



2016/0107(COD)

21.3.2017

AMENDMENTS

35 - 272

Draft report
Hugues Bayet, Evelyn Regner
(PE597.646v02-00)

on the proposal for a directive of the European Parliament and of the Council amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches

Proposal for a directive
(COM(2016)0198 – C8-0146/2016 – 2016/0107(COD))

(Joint committee meetings – Rule 55 of the Rules of Procedure)

Amendment 35
Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Draft legislative resolution
Citation 6 a (new)

Draft legislative resolution

Amendment

- *having regard to the OECD Action Plan on Base Erosion and Profit Shifting (BEPS),*

Or. en

Amendment 36
Anneliese Dodds

Draft legislative resolution
Citation 9 a (new)

Draft legislative resolution

Amendment

- *having regard to the report of the Committee on Economic and Monetary Affairs on bringing transparency, coordination and convergence to corporate tax policies in the Union (A8-0349/2015),*

Or. en

Amendment 37
Beatrix von Storch

Draft legislative resolution
Paragraph 1

Draft legislative resolution

Amendment

1. *Adopts its position at first reading hereinafter set out;*

1. *Rejects the Commission's proposal;*

Or. en

Amendment 38
Emmanuel Maurel

Proposal for a directive
Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) Equality of tax treatment for all, and in particular for all undertakings, is the sine qua non for the single market. A coordinated and harmonised approach to the implementation of national tax systems is vital to guarantee the proper functioning of the single market, and would contribute to prevent tax avoidance and profit shifting.

Or. fr

Amendment 39
Miguel Viegas, Jiří Maštálka, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Kostas Chrysogonos, Dimitrios Papadimoulis, Matt Carthy, Miguel Urbán Crespo

Proposal for a directive
Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) Tax avoidance and tax evasion, along with profit-shifting schemes, have deprived governments and populations of the necessary resources to, among other things, guarantee universal free access to public education and health services and state social services, as well as depriving states of the possibility of ensuring a supply of affordable housing and public transport, and of building infrastructure that is essential in order to achieve social development and economic growth. In short, these schemes have been a factor of injustice, inequality and economic, social and territorial divergences.

Or. pt

Amendment 40

Miguel Viegas, Jiří Maštálka, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Kostas Chrysogonos, Dimitrios Papadimoulis, Matt Carthy, Miguel Urbán Crespo

Proposal for a directive

Recital -1 a (new)

Text proposed by the Commission

Amendment

(-1a) A fair and effective corporate tax system should respond to the urgent need for a progressive and fair global tax policy, promote the redistribution of wealth and combat inequalities.

Or. pt

Amendment 41

Cora van Nieuwenhuizen

Proposal for a directive

Recital 1

Text proposed by the Commission

Amendment

(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’¹⁶ and ‘Commission Work Programme 2015 - A New Start’¹⁷ 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

(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’¹⁶ and ‘Commission Work Programme 2015 - A New Start’¹⁷ 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. ***In order to ensure a global level playing field, European 'goldplating' should be avoided.***

for fairness and tax transparency.

The Commission also identified as a priority the need to respond to our societies' call for fairness and tax transparency.

¹⁶ COM(2015) 610 final of 27 October 2015.

¹⁷ COM(2014) 910 final of 16 December 2014.

¹⁶ COM(2015) 610 final of 27 October 2015.

¹⁷ COM(2014) 910 final of 16 December 2014.

Or. en

Amendment 42

Enrique Calvet Chambon, Jean-Marie Cavada, Petr Ježek, Sylvie Goulard

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'¹⁶ and 'Commission Work Programme 2015 - A New Start'¹⁷ 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.

Amendment

(1) ***Transparency is essential for ensuring the well-functioning of the Single Market.*** 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'¹⁶ and 'Commission Work Programme 2015 - A New Start'¹⁷ 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 ***European citizens'*** call for ***transparency and therefore act as a reference model for other countries. It is essential that*** transparency ***take into account reciprocity***

with competitors.

¹⁶ COM(2015) 610 final of 27 October 2015.

¹⁷ COM(2014) 910 final of 16 December 2014.

¹⁶ COM(2015) 610 final of 27 October 2015.

¹⁷ COM(2014) 910 final of 16 December 2014.

Or. en

Amendment 43

Daniel Buda

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’¹⁶ and ‘Commission Work Programme 2015 - A New Start’¹⁷ 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.

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’¹⁶ and ‘Commission Work Programme 2015 - A New Start’¹⁷ 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. ***In this way, by requiring companies to pay tax in the country in which income is generated, public scrutiny can reinforce public trust and strengthen corporate social responsibility, helping to enhance welfare levels.*** The Commission also identified as a priority the need to respond to our societies’ call for fairness and tax transparency ***with a view to establishing an equitable and efficient corporate tax system in the EU.***

¹⁶ COM(2015) 610 final of 27 October 2015.

¹⁷ COM(2014) 910 final of 16 December 2014.

¹⁶ COM(2015) 610 final of 27 October 2015.

¹⁷ COM(2014) 910 final of 16 December 2014.

Or. ro

Amendment 44

Miguel Viegas, Jiří Maštálka, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Kostas Chrysogonos, Dimitrios Papadimoulis, Matt Carthy, Miguel Urbán Crespo

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’¹⁶ and ‘Commission Work Programme 2015 - A New Start’¹⁷ 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.

Amendment

(1) In recent years, ***particularly after the revelations concerning various tax scandals***, corporate income tax avoidance has ***been on the agenda and has sparked strong and justified demands for governments, both nationally and within the framework of international cooperation, to take practical and effective action to put an end to this phenomenon***. 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’¹⁶ and ‘Commission Work Programme 2015 - A New Start’¹⁷ 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. ***Despite all the intentions expressed, however, there is an urgent need for action.***

¹⁶ COM(2015) 610 final of 27 October 2015.

¹⁷ COM(2014) 910 final of 16 December 2014.

¹⁶ COM(2015) 610 final of 27 October 2015.

¹⁷ COM(2014) 910 final of 16 December 2014.

Or. pt

Amendment 45
Beatrix von Storch

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The OECD's inclusive framework brings together over 100 countries and jurisdictions to collaborate on the implementation of the BEPS Package.

Or. en

Amendment 46
Beatrix von Storch

Proposal for a directive
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) The tax provisions in the Treaty on the Functioning of the European Union limit its power in regard to direct taxation, which is neither a matter of harmonisation nor a necessity for the single market.

Or. en

Amendment 47
Daniel Buda

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The European Parliament in its resolution of 16 December 2015 on bringing transparency, coordination and convergence to corporate tax policies in the Union¹⁸ acknowledged that increased transparency in the area of corporate taxation can improve tax collection, make the work of tax authorities more efficient and ensure increased public trust and confidence in tax systems and governments.

¹⁸ 2015/2010(INL).

Amendment

(2) The European Parliament in its resolution of 16 December 2015 on bringing transparency, coordination and convergence to corporate tax policies in the Union¹⁸ acknowledged that increased transparency, ***cooperation and convergence*** in the area of corporate taxation ***policy in the Union*** can improve tax collection, make the work of tax authorities more efficient and ensure increased public trust and confidence in tax systems and governments.

¹⁸ 2015/2010(INL).

Or. ro

Amendment 48
Evelyn Regner, Hugues Bayet, Sergio Gaetano Cofferati

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The European Parliament in its resolution of 16 December 2015 on bringing transparency, coordination and convergence to corporate tax policies in the Union¹⁸ acknowledged that increased transparency in the area of corporate taxation can improve tax collection, make the work of tax authorities more efficient and ensure increased public trust and confidence in tax systems and governments.

¹⁸ 2015/2010(INL)

Amendment

(2) The European Parliament in its resolution of 16 December 2015 on bringing transparency, coordination and convergence to corporate tax policies in the Union¹⁸ acknowledged that increased transparency in the area of corporate taxation can improve tax collection, make the work of tax authorities more efficient, ***support policy-makers in assessing the current taxation system to develop future legislation*** and ensure increased public trust and confidence in tax systems and governments.

¹⁸ 2015/2010(INL)

Amendment 49

Enrique Calvet Chambon, Jean-Marie Cavada, Cora van Nieuwenhuizen, Petr Ježek, Marian Harkin, Sylvie Goulard

Proposal for a directive**Recital 2***Text proposed by the Commission*

(2) The European Parliament in its resolution of 16 December 2015 on bringing transparency, coordination and convergence to corporate tax policies in the Union¹⁸ acknowledged that increased transparency in the area of corporate taxation can improve tax collection, make the work of tax authorities more efficient **and** ensure increased public trust and confidence in tax systems and governments.

¹⁸ 2015/2010(INL)

Amendment

(2) The European Parliament in its resolution of 16 December 2015 on bringing transparency, coordination and convergence to corporate tax policies in the Union¹⁸ acknowledged that increased transparency in the area of corporate taxation can improve tax collection, make the work of tax authorities more efficient, ensure increased public trust and confidence in tax systems and governments **and improve investment decision-making based on more accurate risk profiles of companies.**

¹⁸ 2015/2010(INL)

Amendment 50

Ernest Urtasun, Pascal Durand
on behalf of the Verts/ALE Group

Proposal for a directive**Recital 2 a (new)***Text proposed by the Commission**Amendment*

(2a) Public country-by-country reporting is an efficient and appropriate tool to increase transparency of multinational enterprises activities and to enable the public to assess their impact on the real economy. It will also improve

shareholders' ability to properly evaluate the risks taken by companies, lead to investment strategies based on accurate information and enhance decision-makers' possibility to assess the efficiency and the impact of national legislations.

Or. en

Amendment 51

Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 2 b (new)

Text proposed by the Commission

Amendment

(2b) Country-by-country reporting will also have a positive impact on employees' rights to information and consultation as foreseen in Directive 2002/14/EC and, by increasing knowledge on companies' activities, on the quality of engaged dialogue within companies.

Or. en

Amendment 52

Sander Loones

Proposal for a directive

Recital 4

Text proposed by the Commission

Amendment

(4) Calling for a globally fair and modern international tax system in November 2015, the G20 endorsed the OECD 'Action Plan on Base Erosion and Profit Shifting' (BEPS) which aimed at providing governments with clear international solutions to address the gaps and mismatches in existing rules which allow corporate profits to shift to locations

(4) Calling for a globally fair and modern international tax system in November 2015, the G20 endorsed the OECD 'Action Plan on Base Erosion and Profit Shifting' (BEPS) which aimed at providing governments with clear international solutions to address the gaps and mismatches in existing rules which allow corporate profits to shift to locations

of no or low taxation, where no real value creation may take place. In particular, BEPS Action 13 introduces a country-by-country reporting by certain multinational undertakings to national tax authorities on a confidential basis. On 27 January 2016, the Commission adopted the ‘Anti-Tax Avoidance Package’. One of the objectives of that package is to transpose into Union law, the BEPS Action 13 by amending Council Directive 2011/16/EU²⁰.

of no or low taxation, where no real value creation may take place. In particular, BEPS Action 13 introduces a country-by-country reporting by certain multinational undertakings to national tax authorities on a confidential basis. ***The globally-agreed standard thus rejected public disclosure of this sensitive commercial information that would allow foreign companies to draw conclusions on trade secrets and the potential of market exploitations of their competitors.*** On 27 January 2016, the Commission adopted the ‘Anti-Tax Avoidance Package’, ***going beyond the OECD BEPS framework.*** One of the objectives of that package is to transpose into Union law, the BEPS Action 13 by amending Council Directive 2011/16/EU²⁰.

²⁰ Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64, 11.3.2011, p. 1).

²⁰ Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64, 11.3.2011, p. 1).

Or. en

Amendment 53

Pirkko Ruohonen-Lerner

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) Calling for a globally fair and modern international tax system in November 2015, the G20 endorsed the OECD ‘Action Plan on Base Erosion and Profit Shifting’ (BEPS) which aimed at providing governments with clear international solutions to address the gaps and mismatches in existing rules which allow corporate profits to shift to locations of no or low taxation, where no real value creation may take place. In particular,

Amendment

(4) Calling for a globally fair and modern international tax system in November 2015, the G20 endorsed the OECD 'Action Plan on Base Erosion and Profit Shifting' (BEPS) which aimed at providing governments with clear international solutions to address the gaps and mismatches in existing rules which allow corporate profits to shift to locations of no or low taxation, where no real value creation may take place. ***The BEPS***

BEPS Action 13 introduces a country-by-country reporting by certain multinational undertakings to national tax authorities on a confidential basis. On 27 January 2016, the Commission adopted the 'Anti-Tax Avoidance Package'. One of the objectives of that package is to transpose into Union law, the BEPS Action 13 by amending Council Directive 2011/16/EU²⁰.

initiative fell short of the pledge that the G20 finance ministers issued in St. Petersburg in September 2013 when they stated that "profits should be taxed where economic activities deriving the profits are performed and where value is created." [1] The failure of the BEPS process to meet its original objectives underlines the importance of heightened country-level reporting for all large enterprises. In particular, BEPS Action 13 introduces a country-by-country reporting by certain multinational undertakings to national tax authorities on a confidential basis. On 27 January 2016, the Commission adopted the 'Anti-Tax Avoidance Package'. One of the objectives of that package is to transpose into Union law, the BEPS Action 13 by amending Council Directive 2011/16/EU²⁰. However, taxing profits where the value is created requires a more comprehensive approach to country-by-country reporting that is based on public reporting.

²⁰ Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64, 11.3.2011, p. 1).

²⁰ Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64, 11.3.2011, p. 1).

Or. en

Amendment 54

Tom Vandenkendelaere

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) Calling for a globally fair and modern international tax system in November 2015, the G20 endorsed the OECD 'Action Plan on Base Erosion and Profit Shifting' (BEPS) which aimed at providing governments with clear

Amendment

(4) Calling for a globally fair and modern international tax system in November 2015, the G20 endorsed the OECD 'Action Plan on Base Erosion and Profit Shifting' (BEPS) which aimed at providing governments with clear

international solutions to address the gaps and mismatches in existing rules which allow corporate profits to shift to locations of no or low taxation, where no real value creation may take place. In particular, BEPS Action 13 introduces a country-by-country reporting by certain multinational undertakings to national tax authorities on a confidential basis. ***On 27 January 2016, the Commission adopted the ‘Anti-Tax Avoidance Package’. One of the objectives of that package is to transpose into Union law, the BEPS Action 13 by amending Council Directive 2011/16/EU²⁰.***

²⁰ *Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64, 11.3.2011, p. 1).*

international solutions to address the gaps and mismatches in existing rules which allow corporate profits to shift to locations of no or low taxation, where no real value creation may take place. In particular, BEPS Action 13 introduces a country-by-country reporting by certain multinational undertakings to national tax authorities on a confidential basis. ***This specific BEPS Action was translated into Union law by means of Council Directive (EU) 2016/881.***

²⁰ *Council Directive (EU) 2016/881 of 25 May 2016 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation (OJ L 146, 3.6.2016, p. 8).*

Or. en

Amendment 55

Pervenche Berès, Evelyn Regner, Hugues Bayet

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The International Accounting Standards Board (IASB) should upgrade the relevant International Financial Reporting Standards (IFRS) and the International Accounting Standards (IAS) to ease the introduction of public country-by-country reporting requirements.

Or. en

Amendment 56

Sander Loones

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) *In a globalised world, it is sensible to reach agreements on tackling tax evasion internationally. This should first and foremost be done through the OECD and the G20. A common international tax framework is a more desirable outcome than EU specific measures which may put the European business community at a competitive disadvantage at the time when the Commission is trying to boost investment in the EU through the Capital Markets Union (CMU) and the Fund for Strategic Investments (EFSI).*

Or. en

Amendment 57
Beatrix von Storch

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) *The Union should not unilaterally impose rules that differ from the BEPS Package.*

Or. en

Amendment 58
Markus Ferber

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) *Whereas, when implementing the*

OECD Action Plan to combat Base Erosion and Profit Shifting (BEPS), the European Union should adhere to the thresholds agreed at international level.

Or. de

Amendment 59
Pervenche Berès, Evelyn Regner, Hugues Bayet

Proposal for a directive
Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Public country-by-country reporting has already been established in the European Union for the banking sector by Directive 2013/36/EU as well as for the extractive and logging industry by Directive 2013/34/EU.

Or. en

Amendment 60
Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive
Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) The Union by an unprecedented introduction on public country-by-country reporting has demonstrated that it would become a global leader in the fight against tax avoidance.

Or. en

Amendment 61
Beatrix von Storch

Proposal for a directive
Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) *The Union harms growth, companies, and job creation when it imposes rules earlier than other jurisdictions given the existence of tax competition, which cannot be ignored in a globalised economy.*

Or. en

Amendment 62
Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive
Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) *Whereas effective fight against tax evasion, tax avoidance and aggressive tax planning can only be successful with joint action on international level, the Union, while continuing to be a global leader in this struggle, must coordinate its actions with international actors, for instance in the OECD framework. Unilateral actions, even if very ambitious, do not have real chance of being successful, while at the same time they put at risk the competitiveness of European companies and harm the Union's investment climate.*

Or. en

Amendment 63
Pervenche Berès, Evelyn Regner, Hugues Bayet

Proposal for a directive
Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) *More transparency in financial disclosure results in a win-win situation as tax administrations will be more efficient, civil society more involved, employees better informed, investors less risk-averse and undertakings will benefit from better relations with these stakeholders, resulting in more stability, along with easier access to finance due to a clearer risk profile and an enhanced reputation.*

Or. en

Amendment 64

Pervenche Berès, Evelyn Regner, Hugues Bayet

Proposal for a directive

Recital 4 d (new)

Text proposed by the Commission

Amendment

(4d) *Public disclosure will increase the coherence of the EU development policy by helping third countries' tax administrations suffering from technical or financial weakness and difficulties to ensure an appropriate monitoring of the EU funding they receive.*

Or. en

Amendment 65

Sander Loones

Proposal for a directive

Recital 5

Text proposed by the Commission

Amendment

(5) Enhanced public scrutiny of corporate income taxes borne by

(5) Enhanced public scrutiny of corporate income taxes borne by

multinational undertakings carrying out activities in the Union *is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.*

multinational undertakings carrying out activities in the Union *does not directly contribute to efforts to combat tax avoidance or tax fraud but might lead to a better informed public debate on corporate taxation. The obligation to disclose potential sensitive commercial information and the increased, disproportionate compliance costs to companies can, however, distort competition and damage the attractiveness of the EU as an investment destination.*

Or. en

Amendment 66

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

Amendment

(5) Enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established. *This, however, has to be conducted without harming the investment climate in the EU as well as the competitiveness of companies, especially European SMEs and mid-caps.*

Or. en

Amendment 67

Miguel Viegas, Jiří Maštálka, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Matt Carthy, Miguel Urbán Crespo

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to ***further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the national tax systems.*** Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

Amendment

(5) ***Tax policy plays a central role in the redistribution of wealth.*** Enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the ***European Union Member States*** is an essential element to ***put pressure on those undertakings not to evade their obligations to society in the field of taxation.*** Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

Or. pt

Amendment 68

Daniel Buda

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the

Amendment

(5) Enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the

national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established. ***At the same time, such reporting strengthens dialogue and promotes mutual trust within undertakings since it can provide objective and reliable data about the companies' situation, raising in this way awareness in all stakeholders, including employees, of adaptation needs. It may also contribute to employee involvement in the operation and in the future of the undertaking and increase its competitiveness.***

Or. ro

Amendment 69
Marco Zanni

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

Amendment

(5) ***The tax avoidance and tax evasion practices pursued by multinationals at the expense of the Member States generate major imbalances in the internal market and distortions in competition that are detrimental to undertakings, and especially small and medium-sized enterprises, that pay their fair share of tax, and to consumers. It follows that enhanced and coordinated public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the national tax systems. Such public scrutiny***

can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

Or. it

Amendment 70

Pirkko Ruohonen-Lerner

on behalf of the ECR Group

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to ***promote fairer tax competition*** within the Union through a better informed public debate and to restore public trust in the fairness of the national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

Amendment

(5) Enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to ***promote corporate accountability***, further foster corporate responsibility, to contribute to the welfare through taxes, to ***prevent exploitation of the loopholes in tax systems*** within the Union through a better informed public debate and to restore public trust in the fairness of the national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

Or. en

Justification

1) Transparency is more an accountability issue than a responsibility issue. 2) There is no such thing as "fair tax competition" any more than there is for example "fair environmental regulation competition" or "fair trade competition". So-called tax competition almost always aims at attracting disproportionate flows of money to certain jurisdictions.

Amendment 71
Tom Vandenkendelaere

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

Amendment

(5) ***In addition to the increased transparency created by country-by-country reporting to national tax authorities,*** enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

Or. en

Amendment 72
Pervenche Berès, Evelyn Regner, Hugues Bayet

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the

Amendment

(5) Enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate ***social*** responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the

national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

Or. en

Amendment 73

Enrique Calvet Chambon, Jean-Marie Cavada, Cora van Nieuwenhuizen, Petr Ježek, Marian Harkin, Sylvie Goulard

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Enhanced public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

Amendment

(5) Enhanced ***transparency and*** public scrutiny of corporate income taxes borne by multinational undertakings carrying out activities in the Union is an essential element to further foster corporate responsibility, to contribute to the welfare through taxes, to promote fairer tax competition within the Union through a better informed public debate and to restore public trust in the fairness of the national tax systems. Such public scrutiny can be achieved by means of a report on income tax information, irrespective of where the ultimate parent undertaking of the multinational group is established.

Or. en

Amendment 74

Pervenche Berès, Evelyn Regner, Hugues Bayet

Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The European Commission has defined corporate social responsibility

(CSR) as the responsibility of enterprises for their impact on society. CSR should be company led. Public authorities can play a supporting role through a smart mix of voluntary policy measures and, where necessary, complementary regulation. Companies can become socially responsible either by following the law or by integrating social, environmental, ethical, consumer or human rights concerns into their business strategy and operations, or both.

Or. en

Amendment 75

Evelyn Regner, Hugues Bayet, Sergio Gaetano Cofferati

Proposal for a directive

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) The public information provided under Article 48f is an important tool to enhance workers' rights to information and consultation. As stressed by Directive 2002/14/EC of the European Parliament and the Council, public corporate reporting strengthens dialogue and promotes mutual trust within undertakings in order to make employees aware of adaptation needs and promotes employee involvement in the operation and future of the undertaking leading to an increase of competitiveness. Public information on the recent and probable development of the undertaking's or the establishment's activities and economic situation is essential to engage in an informed dialogue within a company.

Or. en

Amendment 76
Sajjad Karim

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 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 ***to the extent that the requested information is available to the subsidiary or branch. If the subsidiary or branch does not have all the requested information it should request its ultimate parent undertaking to provide it with all the information required to enable it to meet its obligation. If the information is not provided, the subsidiary or branch should publish and make accessible a report on itself and the undertakings and branches it controls containing all information in its possession, obtained or acquired, and identify whether information on the ultimate parent undertaking is provided.*** 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.

Or. en

Amendment 77

Evelyn Regner, Hugues Bayet, Sergio Gaetano Cofferati

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 jurisdictions where the multinational undertaking have operations, the EU 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 EU development policy.*

Or. en

Amendment 78

Miguel Viegas, Jiří Maštálka, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Kostas Chrysogonos, Matt Carthy, Miguel Urbán Crespo

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

Amendment

(6) The public should be able to scrutinise all the activities of a group when the group has certain establishments within *European Union Member States*. For groups which carry out activities within

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.

European Union Member States only through subsidiary undertakings or branches, subsidiaries and branches should *also* publish and make accessible *a* report. The obligation to publish and make accessible the report *applies to all* subsidiaries established in *European Union Member States*, or *all* branches 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 *European Union and which has a consolidated net turnover exceeding EUR 40 million*.

Or. pt

Amendment 79

Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

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

Amendment

(6) The public should be able to scrutinise all the activities of a group when the group has certain establishments within the Union. ***Groups with establishments within the Union should support the European Union principles of tax good governance.*** 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

established outside the Union.

accordingly to branches opened in a Member State by an undertaking which is established outside the Union.

Or. en

Amendment 80

Pascal Durand, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a directive **Recital 6 a (new)**

Text proposed by the Commission

Amendment

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

Or. en

Amendment 81

Ernest Urtasun, Pascal Durand
on behalf of the Verts/ALE Group

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 Council²¹ and which include in their report prepared in accordance with Article 89 of Directive 2013/36/EU all its

(7) Ultimate parent undertakings which are subject to Directive 2013/36/EU of the European Parliament and of the Council²¹ 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

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 Council²², ***should be exempted from the reporting requirements set out in this Directive.***

²¹ 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).

²² 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).

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 Council²², ***should comply with reporting obligations set out in Directive 2013/34/EU as amended if the list of information to be disclosed is more comprehensive than that provided for in Article 89 of Directive 2013/36/EU.***

²¹ 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).

²² 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 82

Daniel Buda

Proposal for a directive

Recital 7

Text proposed by the Commission

(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 Council²¹ 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

Amendment

(7) In order to avoid double reporting for the banking sector, ***an exemption clause is introduced to the effect that*** ultimate parent undertakings which are subject to Directive 2013/36/EU of the European Parliament and of the Council and which include in their report prepared in accordance with Article 89 of Directive 2013/36/EU all its activities and all 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 Council²², should be exempted from the reporting requirements set out in this Directive.

²¹ 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).

²² 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).

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, should be exempted from the reporting requirements set out in this Directive.

²¹ 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).

²² 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. ro

Amendment 83 **Barbara Kappel**

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

Amendment

deleted

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

Or. de

Justification

This relates to Action 13 of the BEPS Action Plan, but public country-by-country reporting (PCBCR) goes beyond the OECD recommendations. The OECD never envisaged publication; on the contrary, it refers to confidential treatment of data between financial management administrations.

Amendment 84

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

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

Amendment

(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 **connected to but not exceed** the reporting specifications of BEPS’ Action 13 - **which relates to the information exchanged between tax authorities** - and should be **exclusively** limited to what is necessary to enable effective public scrutiny, in order to ensure

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

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

Or. en

Amendment 85 **Danuta Maria Hübner**

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

Amendment

(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, ***in particular to the competitive position of Union undertakings vis-à-vis those undertakings established in other jurisdictions***. 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

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

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

Or. en

Amendment 86
Tom Vandenkendelaere

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

Amendment

(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 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 ***in terms of competitiveness or misinterpretation for the undertakings concerned***. 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 and the amounts of taxes paid, taking into account corresponding amounts concerning previous financial years.

Or. en

Amendment 87

Marco Zanni

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

Amendment

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

Or. it

Amendment 88

Emmanuel Maurel

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) The report on income tax

Amendment

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

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 *take into account* the reporting specifications of BEPS' Action 13. 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 and the amounts of taxes paid, taking into account corresponding amounts concerning previous financial years.

Or. fr

Amendment 89

Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

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

Amendment

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

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, **including** in case of material discrepancies at group level between the amounts of taxes accrued and the amounts of taxes paid, taking into account corresponding amounts concerning previous financial years.

Or. en

Amendment 90
Pascal Durand, Ernest Urtasun
on behalf of the Verts/ALE Group

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 the contribution of multinational undertakings to welfare in each Member State, the information should be broken down by **jurisdiction. Report on income tax information can only be meaningfully understood and used with disaggregated information for each jurisdiction.**

Or. en

Amendment 91
Laura Ferrara, Marco Valli

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 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.

Or. it

Amendment 92
Jonás Fernández, Ramón Jáuregui Atondo

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 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.

Or. es

Amendment 93

Marco Zanni

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 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 *also*, the information should be given in *detailed and granular figures*.

Or. it

Amendment 94

Enrique Calvet Chambon, Jean-Marie Cavada, Cora van Nieuwenhuizen, Lieve Wierinck, Sylvie Goulard

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 the contribution of multinational undertakings to welfare in each Member State, *only key information, which does not act as an obstacle towards the undertaking's competitiveness*, 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 *in order to ensure the proportionality of this proposal and its reasonable feasibility.*

Or. en

Amendment 95

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

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 the contribution of multinational undertakings to welfare in each Member State, ***without harming the companies' competitiveness,*** 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.

Or. en

Amendment 96

Marco Zanni

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) It is desirable that the Member States ask their competent authorities to allocate further human resources from among their existing staff to gather and analyse such information.

Amendment 97**Sajjad Karim****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 *or non-affiliated undertaking* which *are* established within the Union and which *have* 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 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 *ability to obtain such information from their ultimate parent undertaking or non-affiliated* undertaking, their responsibility to publish and make accessible the report on income tax information should be limited.

Or. en

Amendment 98**Pascal Durand, Ernest Urtasun**
on behalf of the Verts/ALE Group**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 responsible for ensuring the compliance with these reporting obligations. 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, **but it is essential that they ensure they implement all necessary actions** to publish and make accessible the report on income tax information.

Or. en

Amendment 99

Enrique Calvet Chambon, Jean-Marie Cavada, Cora van Nieuwenhuizen, Petr Ježek, Marian Harkin, Sylvie Goulard

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 check whether the report on income tax information has been submitted and presented in accordance with the requirements of this Directive and made

Amendment

(11) To ensure that 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.

accessible on the relevant undertaking's website or on the website of an affiliated undertaking. ***Cases of infringements by undertakings and branches to the reporting on income tax information, giving rise to penalties by Member States, in conformity with Article 51 of Directive 2013/34/EU, should be reported in a public registry managed by the European Commission.***

Or. en

Amendment 100
Sajjad Karim

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*** 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.

Amendment

(11) To ensure that cases of non-compliance are disclosed to the public, ***Member States may use a*** statutory auditor(s) or audit firm(s) ***to*** 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.

Or. en

Amendment 101
Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

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 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.

state 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 ***within the time limits provided for in this Directive.***

Or. en

Amendment 102

Ernest Urtasun, Pascal Durand

on behalf of the Verts/ALE Group

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 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.

Amendment

(11) To ensure that 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, made accessible on the relevant undertaking's website or on the website of an affiliated ***undertaking and that publicly-disclosed information is in line with the audited financial information by the*** undertaking.

Or. en

Amendment 103

Pervenche Berès, Evelyn Regner, Hugues Bayet

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Trade unions and employees of multinational undertakings should be

regularly and duly informed of the situation of the undertaking, including the number of employees employed on a full-time equivalent basis, the amount of profit made and of income tax paid, and the objectives and future investment plan of the undertaking. This should be in addition to the requirements set out in Directive 2002/14/EC.

Or. en

Amendment 104

Pascal Durand, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a directive

Recital 13

Text proposed by the Commission

Amendment

(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

deleted

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.

Or. en

Amendment 105

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

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

Amendment

(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 ***creating*** 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

Commission expert groups dealing with the preparation of delegated acts.

preparation of delegated acts. *That list should later be updated on a regular basis, while basing it on criteria that have been previously approved.*

Or. en

Amendment 106
Daniel Buda

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 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. ***The EU action is thus justified in order to address the cross-border dimension where there is aggressive tax planning or transfer pricing arrangements. This initiative responds to the concerns expressed by interested parties about the distortions in the single market without compromising EU competitiveness. It should not cause undue administrative burden on companies, generate further tax conflicts or pose the risk of double taxation.*** 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 ***at least with regard to greater transparency.***

Or. ro

Amendment 107
Daniel Buda

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.

Amendment

(15) ***Overall, within the framework of this Directive, the extent of the information is proportionate to the objectives of increasing public transparency and public scrutiny. This Directive is therefore considered to respect*** the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.

Or. ro

Amendment 108
Daniel Buda

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents²⁴, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.

Amendment

(16) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents²⁴, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments, ***for example in the form of a comparative chart***. With regard to this Directive, the legislator considers the transmission of such documents to be justified ***to achieve the objective of this proposal and avoid potential omissions and inconsistencies regarding implementation by the Member States under their national legislation***.

Or. ro

Amendment 109
Beatrix von Storch

Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2013/34/EU
Article 1 – paragraph 1 a

Text proposed by the Commission

Amendment

(1) in Article 1, the following paragraph 1a is inserted:

deleted

‘1a. The coordination measures prescribed by Articles 2, 48a to 48g and 51 shall also apply to the laws, regulations and administrative provisions of the Member States relating to branches opened in a Member State by an undertaking which is not governed by the law of a Member State but which is of a legal form comparable with the types of undertakings listed in Annex I;’

Or. en

Amendment 110
Markus Ferber

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 a – paragraph 1 – point 1

Text proposed by the Commission

Amendment

1. ‘ultimate parent undertaking’ means **an** undertaking which draws up the consolidated financial statements of the largest body of undertakings;

1. ‘ultimate parent undertaking’ means **a listed** undertaking which draws up the consolidated financial statements of the largest body of undertakings;

Amendment 111
Beatrix von Storch

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 **750 000 000 000** as well as undertakings governed by their national laws that are not affiliated undertakings and having a net turnover exceeding EUR **750 000 000 000** to draw up and publish a report on income tax information on ***a decennial*** basis.

Or. en

Amendment 112
Laura Ferrara, Marco Valli

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 ***the*** ultimate parent undertakings ***of large groups*** governed by their national laws and ***exceeding, on a consolidated annual basis, the thresholds in at least two of the three following categories: (a) balance sheet total: EUR 20 000 000; (b) net turnover: EUR 40 000 000; (c) average number of employees during the financial year: 250,*** as well as ***large*** undertakings

governed by their national laws that are not affiliated undertakings and **which, on their balance sheet dates exceed at least two of the three following thresholds: (a) balance sheet total: EUR 20 000 000; (b) net turnover: EUR 40 000 000; (c) average number of employees during the financial year: 250**, to draw up and publish a report on income tax information on an annual basis.

Or. it

Amendment 113

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 750 000 000 as well as undertakings governed by their national laws that are not affiliated undertakings and having a net turnover exceeding EUR **40 000 000** to draw up and publish a report on income tax information on an annual basis. ***That report shall be recorded in a public register, which presents the information in a standardised form.***

Or. es

Amendment 114

Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 2

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 **40 000 000** as well as undertakings governed by their national laws that are not affiliated undertakings and having a net turnover exceeding EUR **40 000 000** to draw up and publish a report on income tax information on an annual basis.

Or. it

Amendment 115
Tom Vandenkendelaere

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 750 000 000 as ***reported in their consolidated financial statements for that financial year, as*** well as undertakings governed by their national laws that are not affiliated undertakings and having a net turnover exceeding EUR 750 000 000 ***as reported in their annual financial statements for that financial year,*** to draw up and publish a report on income tax information on an annual basis.

Or. en

Amendment 116
Sander Loones

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 750 000 000 as *reflected in their consolidated financial statements as* well as undertakings governed by their national laws that are not affiliated undertakings and having a net turnover exceeding EUR 750 000 000 *as reflected in their consolidated financial statements* to draw up and publish a report on income tax information *as regards the last financial year*.

Or. en

Justification

The compliance cost is lower when the reporting obligation regards the last financial year and not the last calendar year.

Amendment 117
Daniel Buda

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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

Amendment

Member States shall require ultimate parent undertakings governed by their national laws and having a consolidated *worldwide* net turnover exceeding EUR 750 000 000 as well as undertakings

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.

governed by their national laws that are not affiliated undertakings and having a **worldwide** net turnover exceeding EUR 750 000 000 to draw up and publish a report on income tax information on an annual basis **in accordance with the scope of global OECD initiatives on tax transparency**.

Or. ro

Justification

This proposal focuses on corporate groups with a worldwide consolidated net turnover of more than EUR 750 million, in line with the scope of global OECD initiatives on tax transparency.

Amendment 118

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 **which on their balance sheet in a financial year have or exceed** a consolidated net turnover **of** 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, **publish and make accessible for free** a report on income tax information.

Or. en

Amendment 119

Sajjad Karim

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 750 000 000 (***or equivalent in domestic currency***), 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.

Or. en

Justification

The threshold as proposed by the Commission reflects international BEPS requirements. It is necessary to reflect in the text that EUR may not always be the relevant currency.

Amendment 120

Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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

In line with the turnover thresholds agreed at OECD level, 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.

Or. de

Amendment 121

Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 *large groups or* undertakings *as defined in Article 3 of this Directive, including ultimate parent undertakings governed by their national laws and* undertakings 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.

Or. en

Amendment 122

Barbara Kappel

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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

deleted

Or. de

Justification

A public register should be rejected for several reasons, including competitive disadvantage, tax confidentiality, potential for misinterpretation, etc.

Amendment 123
Beatrix von Storch

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

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.

deleted

Or. en

Amendment 124

Miguel Viegas, Jiří Maštálka, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Dimitrios Papadimoulis, Matt Carthy, Miguel Urbán Crespo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

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.

The report on income tax information shall be ***published, by six months after the closure of accounts for the tax year in question, 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 EU. On the same date, the undertaking shall also file it in a public online registry; that registry shall be managed by the tax authority of the***

Member State applying the rules laid down in the first subparagraph of this paragraph.

Or. pt

Amendment 125

Enrique Calvet Chambon, Jean-Marie Cavada, Petr Ježek, Marian Harkin, Sylvie Goulard

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 same date, the undertaking shall also file the report in a public registry managed by the European Commission.***

Or. en

Amendment 126

Laura Ferrara, Marco Valli

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 ***on a harmonised standard form which must be publicly available*** on the website of the undertaking on the date of its publication ***and translated into one***

of the working languages of the *European* Union.

Or. it

Amendment 127

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 *for free in a common template* on the website of the undertaking on the date of its publication *in at least one of the official languages of the European Union*.

Or. en

Amendment 128

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States shall not apply the rules set out in this paragraph to non-affiliated undertakings, ultimate parent undertakings and their affiliated undertakings where such undertakings operate only within the territory of one single Member State and in no other tax jurisdiction.

Or. en

Amendment 129

Sander Loones

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States shall not apply the rules set out in this paragraph where such undertakings operate only within the territory of one single Member State and in no other tax jurisdiction.

Or. en

Amendment 130

Gunnar Hökmark

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall not apply the rules set out in paragraph 1 to non-affiliated undertakings, ultimate parent undertakings and their affiliated undertakings where such undertakings operate only within the territory of one single Member State and in no other tax jurisdiction.

Or. en

Amendment 131

Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 b – paragraph 2

Text proposed by the Commission

2. Member States shall **not** apply the rules **set out in paragraph 1 of this Article to ultimate parent undertakings where such** undertakings or their affiliated undertakings **are** subject to Article 89 of Directive 2013/36/EU **of the European Parliament and of the Council* and encompass, in a country-by-country report, information on all the activities of all the affiliated undertakings included in the consolidated financial statement of those ultimate parent undertakings.**

Amendment

2. Member States shall apply the rules **for public disclosure of information set out in this Directive to ultimate parent** undertakings or their affiliated undertakings subject to Article 89 of Directive 2013/36/EU **if the list of information to be disclosed set out in this Directive is more comprehensive. In that case, the Commission shall submit a proposal for a legislative act to amend Article 89 of Directive 2013/36/EU in order to align the reporting obligations provided for in that Directive with those set out in this Directive.**

Or. en

Amendment 132
Barbara Kappel

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 b – paragraph 3 – subparagraph 1

Text proposed by the Commission

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.

Amendment

deleted

Or. de

Justification

This relates to Action 13 of the BEPS Action Plan, but public country-by-country reporting (PCBCR) goes beyond the OECD recommendations. The OECD never envisaged publication; on the contrary, it refers to confidential treatment of data between financial management administrations. A public register should be rejected for several reasons, including competitive disadvantage, tax confidentiality, potential for misinterpretation, etc.

Amendment 133 **Beatrix von Storch**

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 3 – subparagraph 1

Text proposed by the Commission

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.

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 **750 000 000 000** 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 ***a decennial*** basis.

Or. en

Amendment 134 **Laura Ferrara, Marco Valli**

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall require the medium-sized and large subsidiary undertakings referred to in Article 3(3) and (4) which are

Amendment

Member States shall require the ultimate parent undertakings referred to in Article 3(3) and (4) which are governed by their

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.

national laws and controlled by an ultimate parent undertaking *which exceeds, on a consolidated annual basis, the thresholds in at least two of the three following categories:*

(a) balance sheet total: EUR 20 000 000;

(b) net turnover: EUR 40 000 000;

(c) average number of employees during the financial year: 250, 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. it

Amendment 135

Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 3 – subparagraph 1

Text proposed by the Commission

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.

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 **40 000 000** 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 136

Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 3 – subparagraph 1

Text proposed by the Commission

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.

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 **40 000 000** 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. it

Amendment 137

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 3 – subparagraph 1

Text proposed by the Commission

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*.

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 *on their balance sheet in a financial year has or exceeds* a consolidated net turnover *of* EUR 750 000 000 and which is not governed by the law of a Member State, to publish *and make accessible for free a* report on income tax information of that ultimate parent undertaking *to the extent that the*

information is available to the subsidiary undertaking.

If the information is not available, the subsidiary shall request it from the parent company. If the requested information is not provided to the subsidiary undertaking, it shall prove to the Member State that it has taken steps to receive the information and that it was refused the information. In the event that the information is not provided, the report shall contain an explanation as to why this is the case. In the event that the subsidiary undertaking exceeds the threshold set out in paragraph 1, it shall publish its own report on income tax information.

Or. en

Amendment 138
Sajjad Karim

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 3 – subparagraph 1

Text proposed by the Commission

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**.

Amendment

Member states shall require the medium-sized and large subsidiary undertakings referred to in Article 3(3) and (4) **that** are governed by their national laws and controlled by an ultimate parent undertaking which has a consolidated net turnover exceeding EUR 750 000 000 (**or equivalent in domestic currency**), and which is not governed by the law of a Member State, to publish **a** report on income tax information of that ultimate parent undertaking **as regards the next financial year, to the extent the information is available to the subsidiary undertaking. When the information is not available, the subsidiary undertaking**

shall request its ultimate parent undertaking not governed by the law of a Member State to provide it with all the information required to enable it to meet its obligation. If despite that the information is not provided, the subsidiary shall publish a report on itself and the undertakings and branches it controls. The report shall identify whether income tax information on the ultimate parent undertaking is provided.

Or. en

Justification

The threshold as proposed by the Commission reflects international BEPS requirements. It is necessary to reflect in the text that EUR may not always be the relevant currency

Amendment 139 **Sander Loones**

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 3 – subparagraph 1

Text proposed by the Commission

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*.

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 *of the last financial year to the extent that the information is available to the subsidiary undertaking*.

Or. en

Justification

The EU does not have extraterritorial competence.

Amendment 140

Daniel Buda

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 3 – subparagraph 1

Text proposed by the Commission

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.

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 **worldwide** 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.

Or. ro

Justification

It is necessary to mention worldwide net turnover since, for the first time, not only European businesses but also non-European multinational companies doing business in Europe will have the same reporting obligations.

Amendment 141

Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 3 – subparagraph 1

Text proposed by the Commission

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.

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 on an annual basis.

Or. de

Amendment 142
Beatrix von Storch

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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

deleted

Or. en

Amendment 143

Enrique Calvet Chambon, Jean-Marie Cavada, Petr Ježek, Marian Harkin, Sylvie Goulard

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 ***published in a common template available in an open data format and*** 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 ***in at least one of the official languages of the Union. On the same date, the undertaking shall also file the report in a public registry managed by the European Commission.***

Or. en

Amendment 144

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 ***for free and in a common template*** on the date of its publication on the website of the subsidiary undertaking or on the website of an affiliated undertaking ***in at least one of the official languages of the European Union.***

Or. en

Amendment 145

Miguel Viegas, Jiří Maštálka, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Dimitrios Papadimoulis, Matt Carthy, Miguel Urbán Crespo

Proposal for a directive

Article 1 – paragraph 1 – point 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 ***published, by six months after the closure of accounts for the tax year in question, in a common template available in an open data format and*** 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 ***in at least one of the official languages of the EU. On the same date, the undertaking shall also file that report in a public online registry; that registry shall be managed by the tax authority of the Member State applying the rules laid down in the first subparagraph of this paragraph.***

Or. pt

Amendment 146
Sajjad Karim

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 information of the ultimate parent undertaking referred to in point (a) of paragraph 5 of this Article.

Amendment

Member States shall require branches opened in their territories by an undertaking which is not governed by the law of a Member State to publish on an annual basis ***a*** report on income tax information of the ultimate parent undertaking ***or the non-affiliated undertaking*** referred to in point (a) of paragraph 5 of this Article ***as regards the next financial year, if the information is available to the person(s) designated to carry out the disclosure formalities referred to in Article 48e(2). When the***

information is not available, such person(s) shall request the ultimate parent undertaking not governed by the law of a Member State or the non-affiliated undertaking referred to in point (a) of paragraph 5 of this Article to provide all information required to meet their obligations. If despite that the information is not provided, the report shall contain information on the undertaking that has the branch and the undertakings and branches it controls. The report shall identify whether income tax information on the ultimate parent undertaking or the non-affiliated undertaking is provided.

Or. en

Justification

In general in common law jurisdictions, national authorities are unable to effectively enforce any requirement for an entity of a multinational group to report on information that is not within its power and possession. This means that there are limitations on the extent to which entities of foreign headquartered MNEs that operate in the EU can be required to report on information concerning the whole multinational group. If the ultimate parent undertaking refuses to provide the information requested, the amendments allow the subsidiary or the undertaking with an EU branch (on which the reporting obligation falls on because it is the same entity as the branch) to only publish information in their possession. This means they are only required to publish a report on the undertakings and branches they control.

Amendment 147 **Sander Loones**

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 information of the ultimate parent

Amendment

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 information of the ultimate parent

undertaking referred to in point (a) of paragraph 5 of this Article.

undertaking referred to in point (a) of paragraph 5 of this Article *to the extent that the information is available.*

Or. en

Amendment 148

Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34 EU

Chapter 10 a – Article 48 b – 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 information *of the ultimate parent undertaking* referred to in point (a) of paragraph 5 of this Article.

Amendment

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 information referred to in point (a) of paragraph 5 of this Article.

Or. de

Amendment 149

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 information of the ultimate parent undertaking referred to in point (a) of *paragraph 5 of this Article.*

Amendment

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 *and make accessible for free* on an annual basis the report on income tax information of the ultimate parent undertaking referred to in point (a) of *this paragraph.*

Amendment 150

Enrique Calvet Chambon, Jean-Marie Cavada, Petr Ježek, Marian Harkin, Sylvie Goulard

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 ***published in a common template available in an open data format and*** 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 ***in at least one of the official languages of the Union. On the same date, the undertaking shall also file the report in a public registry managed by the European Commission.***

Amendment 151

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 ***for free and in a common template*** on the date of its publication on the website of the branch or on the website of an affiliated undertaking ***in at least one of the official languages of the European Union.***

Amendment 152

Miguel Viegas, Jiří Maštálka, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Dimitrios Papadimoulis, Matt Carthy, Miguel Urbán Crespo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 ***published, by six months after the closure of accounts for the tax year in question, in a common template available in an open data format and*** 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. ***On the same date, the undertaking shall also file the report in a public registry managed by the tax authority of the Member State applying the rules laid down in the first subparagraph of this paragraph.***

Or. pt

Amendment 153

Barbara Kappel

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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

Amendment

deleted

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;

Or. de

Justification

This concerns Action 13 of BEPS, but public country-by-country reporting (PCBCR) goes beyond the OECD recommendations. The OECD never envisaged publication; on the contrary, it refers to confidential treatment of data between financial management administrations. A public register should be rejected for several reasons, including competitive disadvantage, tax confidentiality, potential for misinterpretation, etc.

Amendment 154
Beatrix von Storch

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 b – 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 **750 000 000 000** or an undertaking that is not an affiliated and which has a net turnover exceeding EUR **750 000 000 000**;

Or. en

Amendment 155
Laura Ferrara, Marco Valli

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 b – 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 *exceeds, on a consolidated annual basis, the thresholds in at least two of the three following categories: (a) balance sheet total: EUR 20 000 000; (b) net turnover: EUR 40 000 000; (c) average number of employees during the financial year: 250*; or is an undertaking that is not an affiliated *one* and which, *on a consolidated annual basis, the thresholds in at least two of the three following categories: (a) balance sheet total: EUR 20 000 000; (b) net turnover: EUR 40 000 000; (c) average number of employees during the financial year: 250*

Or. it

Amendment 156

Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 **40 000 000** or an undertaking that is not an affiliated and which has a net turnover exceeding EUR **40 000 000**;

Or. en

Amendment 157

Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 **40 000 000** or an undertaking that is not an affiliated and which has a net turnover exceeding EUR **40 000 000**;

Or. it

Amendment 158

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 ***on its balance sheets*** has a consolidated net turnover exceeding EUR 750 000 000 ***in a financial year*** or an undertaking that is not an affiliated and which has a net turnover exceeding EUR 750 000 000 ***in a financial year***;

Or. en

Amendment 159

Sajjad Karim

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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 750 000 000 or an undertaking that is not an affiliated and which has a net turnover exceeding EUR 750 000 000 (*or equivalent in domestic currency*);

Or. en

Justification

The threshold as proposed by the Commission reflects international BEPS requirements. It is necessary to reflect in the text that EUR may not always be the relevant currency.

Amendment 160

Daniel Buda

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – 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

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 **worldwide** net turnover exceeding EUR 750 000 000 or an

an affiliated and which has a net turnover exceeding EUR 750 000 000;

undertaking that is not an affiliated and which has a net turnover exceeding EUR 750 000 000;

Or. ro

Justification

It is necessary to mention worldwide net turnover since, for the first time, not only European businesses but also non-European multinational companies doing business in Europe will have the same reporting obligations.

Amendment 161

Pascal Durand, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 5 – point b

Text proposed by the Commission

(b) the ultimate parent undertaking referred to in point (a) does not have a medium-sized or large subsidiary undertaking as referred to in paragraph 3.

Amendment

(b) the ultimate parent undertaking referred to in point (a) does not have a medium-sized or large subsidiary undertaking as referred to in paragraph 3 ***already subject to the reporting obligations.***

Or. en

Amendment 162

Ernest Urtasun, Pascal Durand
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 b – paragraph 6

Text proposed by the Commission

6. Member States ***shall*** not apply the

Amendment

6. Member States ***may choose*** not to

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).

apply the rules set out in paragraphs 3 and 4 of this Article *when reporting standards that correspond to the requirements laid down in Article 48b, 48c, 48d, 48e and 48f apply to an* ultimate parent undertaking not governed by the law of a Member States, *leading to a report on income tax information being made accessible to the public on the website of the ultimate parent undertaking within maximum* 12 months after the balance sheet date and *containing* 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). *In such a case, the European Commission shall first assess whether the non-European reporting obligations match the information required under this Directive before granting the Member States the possibility not to apply the rules set out in paragraphs 3 and 4. Such assessment shall be made public by the European Commission.*

Or. en

Amendment 163 Sajjad Karim

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 b – 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

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 *is* drawn up in a manner that is *consistent* with Article 48c *and:*

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)*.

- a.* is made accessible:
- (i)* to the public on the website of the ultimate parent undertaking *or the non-affiliated undertaking* not governed by the law of a Member State, *or an affiliated undertaking of the group controlled by the ultimate parent undertaking*;
 - (ii)* *in at least one of the official languages of the Union*;
 - (iii)* *within* 12 months after the balance sheet date *of the financial year for which the report is drawn up*; and
- b.* the name and registered office of the single subsidiary undertaking or the *name and the address of the* single branch governed by the law of a Member State which has *made accessible* the report *is identified and named*.

Or. en

Justification

To clarify that only one entity in the group is required to draw up and make accessible the report.

Amendment 164
Beatrix von Storch

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 b – paragraph 7

Text proposed by the Commission

Amendment

7. Member State shall require subsidiaries or branches not subject to the

deleted

provisions of paragraphs 3 and 4 to publish and make accessible the 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 165
Gunnar Hökmark

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 1

Text proposed by the Commission

1. The report on income tax information shall include information relating to all the activities of the undertaking and the ultimate parent undertaking, including activities of all affiliated undertakings consolidated in the financial statement in respect of the relevant financial year.

Amendment

1. The report on income tax information shall include **material** information relating to all the activities of the undertaking and the ultimate parent undertaking, including activities of all affiliated undertakings consolidated in the financial statement in respect of the relevant financial year.

Or. en

Amendment 166
Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 2 – introductory part

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 **be presented in a common EU template and** shall comprise the following:

Amendment 167

Tom Vandenkendelaere

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point -a (new)

Text proposed by the Commission

Amendment

(-a) *the name of the undertaking;*

Or. en

Amendment 168

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point -a (new)

Text proposed by the Commission

Amendment

(-a) *list of subsidiaries*

Or. es

Amendment 169

Miguel Viegas, Jiří Maštálka, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Kostas Chrysogonos, Dimitrios Papadimoulis, Matt Carthy, Miguel Urbán Crespo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point a

Text proposed by the Commission

Amendment

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

the activities;

activities *carried out by each entity, together with a breakdown of the respective areas of business, functions and geographical location;*

Or. pt

Amendment 170

Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point a

Text proposed by the Commission

Amendment

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

(a) *a list of the names of undertakings and a brief description of the nature of the activities as well as their country of tax registration;*

Or. en

Amendment 171

Enrique Calvet Chambon, Jean-Marie Cavada, Petr Ježek, Marian Harkin

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point a

Text proposed by the Commission

Amendment

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

(a) *names of undertakings, a brief description of the nature of the activities and geographical location;*

Or. en

Amendment 172

Daniel Buda

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point a

Text proposed by the Commission

Amendment

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

(a) ***Designation/designations and*** a brief description of the nature of the activities;

Or. ro

Justification

A description of the nature of the activities should be preceded by their designation.

Amendment 173

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) ***list of all the jurisdictions in which the undertaking operates;***

Or. es

Amendment 174

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the number of employees;

(b) the number of employees ***and other***

payroll details;

Or. es

Amendment 175

Enrique Calvet Chambon, Jean-Marie Cavada, Marian Harkin

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the number of *employees*;

(b) the number of *worked man-hours*;

Or. en

Amendment 176

Miguel Viegas, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Dimitrios Papadimoulis, Matt Carthy, Miguel Urbán Crespo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the number of *employees*;

(b) the number of *workers on the undertaking's staff on a full-time equivalent basis and workers who, although not on the undertaking's staff, are leased on a full-time equivalent basis, and a breakdown of the allocation of workers by area of business and function*;

Or. pt

Amendment 177

Laura Ferrara, Marco Valli

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the number of employees;

(b) the number of employees,
*specifying the number of regular
employees and the number of temporary
staff or employees on flexible contracts;*

Or. it

Amendment 178
Angelika Niebler

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the number of employees;

(b) the *average* number of employees
during the financial year;

Or. de

Amendment 179
Pascal Durand, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the number of employees;

(b) the number of employees *employed
on a full-time equivalent basis;*

Or. en

Amendment 180

Miguel Viegas, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Dimitrios Papadimoulis, Matt Carthy, Miguel Urbán Crespo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) staffing costs, by entity, broken down between wages and salaries, social security costs, pension costs and staff leasing costs;

Or. pt

Amendment 181

Miguel Viegas, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Dimitrios Papadimoulis, Matt Carthy, Miguel Urbán Crespo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the amount of the emoluments granted in respect of the financial year to the members of administrative, managerial and supervisory bodies by reason of their responsibilities and any commitments arising or entered into in respect of retirement pensions of former members of those bodies, with an indication of the total for each category of body;

Or. pt

(See the wording of Article 17(1)(d), first subparagraph of Directive 2013/34/EU)

Amendment 182

Miguel Viegas, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Dimitrios Papadimoulis, Matt Carthy, Miguel Urbán Crespo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point b c (new)

Text proposed by the Commission

Amendment

(bc) a breakdown, by item and by value, of fixed assets and current assets;

Or. pt

(In line with Annex III of Directive 2013/34/EU)

Amendment 183

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point b c (new)

Text proposed by the Commission

Amendment

(bc) assets;

Or. es

Amendment 184

Enrique Calvet Chambon, Jean-Marie Cavada, Petr Ježek, Marian Harkin

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point b c (new)

Text proposed by the Commission

Amendment

(bc) value of tangible assets other than cash or cash equivalents, and annual cost of maintaining those assets;

Amendment 185

Pascal Durand, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point b c (new)

Text proposed by the Commission

Amendment

(bc) tangible assets other than cash or cash equivalents as well as the assets value, and annual cost of maintaining those assets;

Or. en

Amendment 186

Laura Ferrara, Marco Valli

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point b c (new)

Text proposed by the Commission

Amendment

(bc) immovable property forming part of the assets;

Or. it

Amendment 187

Miguel Viegas, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Dimitrios Papadimoulis, Matt Carthy, Miguel Urbán Crespo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point b d (new)

Text proposed by the Commission

Amendment

(bd) *sales and purchases carried out by each entity with related parties and with unrelated parties;*

Or. pt

Amendment 188

Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point b d (new)

Text proposed by the Commission

Amendment

(bd) *the volume of sales and purchases;*

Or. en

Amendment 189

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point c

Text proposed by the Commission

Amendment

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

(c) the amount of the net turnover, which includes the turnover made with related parties; ***with a breakdown of internal and external group sales;***

Or. es

Amendment 190

Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – 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, ***including*** the turnover made with related ***and unrelated*** parties;

Or. en

Amendment 191

Laura Ferrara, Marco Valli

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) ***the amount of gains and losses before tax;***

Or. it

Amendment 192

Gunnar Hökmark

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point e

Text proposed by the Commission

Amendment

(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

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

the relevant tax jurisdiction;

Or. en

Amendment 193
Gunnar Hökmark

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) *the amount of income tax paid* *deleted*
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 194
Enrique Calvet Chambon, Jean-Marie Cavada, Petr Ježek, Marian Harkin

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 2 – point f

Text proposed by the Commission

Amendment

(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

(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;

Or. en

Amendment 195

Enrique Calvet Chambon, Jean-Marie Cavada, Petr Ježek, Marian Harkin

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) stated capital;

Or. en

Amendment 196

Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) stated capital;

Or. en

Amendment 197

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) the amount of accumulated earnings.

deleted

Or. en

Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) interest and expenses and/or similar income, with a breakdown of the amounts to be paid and/or received from related parties;

Or. pt

Amendment 201
Laura Ferrara, Marco Valli

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) public subsidies received and any donations made to politicians, political organisations or political foundations;

Or. it

Amendment 202
Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) grants;

Or. es

Amendment 203

Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) public subsidies received;

Or. en

Amendment 204

Miguel Viegas, Paloma López Bermejo, Fabio De Masi, Marisa Matias, Rina Ronja Kari, Dimitrios Papadimoulis, Matt Carthy, Miguel Urbán Crespo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point g b (new)

Text proposed by the Commission

Amendment

(gb) the amount paid and/or received in royalties, including a distinction between that made with related parties and that made with unrelated parties;

Or. pt

Amendment 205

Anneliese Dodds

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point g b (new)

Text proposed by the Commission

Amendment

(gb) the effective tax rate paid, as a percentage of profit earned by the ultimate parent undertaking and each

undertaking in each jurisdiction that they operate,

Or. en

Amendment 206

Pascal Durand, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – point g b (new)

Text proposed by the Commission

Amendment

(gb) whether undertakings, subsidiaries or branches benefit from a preferential tax treatment from a patent box or equivalent regimes;

Or. en

Amendment 207

Gunnar Hökmark

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

For the purposes of point (e) of the first subparagraph the **current tax expense** shall **relate only to the activities of an undertaking in the current financial year and shall not include** deferred taxes or provisions for uncertain tax liabilities.

For the purposes of point (e) of the first subparagraph the **income tax** shall **include** current **and** deferred taxes or provisions for uncertain tax liabilities.

Or. en

Amendment 208

Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 3 – subparagraph 1

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 ***published for each tax jurisdictions***.

Or. en

Amendment 209

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 3 – subparagraph 1

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 State ***in which operations are conducted***. Where a State comprises several tax jurisdictions, ***a breakdown of the information shall be presented for each tax jurisdiction***.

Or. es

Amendment 210

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive

Article 1 – paragraph 1 – point 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. **Even if** a Member State comprises several tax jurisdictions, the information shall be **presented jointly on a** Member State level.

Or. en

Amendment 211
Jonás Fernández

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 3 – subparagraph 2

Text proposed by the Commission

The report shall also present the information referred to in paragraph 2 of this Article separately for each tax jurisdiction which, at the end of the previous financial year, is listed in the common Union list of certain tax jurisdictions drawn up pursuant to Article 48g, unless the report explicitly confirms, subject to the responsibility referred to in Article 48e below, that the affiliated undertakings of a group governed by the laws of such tax jurisdiction do not engage directly in transactions with any affiliated undertaking of the same group governed by the laws of any Member State.

Amendment

deleted

Or. es

Amendment 212
Pascal Durand, Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 3 – subparagraph 2

Text proposed by the Commission

The report shall also present the information referred to in paragraph 2 of this Article separately for each tax jurisdiction *which, at the end of the previous financial year, is listed in the common Union list of certain tax jurisdictions drawn up pursuant to Article 48g, unless the report explicitly confirms, subject to the responsibility referred to in Article 48e below, that the affiliated undertakings of a group governed by the laws of such tax jurisdiction do not engage directly in transactions with any affiliated undertaking of the same group governed by the laws of any Member State.*

Amendment

The report shall also present the information referred to in paragraph 2 of this Article separately for each *non-European* tax jurisdiction *on a disaggregated basis.*

Or. en

Amendment 213

Laura Ferrara, Marco Valli

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 3 – subparagraph 2

Text proposed by the Commission

The report shall also present the information referred to in paragraph 2 of this Article separately for each tax jurisdiction which, at the end of the previous financial year, *is listed in the common Union list of certain tax jurisdictions drawn up pursuant to Article 48g, unless the report explicitly confirms, subject to the responsibility referred to in*

Amendment

The report shall also present the information referred to in paragraph 2 of this Article separately for each tax jurisdiction which, at the end of the previous financial year, *is outside the Union.*

Article 48e below, that the affiliated undertakings of a group governed by the laws of such tax jurisdiction do not engage directly in transactions with any affiliated undertaking of the same group governed by the laws of any Member State.

Or. it

Amendment 214
Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

The report shall present the information referred to in paragraph 2 on an aggregated basis for other tax jurisdictions. ***deleted***

Or. de

Amendment 215

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

The report shall present the information referred to in paragraph 2 on an aggregated basis for other tax jurisdictions. ***deleted***

Or. es

Text proposed by the Commission

The report shall present the information referred to in paragraph 2 on an aggregated basis for other tax *jurisdictions*.

Amendment

The report shall present the information referred to in paragraph 2 on an aggregated basis for *each* other tax *jurisdiction throughout the world*.

Or. en

Amendment 219

Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 3 – subparagraph 3

Text proposed by the Commission

The report shall present the information referred to in paragraph 2 on *an aggregated* basis for other tax jurisdictions.

Amendment

The report shall present the information referred to in paragraph 2 on *a detailed and granular* basis for other tax jurisdictions.

Or. it

Amendment 220

Danuta Maria Hübner

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall not require any branch or subsidiary controlled by an ultimate parent undertaking which is not governed by the law of a Member State nor by the law of a tax jurisdiction referred to in Article 48g to disclose information according to paragraphs 2 and 3 of this Article in relation to such

parent undertaking or to any other branch or subsidiary thereof established outside the Union or outside the jurisdictions referred to in Article 48g when both of the following conditions are met :

(a) the share of the total consolidated revenue of the ultimate parent undertaking derived from activities within the Union does not exceed 10%;

(b) that information is not required to be disclosed publicly by any such undertaking under the law governing it.

Or. en

Amendment 221
Cora van Nieuwenhuizen

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall not require any branch or subsidiary company controlled by an ultimate parent company subject to the law of a tax jurisdiction of a third country to disclose information under this article if:

(i) the parent company derives less than 10 per cent of its total consolidated revenue from activities within the EU;
and

(ii) disclosure of the information would be prejudicial to the commercial position of any of the companies to which it relates.

Or. en

Amendment 222
Stefano Maullu

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall allow undertakings to omit information required to be disclosed under paragraphs 2 and 3 of this Article when its nature is such that it would be seriously prejudicial to the commercial position of the undertakings to which it relates, including when only a single affiliated undertaking operates in a tax jurisdiction which is not listed in the Union list of non-cooperative jurisdictions for tax purposes. Any such omission shall be disclosed in the report.

Or. en

Amendment 223
Enrique Calvet Chambon, Jean-Marie Cavada, Sylvie Goulard

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall allow non-listed branches or subsidiaries controlled by an ultimate parent undertaking organised under the laws of a third tax jurisdiction outside the Union, other than a tax haven jurisdiction, to not publicly disclose information under this Article if 80 per cent or more of the group's activities are carried out in one tax jurisdiction, outside the Union and not a tax haven, and in relation to one business line only.

Amendment 224
Angelika Niebler

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) Member States may allow information whose publication is required under paragraphs 2 and 3 to be omitted where such publication would entail serious disadvantages for one of the undertakings concerned. Any such omission shall be disclosed in the report.

Or. de

Amendment 225
Sander Loones

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may allow information required to be disclosed under paragraphs 2 and 3 of this Article to be omitted when its nature is such that it would be seriously prejudicial to the commercial position of the undertakings to which it relates. Any such omission shall be disclosed in the report.

Or. en

Amendment 226
Gunnar Hökmark

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Information required to be disclosed in accordance with paragraphs 2 and 3 of this Article may be omitted when its nature is such that it would be seriously prejudicial to the commercial position of the undertakings to which it relates.

Or. en

Amendment 227
Danuta Maria Hübner

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may allow an undertaking not to publicly disclose information as required under paragraphs 2 and 3 of this Article when the undertaking can demonstrate that, due to the nature of the markets where it operates, its structure, or any other business-relevant consideration, there are legitimate grounds to believe that the nature or scope of the information required would negatively impact its competitive position. In such a case, information shall nevertheless be communicated to the relevant tax authorities and shall be included in the mandatory automatic exchange of information under Directive 2011/16/EU.

Amendment 228

Lieve Wierinck

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may allow undertakings to omit information required to be disclosed by this Article when its nature is such that it would be seriously prejudicial to the commercial position of the undertakings to which it relates, including when only a single affiliated undertaking operates in a tax jurisdiction which is not listed in the Union list of non-cooperative jurisdictions for tax purposes. Any such omission shall be disclosed in the report.

Or. en

Amendment 229

Enrique Calvet Chambon, Jean-Marie Cavada, Cora van Nieuwenhuizen, Sylvie Goulard

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Member States may allow information required to be disclosed pursuant to this Article to be omitted when its nature is such that it would be seriously prejudicial to the commercial position of the undertakings to which it relates, including when only a single

affiliated undertaking operates in a tax jurisdiction which is not listed in the common Union list of certain tax jurisdictions drawn up pursuant to Article 48g. Any such omission shall be disclosed in the report, and shall require prior authorisation from the competent authority. Member States shall justify to the Commission their decision to exempt with regard to the disclosure of one or more required items of information.

Or. en

Amendment 230
Gunnar Hökmark

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 4

Text proposed by the Commission

Amendment

4. *The report shall include at group level an overall narrative providing explanations on material discrepancies between the amounts disclosed pursuant to points (e) and (f) of paragraph 2, if any, taking into account if appropriate corresponding amounts concerning previous financial years.*

deleted

Or. en

Amendment 231
Danuta Maria Hübner

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 c – paragraph 4

Text proposed by the Commission

4. The report shall include at group level an overall narrative providing explanations on material discrepancies between the amounts disclosed pursuant to points (e) and (f) of paragraph 2, if any, taking into account if appropriate corresponding amounts concerning previous financial years.

Amendment

4. The report shall include at group level an overall narrative providing explanations on material discrepancies between the amounts disclosed pursuant to points (e) and (f) of paragraph 2, if any, taking into account if appropriate corresponding amounts concerning previous financial years. ***Where, pursuant to paragraph 3a, information is not required to be disclosed in relation to Union subsidiaries or Union branches of undertakings not governed by the law of a Member State nor by the law of a tax jurisdiction referred to in Article 48g, the report shall include an overall description of the ultimate parent undertaking's global tax strategy at group level.***

Or. en

Amendment 232

Pascal Durand, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 4

Text proposed by the Commission

4. The report shall include at group level an overall narrative providing explanations on material discrepancies between the amounts disclosed pursuant to points (e) and (f) of paragraph 2, if any, taking into account if appropriate corresponding amounts concerning previous financial years.

Amendment

4. The report shall include at group level an overall narrative providing explanations, ***including*** on material discrepancies between the amounts disclosed pursuant to points (e) and (f) of paragraph 2, if any, taking into account if appropriate corresponding amounts concerning previous financial years.

Or. en

Amendment 233

Barbara Kappel

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 5

Text proposed by the Commission

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 Union.*

deleted

Or. de

Justification

A public register should be rejected for several reasons, including competitive disadvantage, tax confidentiality, potential for misinterpretation, etc.

Amendment 234

Enrique Calvet Chambon, Jean-Marie Cavada, Cora van Nieuwenhuizen, Petr Ježek, Marian Harkin, Sylvie Goulard

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – paragraph 5

Text proposed by the Commission

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 Union.

5. The report on income tax information shall be published *in a common template available in an open data format* and made accessible on the website in at least one of the official languages of the Union. *On the same date, the undertaking shall also file the report in a public registry managed by the European Commission.*

Or. en

Amendment 235

Dariusz Rosati, Burkhard Balz, Rosa Estaràs Ferragut, Axel Voss

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 c – 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 ***in a common EU template*** and made accessible ***for free*** on the website in at least one of the official languages of the Union.

Or. en

Amendment 236

Sajjad Karim

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 d – paragraph 1

Text proposed by the Commission

1. ***The report on income tax information shall be published as laid down by the laws of each Member State in accordance with Chapter 2 of Directive 2009/101/EC, together with documents referred to in Article 30(1) of this Directive and where relevant, with the accounting documents referred to in Article 9 of Council Directive 89/666/EEC**.***

Amendment

deleted

Or. en

Justification

In order to minimise administrative requirements on both businesses and national authorities, the reports should be published on company websites only.

Amendment 237
Angelika Niebler

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 d – paragraph 1

Text proposed by the Commission

(1) The report on income tax information shall be published as laid down by the laws of each Member State *in accordance with Chapter 2 of Directive 2009/101/EC, together with documents referred to in Article 30(1) of this Directive* and where relevant, with *the accounting documents referred to in Article 9 of Council Directive 89/666/EEC***.

Amendment

(1) The report on income tax information shall be published as laid down by the laws of each Member State *no later than 12 months after the balance sheet date in the year in question, in accordance with Chapter 2 of Directive 2009/101/EC*, and where relevant, with Council Directive 89/666/EEC**.

Or. de

Amendment 238
Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 d – paragraph 1

Text proposed by the Commission

1. The report *on income tax information* shall be published as laid down by the laws of each Member State in accordance with Chapter 2 of Directive 2009/101/EC, together with documents referred to in Article 30(1) of this Directive and where relevant, with the accounting documents referred to in Article 9 of Council Directive 89/666/EEC**.

Amendment

1. The report shall be published as laid down by the laws of each Member State in accordance with Chapter 2 of Directive 2009/101/EC, together with documents referred to in Article 30(1) of this Directive and where relevant, with the accounting documents referred to in Article 9 of Council Directive 89/666/EEC**.

Or. es

Amendment 239

Pervenche Berès, Evelyn Regner, Hugues Bayet

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 d – paragraph 1a (new)

Text proposed by the Commission

Amendment

1a. *The report shall be made available in at least one foreign language of large audience to ensure that public monitoring is not restricted by any linguistic barrier.*

Or. en

Amendment 240

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 d – paragraph 2

Text proposed by the Commission

Amendment

2. The report *referred to in Article 48b(1), (3), (4) and (6)* shall remain accessible on the website *for a minimum of five consecutive years*.

2. The report shall remain accessible on the website *indefinitely*.

Or. es

Amendment 241

Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 d – paragraph 2

Text proposed by the Commission

Amendment

2. The report referred to in Article

2. The report referred to in Article

48b(1), (3), (4) and (6) shall remain accessible on the website for a minimum of **five** consecutive years.

48b(1), (3), (4) and (6) shall remain accessible on the website for a minimum of **ten** consecutive years.

Or. it

Amendment 242

Paul Tang

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 d – paragraph 2

Text proposed by the Commission

2. The report referred to in Article 48b(1), (3), (4) and (6) shall remain accessible on the website for a minimum of **five** consecutive years.

Amendment

2. The report referred to in Article 48b(1), (3), (4) and (6) shall remain accessible on the website for a minimum of **ten** consecutive years.

Or. en

Justification

For the purpose of research and policy development, historic data going back longer than 5 year could prove valuable. Therefore the report should remain available for ten consecutive years.

Amendment 243

Daniel Buda

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 e – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the members of the administrative, management and supervisory bodies of the ultimate parent undertaking referred to in Article 48b(1), acting within the

Amendment

1. ***To strengthen accountability towards third parties and ensure appropriate governance***, Member States shall ensure that the members of the administrative, management and

competences assigned to them under national law, have collective responsibility for ensuring that the report on income tax information is drawn up, published and made accessible in accordance with Articles 48b, 48c and 48d.

supervisory bodies of the ultimate parent undertaking referred to in Article 48b(1), acting within the competences assigned to them under national law, have collective responsibility for ensuring that the report on income tax information is drawn up, published and made accessible in accordance with Articles 48b, 48c and 48d.

Or. ro

Justification

The change is necessary and appropriate to ensure consistency with recital 10 of this legislative proposal.

Amendment 244

Ernest Urtasun, Pascal Durand
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 e – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the members of the administrative, management and supervisory bodies of the ultimate parent undertaking referred to in Article 48b(1), acting within the competences assigned to them under national law, **have collective responsibility** for ensuring that the report on income tax information is drawn up, published and made accessible in accordance with Articles 48b, 48c and 48d.

Amendment

1. Member States shall ensure that the members of the administrative, management and supervisory bodies of the ultimate parent undertaking referred to in Article 48b(1), acting within the competences assigned to them under national law, **are responsible** for ensuring that the report on income tax information is drawn up, published and made accessible in accordance with Articles 48b, 48c and 48d.

Or. en

Amendment 245

Pascal Durand, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 e – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the members of the administrative, management and supervisory bodies of the subsidiary undertakings referred to in Article 48b(3) of this Directive and the person(s) designated to carry out the disclosure formalities provided for in Article 13 of Directive 89/666/EEC for the branch referred to in Article 48b(4) of this Directive, acting within the competences assigned to them by national law, have collective responsibility for ensuring that, ***to the best of their knowledge and ability***, the report on income tax information is drawn up, published and made accessible in accordance with Articles 48b, 48c and 48d.

Amendment

2. Member States shall ensure that the members of the administrative, management and supervisory bodies of the subsidiary undertakings referred to in Article 48b(3) of this Directive and the person(s) designated to carry out the disclosure formalities provided for in Article 13 of Directive 89/666/EEC for the branch referred to in Article 48b(4) of this Directive, acting within the competences assigned to them by national law, have collective responsibility for ensuring that the report on income tax information is drawn up, published and made accessible in accordance with Articles 48b, 48c and 48d.

Or. en

Amendment 246

Sajjad Karim

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 f – paragraph 1

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

Amendment

deleted

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.

Or. en

Justification

To remove the requirement for a statutory auditor to check that the report has been published, as the statutory auditor would not be doing anything beyond what a member of the public could check.

**Amendment 247
Gunnar Hökmark**

**Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 f – paragraph 1**

Text proposed by the Commission

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 accordance with those Articles.

deleted

Or. en

Amendment 248
Ernest Urtasun, Pascal Durand
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 f – paragraph 1

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 ***information referred to in Article 48c of this Directive shall be audited in accordance with Directive 2006/43/EC.*** 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.

Or. en

Amendment 249
Daniel Buda

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 f – paragraph 1

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

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 accordance with those Articles.

auditor(s) or audit firm(s) also check whether the report on income tax information has been prepared, published 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 **prepared, published** or made accessible in accordance with those Articles.

Or. ro

Justification

Change necessary to maintain legal consistency throughout the text of the proposal.

Amendment 250

Pascal Durand, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 g

Text proposed by the Commission

Amendment

Article 48g

deleted

Common Union list of certain tax jurisdictions

The Commission shall be empowered to adopt delegated acts in accordance with Article 49 in relation to drawing up a common Union list of certain tax jurisdictions. That list shall be based on the assessment of the tax jurisdictions, which do not comply with the following criteria:

- (1) Transparency and exchange of information, including information exchange on request and Automatic Exchange of Information of financial account information;***
- (2) Fair tax competition;***

- (3) *Standards set up by the G20 and/or the OECD;*
- (4) *Other relevant standards, including international standards set up by the Financial Action Task Force. The Commission shall regularly review the list and, where appropriate, amend it to take account of new circumstances.*

Or. en

Amendment 251
Sander Loones

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2013/34/EU
Chapter 10 a – Article 48 g

Text proposed by the Commission

Amendment

Article 48g

deleted

Common Union list of certain tax jurisdictions

The Commission shall be empowered to adopt delegated acts in accordance with Article 49 in relation to drawing up a common Union list of certain tax jurisdictions. That list shall be based on the assessment of the tax jurisdictions, which do not comply with the following criteria:

- (1) *Transparency and exchange of information, including information exchange on request and Automatic Exchange of Information of financial account information;*
- (2) *Fair tax competition;*
- (3) *Standards set up by the G20 and/or the OECD;*
- (4) *Other relevant standards, including international standards set up by the Financial Action Task Force. The Commission shall regularly review the list and, where appropriate, amend it to take account of new circumstances.*

Amendment 252

Paul Tang

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 g – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) no or a nominal corporate income tax or a zero corporate tax rate: the existence of a tax system with either no or nominal corporate income tax or a zero corporate tax rate;

Or. en

Amendment 253

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 g – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) Prohibition of banking secrecy;

Or. es

Amendment 254

Paul Tang

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 g – paragraph 1 – point 1 b (new)

Text proposed by the Commission

Amendment

(1b) a requirement for a minimum substantive local presence;

Or. en

Amendment 255

Paul Tang

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 g – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) Fair tax competition;

(2) Fair tax competition **and whether the third country promotes itself as an off-shore financial centre;**

Or. en

Amendment 256

Jonás Fernández

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 g – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) No granting of tax benefits to non-residents, including when they are not engaged in substantive economic activities;

Or. es

Amendment 257

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 g – paragraph 1 – point 3

Text proposed by the Commission

(3) *Standards established by the G20 and/or the OECD;*

Amendment

(3) *Criminalisation and vigorous prosecution of tax offences and money laundering;*

Or. es

Amendment 258

Laura Ferrara, Marco Valli

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 g – paragraph 2

Text proposed by the Commission

The Commission shall *regularly* review the list and, *where appropriate, amend it to take account of new circumstances.*

Amendment

The Commission shall *annually* review the list and *present it to the European Parliament.*

Or. it

Amendment 259

Beatrix von Storch

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 h – paragraph 1

Text proposed by the Commission

Member States shall ensure that laws, regulations and administrative provisions transposing Articles 48a to 48f apply, *at the latest, from the commencement date of the first financial year starting on or after [Publications Office- set the date = one*

Amendment

Member States shall ensure that laws, regulations and administrative provisions transposing Articles 48a to 48f apply *no earlier than when at least 95 per cent of the countries that have negotiated the OECD BEPS Package have adopted it.*

year after the transposition deadline].

Or. en

Amendment 260

Enrique Calvet Chambon, Jean-Marie Cavada, Marian Harkin, Sylvie Goulard

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 i – paragraph 1

Text proposed by the Commission

The Commission shall report on the compliance with and the impact of the reporting obligations set out in Articles 48a to 48f. The report shall include an evaluation of whether the report on income tax information delivers appropriate and proportionate results, taking into account the need to ensure a sufficient level of transparency *and* the need for a competitive environment for undertakings.

Amendment

The Commission shall report on the compliance with and the impact of the reporting obligations set out in Articles 48a to 48f. The report shall include an evaluation of whether the report on income tax information delivers appropriate and proportionate results, *and assess cost-benefits of lowering the consolidated net turnover threshold beyond which undertakings and branches are required to report on income tax information as well as evaluating the possible necessity to take further complementary measures*, taking into account the need to ensure a sufficient level of transparency, the need for *preserving and ensuring* a competitive environment for undertakings *and private investment*.

Or. en

Amendment 261

Othmar Karas

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 i – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall conduct a general assessment on the effect in the public confidence in a fair, efficient and growth-friendly corporate tax system of the public disclosure obligations set out in this Directive as well as on its economic consequences. In the event that the Commission report identifies significant negative effects and no or only minor increase of public confidence, the Commission shall consider making an appropriate legislative proposal for an amendment of the disclosure obligations set out in this Directive.

Or. en

Justification

It is important to assess the impact of public reporting on the EU economy and its tax system. The Commission conducted an assessment based on the potential negative economic consequences on the effect in the public disclosure of information in accordance with Article 89 of 2013/36/EU. This amendment ensures that an assessment on the actual effects of reporting obligations set out in this Directive is carried out.

Amendment 262

Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 i – paragraph 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 and to the Council by [Publications Office- set the date = **three** years after the transposition date of this Directive].[?]

Or. it

Amendment 263

Othmar Karas

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/43/EU

Chapter 10 a – Article 48 i – paragraph 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

These reports 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].

Or. en

Justification

This amendment takes account of the fact that due to the author's amendment to Article 48i of this Directive the Commission shall submit two reports to the European Parliament and to the Council.

Amendment 264

Pervenche Berès, Evelyn Regner, Hugues Bayet

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 i a (new)

Text proposed by the Commission

Amendment

Article 48ia

Common template for the report

The Commission shall, by means of implementing acts, lay down the common template to which Article 48b(1), (3), (4) and (6) and Article 48c(5) refer. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 50(2).

In addition, the Commission shall publish on its website a freely accessible guide

book explaining each elements of Article 48c(2) to provide citizens with basic knowledge to understand and interpret these figures.

Or. en

Amendment 265

Enrique Calvet Chambon, Jean-Marie Cavada, Petr Ježek, Marian Harkin, Sylvie Goulard

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2013/34/EU

Chapter 10 a – Article 48 i a (new)

Text proposed by the Commission

Amendment

Article 48ia

Common template for the report

The Commission shall, by means of implementing acts, lay down the common template to which Article 48b(1), (3), (4) and (6) and Article 48c(5) refer. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 50(2).

Or. en

Amendment 266

Ernest Urtasun, Pascal Durand
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2013/34/EU

Article 49 – paragraphs 2, 3, 3a and 5

Text proposed by the Commission

Amendment

- (3) *Article 49 is amended as follows:* *deleted*
- (a) *Paragraphs 2 and 3 are replaced by*

the following

‘2. The power to adopt delegated acts referred to in Article 1(2), Article 3(13), Article 46(2) and Article 48g shall be conferred on the Commission for an indeterminate period of time from the date referred to in Article 54.

3. The delegation of power referred to in Article 1(2), Article 3(13), Article 46(2) and Article 48g may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.’

(b) The following paragraph 3a is inserted:

‘3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of [date].’

(c) Paragraph 5 is replaced by the following:

‘5. A delegated act adopted pursuant to Article 1(2), Article 3(13) Article 46(2) or Article 48g shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.’

Or. en

Amendment 267

Daniel Buda

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b

Directive 2013/34/EU

Chapter 10 a – Article 49 – paragraph 3 a

Text proposed by the Commission

(3a) Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of [date].⁷

Amendment

(3a) Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of [date], ***taking particular account of the provisions of the Treaties and the Charter of Fundamental Rights of the European Union.***⁷

(This amendment applies throughout the legislative text under consideration.)

Or. ro

Justification

It is necessary to take into account the provisions of the Treaties and the Charter of Fundamental Rights of the European Union

Amendment 268

Enrique Calvet Chambon, Jean-Marie Cavada, Petr Ježek, Marian Harkin, Sylvie Goulard

Proposal for a directive

Article 1 – paragraph 1 – point 3 a (new)

Directive 2013/34/EU

Article 51 – paragraph 1

Present text

Member States shall ***provide for penalties applicable to infringements*** of the national provisions adopted ***in accordance with*** this

Amendment

(3a) in Article 51, paragraph 1 is replaced by the following:

Member States shall ***ensure that undertakings are held liable for the infringement*** of the national provisions

Directive *and shall take all the measures necessary to* ensure that those penalties are enforced. The *penalties provided for* shall be effective, proportionate and dissuasive.’

adopted *pursuant to* this Directive.

Without prejudice to the right of the Member States to impose criminal penalties, Member States shall designate or establish competent authorities to adopt appropriate administrative measures and impose administrative penalties for the infringement by undertakings of national provisions adopted for the purpose of transposing this Directive. Member States shall ensure that those administrative measures and penalties are applied and enforced. The administrative measures and penalties shall be effective, proportionate and dissuasive.

Member States shall provide the Commission with the names and other details of the competent authorities responsible for adopting and imposing administrative measures and penalties pursuant to the second paragraph. The competent authorities shall submit an annual report to the Commission on their activity in monitoring the application of this Directive.’

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1489418875325&uri=CELEX:32013L0034>)

Amendment 269

Evelyn Regner, Hugues Bayet, Sergio Gaetano Cofferati

Proposal for a directive

Article 1 – paragraph 1 – point 3 a (new)

Directive 2013/34/EU

Article 51 – paragraph 1

Present text

Amendment

(3a) in Article 51, paragraph 1 is replaced by the following:

Member States shall **provide for** penalties applicable to infringements of the national provisions adopted **in accordance with** this Directive and shall take all the measures necessary to ensure that **those penalties are enforced**. The penalties provided for **shall** be effective, proportionate and dissuasive.’

Member States shall **lay down the rules on** penalties applicable to infringements of the national provisions adopted **pursuant to** this Directive and shall take all measures necessary to ensure that **they are implemented**. The penalties provided for **must** be effective, proportionate and dissuasive **and shall at least include administrative fines, exclusions from public call for tenders and from the award of funding from the Union's Structural Funds**. Member States shall **notify those provisions to the Commission at the latest by [date for transposition] and shall notify it without delay of any subsequent amendment affecting them.**’

Or. en

Amendment 270

Pascal Durand, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 3 a (new)

Directive 2013/34/EU

Article 51 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(3a) In Article 51, the following paragraph is added:

‘Member States shall, in accordance with national law, ensure that competent authorities have the power to impose administrative pecuniary sanctions on undertakings not complying with national provisions adopted for the implementation of this Directive. Those penalties and administrative measures must be effective, proportionate and dissuasive and ensure full compliance in all Member States. Three years after the entry into force of this Directive, the European Commission shall compile a country-by-country list of

penalties taken in each Member State.'

Or. en

Amendment 271

Sander Loones

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [Publications Office - set the date = *one year* after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [Publications Office - set the date = *two years* after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

Amendment 272

Sajjad Karim

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [Publications Office - set the date = *one year* after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [Publications Office - set the date = *two years* after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

Justification

To allow national authorities time to consult businesses and ensure the reporting requirements are proportionate and effective when transposing into domestic legislation.