** which includes the turnover made with related parties;

Or. en

**Amendment 63**

**Eleftherios Synadinos**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2**

Directive 2013/34/EU

Article 48c – paragraph 2 – point d

*Text proposed by the Commission*

(d) the amount of profit or loss before income tax;

*Amendment*

(d) the amount of profit or loss ***in the currency of the Member State in reference*** before income tax;

Or. en

**Amendment 64**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48c – paragraph 2 – point e

*Text proposed by the Commission*

(e) the amount of income tax accrued (current year) which is the current tax expense recognised on taxable profits or losses of the financial year by undertakings and branches resident for tax purposes in the relevant tax jurisdiction;

*Amendment*

(e) the amount of income tax accrued (current year) ***in the reference currency used by the Member State***, which is the current tax expense recognised on taxable profits or losses of the financial year by undertakings and branches resident for tax purposes in the relevant tax jurisdiction;

Or. en

**Amendment 65**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48c – paragraph 2 – point f

*Text proposed by the Commission*

(f) the amount of income tax paid which is the amount of income tax paid during the relevant financial year by undertakings and branches resident for tax purposes in the relevant tax jurisdiction; and

*Amendment*

(f) the amount of income tax paid ***in the currency in use by the respective sovereign Member State***, which is the amount of income tax paid during the relevant financial year by undertakings and branches resident for tax purposes in the relevant tax jurisdiction; and

Or. en

**Amendment 66**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**

Directive 2013/34/EU  
Article 48c – paragraph 2 – point g

*Text proposed by the Commission*

the amount of accumulated earnings.

*Amendment*

**(g) the amount of accumulated earnings *in the currency of choice, either EUR or the currency used by the respective Member State or broken down over several currencies depending on the undertaken transactions and other actions and the respective current account(s) balance sheet.***

Or. en

**Amendment 67**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48c – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

The report shall present the information referred to in paragraph 2 separately for each Member State. Where a Member State comprises several tax jurisdictions, the information shall be combined at Member State level.

*Amendment*

The report shall present the information referred to in paragraph 2 separately for each Member State. Where a Member State comprises several tax jurisdictions, the information shall be ***broken down over all tax jurisdictions where the undertaking maintains presence or is ordinarily established to the same effect. The information shall be*** combined at Member State level ***if there is no difference on liabilities and obligations resulting from the different jurisdictions and the jurisdictions do not utilise or apply different fiscal policies and tax rates.***

Or. en

**Amendment 68**  
**Eleftherios Synadinos**

**Proposal for a directive**

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**Article 1 – paragraph 1 – point 2**

Directive 2013/34/EU

Article 48c – paragraph 5

*Text proposed by the Commission*

5. The report on income tax information shall be published and made accessible on the website in at least one of the official languages of the Union.

*Amendment*

5. The report on income tax information shall be published and made accessible on the website in at least one of the official languages of the ***Member State in which subsidiaries or branches of the undertaking are established or operate for the purposes of this Directive, which is also an official and working language of the*** Union.

Or. en

**Amendment 69**

**Eleftherios Synadinos**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2**

Directive 2013/34/EU

Article 48c – paragraph 6

*Text proposed by the Commission*

6. The currency used in the report on income tax information shall be the currency in which the consolidated financial statements are presented. ***Member States shall not require this report to be published in a different currency than the currency used in the financial statements.***

*Amendment*

6. The currency used in the report on income tax information shall be the currency in which the consolidated financial statements are presented ***or as indicated in the reporting requirements of this Directive.***

Or. en

**Amendment 70**

**Eleftherios Synadinos**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2**

Directive 2013/34/EU

Article 48f

*Text proposed by the Commission*

Member States shall ensure that, where the financial statements of an affiliated undertaking are audited by one or more statutory auditor(s) or audit firm(s) pursuant to Article 34(1), the statutory auditor(s) or audit firm(s) also check whether the report on income tax information has been provided and made accessible in accordance with Articles 48b, 48c and 48d. The statutory auditor(s) or audit firm(s) shall indicate in the audit report if the report on income tax information has not been provided or made accessible in accordance with those Articles.

*Amendment*

Member States shall ensure that, where the financial statements of an affiliated undertaking are audited by one or more statutory auditor(s) or audit firm(s) pursuant to Article 34(1), the statutory auditor(s) or audit firm(s) also check whether the report on income tax information has been provided and made accessible in accordance with Articles 48b, 48c and 48d. The statutory auditor(s) or audit firm(s) shall indicate in the audit report if the report on income tax information has not been provided or made accessible in ***the expected standard and in*** accordance with those Articles.

Or. en

**Amendment 71**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48g – paragraph 1 – point 1

*Text proposed by the Commission*

(1) Transparency and exchange of information, including information exchange ***on request and Automatic Exchange of Information*** of financial account information;

*Amendment*

(1) Transparency and exchange of information, including information exchange ***and provision*** of financial account information ***on request***;

Or. en

**Amendment 72**  
**Eleftherios Synadinos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2013/34/EU  
Article 48g – paragraph 1 – point 2



*Text proposed by the Commission*

(2) Fair tax competition;

*Amendment*

(2) Fair, ***non-aggressive and non-abusive*** tax competition;

Or. en

### **Amendment 73**

**Eleftherios Synadinos**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2**

Directive 2013/34/EU

Article 48i – subparagraph 2

*Text proposed by the Commission*

The report shall be submitted to the European Parliament and to the ***Council*** by [Publications Office- set the date = five years after the transposition date of this Directive].

*Amendment*

The report shall be submitted to the European Parliament, ***to the Council*** and to the ***European Anti-Fraud Office*** by [Publications Office- set the date = five years after the transposition date of this Directive].

Or. en