

**SPECIAL COMMITTEE ON FINANCIAL CRIMES,  
TAX EVASION AND TAX AVOIDANCE (TAX3)**

**TUESDAY 19 FEBRUARY 2019**

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**PUBLIC MEETINGS**

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**“Exchange of view with Margrethe Vestager, Commissioner responsible for  
Competition”**

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**“Exchange of views with Inés María Bardón Rafael, Spanish State  
Secretary for Treasury”**

1-002-0000

**IN THE CHAIR: PETR JEŽEK**  
*Chair of the Special Committee on Financial Crimes,  
Tax Evasion and Tax Avoidance*

(The meeting opened at 17.34)

***Exchange of view with Margrethe Vestager, Member of the European Commission responsible for Competition***

1-003-0000

**Chair.** – Good afternoon dear colleagues. Let us start the meeting of our TAX3 Committee.

I'd like to welcome Commissioner Margrethe Vestager, in charge of competition, and I'm very grateful that she accepted our invitation. We would of course like to discuss mainly the state of play of the implementation of recommendations made by the Parliament in this mandate and, in general, all about her work, which relates to the competences of our committee. I'm sure that you will start by saying that you will not discuss open cases or pending cases, but you can imagine what's of importance and what's interesting for us.

So Commissioner, I would ask you for your introductory statement – up to ten minutes – and again, thank you very much for being with us today.

1-004-0000

**Margrethe Vestager, Commissioner responsible for Competition.** – First of all, thank you. I think the work of the TAX Committees is a very important work. So thank you very much for your involvement, for initiative and I am very happy to be here today to have the discussion. I think it's something that matters to every citizen, it matters to every business, as a matter of fairness, and as a matter of fair competition as well, because if you work hard, as I think Europeans do, and you pay your taxes, then obviously you want to see other people do the same.

If you work in a business, then you work hard in order for that business actually to make a turnover, to generate a profit, to pay its taxes, then you would want to see competitors pay their taxes too, to contribute to the society where they do their business.

It shouldn't be so that large companies or companies with resources can use our tax loopholes to avoid paying their fair share, or for that matter enjoy a special tax treatment that is not open to others.

Over the last four years here in our democracy 14 laws have been adopted to make our cooperation against tax avoidance stronger. That is much more than in the last two decades combined – 14 new pieces of legislation – and again I am glad that Parliament remains fully committed in this work. Of course I realise the constraints coming from the fact that we need unanimity in Council, but that doesn't change the fact that the work done by Parliament is of crucial importance to keep the momentum, to keep the push for citizens to see that action is taken.

Luděk Niedermayer and Jeppe Kofod have now presented a thorough draft report which is a record of our achievements so far. I think that is more homework for the years to come, and I

think that is right because this work will have to continue. So this is not now the time for complacency or to say that was work well done; this is for stocktaking and for saying: what we will we need to do for the future? The continuation of work also covers the state-aid work that we do.

Last week the General Court ruled on our decision on the Belgian tax exemption for excess profits of multinationals. The exemption covers certain multinationals, to reduce their taxable profit by up to 90%, nine zero percent. The Court fully endorsed that while taxation is a matter for Member States, the Commission is responsible for checking that their tax measures comply with European state-aid rules. That is important because the claim of those who appealed the case was that this was not for the Commission to deal with. But so far, so good, because under those rules Member States cannot give certain companies tax advantages that are not available to others that pay their normal taxes.

But the Court also ruled that we shouldn't have considered the Belgian excess profit exemption to be a general aid scheme. In the Court's view the Belgian tax administration exercises a margin of discretion on when and under which conditions the exception could be granted to the multinationals that were requesting it. According to the Court, that discretion meant that the exceptions were granted in an individual way and not in a general scheme. Therefore the Court annulled the Commission's decisions on its qualification of the tax exemption as a general scheme. The Court did not express a view on whether the individual company rulings were state aid or not.

But the Court agreed with the Commission that the Belgian tax exemption didn't seem to pursue the aim of avoiding double taxation of relevant profits, which was the justification that Belgium used for giving these tax exemptions.

So you see it is a mixed judgment and we are now carefully reflecting on the judgment to consider which next steps to take. The judgment was issued last Thursday so we still have some time, but of course we will do our utmost to come back with the next steps as soon as possible.

What is clear is that the Court confirmed a well established principle. If a tax advantage is selective for companies, there is illegal state aid. We also followed that principle in our other seven decisions to date where we did analyse individual rulings. For those rulings, we ordered the recovery of almost EUR 15 billion in unpaid taxes from companies. You will of course remember that the main bulk of that would be the Apple unpaid taxes of 13 billion.

We are now continuing our ongoing investigations. Last month we opened an investigation concerning Nike in the Netherlands. It focuses on the tax treatment of two Dutch group companies that employ over a thousand people, and that seem to develop and market the Nike brand all over Europe. But when it comes to paying a royalty for using the Nike brand these companies seem to have been treated as businesses without much activity in the Netherlands. At this stage the Commission is concerned that the royalty payments may not reflect economic activity, or economic reality. If proven this has allowed the entire Nike Group to reduce artificially its taxes for a very large part of its profits in Europe.

In parallel, we are continuing our cases concerning Ikea, a tax exemption for companies in the Madeira free zone and the foreign-controlled company rules in the UK.

But doing cases is not our sole priority. We continue to work with Member States in their efforts to design tax practices that avoid discussions on state aid in the first place, because I think it is important to consider also the limitations of state-aid enforcement when it comes to securing tax

fairness. State-aid cases, well they target companies which receive selective advantages that others don't, but only better taxation rules can remove issues once and for all and close loopholes that are available to everyone. State-aid rules and regulations must continue to work hand in hand in order to make taxation fair.

And we are seeing progress. To name a few: Cyprus and Luxembourg changed their tax rules for financing companies. Ireland abolished its double Irish tax regime. The Netherlands have launched a broad tax reform – once adopted the tax administration will grant tax rulings only for real business activities and not for shell companies. It will refuse rulings for taxation involving tax havens and inform the public each year on the approach to tax rulings.

We have also systematically revised or reviewed tax ruling practices all over the Union and that exercise also gave us some very good examples as to how tax authorities can work. Germany, for example, gives tax rulings in dialogue with other Member States affected by a tax arrangement by a multinational. That reduces the risk that one country gives selective advantages that deflate the tax base of another country.

In Austria each tax ruling has to be endorsed by the tax authorities' top management before it is given.

Importantly, many Member States simply do the obvious. They check the facts before they give a tax ruling. Tax authorities don't rubber-stamp profit figures that companies give to them. They test whether profit reflects economic reality, sometimes even with the use of outside experts. With such principles, tax rulings, or the main majority of tax rulings, actually do live up to their purpose – to give certainty for companies on their tax bill, in line of course with economic reality and without the risk of entering into a territory of illegal state aid. And that's a good thing.

Your Committee will be wrapping up four years of very hard work for fair taxation. As I said, the debates, the engagement, I think this has helped to maintain, and recreate if momentum had been lost, the momentum actually to change things because we need to continue tackling these efforts. I also hope that you will follow up also on the implementation of new tax legislation because I think the most important thing to respect the legislator is that legislation is put into effect, because it is difficult to pass legislation. It's very difficult in taxation areas because it demands unanimity.

But the difficulties do not stop when legislation is passed because implementation is, of course, where you see the proof of the legislation being passed and I very much hope that also in the continuation this Parliament will ask for a follow-up on legislation passed. As I said, 14 pieces of legislation, I think important pieces of legislation, but it is of course in the follow-up, in the implementation in Member States, that it will stand its test.

The main benefit though of the work done is that to have tax fairness is no taboo. It is for everyone to talk about and it is for every citizen to expect that this is something we work and take action on in order to be able to achieve it. And this is of course the way things should be.

And I think it is very much to the benefit of the TAX Committees that we have this new momentum and we have this new openness, that the question of tax fairness is something that has become a centre of political attention all over Europe. And on that, of course, I will warmly thank you because I think we share this basically very simple and justified goal – that everyone should pay their fair share of taxes.

1-005-0000

**Chair.** – Thank you very much Commissioner. I can assure you we see it the very same way, namely that the legislation adopted must be properly implemented and enforced. It's very high on our agenda. As you mentioned, the 14 pieces of legislation which have come out over the last five years – which is more than in the previous 20 years – is more or less similar to what Commissioner Moscovici was able to justify from his perspective, and it clearly confirms that the fight for fairer taxation has gathered momentum, to borrow your expression. So thank you very much.

We will open the discussion with five-minute slots for question and answer, with one minute for the question and the remaining time for the answer. We will start with our co-rapporteurs.

1-006-0000

**Luděk Niedermayer (PPE).** – Thank you, Commissioner, for being here. You know that I highly appreciate your work and also the clarity of your message – that is very important. I have three questions. Before that, I want to emphasise – and I hope I'm right – that it's interesting that on this subject of fairer, more efficient taxation you can build agreement between people from different political parties and different countries. That is remarkable – still not sufficient, but remarkable.

The first question: you do excellent work in this area, but don't you feel that also some others should do work, and sometimes you do work instead of them? I'm talking about the Code of Conduct Group, Finance Ministers. I believe that if there would be more willingness to go for a sincere cooperation and effort to find the good common solutions, you would not be so much involved in this business, because many cases would not be there.

The second: I am glad that the Council was able to pass the few pieces of legislation. Unfortunately, the most important are on standstill. I am talking about the Common Consolidated Corporate Tax Base (CCCTB), VAT reform, digital taxation. I wonder to what extent you believe that CCCTB will actually reduce the risk of some problems that you are dealing with on the territory of the EU.

And last but not least, even if we make progress within the EU, I wonder to what extent you are concerned about the global dimension. Because a lot of bad things in the tax area that are breaching the fairness of competition or are going against the rationale of fair taxation are not just European problems and global problems. To what extent do you believe that we need really big progress at global level, and hopefully the OECD will deliver it?

1-007-0000

**Margrethe Vestager, Commissioner responsible for Competition.** – Regarding your first point, I think this is a question that brings together people from all parliamentary groups and from very different political standpoints. I think that shows the strength of this topic and also shows that tax fairness is something that citizens all over Europe expect from us – that we make this happen.

Should others do more? Well, one of the things I found to be thought-provoking a couple of years ago was the fact that, when we made the proposal that has now been adopted for automatic exchange of tax rulings, some said that we already had the legislation that said that we should work together. The problem was that it didn't happen. To some degree I think that is an important message for us, namely that this momentum should also be used to push for a change in culture. It is to some degree a paradox that we have legislation that gives a framework for cooperation but it's not used, and we then have to do a second push for legislation so that you have an obligation automatically to exchange what you're doing. But it ought to be a natural thing that we work together to do this. It is a paradox that sometimes we are accused of legislating too much – but what else can you do but give that extra push? I think it is important that the momentum used

with the new legislation – with your work – is also translated into another culture in how the tax administrations in the different countries work together, because that, I think, is very important.

Working together is also part of the basics of the three proposals that you're talking about: digital taxation, a common consolidated corporate tax base and the VAT reform, which will make things simpler for all the honest, hardworking smaller businesses and make it much more difficult to do tax arbitrage to organise your business in such a way as to minimise your contribution to society, where value is created – where you do your business. I agree with you that these are all three very important pieces of legislation, and I think to some degree it seems to be upon Europe to make sure that we also transition our understanding of corporate taxation into a digital reality, because this is basically the push that we are doing now. Otherwise, if it hadn't been for digitalisation, these pieces of legislation wouldn't be as important as they are. You know, of course, from my colleague, Pierre Moscovici, who is *chef de file* here, that it is absolute top priority to push for this to see if things can happen in the last part of this mandate.

There is an obvious global dimension, and this is why we work very closely with the OECD. The OECD is making progress, also on digital taxation. You can see that some of the latest ideas are in a very close sort of family with the Commission line of thinking, which I think is a good thing. I still think that it's important that there is a common, solid European push within the OECD for things to happen, so that we get solutions fast. I think that, if you get a more fragmented Europe, you don't get the sense of urgency in the decision-making within the OECD framework.

The other side of tax fairness is subsidies as such, and they can come in many other forms than selective tax treatment. That is very high priority for us because it's not fair competition if a government is picking up your bills or making sure that you have very cheap and sufficient financing, and then you come here to compete with companies who have to stand on their own feet. So directly, for instance with China, we have a dialogue on subsidies. My colleague, Cecilia Malmström, has, together with the Americans and the Japanese, proposed changes in the World Trade Organization to make that more effective. So we are trying to man up also on that side, because there's an obvious global dimension to all of this.

1-008-0000

**Jeppe Kofod (S&D).** – Thank you so much to Commissioner Vestager. Thank you for the work and also pointing out the important challenges. First of all, you mentioned the 14 pieces of legislation we have been adopting. I think one concern which is clear, that you also expressed, is the implementation of our agenda of fair taxation. I want to recall that just one of the recommendations from this Parliament adopted in the PANA Report was to establish a kind of centre for tax cohesion, and the implementation should be done by the Commission. Because we see – and we also saw it in other areas like anti-money laundering laws – that the ability to implement what has been adopted is one of the big risks now. I think this is something the Commission needs to discuss, and I hope that the next Commission will look at what is the setup, because I think it's not sufficient, and I fear that we will in five years' time look back and say: why didn't we already now, in due time, set up a structure to ensure effective implementation?

Then I would ask – you mentioned some of the cases – about the McDonald's Luxembourg case. To your mind, how much do we need now to change legislation (you were touching upon this) to deal with the loopholes that are there? In the McDonald's Luxembourg case, it was clear that it was not illegal – there was double non-taxation taking place. But how far should we go, and what is lacking really to ensure at European level that we have a real level playing field and fair taxation?

And then finally, you mentioned something which we have also been dealing with in this committee: subsidies for R&D instead of exemptions. We all know – and it's also identified in

other reports of this Parliament – that exemptions in the form of tax credits are a very inefficient way of subsidising R&D, for example, and therefore (you touched upon this): what should we do with the competition angle to ensure that we have a more effective way of promoting innovation and research and development without using this inefficient tax tool, which the OECD also identified as a very inefficient way of promoting what we need to do in Europe, of course?

1-009-0000

**Margrethe Vestager**, *Commissioner responsible for Competition.* – It's not for me; it would be for Pierre Moscovici in his portfolio to consider to establish such a centre. What I have done is to transform what was a task force into a permanent part of our organisation, so that we can nurture our talent and keep going, because I think this is work that will have to be ongoing, and we'll have to dedicate resources to this in a permanent way. So in that respect, of course, I share the view that you have to do something also to signal to the outer world that this is something that we take so seriously that we dedicate scarce resources to do the follow-up and to continue the work done.

Very often I hear calls from national parliaments that they would want to be more involved with European legislation. I think one of the things like implementation of tax legislation is a very good example of what could be an area of conversation between Members of the European Parliament and members of national parliaments: that there is a continued ongoing exchange about how things are translated from the European part of our democracy to our national part of democracy. Because I think you need the 'full push': not only for the Commission doing the follow-up to see if things are being implemented as they were supposed to be, but also from the parliamentary side – that there is this push to see that, well, here we can really serve citizens well if the push from the European Parliament and the national parliament will have to pass European legislation or transpose it into national legislation – that this actually takes place. So I think for all of us there are important tasks which are very much hands-on actions to do the follow up.

On the question of closing loopholes (and the McDonalds loophole is a very good example of that), it was not state aid but it was an example of double non-taxation, and in Luxembourg they actually dealt with it to solve the problem. Unfortunately, I think that this will be an ongoing thing, and this is why I think it is important for us to have permanent structures, because there will be part of our society which will use their creativity to find loopholes, and I think we have to accept that as an unfortunate fact of life – but then they should, of course, also accept that there will be someone who will be following if new loopholes are found, in order to close them again. I think that is – well, we're humans, so probably that is the reason why.

I don't have the best ideas as to how to support research and development and innovation, but there is an obvious need to do that. Europe should stay in the absolute high-end of the value chain, and that means we must make sure that research, development and innovation takes place. We have some quite good examples – the most recent is this microelectronics example: a common project of European interest. It involves France, Germany, Italy and the UK coming together, supporting with public money and triggering a lot of private investment at the same time. And that is very much hands-on and it's very transparent what is happening, and this is where I think your starting point is a very good one, because the lack of transparency when it comes to tax credits for research and development can make it very difficult for companies to see what is actually going on: where should I invest to be part also of the competition and innovation? This is a very important part of a competitive market-place, that you have competition and innovation.

1-010-0000

**Thomas Mann (PPE).** – Liebe Frau Vestager! Sie werden zu Recht als Wettbewerbskommissarin gelobt. Sie haben sich immer mit den Global Playern angelegt, das war wichtig. Und jetzt geht es um das Thema unerlaubter Steuervorteile: Apple in Irland, Amazon, Fiat in Luxemburg, Starbucks in den Niederlanden, und Sie haben weitere Beispiele gebracht. Meilenweit weg von Steuerfairness,

meilenweit weg von diesen ethischen Grundsätzen, die Broschüren füllen, aber mit der Realität nichts zu tun haben! Meine Frage ist: Wie ist Ihre Reaktion auf die Ablehnung durch ein EU-Gericht bei der Entscheidung der EU-Kommission? Sie forderten Belgien auf, Steuergelder von den Unternehmen zurückzufordern, die unter dem Motto „only in Belgium“ 700 Millionen an Steuerrabatten erhielten. Könnte dieses Urteil relevant sein für andere Fälle?

1-011-0000

**Margrethe Vestager, Commissioner responsible for Competition.** – First of all, the Belgian authorities have collected the unpaid taxes. In the legislation that they passed in order to be able to do that, they said that they would place these taxes in a closed account and that they would stay there until the case was final, and final in this respect is not likely to be the General Court.

But now I'm getting ahead of myself because we are still considering what to do as a follow-up. The General Court ruling says a couple of things. It is of course regrettable to be annulled, but what we're being annulled on is the fact that we see this as a scheme and the Court says that we're not arguing on this as a scheme because, for each multinational entering the scheme, the Belgian tax authorities will still make a specific tax ruling on this company as to how they can use this scheme.

So you have this double-sided nature of the Belgian set-up, where you have a scheme that you can enter as a multinational, but you still have a tax ruling on top of that. It is of course regrettable to be annulled and we will have to take note and analyse what to do next.

But I think there are a number of other important positive takeaways. One is that it was argued that we couldn't look into this and the Court said yes, we could indeed look into this as a state-aid issue. This was one of the things that we could do.

Second, they didn't say anything about this being state aid or not state aid. This is simply not part of what they were aiming at. So, for us, it is very important to read and understand the judgment in full and then to react to that because I think it is a quite nuanced and advanced ruling that sends us a number of different messages that we'll have to analyse and take into account before we decide on the next steps.

1-012-0000

**Pervenche Berès (S&D).** – Madame la Commissaire, je suis désolée de ne pas avoir entendu votre exposé liminaire; je sais que vous avez évoqué l'arrêt de la Cour, intervenu jeudi dernier, vous venez d'en reparler. Mais je voudrais revenir dessus parce qu'il fait partie de ces arrêts sur lesquels il nous faut regarder les choses très en détail.

La Cour considère que le régime belge ne constitue pas une aide d'État illégale. Pourtant, ce principe a permis à certaines sociétés appartenant à des multinationales de payer beaucoup moins d'impôts en Belgique, à la suite de décisions fiscales anticipées, les bénéfices de l'appartenance à un grand groupe étant ainsi déduits de la base fiscale.

Ce régime était utilisé par une trentaine de multinationales et, en 2016, vous aviez considéré qu'il s'agissait d'agissements illégaux. Le gouvernement belge, qui vient de remporter cet appel, doit donc d'une certaine manière renoncer à 942 millions d'euros.

Outre les conséquences immédiates de cette décision pour les revenus publics et les ménages belges, ne craignez-vous pas que cela constitue un précédent pour d'autres régimes fiscaux préférentiels, par exemple dans le cas d'Apple?

Alors que la justice fiscale est de plus en plus reconnue comme un enjeu politique et social majeur, quels sont les outils à la disposition de la Commission? Comptez-vous, à votre tour, faire appel de la décision de la Cour?

1-013-0000

**Margrethe Vestager, Commissioner responsible for Competition.** – I completely agree that it's very important to read the judgment in full because, as such, it is of course always very regrettable to be annulled. But it's important to read the judgment in full.

First, the Court did not express a view as to whether the individual company rulings were state aid. That is left open. Second, the Court confirmed that while taxation as such is a matter for Member States, the Commission can also look into taxation to check for illegal state aid, which is also a good thing because Belgium also said that you cannot even look at this.

So the Court said that we could look at this and the Court has taken no position as to whether it is state aid or not. What the Court has said is that we considered this a scheme because it was for multinationals only, but on top of the scheme for each multinational entering the scheme, the Belgian tax authorities would give a specific tax ruling. So it is double-sided in its nature. It is a scheme you have to enter but you still have the discretion of the tax authorities.

This is why we have to reflect as to the next steps we take here because I think what was obvious – and I still think that – was that the exemptions allowed some of the multinationals to reduce their taxable profits by up to 90%.

This is one of the few cases where we have dealt with a scheme. We have a couple of decisions still pending – the UK case on foreign-controlled entities, that we consider a scheme as well – but the rest of the cases are about individual tax rulings and that is of course very different. Just the fact that you have a specific tax ruling, in our view, is the starting point for selectivity because the tax ruling is for you. It's not for your neighbouring company here or your neighbouring company there; it is for you. In that respect this ruling is very specific to this case of the excess profit scheme.

1-014-0000

**Pirkko Ruohonen-Lerner (ECR).** – Arvoisa puheenjohtaja, ja kiitos komissaari Vestager osallistumisesta tämänpäiväiseen kuulemiseen.

Tiedämme, että Facebook hallitsee eurooppalaisia sosiaalisen median markkinoita. Kuluttajien käyttämät merkittävimmät sovellukset Facebook, Instagram, Messenger ja WhatsApp kuuluvat kaikki tämän yhden yrityksen hallintaan. Skandaaleista toiseen pyristellyt yhtiö tekee yhä ennätystulosta osittain siksi, että ihmisten on hyvin vaikea luopua näistä palveluista. Facebookin asema on niin vahva, että monet sanovat, että siitä luopuminen merkitsee käytännössä sosiaalista kuolemaa. Kilpailijoiden asema ei ole tarpeeksi vahva, eikä niillä ole nimeksikään käyttäjiä.

Kysyisin kilpailukomissaarilta, onko teidän näkemyksenne mukaan eurooppalaisilla sosiaalisen median markkinoilla tällä hetkellä terve kilpailutilanne, vai onko Facebookin johtava asema tullut liian määräväksi?

1-015-0000

**Margrethe Vestager, Commissioner responsible for Competition.** – As you know, we have had no Facebook case yet in respect of the misuse of a dominant position. We have seen in Germany that they have been looking into the area between privacy and competition law with the German legislative perspective. The first thing they have done there is that they have also legally proven what you would find intuitively, namely that Facebook is dominant in that market. I am putting it this way because, when we have to do a case, when it seems intuitively that it's a dominant company, it also has to be proven as a legal concept.

I cannot say anything about the European market in general, but I can say that, where it has been looked into, competition authorities have found that this is also, in the legal understanding of dominance, a dominant company. We have some concerns, and of course, as has been said, one thing is that we don't have an open case now – that doesn't preclude our ever having cases with Facebook, because we are looking into the market for data and advertising very closely, and so are many others, for exactly the same reasons as you state in your question. These are huge companies, not only as social media and – as you say – as a platform for people to interact with friends and family, but also for advertising. That is basically the business model. It is to sell advertising on the basis of the data that you can harvest from your users. So it is a very important market and we will, of course, keep supervising how things are done and dealt with.

1-016-0000

**Nils Torvalds (ALDE).** – Thank you, Commissioner Vestager, for being here. In one of the first hearings in the Panama Papers Committee we heard Jean-Claude Trichet who tried to explain to us, I think, that we should not give up our hope because in the long run – he wasn't quoting Keynes – we will be able to push the ministers to adopt a certain set of laws, but it won't be easy. Therefore what you said about the Commission as a whole pushing in the same direction is sort of tantamount for me to getting some results and I would be happy if you could give some more examples.

I did something as I usually do when I see something. When the decision from the Court came up, I googled in the next minute who was reacting to this and if you look at the list of those who reacted, they were all those companies which are actually creating the loopholes for the future. So you probably should also look now into what they are doing to be able to be one, two or three steps ahead of you, because as you, I think, indicated, this is a catching-up game and the better we are at catching up, the more money we might be able to get into the taxation system for all of the individual Member States, and that will probably make the ministers more apt to adapt their decisions when they come down to Brussels to make decisions about the future. So, just some guesses, please, about where you are in the catching-up game.

1-017-0000

**Margrethe Vestager, Commissioner responsible for Competition.** – Unfortunately, I think that it is difficult to say. Pierre Moscovici was the *chef de file* on the legislation; as such, he is travelling with some very large numbers on the level of corporate tax not being paid. Numbers that would really, really make a difference in state budgets all over Europe.

One of the reasons why I find that actually the timing of this meeting is very good is that we are entering the election campaign for the European Parliament, and unfortunately, this is an election where I think on average, 46% of voters decide to participate.

But this, I think, is one of the issues that can actually engage people: not only with promises for the future but also to show a record of what has actually been achieved. Because even though this is by unanimity in the Council, I think what the Parliament has done with the TAXE Committee and the push is a very important part of the result actually being achieved. And I think it's a very good call to voters to say: we need you to show your support for this important work. And I think that is a very important message, because if voters didn't care, we wouldn't have the momentum that we do have. And that, I think, is the important thing, because when voters care for politicians to make changes, then voters also care when they do their shopping. It was just in the Danish news that now a number of pension funds now use screening experts before they invest. They don't invest in weapons or tobacco or this and that; now taxation becomes part of their criteria. And that, I think, is a reflection of the fact that this is something that citizens take to heart: that they would want their pensions to be invested in a sustainable manner, also when it comes to contributions to the society where business is being dealt with.

So I hope very much that this will be part of the discussion, and hopefully it will also be part of the mandate for the next Parliament and for the next Commission and for the Council to work with: that tax fairness is one of the centrepieces in doing that.

1-018-0000

**Matt Carthy (GUE/NGL).** – Welcome Commissioner Vestager! You may be aware, I am not sure, of a report that our Group GUE/NGL published last year, which was an examination of the post-2015 structure that Apple has set up, the structure that was actually put in place following your own state-aid investigation. It appears, according to that document, that with the assistance of the Irish Government, Apple has successfully created a new structure that has allowed it to gain a write-off against almost all of its non-US sales profits and it's done this primarily by using a 100% capital allowance for intangible assets.

The Chair of the government's own Fiscal Advisory Council in Ireland has actually suggested that Apple's exploitation of the capital allowance regime for tax purposes may actually be illegal, because the law rules out using the allowance where the main purpose is actually tax avoidance and he is arguing that if the same rationale that was used in your own state-aid ruling on Apple and Ireland is applied, that Apple is in breach again of Irish tax law and would owe the Irish Revenue at least a further additional EUR 2.5 billion in unpaid tax, that is from the period of 2015 onwards.

So I know and appreciate that you're going to be focused on defending your own ruling regarding the pre-2014 structure against the legal challenge brought by Apple and the Irish Government and my first question is: have you got any inclination of a timeframe for that court process to take place?

And the second part is to ask you whether or not you intend examining the new structure that Apple has set up in the past number of years, to ascertain whether or not it constitutes illegal state aid from the Irish Government?

1-019-0000

**Margrethe Vestager, Commissioner responsible for Competition.** – On the first question, no, we don't know when the Court will decide on the Apple tax case. That is in the Court calendar but we don't know that yet. You probably know that the Irish authorities finalised the recovery of the unpaid taxes last autumn, which are now in a managed fund because of the size of the unpaid taxes that have been collected.

On the new structure: what we have learned about the new structure is exactly the use of the capital allowances. What we know so far is that this measure is open to all companies. This means that the starting point whenever you do a state-aid assessment, which is selectivity, cannot be met because, if it is for everyone, then it's not selective. So at least for now we wouldn't consider it as illegal state aid. That doesn't exclude that there can be discussions about taxes being paid or not being paid, but it's just not a given that a state-aid investigation is the right tool or format to deal with that.

1-020-0000

**Sven Giegold (Verts/ALE).** – Commissioner, first of all I would like to say thank you for what you did during the past years. You have helped the mission of our committee a great deal in the framework of your competences and I think it's important to acknowledge this. I still think it is a pity that you are not the lead candidate and Spitzenkandidat of the ALDE Group; it's also a pity that ALDE didn't appoint one, it would have been a great chance to have taxation in the middle of the debate if there were not this moving away from that good democratic principle. But, beyond that, I would ask some concrete questions on the next steps to achieve even more.

Firstly, the Reimon report on competition policy, the Annual Report, welcomes the fact that the Task Force on State aid in the form of tax advantages has been made a permanent body – that is welcome – but it calls on you to give it the right human resources and investigation tools. Can you today sketch out which upgrades you can perhaps deliver?

The second issue is: when we started with all these selective schemes there was a debate on what happens with all the other companies which use similar structures. So can you announce that there will be more cases after you have completed the experience with the current ones? Because we know there were thousands of tax rulings, many of which had elements of selectivity and on this also, there was the debate on whether you will issue guidelines for fiscal state aid. That will be very important, to have finally guidelines, also to put into rules what you have developed. So when will your proposal for guidelines in fiscal state aid finally materialise?

1-021-0000

**Margrethe Vestager**, *Commissioner responsible for Competition.* – Well, first of all, no matter what happens, as I said I do hope that taxation is a very big part of the parliamentary debates because it's an obvious issue. Also, I think it is so important because, at least in my opinion, if you want Europe to be a prosperous, good place to live this cannot be based on a race to the bottom on corporate taxation. There has to be the full palette of education, research, development, safety, infrastructure, uncorrupt governments, that is what makes a good business environment.

On your questions. I don't know if there is a correct resource allocation for the Unit which deals with our tax cases but we try to staff it in a flexible way so if we need more people we can put more people in, because, for instance, sometimes when we send a request for information, it then takes some time before things happen. So then they can do other things, but when boxes of information are coming back then you need more people to go in and see how to understand this, how to sort it out. So we try to have a flexible organisation in order to be able to process the cases in a fast way.

On the second question, what happens with others? If you take the LuxLeaks example, when we went through all of those tax rulings – I don't remember the exact number, 600 something – I think two thirds of those tax rulings concerned financing companies; where you are within a holding, you have a financing company, the role of that is to lend money from another part of the holding and redistribute that to a third part of the holding, and there is a high risk that if that is not done, as one would do if one were an independent in the market, then you can use that mechanism to move profits from where they are created and ought to be taxed to somewhere where taxation is lower or non-existent.

And here we did the Fiat case, which we considered to be an obvious case and an outlier, a quite clear case, and after we had done that case, in Luxembourg they changed the entire set-up so that it's not anymore possible to repeat the Fiat case and all the rulings that were similar to that became void by 1 January 2017.

This means that this cannot be repeated in Luxembourg, and I think in one other Member State where there was a similar set-up to the Luxembourg set-up that gave rise to the Fiat case, they have also changed their legislation.

So for the future this cannot be repeated and for us we cannot, and I don't think we should, go through all the two thirds of the LuxLeaks cases, because we're not a tax authority, we're a state-aid authority.

1-022-0000

**Sven Giegold (Verts/ALE).** – You don't want to recover the state aid granted for these many other cases, in this case, so leaving an unlevel playing field?

1-023-0000

**Margrethe Vestager, Commissioner responsible for Competition.** – I agree that this is, of course, a paradox. But the fact that we cannot do all cases should not prevent us from doing the most obvious cases. Because when we do the obvious cases, that's a catalyst for change, so that it will not repeat itself for the future. And it does not exclude in any way that tax authorities go back themselves and redo the cases. They will under any circumstances have to redo if people come back and say: my tax ruling is void because you have changed your legislation, I would like to have a second one. Then they will have to deal with that.

On the last question of guidance, we have, hopefully, given some guidance in the state aid decisions themselves. We tried to make an effort for them to be public, also for our opening decisions to be public, because also when you read the opening, you can see where we have concerns. On the notion of state aid and the staff working paper, we have outlined some of our thinking in order to do that, and obviously, when the Court decides – guidance will come from there – eventually, hopefully, we will be able to digest that and give more general guidance. But that will take some time, as was mentioned with the Belgian excess profit scheme. This is the general court, and we are considering if we should leave it at that or if we should take the case itself or the appeal further. So for the Courts, of course, I don't hope that people take the guidance from the general court because the specific decision is annulled. That is annulled for very specific reasons and that's the guidance you can take, but you could just as well take the guidance that the Court says that well, yes, the Commission can look into these cases, even though taxation is a prerogative for the individual Member State.

1-024-0000

**Ana Gomes (S&D).** – Commissioner, you saved the Commission in my opinion. You referred to Madeira, there's an ongoing investigation, I have a few questions, I'll do it afterwards.

But my country Portugal has not recovered a dime from all these scandals – I'm not talking about Madeira – you know, from Liechtenstein with Swiss leaks, tax rulings, Panama Papers, Bahama Papers, Paradise Papers, football leagues, not a dime, not to mention the tax amnesty of 2012, which was a real scheme for legalised money laundering, and the so-called tax blackout between 2011 and 2015. This was the time of the Troika, so the Commission has a particular responsibility. Would you, before you end your mandate, ask for or prepare a list of what Member States say they have recovered so that we can actually see those who haven't recovered a dime?

1-025-0000

**Margrethe Vestager, Commissioner responsible for Competition.** – I may not have understood in full, but in our cases the unpaid taxes have been recovered. They are not in the state budgets because they are in closed accounts because all our cases have been appealed. But the unpaid taxes have been recovered. That doesn't change the fact that there will be cases where ... Could you maybe just repeat your question so that I understand it?

1-026-0000

**Ana Gomes (S&D).** – Portugal, not a dime has been recovered! All the scandals! The tax authorities have not been instructed, neither by the previous government nor this one, to actually go and recover whatever. We see Portuguese football players, for instance, paying huge sums in Spain because the authorities are working there, but not in Portugal. The scandals are there and the most glaring are the tax amnesty of 2012 and the so-called tax blackout for which we even had a mission to Portugal, where more than 10 billion was being sent out to Panama and Uruguay when the Banco Espírito Santo was already collapsing, and nothing has been recovered! No investigation, all blocked.

1-027-0000

**Margrethe Vestager**, *Commissioner responsible for Competition.* – Unfortunately, that would not be something that we would look into, because for the national tax authorities to do their job, it is for them to do their job. For instance, the frustration for me as a Dane was that we had an enormous scandal, where basically the tax authorities were robbed for billions and billions and billions. That has to be dealt with in Denmark by Danish authorities to get it right. And it is for the Portuguese authorities when it's income tax or things that don't involve state aid for them to recover that. I see your passion – I'm absolutely certain that it will be part of election campaigns and part of a political fight. But this is a matter for the national authorities to deal with.

1-028-0000

**Chair.** – Thank you very much, Commissioner, for the dialogue and for the open and direct answers. I think I can say, on behalf of the whole committee, most of all thank you for the work you've done, and you have been doing, for fair competition. We sometimes take it for granted, but you know the best that it's a permanent struggle and one must be pressure-resistant and be the best. So we're glad that you have that portfolio, and thank you for the work you've done.

(Applause)

We will continue in one minute with the next session.

(*The meeting was suspended for a few minutes*)

**Exchange of views with the Spanish State Secretary for Treasury**  
**Ms Inés María Bardón Rafael**

1-030-0000

**Chair.** – Dear colleagues, we will continue our session. We are a bit behind time.

Let me welcome Ms Inés María Bardón Rafael, State Secretary for the Treasury of the Government of Spain, who accepted our invitation. She will mainly talk with us about the initiative on digital taxation that the Spanish Government had submitted to the Parliament, although it might be the case that the proposal expires, after the call by the Prime Minister for a snap election in April. But we'll see. We'll be interested in this initiative and also, of course, in the view of the Government on the wider European digital tax and similar, or related, initiatives.

So please, State Secretary, I would ask you for your introduction of up to ten minutes. The floor is yours.

1-031-0000

**Inés María Bardón Rafael, secretaria de Estado de Hacienda de España.** – Señor presidente, señores vicepresidentes y señores miembros de la Comisión TAX3. En primer lugar, me gustaría trasladarles mi agradecimiento por su amable invitación para poder compartir con todos ustedes aquí cuál es la posición del Gobierno español respecto a la fiscalidad de la economía digital, un debate en el que creo que vamos un paso por detrás de la realidad de este sector siempre tan dinámico y en constante evolución.

A lo largo de mi intervención, intentaré explicarles cuáles son las actuaciones que hemos impulsado en esta materia. Comenzaré con un repaso de la evolución del debate sobre la fiscalidad de la economía digital y cuáles son las principales líneas de nuestro proyecto de Ley del Impuesto sobre Determinados Servicios Digitales. Expondré también nuestra posición acerca de la variante de impuestos sobre la publicidad digital, que actualmente se está examinando. Y finalizaré refiriéndome brevemente a otros ámbitos en materia tributaria relevantes para esta comisión, como pueden ser el plan para transitar hacia la mayoría cualificada en materia tributaria o el impuesto sobre transacciones financieras.

Respecto al primer punto —el debate sobre la fiscalidad digital—, es evidente que encontrar un consenso europeo sobre cómo adaptar nuestros sistemas tributarios a la creciente digitalización de la economía está siendo complicado, más de lo que podríamos presumir. A pesar de que parece haber unanimidad respecto a que los sistemas tributarios en general se han quedado obsoletos frente a la realidad de la economía digital, no conseguimos que prospere una posición común por parte de la Unión Europea, ni de la OCDE, ni del G-20. Llevamos ya mucho tiempo escuchando que es necesario llegar a una solución consensuada a nivel internacional, ante la evidencia de que las empresas multinacionales actúan en un mundo cada vez más digitalizado, que no entiende de fronteras, y donde la generación de valor y, por tanto, de riqueza tiene una parte importante de su peso en cuestiones que son intangibles.

Las normas impositivas internacionales no son adecuadas para la realidad de la economía global moderna, que ha superado hace tiempo los marcos nacionales, especialmente en el campo de las multinacionales tecnológicas. Como les decía, ya no es necesario tener presencia física en un territorio para hacer negocios en él y generar beneficios. De hecho, muchas de las grandes plataformas digitales tienen complejas estructuras societarias que en muchos casos hacen que la factura fiscal que paguen sea muy pequeña en relación con lo que ingresan. Esto representa un

agravio respecto a las empresas que sí tienen en la presencia física su ámbito de actuación principal.

Baste recordar que se estima que los gigantes digitales pagan muchos menos impuestos que las empresas con presencia física: un tipo medio del 9,5 % frente al 23,2 %. Es más: la ausencia de esta respuesta internacional común está dando lugar a prácticas fiscales agresivas por parte de países que ofrecen a las grandes compañías importantes beneficios si domicilan su sede social, lo cual no hace más que acrecentar el problema.

Hace escasamente unos días la OCDE anunció que seguía trabajando para lograr una solución a largo plazo en 2020, mientras que aquí, en Europa, el Ecofin no ha conseguido avanzar en una postura común debido a la oposición que mantienen un grupo pequeño de países.

Desde el Gobierno de España defendemos que la digitalización es clave en el proceso de competitividad de la economía y que la fiscalidad no puede ser vista como un obstáculo o como un castigo que desincentive la participación en un sector de la economía o la innovación, sino como una oportunidad para clarificar las dudas y ayudar a que las nuevas actividades crezcan en un entorno seguro y estable.

Pero también entendemos que si la política fiscal realmente tiene como principios inspiradores la justicia, la eficacia, la igualdad y la progresividad, es urgente corregir esta situación que está generando inequidad y competencia desleal.

De lo que se trata es de que las empresas digitales también contribuyan con sus impuestos en la medida que les corresponda, asegurando los principios de equidad y eficiencia de nuestros sistemas tributarios, es decir, defendiendo su legitimidad frente a los contribuyentes.

Un inciso aquí: la legitimidad de los impuestos ha sido el germen de los Parlamentos nacionales, del Estado de Derecho, y sustenta la cohesión de nuestras sociedades. De hecho, el sistema fiscal es la base de nuestro Estado social, una de las bases que inspiraron la idea de lo que es hoy Europa. Sin ingresos públicos suficientes no es posible mantener un estado social robusto que garantice la igualdad de oportunidades y la cohesión social.

Y créanme que esto no es un asunto menor. La dureza de la crisis económica y la incapacidad que han demostrado los distintos gobiernos en estos años para dar respuesta a las expectativas de seguridad, prosperidad y bienestar de los ciudadanos y ciudadanas europeos han generado que haya quien esté poniendo en cuestión incluso la misma idea de Europa y su futuro: lo estamos viendo todos los días con el auge de movimientos que propugnan un sentimiento antieuropeo, cuyo mayor exponente es el Brexit.

No podemos consentir la quiebra de los principios de equidad y eficiencia, de la justicia social, del Estado del bienestar del que Europa hizo su bandera.

Y por ello, desde el Gobierno de España, nos hemos planteado una fiscalidad innovadora, capaz de adaptarse a la transformación que supone una economía globalizada y digital, pero sobre todo justa, con la que se cumpla el principio de progresividad y seamos capaces de reducir la evasión y elusión fiscal, aumentando con ello los ingresos tributarios que nos permitan seguir mejorando los servicios públicos y los sistemas de protección.

En esta línea, hemos remitido al Parlamento español un proyecto de Ley del Impuesto sobre Determinados Servicios Digitales, que hemos concebido como una medida transitoria hasta que entre en vigor la propuesta europea. De hecho, los hechos imponibles y el tipo impositivo son los

mismos que los que se proponían en el ámbito europeo, pero el umbral de cifra de negocio en el país se adapta, situándose en tres millones por ingresos obtenidos de usuarios en territorio español. Con ello pretendemos garantizar que solo se grava a las empresas que tienen una mayor capacidad de monetizar los datos de los usuarios.

Por otra parte, se concretan más los aspectos técnicos del impuesto en consonancia con la legislación tributaria española. El impuesto será deducible a efectos de sociedades y se garantiza la compatibilidad con los convenios para evitar la doble imposición. Nuestra previsión de recaudación se sitúa en torno a 1 200 millones de euros anuales, una cifra compatible con el umbral de tributación más exigente que establecemos y con el peso que tiene en nuestro país el uso de internet.

Tengan en cuenta que, según Eurostat, el peso de España en indicadores como la participación en redes sociales, la búsqueda de información para la compra de bienes y servicios y la búsqueda de información para viajes y alojamiento representa un 9,1 % del total de la Unión Europea.

Como pueden comprobar, estamos perfectamente alineados con la propuesta inicial de la Comisión y, en caso de que la Directiva que finalmente se apruebe cambiase, nos adaptaríamos igualmente.

Déjenme aclararles que también apoyamos establecer una cláusula de limitación temporal del impuesto en la Unión Europea con vistas a propiciar el mayor consenso posible dentro y fuera de la misma. Pero consideramos que no podemos delegar en otros foros ajenos la aprobación de este tipo de impuesto.

Estamos convencidos de que la Unión Europea debe adoptar sus propias decisiones, eso sí, sin que contradigan la solución global que se acuerde. Y en España consideramos prioritario no demorar más la resolución de los problemas de inequidad fiscal.

Con esos ingresos y otras medidas adoptadas en el Gobierno español pretendemos mejorar sustancialmente las políticas sociales tras tantos años de restricciones como consecuencia de la crisis, respetando al mismo tiempo nuestros compromisos con la disciplina fiscal.

Como seguro conocen por las noticias de estos últimos días, la situación política de nuestro país ha devenido en una convocatoria electoral para finales del mes de abril, lo que va a dificultar que continúe la tramitación del proyecto de Ley debido a la próxima disolución de las Cortes. No obstante, les reitero nuestra firme convicción de poder continuar con este proyecto de Ley si revalidamos la confianza del pueblo español.

Voy a referirme ahora a la alternativa propuesta por Francia y Alemania de limitar el impuesto a la publicidad digital como respuesta al bloqueo constatado en el Consejo Ecofin de diciembre pasado.

Consideramos que no es una solución óptima porque no se conseguirían los objetivos perseguidos y se generaría graves problemas en el mercado interior por falta de armonización, especialmente en un escenario en el que grandes Estados miembros han expresado ya su voluntad de ir más allá de gravar solo el servicio de publicidad.

Por ello, para favorecer el consenso y a la vez no restringir las opciones nacionales, defendemos que se mantengan los otros dos hechos imponibles en la propuesta de Directiva, aunque sea a costa de incluir la posibilidad de que se aplique por los Estados miembros un tipo cero.

La Unión Europea debe ser ambiciosa, afrontar sin complejos las repuestas coordinadas a los retos que plantea la economía digital y no conformarse con soluciones a medias. Tenemos que centrarnos en posibilitar cuanto antes este impuesto transitorio y seguir cooperando con los demás países para encontrar un punto de consenso para la solución a largo plazo.

Por otro lado, en relación también con la fiscalidad de la economía digital, me gustaría recordarles que en la Directiva del IVA de 2017 se incluyeron dos nuevas obligaciones respecto de las plataformas de internet. Así, en determinadas ocasiones se considera a la plataforma como sujeto pasivo respecto de las operaciones que intermedia, y también, a iniciativa de España, las plataformas deben tener información a disposición de la Administración Tributaria para el control de las operaciones que intermedian. En España, por ejemplo, hemos establecido la obligación de informar sobre los alquileres turísticos, un sector que continúa en alza.

Les trasladaba, al principio de mi intervención, mi deseo de aprovechar esta comparecencia para compartir con ustedes brevemente la posición española sobre otras cuestiones de interés para esta comisión especial.

Me he referido antes al bloqueo de la propuesta de Directiva por no existir la unanimidad requerida pese al gran apoyo mayoritario que concita. La Comisión ha presentado su iniciativa para ampliar los ámbitos de decisión por mayoría cualificada, con el objetivo de que podamos superar situaciones de bloqueo o veto que se traducen con demasiada frecuencia en inoperancia, pérdida de tiempo, ineficacia y falta de credibilidad.

Como ya conocerán algunos de ustedes, el presidente del Gobierno español reconoció en este mismo Parlamento, en Estrasburgo, hace un mes, que para que la Unión Europea pueda llegar a ser un verdadero actor global es necesario eliminar las reglas de la unanimidad, no solo en materia de política exterior, sino también en materias tan importantes como la fiscalidad, el presupuesto plurianual y el mecanismo de verificación del respeto al Estado de Derecho y los derechos humanos. Es por ello que España ha acogido favorablemente la propuesta de la Comisión de iniciar un debate. Por supuesto, compartimos que se pueda empezar en materia tributaria, aplicando la mayoría cualificada en las decisiones relativas a la cooperación administrativa y la lucha contra el fraude fiscal.

Permítanme también una breve mención al impuesto sobre transacciones financieras. España participa en el grupo de países que ha optado por decidir el establecimiento de este impuesto bajo el mecanismo de la cooperación reforzada; de ahí que hayamos aprobado un proyecto de ley inspirado en el existente en Francia y que consideramos que no va a incidir significativamente en la negociación bursátil por el moderado tipo de gravamen, un 0,2 %, y el escaso número de entidades afectadas, ya que se centra en las compras de acciones de sociedades españolas que cotizan en un mercado regulado y además tienen un valor de capitalización bursátil superior a los 1 000 millones de euros.

Con este impuesto perseguimos reforzar el principio de equidad en nuestro sistema fiscal, habida cuenta de que las operaciones que se someten a tributación no se encuentran sujetas a impuesto alguno en el ámbito de la imposición indirecta. Lógicamente, lo adaptaremos al que resulte del acuerdo con los demás nueve Estados miembros participantes de la cooperación reforzada. Nuestra previsión de recaudación anual es de 850 millones de euros, lo que contribuirá igualmente a respetar la disciplina fiscal sin perjudicar las políticas sociales.

Sabrán también que España mantiene una posición general favorable a avanzar en la armonización de la base imponible consolidada común del impuesto sobre sociedades. Nos

felicitamos del gran paso que supone incluir los principios de buena gobernanza fiscal en todos los acuerdos que celebre la Unión Europea con terceros países, y por los trabajos en relación con la lista de la Unión Europea de países y territorios no cooperadores en materia fiscal, gracias a los cuales previsiblemente el próximo Consejo Ecofin será informado sobre el cumplimiento de los compromisos de los países de la llamada lista gris, y podrá acordarse su actualización. Podemos considerar que ha sido un gran éxito, pero habrá que seguir estando vigilantes.

Quisiera destacarles también que España no figura dentro del grupo de países que ha sido objeto de atención por la Comisión debido a los sistemas de *tax rulings* que han proporcionado cuantiosas ayudas fiscales a empresas significativas. Por el contrario, además de haber apoyado todas las iniciativas para lograr una mayor transparencia y capacidad de obtener nuevas informaciones, me gustaría llamar su atención sobre nuestra intención de regular un tipo mínimo del 15 % sobre la base del impuesto sobre sociedades para aquellas empresas que facturan más de 20 millones de euros. Nuestro objetivo es lograr una tributación efectiva más justa en este tipo de sociedades corrigiendo la inequidad con la que se opera en el caso de las grandes corporaciones frente a las pequeñas y medianas empresas.

Creo que es imprescindible profundizar en la transparencia sobre los impuestos que pagan los grandes grupos por sus actividades en todos los países donde operan. En este sentido, aunque no se trata de una materia de mi responsabilidad, considero importante expresarles que España apoya la última propuesta de compromiso para modificar la Directiva 2013/34/UE y esperamos que se logre pronto la mayoría requerida para aprobarla.

Para concluir, y antes de compartir sus preguntas, me gustaría enfatizar dos ideas. La primera, que tenemos que avanzar decididamente en la resolución de los desafíos que plantea la economía digital. No podemos permitir que se sigan produciendo inequidades tan flagrantes que deslegitiman la fiscalidad.

La segunda, que tenemos que continuar, paso a paso, en la armonización de los impuestos especiales, del IVA, pero también del impuesto sobre sociedades y otros que afectan al mercado interior.

Soy consciente de la complejidad que conlleva esta armonización, porque hay que mantener el equilibrio necesario entre los intereses nacionales y los del conjunto de la Unión Europea, y todavía persisten muchas diferencias entre nuestros sistemas tributarios. Por ello considero que el avance debe ser gradual, pero debe lanzar un mensaje nítido y claro, y es que Europa solo será fuerte en la medida en que avance junta, y Europa solo podrá seguir prosperando en la medida en que dé respuesta a sus ciudadanos y ciudadanas en materia de bienestar, seguridad, derechos y libertades. Y para ello debe avanzar hacia una política tributaria más justa, más progresiva y más transparente. Muchas gracias y quedamos a su disposición.

1-032-0000

**Chair.** – Thank you very much, State Secretary, for the comprehensive description of the Government's approach. We will now open the discussion with the Members. Each of them will have five minutes for question and answer, one minute for the question and the remaining time for the answer or answers. We will start with our co-rapporteur for the PPE Group, Luděk Niedermayer.

1-033-0000

**Luděk Niedermayer (PPE).** – Thank you very much, and thank you for being with us. I have two relatively simple questions.

First of all, why do you think it is so difficult to reach agreement in the Council on the most important tax issues like the digital tax, CCCTB and VAT reform?

The second: what's your view of moving a little bit downwards to enhance cooperation in tax matters?

1-034-0000

**Inés María Bardón Rafael**, secretaria de Estado de Hacienda de España. – Bueno, respecto al acuerdo... la dificultad para alcanzar acuerdos, efectivamente, tal como hemos comentado en la intervención, entendemos que hay una seria dificultad para tener el equilibrio entre la autonomía, o la soberanía, de los países miembros y los intereses comunes en el ámbito de la Unión Europea. Es difícil, para todos los países, establecer un entorno de entendimiento donde se produzcan concesiones, pero a la vez conquistas que permitan avanzar en una propuesta única. Y entendemos que es imprescindible que este consenso se produzca, se llevan años trabajando —en algunos casos seis años; en otros, ocho años— y España ha considerado que es suficiente tiempo y que es estrictamente necesario dar un paso adelante para ser capaces de avanzar en esta necesaria equidad fiscal, en este sistema tributario más justo y que permita acomodarse a los nuevos tiempos.

Es evidente que el mundo está cambiando y que la economía, como hemos dicho, ya no entiende de barreras, no entiende de establecimientos físicos y, por tanto, nuestros sistemas tributarios tienen que evolucionar, y los países, en este sentido, tenemos que dar ese salto que nos permita ceder terreno y tener una visión realmente revolucionaria en este aspecto —permítanme la expresión—. Un cambio de paradigma en la economía requiere un cambio en nuestro sistema tributario de profundidad.

Respecto a la cooperación reforzada, saben que España es un país absolutamente comprometido con toda la asistencia mutua y la cooperación reforzada; tenemos sistemáticamente transposición de directivas, y trabajamos en plazo con la transposición de todas las directivas en esta materia, y nuestro compromiso es total con la cooperación y con la asistencia.

1-035-0000

**Jeppe Kofod (S&D)**. – Thank you so much to the Minister for appearing before our committee and explaining the importance of having a corporate tax system that is fitting the 21st century with the economy we have today. And also I very much agree with the Minister that, if we are not fixing this now, it's a direct threat to our welfare state in Europe and the collective financing of our welfare states.

My question would be again on digital taxation. Can you elaborate a little bit? Because one of the reluctant governments is the Danish government – my own government – which I don't share a view with. But they are arguing that they fear repercussions from the US side if the EU adopts a digital service tax. What are the discussions on that? Is the EU strong enough to have a united position also to deal with the American side or other big economies? Because I think it's important to have this trend.

Secondly, the Code of Conduct Group for Business Taxation has existed for decades now. One of the problems in the lack of progress with tax in Europe is the closeness of the working groups in the Council. The Ombudsman has also alluded to that. What is your position – the position of the Spanish Government? Shouldn't we open up more the processes and the preparation of legislation, for example in the Code of Conduct Group for Business Taxation, so citizens and the media can follow what's going on and see who is blocking the progress? Because I think that's what we have seen: you are able to block progress because there's unanimity on the issues, but also there is anonymity, so that you can hide behind closed doors and block legislation.

1-036-0000

**Inés María Bardón Rafael**, secretaria de Estado de Hacienda de España. – Respecto a la primera pregunta, efectivamente, sí, está el debate sobre cómo nos posiciona. Si es la Unión Europea la que aborda en primera instancia este impuesto, ¿cómo quedaría posicionada? Creo que, efectivamente, el debate se puede establecer —y de hecho se está estableciendo— en dos planos diferentes: lo que

podemos entender por el corto plazo y lo que podríamos entender por el largo plazo, descontando que en este caso los Estados Unidos están en la misma situación, es decir, que la interrelación y la preocupación por el cambio en la economía son globales, por tanto, afectan a todos los países.

Pero parece interesante el avance o el planteamiento que se hace de dos tiempos. Establezcamos uno en el corto y otro en el largo, y, además, son compatibles, es decir, España está priorizando y junto con otros Estados miembros tiene claro que la creación a corto plazo del impuesto armonizado en la Unión Europea es compatible con estas estrategias a largo plazo basadas en una reforma fundamental de las reglas impositivas internacionales.

Entre todos —OCDE, G-20, Unión Europea— tenemos que lograr que las grandes multinacionales tecnológicas, pero también las grandes empresas en general, que producen, que generan valor significativamente en la economía digital, tributen parte de sus beneficios en los países que constituyen su mercado.

Compartimos entonces reformas a largo plazo de las normas en el impuesto sobre sociedades para asegurar este gravamen cuando existe una presencia digital significativa, y se cumplen algunos criterios, con la adopción a corto plazo, aunque sea una solución provisional y transitoria, así como limitada en el tiempo, para afrontar el problema desde ya, lo que no obstaculiza la consecución de la solución a escala global.

Pienso que, efectivamente, hay que ser posibilistas y hacer compatibles ambas soluciones para encontrar un punto de consenso en esta solución a largo plazo, pero apostando claramente, en el ámbito de la Unión Europea, por esta fiscalidad digital.

En España el debate ha sido arduo, como conocen, pero estrictamente necesario, y finalmente con un consenso sorprendente, desde la perspectiva de haber trabajado y habernos sentado en diferentes niveles, con los sectores, con las tecnológicas, con diferentes grupos de interés, que finalmente comparten que el tributo puede ser hasta una oportunidad para legitimar estas empresas y su presencia respecto de los contribuyentes.

Respecto de la segunda pregunta sobre el Grupo «Código de Conducta», no sé si he entendido muy bien su pregunta, pero somos partidarios, en relación con este Grupo, de que probablemente sea necesario mejorar su transparencia, pero hay que mantener un equilibrio complicado en ocasiones debido a las cuestiones tan delicadas que se abordan y al acceso a documentos trabajados y de trabajo en este Grupo, lo que hace necesario que se establezcan unos determinados límites.

En cualquier caso, España es partidaria de fomentar la transparencia en relación con el funcionamiento del Grupo. De hecho se ha apoyado la publicación en el portal de internet del Consejo de documentación explicativa sobre las actividades del Grupo. Pero también resulta importante no forzar las situaciones si se quiere preservar la eficacia en la toma de decisiones, como no es lo mismo debatir en un entorno cerrado, en un momento determinado, que en un entorno abierto o público.

Y también deben respetarse los límites que cada Estado miembro o país tercero en el marco de su soberanía considera que deben preservarse, pero siempre existiendo un equilibrio entre unos intereses y otros. Espero haber contestado su pregunta.

1-037-0000

**José Ignacio Salafranca Sánchez-Neyra (PPE).** –Señor presidente. Bienvenida, señora secretaria de Estado. Agradezco su franqueza al reconocer que los presupuestos generales del Estado han sido rechazados por el Congreso de los Diputados y que, por lo tanto, este proyecto de Ley es un proyecto de inciertos resultados.

En ese contexto, me gustaría compartir con usted alguna de sus observaciones, en el sentido de que, efectivamente, tenemos problemas globales frente a soluciones nacionales, de que tenemos que afrontar los retos que plantea la revolución tecnológica y digital y de que tenemos que mejorar claramente el proyecto de toma de decisiones.

En ese contexto, y teniendo en cuenta que España se sitúa en el puesto trigésimo sexto de sesenta y tres países en el índice de innovación digital, ¿no piensa usted que sería mejor hacer una aproximación menos onerosa desde el punto de vista fiscal, siguiendo el modelo de países punteros que lideran en Europa este índice, como Dinamarca, Suecia o Finlandia?

Y termino, señor presidente. En este mismo contexto, ¿piensa usted, señora secretaria, que se pueden construir paraísos sociales sobre cementerios económicos?

1-038-0000

**Inés María Bardón Rafael, secretaria de Estado de Hacienda de España.** – Respecto de la primera consideración, problemas globales requieren soluciones globales. Pero cuando la globalidad está en situación complicada y ralentizada es importante que, como en todos los ámbitos de la vida y de la sociedad, haya motores, tractores. Y en este caso, entendemos que los países que han tomado la iniciativa como España —porque no solamente España ha tomado la iniciativa tanto en el anteproyecto de Ley del Impuesto sobre Determinados Servicios Digitales como en el del Impuesto sobre las Transacciones Financieras— estamos convencidos de que es necesario activar el motor para que finalmente acabe habiendo un consenso necesario e imprescindible de todos los países.

En todo momento, cuando se ha hecho un planteamiento de estas dos normas en el Gobierno de España, ha sido con la condición y con la convicción de que sería tractor, motor de la Unión Europea y de que, además, cuando se llegara al consenso en este seno, España adaptaría sus proyectos de Ley, tanto uno como otro, a las condiciones en las que finalmente hubiera habido consenso.

No es una tasa onerosa. Es una tasa que era la propuesta, realmente, de la Directiva. Es solo un 3 %, y tenga usted en cuenta que este es un impuesto indirecto a un sector que no está gravado. Y, por tanto, es un 3 % a un sector identificado y claramente —iba a decir— infragravado; no, ni siquiera: no gravado. Porque, como es lógico, es novedoso. No es ya reciente —iba a decir «es reciente»—. No es, lamentablemente, reciente, pero todavía no hemos sido capaces de reaccionar.

¿La situación ideal? Pues el consenso y la armonización. Pero si no es una realidad, creemos que es más importante liderar estos proyectos, que suscitan al final mucho consenso, pero en relación con los que es difícil, en algunos países, dar el paso político.

No he entendido muy bien lo de «paraísos sociales». En cualquier caso, el Gobierno de España ha elaborado unos presupuestos con un marcado carácter social, sí, pero con un respaldo de ingresos muy importante. O sea, con una proyección en los ingresos y en los gastos que nos han permitido, en el contexto, además, y con la premisa, en todo momento, del respeto y la adecuación a la consolidación fiscal, a todas las reglas de estabilidad presupuestaria, déficit, nivel de endeudamiento, e incluso a la regla de gasto, una regla fiscal —como ustedes saben— que en España es más exigente que en otros países de la Unión.

Pues, cumpliendo todas estas reglas fiscales, la elaboración del presupuesto ha sido un equilibrio entre ingresos y gastos orientado realmente a los ciudadanos, orientado a recuperar determinados servicios que se habían visto deteriorados en los últimos años, fruto de la crisis, y que entendíamos que era estrictamente necesario recuperar.

1-039-0000

**Ramón Jáuregui Atondo (S&D).** – Señor presidente. Yo quiero mostrarle también mi agradecimiento por su presencia. Yo creo que es muy importante que el Gobierno de España explique a esta comisión sus iniciativas en materia fiscal. Y quiero felicitarles, porque realmente, aunque es muy fácil deducir que yo estoy de acuerdo con lo que ustedes han hecho, sí me parece importante destacar en esta comisión que el Gobierno de España ha tomado tres iniciativas fiscales muy importantes que no todos los Gobiernos de Europa están tomando.

La primera, en materia de imposición digital, como bien se ha dicho. Y tengo una pregunta: ¿cuál es la reacción del sistema empresarial? ¿Qué ha pasado cuando el Gobierno español les ha dicho que tiene la firme intención de mantener esta figura?

Entiendo también, señora secretaria de Estado, que estas reformas fiscales son también promesa para el próximo gobierno. Usted ha tenido la sinceridad de decir que hay unas elecciones. Obviamente, puede haber un nuevo gobierno, pero entiendo que el que usted representa, si pudiera volver a gobernar, mantendría estas figuras fiscales.

Y mi última pregunta es a propósito del tipo mínimo. ¿Cómo opera el tipo mínimo sobre una empresa grande que establece su impuesto en torno al 9 %? ¿Y qué hacen? ¿Le suben de pronto al 15 %? ¿Le aplican un 6 % más, así, de golpe, o cómo opera el tipo mínimo? Es otra idea que esta comisión ha barajado en sus discusiones con los diferentes Grupos.

1-040-0000

**Inés María Bardón Rafael, secretaria de Estado de Hacienda de España.** – Voy a intentar dar respuesta a sus consideraciones.

La primera, sobre la reacción del sector empresarial, es una experiencia —podríamos decir— porque realmente fueron semanas de convulsión; fueron semanas en las que hubo que gestionar, hasta que se configuró lo que llamábamos la agenda fiscal —la reforma que se estaba configurando—, porque había, como en todos los ámbitos, intereses a favor de un cierto ruido, cuando el Gobierno tenía muy claro cuáles eran sus prioridades y dónde iba a actuar únicamente en materia fiscal.

Si se dan cuenta, la propuesta no trabaja con IRPF, no trabaja con IVA, porque entiende que estos dos impuestos son típicos de las clases medias, de las clases trabajadoras, sino que se preocupa por obtener el mayor número, los mayores recursos de ingresos con impuestos que graven a colectivos o bien que estaban infragravados, o bien que estaban exentos.

Entonces, se trabaja con estos impuestos en el área de las transacciones financieras, que no tenían tampoco un impuesto indirecto, en el área digital —como hemos comentado—, y en el impuesto de sociedades el análisis que hacemos es que es un impuesto saturado de bonificaciones, deducciones, exenciones, y con un deterioro de la base imponible importantísimo, fruto de una realidad que ha venido acumulándose durante años, pero que es con la que nos encontramos.

Realmente, observábamos —y estos datos son públicos— que, aun habiéndose recuperado los beneficios de las empresas, no se recuperaba la recaudación, sino que, curiosamente, se mantiene en la mitad de lo que era la recaudación en 2007, aun habiéndose —insisto— recuperado los beneficios de los grupos.

El tipo efectivo medio en España para las pequeñas y medianas empresas es mayor que para las grandes empresas y para los grupos consolidados. Entendemos que es una situación digna de análisis y, por esto, se trabajó en la implementación de un tipo mínimo.

Actúa sobre la base imponible —recuerdan ustedes que también hubo un debate sobre si era sobre el resultado contable: no—. Actúa sobre la base imponible, descontadas bonificaciones, y antes de aplicar las deducciones es cuando se localiza, se fija este tipo mínimo.

Efectivamente, por tanto, si una empresa está tributando al 9, o al 12, tendrá que hacerlo al 15, como mínimo.

Como saben ustedes —si no, lo comentó—, las deducciones pueden prorrogarse a lo largo de los años. Por tanto, *a priori*, no se perderían.

¿Qué planteamiento hizo el sector empresarial? Pues, efectivamente —como comentábamos— en un primer momento, ruido; pero, probablemente, hasta que se definieron con suficiente concreción las medidas. Pero, después, nosotros tenemos algunos foros —como el Foro de Grandes Empresas en el seno de la Agencia Tributaria, de la Agencia Estatal— y ahí intentamos compartir cuáles eran la visión y el objetivo de esta reforma.

Y realmente lo planteábamos y lo brindábamos como una oportunidad de recuperar la legitimidad de estos sectores; del sector financiero, por ejemplo, francamente dañado también en lo que a legitimidad se refiere durante estos años.

Entonces, como en muchas cuestiones en la vida, es importante hacer de la situación una oportunidad, y así se lo brindamos y así lo han entendido en la mayoría de los casos.

Efectivamente, este Gobierno —como comentaba en mi intervención—, si revalida la confianza del pueblo español, mantiene este proyecto de presupuestos. Es un proyecto de presupuesto que se ha trabajado intensamente, con muchísimo esfuerzo. No era fácil, teníamos muchas premisas difíciles de conciliar *a priori*, pero el trabajo está hecho y lo ofrecemos efectivamente para una siguiente etapa.

1-041-0000

**Miguel Urbán Crespo (GUE/NGL).** – Muchas gracias por su presencia aquí en la comisión. Yo creo que cuando hablamos en las instituciones europeas sobre cómo combatir la evasión fiscal o el fraude fiscal, se suele olvidar algo muy evidente, o sea, no se aborda el elefante dentro de la habitación, que es que hay paraísos fiscales dentro de la Unión Europea.

Yo creo que, además, no son cualquier paraíso fiscal: son paraísos fiscales fundamentales en la evasión y el lavado de dinero. Luxemburgo o Malta serían los casos más flagrantes, pero podríamos hablar de Andorra, podríamos hablar también de territorios adyacentes —como Suiza— o de cómo puede afectar, por ejemplo, el tema del Brexit y su efecto en todo el tema de paraísos fiscales.

Pero, sin embargo, no logramos conseguir que en las listas que se elaboren, ni en los Estados miembros ni en la Comisión, aparezca ningún Estado miembro como paraíso fiscal, cuando es algo evidente y señalado por organismos internacionales. En este sentido, no solo la lista del señor Moscovici, sino también las que han hecho los diferentes Gobiernos en el Estado español, de donde se ha sacado a Luxemburgo, a Andorra, a Mónaco; se ha sacado a Panamá, a Bahamas... Mientras organizaciones, como Intermón, o Gestha (el Sindicato de Técnicos del Ministerio de Hacienda español), señalan a Luxemburgo, a Andorra, a Mónaco, a Malta...

Y mi pregunta sería: ¿considera usted que hay paraísos fiscales en la Unión Europea? Y si hay paraísos fiscales dentro de la Unión Europea, ¿se deberían señalar? ¿Cómo se valora, desde su punto de vista, la lista de Gestha y, sobre todo, los criterios que utiliza Gestha en la elaboración de esa lista de paraísos fiscales? Y, por último, le pregunto si se comprometería a impulsar la adopción de criterios similares a los de Gestha, Intermón u otras organizaciones para crear una lista europea que más que blanquear a paraísos fiscales, como la que tenemos ahora mismo, señale verdaderamente a paraísos fiscales.

1-042-0000

**Inés María Bardón Rafael**, secretaria de Estado de Hacienda de España. – España está decididamente comprometida a avanzar en el ejercicio, actualmente en proceso, de confección de una lista común de la Unión Europea sobre países y territorios no cooperadores desde el punto de vista fiscal. La lista resultante será tenida en cuenta, en consideración, a efectos de la configuración de la nueva lista nacional de paraísos fiscales.

Estamos apoyando, desde el minuto uno, todas las iniciativas de cooperación administrativa, de asistencia mutua que, como hemos comentado, permiten ahondar en esta lucha.

No obstante, es necesario hacer un seguimiento del efectivo funcionamiento de estos instrumentos para seguir avanzando. Los avances en los últimos años han sido notables y cabe destacar cuestiones como el intercambio automático de información de cuentas financieras, la información país por país, los esquemas de planificación fiscal agresiva... o sea, la lucha contra esto.

En fin, se cubren muchos de los problemas que se han ido poniendo de manifiesto en resoluciones del Parlamento Europeo, pero, efectivamente, siempre podemos ser más ambiciosos.

En España, nuestro Gobierno también ha hecho un planteamiento de un anteproyecto de Ley de medidas de prevención y lucha contra el fraude fiscal, que también estaba a punto de entrar en las Cortes, donde, efectivamente, establecía criterios rigurosos en este sentido, criterios objetivos, que tendrían y tienen que aplicarse cuando se confeccionan estas listas. Y, en ese sentido, teniendo en cuenta cómo se establecen en el resto de organismos —como en este caso, por supuesto, la Unión Europea—, nosotros tenemos el compromiso de tenerlos en cuenta a la hora de configurar la nuestra.

Está claro que España apoya que se coordinen entre todos los Estados miembros estas medidas legislativas de carácter defensivo contra las jurisdicciones incluidas en las listas negras, las que ni siquiera han expresado los compromisos de adaptación o no los han cumplido.

Insisto: nos dotaremos de mecanismos para incorporar los resultados de esas listas y, además, entendemos que deben tener una cierta estabilidad para que puedan aplicarse a nivel interno.

En este sentido, ha nombrado usted también el Brexit. Para nosotros el Brexit ha sido una oportunidad para suscribir... En el caso de la negociación de retirada del Reino Unido, ha sido posible negociar una serie de memorándums y un acuerdo —estoy refiriéndome lógicamente a Gibraltar— sobre cuestiones tributarias, cuya aplicación permitirá corregir gran parte de algunos problemas que venían existiendo y equilibrar la relación en esta zona de Gibraltar y Campo de Gibraltar.

1-043-0000

**Miguel Urbán Crespo (GUE/NGL)**. – Presidente, solo una cosa. No me ha respondido. ¿Usted cree que hay paraísos fiscales dentro de la Unión Europea? Es que yo creo que es un debate importante dentro de la comisión. Por eso, pedía...

1-044-0000

**Inés María Bardón Rafael**, *secretaria de Estado de Hacienda de España.* – Ya, pero no es una cuestión de «yo creo». Es una cuestión de que, efectivamente...

1-045-0000

**Miguel Urbán Crespo (GUE/NGL).** – Si el Gobierno cree. No le estoy preguntando, evidentemente, a usted, claro, a nivel individual.

¿El Gobierno cree que hay países que actúan como paraísos fiscales dentro de la Unión Europea?

El Parlamento ha dicho que sí en comisión.

1-046-0000

**Inés María Bardón Rafael**, *secretaria de Estado de Hacienda de España.* – Insisto: yo no creo que sea una cuestión de creer. Es una cuestión de objetivar.

Si, aplicados unos criterios, se constata que un país entra a formar parte de una lista gris o de una lista negra porque no cumple los criterios que se han consensuado para aplicarse, pues será una obviedad. Pero creo que este tema es lo suficientemente serio como para que no sea una cuestión de intuición o de creencias, sino, efectivamente, de contrastar con la realidad.

Creo que tenemos que tener presente que el objetivo es que los países salgan de las listas, no que entren en las listas. Salgan de las listas. Porque entonces todo nos iría mejor. Con lo cual hay que trabajar para que esto sea posible. Y, en cualquier caso, mientras que no sea así, mientras que un país esté en una lista porque, objetivamente, aplicados los criterios, ese es el resultado, pues lógicamente todos lo tendremos que aceptar y que respetar.

1-047-0000

**Sven Giegold (Verts/ALE).** – Minister, it is good to have you here because after having studied 19 years of voting records in the Code of Conduct Group, and also recently, there's a consistent pattern, and your government has continued in this good tradition, that Spain supported stronger measures against tax evasion and tax avoidance and for tax cooperation in the European Union. Nevertheless, I would like to raise one issue, which has perhaps caused some controversy, and this is the recent anti-money laundering blacklist.

It is one of the fruits of our work here in this committee that the European Union has come forward with its own evaluation, with its own criteria and now with a tougher list. I keep hearing that it's your government which is lobbying strongly to take Panama off the list – and there you have a good precedent because Mr Zapatero, some years ago, took Panama off the Spanish anti-tax haven list, and now the Spanish government is lobbying the European Union to take Panama off the European anti-money laundering list – and at the same time, we keep hearing that your government is also trying at the moment to find a qualified majority to block the delegated act of the new list.

So therefore now my question: can you confirm, or can you commit today not to construct such a majority against this important blacklist of money laundering jurisdictions? Will you commit yourself to making this list in the future better, rather than constructing with the United Kingdom, Germany and France a majority against this list?

1-048-0000

**Inés María Bardón Rafael**, *secretaria de Estado de Hacienda de España.* – Bueno, no sé. Creo que antes he intentado trasladarlo con claridad. No hay *a priori* una posición respecto de un país, ni, en este caso, respecto de Panamá.

En este tema —tanto en blanqueo de capitales como en cualquiera de los criterios que se establezcan para pertenecer a unas u otras listas— insistimos en que, una vez definidos los criterios, nosotros seremos rigurosos y seremos francamente estrictos en la aplicación de los mismos.

En nuestro anteproyecto de Ley así ya lo expresamos. En este sentido, sabíamos —cuando lanzamos este anteproyecto de Ley con ese compromiso de ser exigentes en la configuración de nuestra lista nacional de paraísos fiscales— que era un paso hacia adelante, un paso de exigencia. Porque, efectivamente, tendría que tener la consecuencia de, al día siguiente, cuando se produjera la actualización de unas u otras listas, trasladarla a la nacional. Y en este sentido, entendiendo que Panamá se ha alineado con los estándares de gobernanza —al menos en los dos últimos años ha hecho esfuerzos importantes—, pues habría que ver en el momento, creo que es el mes de marzo, cuando se elaborará, se tratará este asunto en la Comisión.

Sin duda, y si los resultados son unos u otros, lo que sí reitero es el compromiso de que España claro que los tendrá en cuenta, y tendrá en cuenta la aplicación estricta y rigurosa de los criterios, independientemente del país.

1-049-0000

**Sven Giegold (Verts/ALE).** – Chair, excuse me, my question was very precise. Will you support this list passing as it is now, or are you at the moment trying to find a blocking majority in the Council against the list?

This is a very serious issue, so I'm asking you whether your government will allow the Commission proposal to pass or whether you are trying to block that important anti-money laundering list as it is drafted now?

It can be improved in the future. But this list: will you let it pass or are you trying to block it?

1-050-0000

**Inés María Bardón Rafael, secretaria de Estado de Hacienda de España.** – No me consta que estemos tratando de bloquear nada.

1-051-0000

**Chair.** – Thank you very much for your clear answer.

Thank you very much, Minister. It was very useful for us to learn about the approach of the Member States, especially if it's progressive when it comes to taxation.

That concludes our session. Thank you very much to the interpreters as well.

(*The meeting closed at 19.32*)