



2018/2121(INI)

20.12.2018

AMENDMENTS

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Draft report

Jeppe Kofod, Luděk Niedermayer
(PE627.890v01-00)

Report on Financial Crimes, Tax Evasion and Tax Avoidance
(2018/2121(INI))

Amendment 1
Roberta Metsola

Motion for a resolution
Citation 2

Motion for a resolution

— having regard to Articles 107, 108, 113, **115 and 116** of the Treaty on the Functioning of the European Union (TFEU),

Amendment

— having regard to Articles 107, 108, 113 **and 115** of the Treaty on the Functioning of the European Union (TFEU),

Or. en

Amendment 2
Pirkko Ruohonen-Lerner

Motion for a resolution
Citation 4

Motion for a resolution

— having regard to its TAXE committee resolution of 25 November **2015² and** its TAX2 committee resolution of 6 July **2016³ on** tax rulings and other measures similar in nature or effect,

Amendment

— having regard to its TAXE committee resolution of 25 November **2015² and** its TAX2 committee resolution of 6 July **2016³ on** tax rulings and other measures similar in nature or effect,

² Resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect, OJ C 366, 27.10.2017, p. 51.

³ Resolution of 6 July 2016 on tax rulings and other measures similar in nature or effect, OJ C 101, 16.3.2018, p. 79.

Or. fi

Amendment 3
Roberta Metsola

Motion for a resolution
Citation 5

Motion for a resolution

— having regard to its resolution of 16 December 2015 with recommendations to the Commission on bringing transparency, coordination **and convergence to corporate tax** policies in the Union⁴,

⁴ *Legislative resolution of 16 December 2015 ‘Bringing transparency, coordination and convergence to corporate tax policies in the Union’, OJ C 399, 24.11.2017, p. 74.*

Amendment

— having regard to its resolution of 16 December 2015 with recommendations to the Commission on bringing transparency **and coordination of taxation** policies in the Union,

Or. en

Amendment 4
Lefteris Christoforou

Motion for a resolution
Citation 5

Motion for a resolution

— *having regard to its resolution of 16 December 2015 with recommendations to the Commission on bringing transparency, coordination and convergence to corporate tax policies in the Union*⁴,

Amendment

deleted

Or. el

Amendment 5
Werner Langen

Motion for a resolution
Citation 6

Motion for a resolution

— having regard to *its recommendation of 13 December 2017 to the Council and the Commission following the* inquiry into money laundering, tax avoidance and tax evasion⁵,

Amendment

— having regard to *the results of the Committee of Inquiry into Money Laundering, Tax Avoidance and Tax Evasion, which were submitted to the Council and Commission on 13 December*

2017⁵,

⁵ Recommendation of 13 December 2017 to the Council and the Commission following the inquiry into money laundering, tax avoidance and tax evasion OJ C 369, 11.10.2018, p. 132.

⁵ Recommendation of 13 December 2017 to the Council and the Commission following the inquiry into money laundering, tax avoidance and tax evasion OJ C 369, 11.10.2018, p. 132.

Or. de

Amendment 6
Pirkko Ruohonen-Lerner

Motion for a resolution
Citation 7

Motion for a resolution

— having regard to the Commission's follow-up to each of the above mentioned Parliament resolutions,⁶,

Amendment

— having regard to the Commission's follow-up to each of the above mentioned Parliament resolutions⁶,

⁶ The March 2016 joint follow-up on bringing transparency, coordination and convergence to corporate tax policies in the Union and TAXE 1 resolutions, the November 2016 follow-up to the TAXE 2 resolution and the April 2018 follow-up to the PANA resolution.

Or. fi

Amendment 7
Pirkko Ruohonen-Lerner

Motion for a resolution
Citation 8

Motion for a resolution

— having regard to the revelations of investigative journalists, **which have become known** as the LuxLeaks, Panama papers, Paradise papers and CumEx scandals,

Amendment

— having regard to the **numerous** revelations **by** investigative journalists, **such** as the LuxLeaks, Panama papers, Paradise papers and CumEx scandals,

Amendment 8
Thierry Cornillet

Motion for a resolution
Citation 8 a (new)

Motion for a resolution

Amendment

- *having regard to the European Parliament resolution of 29 November 2018 on the 'cum-ex' scandal: financial crime and loopholes in the current legal framework,*

Amendment 9
Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Citation 8 a (new)

Motion for a resolution

Amendment

8 a having regard to its resolution of 11 April 2018 on protection of investigative journalists in Europe: the case of Slovak journalist Jan Kuciak and Martina Kušnírová

Amendment 10
Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution
Citation 8 a (new)

Motion for a resolution

Amendment

- *having regard to P8_TA-PROV(2018)0475, European Parliament resolution of 29 November 2018 on the cum-ex scandal: financial crime and loopholes in the current legal framework (2018/2900(RSP))*

Or. en

Amendment 11
Roberta Metsola

Motion for a resolution
Citation 8 a (new)

Motion for a resolution

Amendment

- *having regard to investigative journalist Daphne Caruana Galizia who was murdered in Malta and Ján Kuciak who was murdered in Slovakia together with his partner Martina Kušnírová,*

Or. en

Amendment 12
Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Citation 8 a (new)

Motion for a resolution

Amendment

- *having regard to its resolution of 29 November 2018 on The Cum Ex Scandal: financial crime and the loopholes in the current legal framework;*

Or. en

Amendment 13
Luděk Niedermayer, Jeppe Kofod

Motion for a resolution
Citation 8 a (new)

Motion for a resolution

Amendment

- *having regard to its resolution of 29 November 2018 on the cum-ex scandal: financial crime and loopholes in the current legal framework^{1a};*

^{1a} 2018/2900(RSP)

Or. en

Amendment 14
Roberta Metsola

Motion for a resolution
Citation 14

Motion for a resolution

Amendment

— having regard to the Commission proposals pending for adoption, *in particular on the CC(C)TB¹⁴, the digital taxation package¹⁵ and public country-by-country reporting (CBCR)¹⁶,*

— having regard to the Commission proposals pending for adoption,

¹⁴ *Proposal of 25 October 2016 for a Council Directive on a Common Corporate Tax Base (CCTB), COM(2016)0685 (2016/0337(CNS)) and on a Common Consolidated Corporate Tax Base (CCCTB), COM(2016)0683 (2016/0336(CNS)).*

¹⁵ *The package consists of the ‘Time to establish a modern, fair and efficient taxation standard for the digital economy’ communication (COM(2018)0146), the proposal for a Council directive laying down rules relating to the corporate taxation of a significant digital presence (COM(2018)0147, 2018/0072(CNS)), the proposal for a Council directive on the common system of a digital services tax on revenues resulting from the provision of certain digital services*

(COM(2018)0148, 2018/0073 (CNS)) and the recommendation relating to the corporate taxation of a significant digital presence (C(2018) 1650).

¹⁶ Proposal of 12 April 2016 for a directive amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches, COM(2016)0198 (2016/0107(COD)).

Or. en

Amendment 15 **Lefteris Christoforou**

Motion for a resolution **Citation 14**

Motion for a resolution

— having regard to the Commission proposals pending for adoption, in particular on the *CC(C)TB*¹⁴, *the* digital taxation package¹⁵ and public country-by-country reporting (CBCR)¹⁶,

¹⁴ Proposal of 25 October 2016 for a Council Directive on a Common Corporate Tax Base (CCTB), COM(2016)0685 (2016/0337(CNS)) and on a Common Consolidated Corporate Tax Base (CCCTB), COM(2016)0683 (2016/0336(CNS)).

¹⁵ The package consists of the ‘Time to establish a modern, fair and efficient taxation standard for the digital economy’ communication (COM(2018)0146), the proposal for a Council directive laying down rules relating to the corporate taxation of a significant digital presence (COM(2018)0147, 2018/0072(CNS)), the proposal for a Council directive on the common system of a digital services tax on revenues resulting from the provision of certain digital services (COM(2018)0148, 2018/0073 (CNS)) and the

Amendment

— having regard to the Commission proposals pending for adoption, in particular on the digital taxation package¹⁵ and public country-by-country reporting (CBCR)¹⁶,

¹⁵ The package consists of the ‘Time to establish a modern, fair and efficient taxation standard for the digital economy’ communication (COM(2018)0146), the proposal for a Council directive laying down rules relating to the corporate taxation of a significant digital presence (COM(2018)0147, 2018/0072(CNS)), the proposal for a Council directive on the common system of a digital services tax on revenues resulting from the provision of certain digital services (COM(2018)0148, 2018/0073 (CNS)) and the

recommendation relating to the corporate taxation of a significant digital presence (C(2018) 1650).

¹⁶ Proposal of 12 April 2016 for a directive amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches, COM(2016)0198 (2016/0107(COD)).

recommendation relating to the corporate taxation of a significant digital presence (C(2018) 1650).

¹⁶ Proposal of 12 April 2016 for a directive amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches, COM(2016)0198 (2016/0107(COD)).

Or. el

Amendment 16

Dariusz Rosati

Motion for a resolution

Citation 14

Motion for a resolution

— having regard to the Commission proposals pending for adoption, in particular on the CC(C)TB¹⁴, the digital taxation package¹⁵ and public country-by-country reporting (CBCR)¹⁶,

¹⁴ Proposal of 25 October 2016 for a Council Directive on a Common Corporate Tax Base (CCTB), COM(2016)0685 (2016/0337(CNS)) and on a Common Consolidated Corporate Tax Base (CCCTB), COM(2016)0683 (2016/0336(CNS)).

¹⁵ The package consists of the ‘Time to establish a modern, fair and efficient taxation standard for the digital economy’ communication (COM(2018)0146), the proposal for a Council directive laying down rules relating to the corporate taxation of a significant digital presence (COM(2018)0147, 2018/0072(CNS)), the proposal for a Council directive on the common system of a digital services tax on revenues resulting from the provision of certain digital services (COM(2018)0148, 2018/0073 (CNS)) and the recommendation relating to the corporate

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Amendment

— having regard to the Commission proposals pending for adoption, in particular on the CC(C)TB¹⁴, the digital taxation package¹⁵ and public country-by-country reporting (CBCR)¹⁶, ***as well as the Parliament's position on these documents,***

¹⁴ Proposal of 25 October 2016 for a Council Directive on a Common Corporate Tax Base (CCTB), COM(2016)0685 (2016/0337(CNS)) and on a Common Consolidated Corporate Tax Base (CCCTB), COM(2016)0683 (2016/0336(CNS)).

¹⁵ The package consists of the ‘Time to establish a modern, fair and efficient taxation standard for the digital economy’ communication (COM(2018)0146), the proposal for a Council directive laying down rules relating to the corporate taxation of a significant digital presence (COM(2018)0147, 2018/0072(CNS)), the proposal for a Council directive on the common system of a digital services tax on revenues resulting from the provision of certain digital services (COM(2018)0148, 2018/0073 (CNS)) and the recommendation relating to the corporate

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taxation of a significant digital presence
(C(2018) 1650).

¹⁶ Proposal of 12 April 2016 for a directive amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches, COM(2016)0198 (2016/0107(COD)).

taxation of a significant digital presence
(C(2018) 1650).

¹⁶ Proposal of 12 April 2016 for a directive amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches, COM(2016)0198 (2016/0107(COD)).

Or. en

Amendment 17

Lefteris Christoforou

Motion for a resolution

Citation 18

Motion for a resolution

— having regard to the ongoing modernisation of the VAT framework, *in particular the VAT definitive regime,*

Amendment

— having regard to the ongoing modernisation of the VAT framework,

Or. el

Amendment 18

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Citation 18 a (new)

Motion for a resolution

Amendment

- *having regard to*
P8_TA(2016)0453 European Parliament
resolution of 24 November 2016 on
towards a definitive VAT system and
fighting VAT fraud(2016/2033(INI))

Or. en

Amendment 19

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

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Motion for a resolution
Citation 19 a (new)

Motion for a resolution

Amendment

- *having regard to the infringement procedures against 21 Member States for having not or only partially transposed AMLD4 into national law of which three are currently at the stage of court referrals (Romania, Ireland and now Luxembourg), with one on hold (Greece), nine at the stage of Reasoned Opinions, and eight at the stage of Letters of Formal Notice,*

Or. en

Amendment 20

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Citation 20 a (new)

Motion for a resolution

Amendment

- *having regard to the Commission Communication on strengthening the Union framework for prudential and anti-money laundering supervision,*

Or. en

Amendment 21

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Citation 21 a (new)

Motion for a resolution

Amendment

- *having regard to the Recommendation of the EBA to the Maltese FIAU,*

Amendment 22

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Citation 21 b (new)

Motion for a resolution

Amendment

- *having regard to the Formal Opinion to the Maltese FIAU of the Commission,*

Or. en

Amendment 23

Pirkko Ruohonen-Lerner

Motion for a resolution

Citation 22 a (new)

Motion for a resolution

Amendment

- *having regard to the Commission proposal of 23 April 2018 on the protection of whistle-blowers;*

Or. fi

Amendment 24

Luděk Niedermayer, Jeppe Kofod

Motion for a resolution

Citation 22 a (new)

Motion for a resolution

Amendment

- *having regard to the proposal for a directive of the European Parliament and of the Council on protection of persons reporting on breaches of Union law^{2a};*

Or. en

Amendment 25
Louis Michel, Thierry Cornillet

Motion for a resolution
Citation 23 a (new)

Motion for a resolution

Amendment

- *having regard to the report by the High Level Panel on Illicit Financial Flows from Africa, jointly commissioned by the AU/ECA Conference of Ministers of Finance, Planning and Economic Development,*

Or. fr

Amendment 26
Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Citation 25 a (new)

Motion for a resolution

Amendment

- *having regard to reports on tax avoidance and tax evasion as challenges for governance, social protection and development in developing countries^{1a}, and gender equality and taxation policies in the EU^{1b};*

^{1a} *Report on tax avoidance and tax evasion as challenges for governance, social protection and development in developing countries (2015/2058(INI)) (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2015-0184+0+DOC+XML+V0//EN>)*

*^{1b} Gender equality and taxation policies in the EU (2018/2095(INI))
([https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=&reference=2018/2095\(INI\)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=&reference=2018/2095(INI)))*

Or. en

Amendment 27
Roberta Metsola

Motion for a resolution
Citation 25 a (new)

Motion for a resolution

Amendment

- *having regard to the letter sent by the TAX3 Committee Chair to the Permanent Representative of Malta to the EU, HE Daniel Azzopardi, seeking explanations about the company '17 Black' and why the Chief of Staff of the Prime Minister of Malta, Keith Schembri, and Tourism Minister, Konrad Mizzi, set up structures to receive regular payments of hundreds of thousands of Euros,*

Or. en

Amendment 28
Pirkko Ruohonen-Lerner

Motion for a resolution
Citation 25 a (new)

Motion for a resolution

Amendment

- *having regard to the report by Transparency International and Global Witness entitled 'European Getaway. Inside the Murky World of Golden Visas';*

Or. fi

Amendment 29

Motion for a resolution

Citation 25 a (new)

Motion for a resolution

Amendment

- *having regard to reports on tax avoidance and tax evasion as challenges for governance, social protection and development in developing countries, and gender equality and taxation policies in the EU^{1a};*

^{1a} Report on tax avoidance and tax evasion as challenges for governance, social protection and development in developing countries (2015/2058(INI)), European Parliament Committee on Development. Report adopted on 09/06/2015; and [add link to FEMM report once published]

Or. en

Amendment 30

Roberta Metsola

Motion for a resolution

Paragraph 1

Motion for a resolution

Amendment

1. Recalls that current *international and national* tax rules were mostly conceived in the early 20th century; asserts that there is *an urgent* need for reform of *the* rules, so that *international, EU and national* tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding that current tax systems are not equipped to keep up with these developments and ensure that all market participants pay fair taxes;

1. Recalls that current tax rules were mostly conceived in the early 20th century; asserts that there is *a* need for reform of *some* rules, so that tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding that current tax systems are not equipped to keep up with these developments and ensure that all market participants pay fair taxes;

Or. en

Amendment 31
Barbara Kappel

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that *there is an urgent need for reform of the rules, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century*; notes the broad understanding that current tax systems are not *equipped to keep up with* these developments and ensure that *all market participants pay fair taxes*;

Amendment

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that *these rules should be updated in light of the current economic and technological context*; notes the broad understanding that current tax systems are not *adapted to* these developments and ensure that *tax burdens are distributed fairly among economic agents*;

Or. en

Amendment 32
Marco Valli

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that there is an urgent need for reform of the rules, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding that current tax systems are not equipped to keep up with these developments and ensure that all market participants pay fair taxes;

Amendment

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that there is an urgent need for reform of the rules, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; *points out, in this context, the gradual shift from tangible production to intangible assets in the value chains of MNEs, as reflected in the relative rates of growth over the last five years of royalties and licensing fee receipts (almost 5 per cent annually) compared with trade in goods and FDI (less than 1 per cent per year)^{1a}*; notes the

broad understanding that current tax systems are not equipped to keep up with these developments and ensure that all market participants pay fair taxes;

^{1a} *UNCTAD, World Investment Report, 2018.*

Or. en

Amendment 33 **Alfred Sant**

Motion for a resolution **Paragraph 1**

Motion for a resolution

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that there is an urgent need for reform of the rules, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding that current tax systems are not equipped to keep up with these developments and ensure that all market participants pay fair taxes;

Amendment

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that there is an urgent need for reform of the rules, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding that current tax systems are not equipped to keep up with these developments and ensure that all market participants pay fair taxes; ***accepts that a problem with existing tax rules and the administrative approaches by which they are being implemented arise from the fact that accounting methods were designed in days when value added in economic systems was mainly attributable to manufacturing activities, while now especially in advanced economies, economic value added is in large part and increasingly, attributable to service activities, as well as latterly to a further fast development of digital services, to account for which there has been little adaptation in the accounting methods that measure and enable the evaluation of such sectors;***

Or. en

Amendment 34

Roberts Zile

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that there is an urgent need for reform of the rules, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding that current tax systems are not equipped to keep up with these developments and ensure that all market participants pay fair taxes;

Amendment

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts ***that the existing tax rules are often unable to keep up with the increasing speed of the economy***; notes that there is an urgent need for reform of the rules, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding that current tax systems are not equipped to keep up with these developments and ensure that all market participants pay fair taxes;

Or. en

Amendment 35

Anne Sander

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that there is an urgent need for reform of the rules, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding that current tax systems are not equipped to keep up with these developments and ensure that all market participants pay fair taxes;

Amendment

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that there is an urgent need for reform of the rules, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding that current tax systems are not equipped to keep up with these developments and ensure that all market participants pay fair taxes ***and that the fair tax principle must be at the heart of European taxation initiatives and***

Amendment 36
Louis Michel

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that there is an urgent need for reform of the rules, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding that current tax systems are not equipped to keep up with these developments and ensure that all market participants pay fair taxes;

Amendment

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that there is an urgent need for reform of the rules, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding that current tax systems are not equipped to keep up with these developments and ensure that all market participants pay fair taxes; ***stresses the need to draw up legislative proposals at global level by establishing inclusive strategies;***

Amendment 37
Elly Schlein, Peter Simon, Mady Delvaux, Dietmar Köster, Olle Ludvigsson

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that there is an urgent need for reform of the rules, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding that current tax

Amendment

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that there is an urgent need for reform of the rules, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding that current tax

systems are not equipped to keep up with these developments and ensure that all market participants pay *fair* taxes;

systems are not equipped to keep up with these developments and ensure that all market participants pay *their fair share of* taxes;

Or. en

Amendment 38
Pirkko Ruohonen-Lerner

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that *there is an urgent need for reform of the rules*, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; notes the broad understanding *that current tax systems are not equipped* to keep up with *these* developments and ensure that all market participants pay fair taxes;

Amendment

1. Recalls that current international and national tax rules were mostly conceived in the early 20th century; asserts that *the rules need to be reformed continuously, as criminals find new ways of laundering money and evading tax*, so that international, EU and national tax systems are fit for the new economic, social and technologic challenges of the 21st century; *recalls that money laundering and other crimes often occur in conjunction with capital flight, which cannot be curbed without solving the economic and administrative problems of the country of origin*; notes the broad understanding *of the need to reform tax systems* to keep *pace with* developments and ensure that all market participants pay fair taxes;

Or. fi

Amendment 39
Luděk Niedermayer, Jeppe Kofod

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1 a. (new) Notes that financial flows and tax mobility have substantially

increased; warns that some new phenomena are inherently opaque or facilitate opacity allowing for tax avoidance, aggressive tax planning, tax evasion and money laundering; acknowledges this is mainly due to the current rules no longer fitting into the present context in which information and communication technology (ICT) based tools allow to operate faster and remotely;

Or. en

Amendment 40
Anne Sander

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Points out that certain financial scandals or tax practices which are legally borderline must be fought vigorously; reiterates the importance of striking the right balance between an administration which must be able to monitor what is happening on the territory of a Member State and take the necessary measures where appropriate, while at the same time letting companies grow without being suffocated by administrative rules that could be detrimental to the development of their business, albeit without falling into a lowest common denominator situation in terms of surveillance;

Or. fr

Amendment 41
Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 1 a (new)

1 a. Notes that money laundering, tax evasion and tax avoidance have important economic, political, and social impacts, including loss of tax revenue, productivity loss, unfair competition and inequality, and incentivise certain economic outcomes that undermine both the countries' political stability and social contract; stresses that the negative effects on public resources also impact the realisation of the United Nations' Sustainable Development Goals (SDGs);

Or. en

Amendment 42

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

**Motion for a resolution
Paragraph 1 a (new)**

1 a. Stresses that capitalistic globalisation and the free movement of capital created the perfect conditions for the design of base erosion and profit shifting schemes and, at the same time, enshrined a structural bias in policymaking to the benefit of capital owners and multinational enterprises (MNEs), which has served to promote divergences and asymmetries between countries and social classes; emphasises, furthermore, that the free movement of capital, the deregulation and liberalisation of the financial and banking system, and the increasing tax competition among Member States – all promoted by EU institutions and legislation with the support of the European right wing and social democracy – are at the root of the rise of tax evasion and tax avoidance schemes

and scandals;

Or. en

Amendment 43
Pirkko Ruohonen-Lerner

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Recalls that improving tax collection in EU countries is likely to reduce crime associated with tax evasion and the money laundering that follows it;

Or. fi

Amendment 44
Miguel Viegas

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

(1a) Points out that tax fraud, tax evasion and aggressive tax planning are the direct consequence of the entire process of liberalising economies, given the privatisation and deregulation of the financial system and the free movement of capital. Therefore, public control of the financial system and the movement of capital should be a fundamental part of the fight against this scourge.

Or. pt

Amendment 45
Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

PE632.134v01-00

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Paragraph 1 b (new)

Motion for a resolution

Amendment

1 b. Notes with regret that tax fraud, tax evasion and aggressive tax planning are important factors causing income and wealth inequality, and have shifted the tax burden from rich individuals to poorer citizens, from capital income to labour income and consumption, from MNEs to SMEs and from the financial sector to the real economy; notes that this has resulted in weaker and less efficient tax-and-transfer systems that are essential to finance public goods and stabilise the economy;

Or. en

Amendment 46

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 1 b (new)

Motion for a resolution

Amendment

1 b. Notes that the lowering of wealth taxes, which prioritize the wellbeing of the most privileged casts of the society, can lead to social unrest, as has been the case in the recent episodes in France, as the rest of the society which does not benefit from such tax cuts, but is more and more affected by the reduction of the welfare state, is bound to feel abandoned and neglected by its governing State^{1a}

^{1a} See comments by Piketty of 9 December 2018; URL:
https://www.lemonde.fr/idees/article/2018/12/08/thomas-piketty-gilets-jaunes-et-justice-fiscale_5394443_3232.html

Or. en

Amendment 47

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 1 c (new)

Motion for a resolution

Amendment

1 c. Notes that tax evasion and tax avoidance are major contributors to gender inequality in the Union and globally as they limit the resources available to governments to increase equality at national and international level; calls on the Commission, the Council and the Member States to include a gender perspective in the formulation of its proposal to tackle tax evasion;

Or. en

Amendment 48

Pirkko Ruohonen-Lerner

Motion for a resolution

Paragraph 2

Motion for a resolution

Amendment

2. Highlights that Parliament has made a substantial contribution to the fight against financial crimes, tax evasion and tax avoidance as uncovered in the LuxLeaks, Panama Papers and Paradise Papers cases, notably with the work of the TAXE, **TAX2** and TAX3 Special Committees, the PANA inquiry committee and the ECON committee;

2. Highlights that Parliament has made a substantial contribution to the fight against financial crimes, tax evasion and tax avoidance as uncovered in the LuxLeaks, Panama Papers and Paradise Papers cases, notably with the work of the TAXE, **TAXE2** and TAX3 Special Committees, the PANA inquiry committee and the ECON committee;

Or. fi

Amendment 49

Thomas Mann

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Highlights that Parliament has made a substantial contribution to the fight against financial crimes, tax evasion and tax avoidance as uncovered in the LuxLeaks, Panama Papers and Paradise Papers cases, notably with the work of the TAXE, TAX2 and TAX3 Special Committees, the PANA inquiry committee and the ECON committee;

Amendment

2. Highlights that ***the European*** Parliament has made a substantial contribution to the fight against financial crimes, tax evasion and tax avoidance as uncovered in the LuxLeaks, Panama Papers and Paradise Papers cases, notably with the work of the TAXE, TAX2 and TAX3 Special Committees, the PANA inquiry committee and the ECON committee;

Or. de

Amendment 50

Mady Delvaux, Evelyn Regner, Peter Simon, Dietmar Köster, Arndt Kohn, Olle Ludvigsson

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Highlights that Parliament has made a substantial contribution to the fight against financial crimes, tax evasion and tax avoidance as uncovered in the LuxLeaks, Panama Papers ***and*** Paradise Papers cases, notably with the work of the TAXE, TAX2 and TAX3 Special Committees, the PANA inquiry committee and the ECON committee;

Amendment

2. Highlights that Parliament has made a substantial contribution to the fight against financial crimes, tax evasion and tax avoidance as uncovered in the LuxLeaks, Panama Papers, Paradise Papers, ***Football Leaks, Bahamas Leaks, and CumEx*** cases, notably with the work of the TAXE, TAX2 and TAX3 Special Committees, the PANA inquiry committee and the ECON committee;

Or. en

Amendment 51

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 2 a (new)

2 a. *Stresses that during the work of the TAX3 Special Committee more revelations concerning financial crimes, tax evasion and tax avoidance have come to light, particularly connected to cases such as those of the ABLV Bank in Latvia, the murder of investigative journalists Ján Kuciak and Martina Kušnírová, the Danske Bank in Denmark and Estonia or the Cum Ex scandal involving at least 11 EU countries; stresses that as a result of the Panama Papers scandal, four people have been charged in the US;*

Or. en

Amendment 52

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Maite Pagazaurtundúa Ruiz, Louis Michel

Motion for a resolution

Paragraph 2 a (new)

2 a. *Recalls the analysis of the reports from these previous Special Committees and calls for the implementation of the recommendations outlined^{1a};*

1a

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2015-0408+0+DOC+XML+V0//EN> { uage=EN, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0310+0+DOC+XML+V0//EN> { uage=EN, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2017-0491+0+DOC+XML+V0//EN> { uage=EN

Or. en

Amendment 53

David Coburn

on behalf of the EFDD Group

Raymond Finch

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Welcomes the fact that during its current term the Commission has put forward 22 legislative proposals aimed at closing some of the loopholes, improving the fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency and tax fairness; calls for the swift adoption of initiatives that have not yet been finalised and for careful monitoring of the implementation to ensure efficiency and proper enforcement, in order to keep pace with the versatility of tax fraud, tax evasion and aggressive tax planning;

Amendment

deleted

Or. en

Amendment 54

Barbara Kappel

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Welcomes the fact that during its current term the Commission has put forward 22 legislative proposals aimed at closing some of the loopholes, improving the fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency and tax fairness; calls for the swift adoption of initiatives that have not yet been finalised and for careful monitoring of the implementation to ensure efficiency and proper enforcement, *in order to keep pace with the versatility of*

Amendment

3. Welcomes the fact that during its current term the Commission has put forward 22 legislative proposals aimed at closing some of the loopholes, improving the fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency and tax fairness; calls for the swift adoption of initiatives that have not yet been finalised and for careful monitoring of the implementation to ensure efficiency and proper enforcement; *calls on the Commission to adhere to the*

tax fraud, tax evasion and aggressive tax planning;

principle of subsidiarity and not to infringe on the sovereignty and exclusive competences of member states in the field of taxation;

Or. en

Amendment 55

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 3

Motion for a resolution

3. ***Welcomes*** the fact that during its current term the Commission has put forward 22 legislative proposals aimed at closing some of the loopholes, ***improving the*** fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency and tax fairness; ***calls for the swift adoption of initiatives that have not yet been finalised and*** for careful monitoring of ***the*** implementation to ensure efficiency and proper enforcement, in order to keep pace with the versatility of tax fraud, tax evasion and aggressive tax planning;

Amendment

3. ***Notes*** the fact that during its current term the Commission has put forward 22 legislative proposals aimed at closing some of the loopholes, ***allegedly to*** fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency and tax fairness; ***but which have had in origin sufficient loopholes, or thresholds so high so as not to affect the current level of tax evasion and continue legalising avoidance;*** ***calls*** for careful monitoring of ***their*** implementation to ensure efficiency and proper enforcement, in order to keep pace with the versatility of tax fraud, tax evasion and aggressive tax planning;

Or. en

Amendment 56

Alfred Sant

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Welcomes the fact that during its current term the Commission has put forward 22 legislative proposals aimed at

Amendment

3. Welcomes the fact that during its current term the Commission has put forward 22 legislative proposals aimed at

closing some of the loopholes, improving the fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency and tax fairness; calls for the swift adoption of initiatives that have not yet been finalised and for careful monitoring of the implementation to ensure efficiency and proper enforcement, in order to keep pace with the versatility of tax fraud, tax evasion and aggressive tax planning;

closing some of the loopholes, improving the fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency and tax fairness; calls for the swift adoption of initiatives that have not yet been finalised and for careful monitoring of the implementation to ensure efficiency and proper enforcement, in order to keep pace with the versatility of tax fraud, tax evasion and aggressive tax planning; *acknowledges that the full liberalisation of capital flows on a global scale has opened up the international financial system to large scale attempts at tax evasion, avoidance, ATP and money laundering, but accepts that there is no appetite for reintroduction of capital controls at a national or EU level, even if this would counter head on most prevalent tax abuses;*

Or. en

Amendment 57

Marco Valli

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Welcomes the fact that during its current term the Commission has put forward 22 legislative proposals aimed at closing some of the loopholes, improving the fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency and tax fairness; ***calls for the swift adoption of*** initiatives that have not yet been finalised and for careful monitoring of the implementation to ensure efficiency and proper enforcement, in order to keep pace with the versatility of tax fraud, tax evasion and aggressive tax planning;

Amendment

3. Welcomes the fact that during its current term the Commission has put forward 22 legislative proposals aimed at closing some of the loopholes, improving the fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency and tax fairness; ***deeply regrets the lack of progress in the Council on major initiatives of corporate tax reform*** that have not yet been finalised ***due to the lack of genuine political will; points out that such deadlock undermines the tax morale and citizens' trust in European institutions, while perpetuating tax injustice and inequalities; calls, in particular, for the swift adoption of the key legislative proposals on the public country by country reporting, the***

CC(C)TB and the digital taxation package before the end of the parliamentary term
and for careful monitoring of the implementation to ensure efficiency and proper enforcement, in order to keep pace with the versatility of tax fraud, tax evasion and aggressive tax planning;

Or. en

Amendment 58
Roberta Metsola

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Welcomes the fact that during its current term the Commission has put forward 22 legislative proposals ***aimed at closing some of the loopholes, improving*** the fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency ***and tax fairness***; calls for the swift adoption of initiatives that have not yet been finalised and for careful monitoring of the implementation to ensure efficiency and proper enforcement, in order to keep pace with the versatility of tax fraud, tax evasion and aggressive tax planning;

Amendment

3. Welcomes the fact that during its current term the Commission has put forward 22 legislative proposals ***to improve*** the fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency; calls for the swift adoption of initiatives ***linked to EU competences*** that have not yet been finalised and for careful monitoring of the implementation to ensure efficiency and proper enforcement, in order to keep pace with the versatility of tax fraud, tax evasion and aggressive tax planning;

Or. en

Amendment 59
Pirkko Ruohonen-Lerner

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Welcomes the fact that during its current term the Commission has put forward 22 legislative proposals aimed at closing some of the loopholes, improving

Amendment

3. Welcomes the fact that during its current term the Commission has put forward 22 legislative proposals aimed at closing some of the loopholes, improving

the fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency and tax fairness; calls for the swift adoption of initiatives that have not yet been finalised and for careful monitoring of the implementation *to ensure efficiency and proper enforcement*, in order to keep pace with *the versatility* of tax fraud, tax evasion and aggressive tax planning;

the fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency and tax fairness, *but is astonished that the administrative system of the United States still seems to be more effective at detecting abuses*; calls for the swift adoption of initiatives that have not yet been finalised and for careful monitoring of the implementation *of both laws and supervision*, in order to keep pace with *various forms* of tax fraud, tax evasion and aggressive tax planning, *and to obtain information about them in other ways than by means of whistle-blowing on scandals*; *calls on the Commission to clarify the practices adhered to in the United States in order to protect and encourage whistle-blowers*;

Or. fi

Amendment 60

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution Paragraph 3

Motion for a resolution

3. Welcomes the fact that during its current term the Commission has put forward 22 legislative proposals aimed at closing some of the loopholes, improving the fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency and tax fairness; calls for the swift adoption of initiatives that have not yet been finalised and for careful monitoring of the implementation to ensure efficiency and proper enforcement, in order to keep pace with the versatility of tax fraud, tax evasion and aggressive tax planning;

Amendment

3. Welcomes the fact that during its current term the Commission has put forward 22 legislative proposals aimed at closing some of the loopholes, improving the fight against financial crimes and aggressive tax planning, and enhancing tax collection efficiency and tax fairness; calls for the swift adoption of initiatives that have not yet been finalised *before the end of this legislature, particularly the key legislative proposals for public Country by Country reporting, Common Corporate tax Base and Common Consolidated Corporate tax base and digital taxation*; and for careful monitoring of the implementation to ensure efficiency and proper enforcement, in order to keep pace with the versatility of tax fraud, tax evasion

and aggressive tax planning;

Or. en

Amendment 61

Peter Simon, Evelyn Regner, Paul Tang, Dietmar Köster, Arndt Kohn, Virginie Rozière, Olle Ludvigsson

Motion for a resolution

Paragraph 3 a (new)

Motion for a resolution

Amendment

3 a. *Deplores the fact that some EU Member States confiscate the tax base of other Member States by attracting profits generated elsewhere, thereby allowing companies to artificially lower their tax base; upholds that this practice not only harms the principle of EU solidarity, but also produces a wealth redistribution towards multinationals and their shareholders, at the expense of EU citizens; supports the important work by academics and journalists who help to shed light on these practices;*

Or. en

Amendment 62

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 3 a (new)

Motion for a resolution

Amendment

3 a. *Recalls the observation of the European Parliament in the interim report on MFF noting that effective measures against corruption and tax evasion by multinationals and the wealthiest individuals would make it possible to return to the Member States' budgets an amount estimated by the*

Commission at one trillion euros per year, and that in this field there has been a serious lack of action by the European Union^{1a};

^{1a} Par. 49 of the Interim report on the Multiannual Financial Framework 2021-2027 adopted in Plenary

Or. en

Amendment 63

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

Amendment

3 a. Regrets that the Council has repeatedly failed to pass the measures that are necessary to require transnational corporations to fulfil their part of the social contract; notes that such failure undermines faith in the ability of democratic politicians to solve issues of injustice that are deeply troubling for our citizens;

Or. en

Amendment 64

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Maite Pagazaurtundúa Ruiz, Louis Michel

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

Amendment

3 a. Underlines however that much remains to be done in this field and urgent further action is required by the Commission and the Council in order to ensure that the required amount of tax

*contributions are paid to public budgets,
as expected by the Europe's citizens;*

Or. en

Amendment 65

Luděk Niedermayer, Jeppe Kofod

Motion for a resolution

Paragraph 3 a (new)

Motion for a resolution

Amendment

3 a. (new) Recalls that a tax jurisdiction has control only over tax matters related to its territory whereas economic flows and some taxpayers such as multinational enterprises (MNEs) and high net worth-individuals (HNWI) operate globally;

Or. en

Amendment 66

Louis Michel

Motion for a resolution

Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. Stresses the need to maintain the balance between combating unfair competition due to potentially aggressive planning and the ability to engage in business honestly;

Or. fr

Amendment 67

Luděk Niedermayer, Jeppe Kofod

Motion for a resolution

Paragraph 3 b (new)

Motion for a resolution

Amendment

3 b. (new) *Emphasizes that defining tax bases requires having a full picture of a taxpayer's situation, including those parts that are outside of the tax jurisdiction, and determining which part refers to which jurisdiction; notes that it also requires that such tax bases are allocated between tax jurisdictions to avoid double-taxation and double non-taxation; affirms priority should be given to eliminating double non-taxation as well as ensuring that the issue of double taxation is tackled;*

Or. en

Amendment 68

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Maite Pagazaurtundúa Ruiz

Motion for a resolution

Paragraph 3 b (new)

Motion for a resolution

Amendment

3 b. *Considers that efforts need to be made by all EU institutions, including by this Parliament, as well as Member States to explain to citizens the work done in the field of taxation and actions taken to remedy existing problems and loopholes;*

Or. en

Amendment 69

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Louis Michel

Motion for a resolution

Paragraph 3 c (new)

Motion for a resolution

Amendment

3 c. *Considers that open and transparent tax competition where Member States and regions compete in offering better conditions for doing*

business can contribute to stimulating entrepreneurship, for the benefit of both citizens and companies; stresses however that tax competition that deprives Member States of appropriate generating revenues is not fair; considers that in order to end unfair tax competition developed by some Member States, the EU needs to adopt a broad strategy whereby the EU supports, with relevant policies, those Member States to move from their current detrimental tax systems to a tax system compatible with the EU legal framework and the spirit of the EU treaties;

Or. en

Amendment 70

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 3 b (new)

Motion for a resolution

Amendment

3 b. Regrets that due to resistance of Member States, several legislative proposals in the field of tax justice have not been adopted yet to the detriment of European citizens.

Or. en

Amendment 71

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Louis Michel

Motion for a resolution
Paragraph 3 d (new)

Motion for a resolution

Amendment

3 d. Supports the use of digital tools; is aware however that the use of smart technologies is giving rise to new types of digital tax fraud such as fraudulent e-filings of tax returns across territories,

use of software programs to automatically skim cash from electronic cash registers or point of sale systems (“zapping”) or the growing usage of third-party payroll processors enabling fraudsters to channel off legitimate taxes; calls therefore on the EU institutions and Member States to adopt a comprehensive, transformative and dynamic strategy with a long-term vision, roadmap and multifaceted solutions involving people, processes and technology;

Or. en

Amendment 72

Luděk Niedermayer, Jeppe Kofod

Motion for a resolution

Subheading 1.2 a (new)

Motion for a resolution

Amendment

(new para under subheading 1.2) Stresses that tax fraud, tax evasion and aggressive tax planning result in lost resources for national and European Union budgets; acknowledges that quantification of these losses is not straightforward; notes however that increased transparency requirements would not only provide better data but also would contribute to reducing opacity;

Or. en

Amendment 73

Luděk Niedermayer, Jeppe Kofod

Motion for a resolution

Subheading 1.2 b (new)

Motion for a resolution

Amendment

Amendment 74
Pirkko Ruohonen-Lerner

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Deplores again ***‘the lack of reliable and unbiased statistics on the magnitude of tax avoidance and tax evasion [and] stresses the importance of developing appropriate and transparent methodologies to quantify the scale of these phenomena, as well as their impact on countries’ public finances, economic activities and public investments’;***

Amendment

4. Deplores again ***the fact that there is little statistical information on tax evasion, tax fraud and money laundering; considers that the quality of the monitoring of the implementation of directives depends on sufficient data collection being ensured from the outset; recalls that statistical data can be used to identify the causes and consequences of phenomena, such as the impact on countries’ public finances, economic activities and public investments; calls for technical assistance to be requested from Eurostat for the collection of comprehensive and accurate statistics and for guidance on what statistics are needed, so that they are provided in a comparable, easily coordinated digital format;***

Or. fi

Amendment 75
Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
 on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Deplores again ‘the lack of reliable and unbiased statistics on the magnitude of tax avoidance and tax evasion [and] stresses the importance of developing appropriate and transparent methodologies to quantify the scale of these phenomena,

Amendment

4. Deplores again ‘the lack of reliable and unbiased statistics on the magnitude of tax avoidance and tax evasion [and] stresses the importance of developing appropriate and transparent methodologies to quantify the scale of these phenomena,

as well as their impact on countries' public finances, economic activities and public investments';

as well as their impact on countries' public finances, economic activities and public investments'; ***notes that transparency in general is central to the fight against money laundering, tax evasion and tax avoidance, and that some jurisdictions have interest in keeping the secrecy at place;***

Or. en

Amendment 76

Anne Sander

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Deplores again 'the lack of reliable and unbiased statistics on the magnitude of tax avoidance and tax evasion [and] stresses the importance of developing appropriate and transparent methodologies to quantify the scale of these phenomena, as well as their impact on countries' public finances, economic activities and public investments';

Amendment

4. Deplores again 'the lack of reliable and unbiased statistics on the magnitude of tax avoidance and tax evasion [and] stresses the importance of developing appropriate and transparent methodologies to quantify the scale of these phenomena, as well as their impact on countries' public finances, economic activities and public investments'; ***points out that recent examples have demonstrated the importance of the political and financial independence of statistical institutes to ensure the reliability of statistical data;***

Or. fr

Amendment 77

Peter Simon, Mady Delvaux, Evelyn Regner, Elly Schlein, Dietmar Köster, Olle Ludvigsson

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Deplores again 'the lack of reliable and unbiased statistics on the magnitude of tax avoidance and tax evasion [and]

Amendment

4. Deplores again 'the lack of reliable and unbiased statistics on the magnitude of tax avoidance and tax evasion [and]

stresses the importance of developing appropriate and transparent methodologies to quantify the scale of these phenomena, as well as their impact on countries' public finances, economic activities and public investments';

stresses the importance of developing appropriate and transparent methodologies to quantify the scale of these phenomena, as well as their impact on countries' public finances, economic activities and public investments'; ***further deplores the lack of reliable quantitative assessment of the extent of financial crimes, tax evasion and tax avoidance;***

Or. en

Amendment 78
Pirkko Ruohonen-Lerner

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Calls for statistics to be collected in accordance with the guidelines of Eurostat or other experts concerning not only taxation but also measures against money laundering, applicants for CBI and RBI and applications that have been accepted and rejected, large transactions at free ports, customs warehouses and special economic zones, as well as disclosures made by intermediaries and whistle-blowers;

Or. fi

Amendment 79
Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4 a. Deplores the fact that the Council has not yet made any progress to enter into negotiations with the Parliament on

the proposal for CBCR; notes however that Member States have already started implementation of OECD BEPS Action 13 on Country-by-Country Report, and DAC4; calls for the Commission to request information collected from the Member States under CBCR for quantitative impact assessments;

Or. en

Amendment 80
Pirkko Ruohonen-Lerner

Motion for a resolution
Paragraph 4 b (new)

Motion for a resolution

Amendment

4b. Considers that the detection of criminal offences requires both rapid provision of information by banks and intermediaries and rapid exchanges of information between national and EU authorities; takes the view that, in addition to making it possible to require banks to afford immediate access to data, it is necessary to make the information systems of tax administrations and financial intelligence units (FIUs) compatible and uniform in order to accelerate exchanges of information; considers that, in developing information systems, one objective should be a European standard to facilitate rapid exchanges of information between the Member States' police and tax authorities in cases where fraud is suspected;

Or. fi

Amendment 81
Thomas Mann

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Recalls in particular the empirical assessment of the magnitude of annual revenue losses caused by aggressive corporate tax planning in the EU which was drawn up in 2015; notes that the assessment ranges from EUR 50-70 billion (sum lost to profit-shifting only, equivalent to at least 17 % of corporate income tax (CIT) revenue in 2013) to **EUR160**-190 billion (adding individualised tax arrangements of major MNEs, and inefficiencies in collection);

Amendment

5. Recalls in particular the empirical assessment of the magnitude of annual revenue losses caused by aggressive corporate tax planning in the EU which was drawn up in 2015; notes that the assessment ranges from EUR 50-70 billion (sum lost to profit-shifting only, equivalent to at least 17 % of corporate income tax (CIT) revenue in 2013 **and 0.4% of GDP**) to **EUR 160**-190 billion (adding individualised tax arrangements of major MNEs, and inefficiencies in collection);

Or. de

Amendment 82

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Maite Pagazaurtundúa Ruiz, Louis Michel

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Calls on the Council and Member States to prioritise projects, notably with the support of the Fiscalis programme, aimed at quantifying the magnitude of tax avoidance in order to better address the current tax gap;

Amendment

deleted

Or. en

Amendment 83

Anne Sander

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Calls on the Council and Member States to prioritise projects, notably with the support of the Fiscalis programme, aimed at quantifying the magnitude of tax

Amendment

6. Calls on the Council and Member States to prioritise projects, notably with the support of the Fiscalis programme, aimed at quantifying the magnitude of tax

avoidance in order to better address the current tax gap;

avoidance in order to better address the current tax gap; *points out that the complexity of tax regimes raises the issue of legibility and comprehension, both for taxable persons and for tax administrations themselves; stresses, in this regard, that this complexity can give rise to legal loopholes which are subsequently exploited by financial institutions and lead to scandals such as the 'CumEx Files';*

Or. fr

Amendment 84

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution Paragraph 6

Motion for a resolution

6. Calls on the Council and Member States to prioritise projects, notably with the support of the Fiscalis programme, aimed at quantifying the magnitude of tax avoidance in order to better address the current tax gap;

Amendment

6. Calls on the Council and Member States to prioritise projects, notably with the support of the Fiscalis programme, aimed at quantifying the magnitude of tax avoidance in order to better address the current tax gap; *urges the Commission and Member States to analyse their tax gaps in the EU and Member States including VAT gaps in order to design tax policies in an effective manner.*

Or. en

Amendment 85 **Roberts Zile**

Motion for a resolution Paragraph 6

Motion for a resolution

6. Calls on the Council and Member States to prioritise projects, notably with the support of the Fiscalis programme,

Amendment

6. Calls on the Council and Member States to prioritise projects, notably with the support of the Fiscalis programme in

aimed at quantifying the magnitude of tax avoidance in order to better address the current tax gap;

order to better address the current tax gap;

Or. en

Amendment 86

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 6 a (new)

Motion for a resolution

Amendment

6 a. Calls on the Member States to estimate their tax gaps, and publish the results annually;

Or. en

Amendment 87

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Maite Pagazaurtundúa Ruiz, Louis Michel

Motion for a resolution

Paragraph 6 a (new)

Motion for a resolution

Amendment

6 a. Calls on the Council and Member States to prioritise projects, notably with the support of the Fiscalis programme, aimed at quantifying the magnitude of tax avoidance in order to better address the current tax gap; stresses that the European Parliament has adopted^{1a} an increase of the Fiscalis programme (EUR 300 million (2018 prices) or 339 million (current prices) as well as the ECON committee;

^{1a} in the Multiannual Financial Framework 2021-2027 – Parliament's position with a view to an agreement and the REPORT of 4 December 2018 on the

proposal for a regulation of the European Parliament and of the Council establishing the 'Fiscalis' programme for cooperation in the field of taxation

Or. en

Amendment 88

Luděk Niedermayer, Jeppe Kofod

Motion for a resolution

Paragraph 7 a (new)

Motion for a resolution

Amendment

7 a. (new) Welcomes the recent estimates of the non-observed economy' (NOE) –often called shadow economy – in the 2017 Survey Tax Policies in the European Union^{1a} which provides an indirect broader indication of tax evasion; stresses that the value of the NOE measures economic activities, which may not be captured in the basic data sources used for compiling national accounts;

^{1a} *Tax Policies in the European Union 2017 Survey, ISBN 978-92-79-72282-0*

Or. en

Amendment 89

Peter Simon, Evelyn Regner, Elly Schlein, Doru-Claudian Frunzulică, Dietmar Köster, Arndt Kohn, Virginie Rozière, Olle Ludvigsson

Motion for a resolution

Paragraph 8

Motion for a resolution

Amendment

8. Highlights that close to 40 % of MNEs' profits are shifted to tax havens globally each year²⁵ ;

8. Highlights that close to 40 % of MNEs' profits are shifted to tax havens globally each year²⁵ **with some European Union countries appearing to be the prime losers of profit shifting, because 35% of shifted profits come from EU**

countries, followed by developing countries (30%)^{1a}; deplores that Ireland is the number one shifting destination, followed by Singapore, the Netherlands, Caribbean tax havens and Switzerland^{1b}; deplores furthermore that about 80% of the profits shifted within the EU are shifted to the EU tax havens, primarily Ireland, Luxembourg and the Netherlands^{1c};
[3]

^{1a} Tørsløv, Wier and Zucman ‘The missing profits of nations’, National Bureau of Economic Research, Working Paper 24701, 2018.

^{1b} Tørsløv, Wier and Zucman ‘The missing profits of nations’, National Bureau of Economic Research, Working Paper 24701, 2018.

^{1c} Tørsløv, Wier and Zucman ‘The missing profits of nations’, National Bureau of Economic Research, Working Paper 24701, 2018.

²⁵ Tørsløv, Wier and Zucman ‘The missing profits of nations’, National Bureau of Economic Research, Working Paper 24701, 2018.

²⁵ Tørsløv, Wier and Zucman ‘The missing profits of nations’, National Bureau of Economic Research, Working Paper 24701, 2018.

Or. en

Amendment 90 **Marco Valli**

Motion for a resolution **Paragraph 8**

Motion for a resolution

8. Highlights that close to 40 % of MNEs’ profits are shifted to tax havens globally each year²⁵ ;

Amendment

8. Highlights that close to 40 % of MNEs’ profits are shifted to tax havens globally each year²⁵, *of which about 35% come from the EU; points out that about 80% of the profits shifted from the EU are channelled to or through EU Member States, namely Ireland, accounting alone for more than \$100 billion of profits*

shifted, Luxembourg, the Netherlands, Belgium, Cyprus and Malta; underlines that other EU countries appear to be the main losers from this phenomenon;

²⁵ Tørsløv, Wier and Zucman ‘The missing profits of nations’, National Bureau of Economic Research, Working Paper 24701, 2018.

²⁵ Tørsløv, Wier and Zucman ‘The missing profits of nations’, National Bureau of Economic Research, Working Paper 24701, 2018.

Or. en

Amendment 91

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Highlights that close to 40 % of MNEs’ profits are shifted to tax havens globally each year²⁵ ;

²⁵ Tørsløv, Wier and Zucman ‘The missing profits of nations’, National Bureau of Economic Research, Working Paper 24701, 2018.

Amendment

8. Highlights that close to 40 % of MNEs’ profits are shifted to tax havens globally each year *and recognizes that certain jurisdictions within the EU, namely Luxembourg, Ireland and the Netherlands, are regular receivers of financial flows and reported profits generated elsewhere in the Union due to their very low or zero corporate, dividend and capital gains tax rates, and special tax provisions*²⁵;

²⁵ Tørsløv, Wier and Zucman ‘The missing profits of nations’, National Bureau of Economic Research, Working Paper 24701, 2018.

Or. en

Amendment 92

Thomas Mann

Motion for a resolution

Paragraph 8

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Motion for a resolution

8. Highlights that close to 40 % of MNEs' profits are shifted to tax havens globally each year²⁵;

²⁵ Tørsløv, Wier and Zucman 'The missing profits of nations', National Bureau of Economic Research, Working Paper 24701, 2018.

Amendment

8. Highlights that close to 40 % of MNEs' profits are shifted to tax havens globally each year²⁵; ***points out that MNEs in high-tax countries pay some 30 % less tax than comparable domestic firms and that aggressive tax planning distorts competition between, on the one hand, tax-avoiding firms and, on the other, SMEs with no comparable access to cross-border tax planning arrangements;***

²⁵ Tørsløv, Wier and Zucman 'The missing profits of nations', National Bureau of Economic Research, Working Paper 24701, 2018.

Or. de

Amendment 93
Werner Langen

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Highlights that close to 40 % of MNEs' profits are shifted to tax havens globally each year²⁵;

²⁵ Tørsløv, Wier and Zucman 'The missing profits of nations', National Bureau of Economic Research, Working Paper 24701, 2018.

Amendment

8. Highlights that close to 40 % of MNEs' profits are shifted to tax havens globally each year²⁵ ***without states having developed an effective strategy;***

²⁵ Tørsløv, Wier and Zucman 'The missing profits of nations', National Bureau of Economic Research, Working Paper 24701, 2018.

Or. de

Amendment 94
Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8 a. *Notes the tendency of corporations to produce their own estimates of ETRs - often based on bogus methods - which are then used to influence policy in a way that diminishes their tax liabilities;*

Or. en

Amendment 95

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas, Stelios Kouloglou

Motion for a resolution
Subheading 1.3

Motion for a resolution

Amendment

Tax fraud, tax evasion and ***aggressive tax planning (ATP)***

Tax fraud, tax evasion and ***tax avoidance***

Or. en

Amendment 96
Alfred Sant

Motion for a resolution
Paragraph 9

Motion for a resolution

Amendment

9. Recalls that the fight against tax evasion and fraud tackles illegal acts, whereas the fight against tax avoidance addresses situations that are a priori within the limits of the law but against its spirit;

9. Recalls that the fight against tax evasion and fraud tackles illegal acts, whereas the fight against tax avoidance addresses situations that are a priori within the limits of the law but against its spirit; ***notes however that it is completely legitimate within a globally liberalised financial system for corporations (and individuals) to seek to minimise their tax dues over their global commitments, so long as they fully observe all relevant laws***

and regulations, which clearly can and should be amended progressively by relevant authorities to ensure that all tax dues are fully identified and really being paid and not evaded;

Or. en

Amendment 97

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Recalls that the fight against tax evasion and fraud tackles illegal acts, whereas the fight against tax avoidance addresses situations that are a priori within the limits of the law but against its spirit;

Amendment

9. Recalls that the fight against tax evasion and fraud tackles illegal acts, whereas the fight against tax avoidance addresses situations that are a priori within the limits of the law but against its spirit; ***calls therefore on simplification of the tax framework as soon as possible thereby avoiding debates about morality versus legality;***

Or. en

Amendment 98

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Recalls that the fight against tax evasion and fraud tackles illegal acts, whereas the fight against tax avoidance addresses situations that are a priori within the limits of the law but against its spirit;

Amendment

9. Recalls that the fight against tax evasion and fraud tackles illegal acts, whereas the fight against tax avoidance addresses situations that are a priori within the limits of the law but against its spirit ***and could be considered illegal; however, recalls with concern that this strict distinction ignores the existence of grey areas and fails to take sufficient account of the ability of powerful players to***

change tax law to suit themselves;

Or. en

Amendment 99

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Recalls that the fight against tax evasion and fraud tackles illegal acts, whereas the fight against tax avoidance addresses situations that are a priori within the limits of the law but against its spirit;

Amendment

9. Recalls that the fight against tax evasion and fraud tackles illegal acts, whereas the fight against tax avoidance addresses situations that are a priori within the limits of the law – ***unless deemed illegal by the tax authorities or, ultimately, by the courts^{1a}*** – but against its spirit.

^{1a} 1] 'Member States' capacity to fight tax crimes, Ex-post impact assessment', Elodie Thirion and Amandine Scherrer, European Parliamentary Research Service, July 2017

Or. en

Amendment 100

Werner Langen

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Recalls that ***the fight against*** tax evasion and fraud ***tackles*** illegal acts, whereas the fight against tax avoidance addresses situations that are a priori within the limits of the law ***but against its spirit***;

Amendment

9. Recalls that tax evasion and fraud ***are*** illegal acts, whereas the fight against tax avoidance addresses situations that are a priori within the limits of the law, ***but in which loopholes in the law are exploited***;

Or. de

Amendment 101

Thomas Mann

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Recalls that the fight against tax evasion and fraud tackles illegal acts, whereas the fight against tax avoidance addresses situations that are a priori within the limits of the law but ***against its spirit***;

Amendment

9. Recalls that the fight against tax evasion and fraud tackles illegal acts, whereas the fight against tax avoidance addresses situations that are a priori within the limits of the law but ***contradict its intent***;

Or. de

Amendment 102

Marco Valli

Motion for a resolution

Paragraph 9 a (new)

Motion for a resolution

9 a. Notes that the growing role of intangible assets in the MNE's value chain and harmful R&D tax incentives are conducive to aggressive tax planning;

Amendment

Or. en

Amendment 103

Thomas Mann

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Recalls that ATP describes the setting of a tax design aimed at reducing tax liability by using the technicalities of a tax system or of mismatches between two or more tax systems that go against the

Amendment

10. Recalls that ATP describes the setting of a tax design aimed at reducing tax liability by using the technicalities of a tax system or of mismatches between two or more tax systems that go against the

spirit of the law;

spirit of the law; *points out that ATP essentially involves debt shifting, a strategic choice of location in connection with intellectual property rights and intangible assets, transfer pricing and abusive transfer pricing;*

Or. de

Amendment 104
Alfred Sant

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Recalls that ATP describes the setting of a tax design aimed at reducing tax liability by using the technicalities of a tax system or of mismatches between two or more tax systems that go against the spirit of the law;

Amendment

10. Recalls that ATP describes the setting of a tax design aimed at reducing tax liability by using the technicalities of a tax system or of mismatches between two or more tax systems that go against the spirit of the law; *but realizes that the concept has also been used too broadly in ways that make it less than meaningful to localise convincingly illegal forms of tax evasion and potentially illegitimate tax avoidance;*

Or. en

Amendment 105
Markus Ferber

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Recalls that ATP describes the setting of a tax design aimed at reducing tax liability by using the technicalities of a tax system or of mismatches between two or more tax systems that go against the spirit of the law;

Amendment

10. Recalls that ATP describes the setting of a tax design aimed at reducing tax liability by using the technicalities of a tax system or of mismatches between two or more tax systems that go against the spirit of the law; *points out that some Member States make it particularly easy to set up schemes for ATP in order to*

attract business;

Or. en

Amendment 106

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Recalls that ATP describes the setting of a tax design aimed at reducing tax liability by using the technicalities of a tax system or *of mismatches* between two or more tax systems that go against the spirit of the law;

Amendment

10. Recalls that ATP describes the setting of a tax design aimed at reducing tax liability by using the technicalities of a tax system or *arbitrating* between two or more tax systems that go against the spirit of the law; *that such acts, in the same way as tax avoidance, could be deemed illegal by tax authorities or by the courts*

Or. en

Amendment 107

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Recalls that ATP describes the setting of a tax design aimed at reducing tax liability by using the technicalities of a tax system or of mismatches between two or more tax systems that go against the spirit of the law;

Amendment

10. Recalls that ATP describes the setting of a tax design aimed at reducing tax liability by using the technicalities of a tax system or of mismatches between two or more tax systems that go against the spirit of the law *and could be considered illegal;*

Or. en

Amendment 108

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Louis Michel

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Recalls that ATP describes the setting of a tax design aimed at reducing tax liability by using the technicalities of a tax system **or of** mismatches between two or more tax systems that go against the spirit of the law;

Amendment

10. Recalls that ATP describes the setting of a tax design aimed at reducing tax liability by using the technicalities **or deficiencies** of a tax system, mismatches between two or more tax systems that go against the spirit of the law;

Or. fr

Amendment 109
Luděk Niedermayer, Jeppe Kofod

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10 a. (new) Welcomes the Commission's reply to its calls made in its the TAXE, TAX2 and PANA resolutions to better identify aggressive tax planning and harmful tax practices and provide a clear distinction between what is illegal and what is legal in order to ensure certainty;

Or. en

Amendment 110
Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10 a. Understands then that there is no practical difference between tax avoidance, tax planning and aggressive

tax planning; and that tax planning can also be considered systemic tax avoidance^{3a}

^{3a} Jarass, L. and Obermair, G.M. (2015) *What an Individual EU Country Can Do Unilaterally to Counteract BEPS. Reprinted from Tax Notes Int'l, August 24, 2015, p. 697*

Or. en

Amendment 111

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 10 a (new)

Motion for a resolution

Amendment

10 a. Notes that the growing role of intangible assets in the MNE value chain and harmful R&D tax incentives are conducive to aggressive tax planning.;

Or. en

Amendment 112

Lefteris Christoforou

Motion for a resolution

Paragraph 11

Motion for a resolution

Amendment

11. Calls on the Commission and the Council to propose and adopt a comprehensive definition of aggressive tax planning indicators, building on both the hallmarks identified in the fifth review of the Directive on administrative cooperation (DAC6)²⁶ and the Commission's relevant studies and recommendations²⁷; calls on Member States to use those indicators as a basis to

deleted

repeal all harmful tax practices deriving from existing tax loopholes;

Or. el

Amendment 113

David Coburn

on behalf of the EFDD Group

Raymond Finch

Motion for a resolution

Paragraph 11

Motion for a resolution

Amendment

11. *Calls on the Commission and the Council to propose and adopt a comprehensive definition of aggressive tax planning indicators, building on both the hallmarks identified in the fifth review of the Directive on administrative cooperation (DAC6)²⁶ and the Commission's relevant studies and recommendations²⁷ ; calls on Member States to use those indicators as a basis to repeal all harmful tax practices deriving from existing tax loopholes;* *deleted*

²⁶ Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements, OJ L 139, 5.6.2018, p. 1.

²⁷

https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_61.pdf and https://ec.europa.eu/taxation_customs/sites/taxation/files/tax_policies_survey_2017.pdf

Or. en

Amendment 114

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Maite Pagazaurtundúa Ruiz

Motion for a resolution

Paragraph 11

Motion for a resolution

Amendment

11. Calls on the Commission and the Council to propose and adopt a comprehensive definition of aggressive tax planning indicators, building on both the hallmarks identified in the fifth review of the Directive on administrative cooperation (DAC6)²⁶ and the Commission's relevant studies and recommendations²⁷ ; calls on Member States to use those indicators as a basis to repeal all harmful tax practices deriving from existing tax loopholes;

²⁶ Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements, OJ L 139, 5.6.2018, p. 1.

²⁷

https://ec.europa.eu/taxation_customs/site/s/taxation/files/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_61.pdf and https://ec.europa.eu/taxation_customs/site/s/taxation/files/tax_policies_survey_2017.pdf

Or. en

Amendment 115

Roberta Metsola

Motion for a resolution

Paragraph 11

Motion for a resolution

Amendment

11. Calls on the Commission and the PE632.134v01-00

11. Calls on the Commission and the 60/172

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Council to propose and adopt a comprehensive definition of aggressive tax planning indicators, ***building on both the hallmarks identified in the fifth review of the Directive on administrative cooperation (DAC6)²⁶ and the Commission's relevant studies and recommendations²⁷*** ; calls on Member States to use those indicators as a basis to repeal all harmful tax practices deriving from existing tax loopholes;

²⁶ Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements, OJ L 139, 5.6.2018, p. 1.

²⁷

https://ec.europa.eu/taxation_customs/site/s/taxation/files/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_61.pdf and https://ec.europa.eu/taxation_customs/site/s/taxation/files/tax_policies_survey_2017.pdf

Council to propose and adopt a comprehensive definition of aggressive tax planning indicators;

Or. en

Amendment 116 Alfred Sant

Motion for a resolution Paragraph 11

Motion for a resolution

11. Calls on the Commission and the Council to propose and adopt a comprehensive definition of aggressive tax planning indicators, building on both the hallmarks identified in the fifth review of the Directive on administrative cooperation (DAC6)²⁶ and the Commission's relevant studies and recommendations²⁷ ; calls on Member States to use those indicators as a

Amendment

11. Calls ***therefore*** on the Commission and the Council to propose and adopt a comprehensive definition of aggressive tax planning indicators, building on both the hallmarks identified in the fifth review of the Directive on administrative cooperation (DAC6)²⁶ and the Commission's relevant studies and recommendations²⁷ ; ***recommends that all such indicators***

basis to repeal all harmful tax practices deriving from existing tax loopholes;

clearly delineate what is legitimate or not, as well as what could be illegal or not, in the natural efforts by corporation decision makers to minimise the tax liability of their corporation in its worldwide exposure, so as to maximise the returns of its shareholders; stresses equally that the chosen indicators should not be rigidly cast so that they end up as one-size-fits-all measures and check lists, but take into account industry-specific, country-specific and region-specific parameters that define how national taxation laws are framed; calls on Member States to use those indicators **transparently** as a basis to repeal all harmful tax practices deriving from existing tax loopholes;

²⁶ Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements, OJ L 139, 5.6.2018, p. 1.

²⁷

https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_61.pdf and https://ec.europa.eu/taxation_customs/sites/taxation/files/tax_policies_survey_2017.pdf

²⁶ Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements, OJ L 139, 5.6.2018, p. 1.

²⁷

https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_61.pdf and https://ec.europa.eu/taxation_customs/sites/taxation/files/tax_policies_survey_2017.pdf

Or. en

Amendment 117

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Calls on the Commission and the Council to propose and adopt a

Amendment

11. Calls on the Commission and the Council to propose and adopt a

comprehensive definition of aggressive tax planning indicators, building on both the hallmarks identified in the fifth review of the Directive on administrative cooperation (DAC6)²⁶ and the Commission's relevant studies and recommendations²⁷ ; calls on Member States to use those indicators as a basis to repeal all harmful tax practices deriving from existing tax loopholes;

comprehensive definition of aggressive tax planning indicators, building on both the hallmarks identified in the fifth review of the Directive on administrative cooperation (DAC6)²⁶ *after being strengthened in order to require the mandatory disclosure of dividend arbitrage schemes and all information on capital gains, including the granting of dividend and capital gains tax refunds*^{1a} and the Commission's relevant studies and recommendations²⁷ ; calls on Member States to use those indicators as a basis to repeal all harmful tax practices deriving from existing tax loopholes;

²⁶ Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements, OJ L 139, 5.6.2018, p. 1.

²⁷

https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_61.pdf and https://ec.europa.eu/taxation_customs/sites/taxation/files/tax_policies_survey_2017.pdf

^{1a} **P8_TA-PROV(2018)0475. European Parliament resolution of 29 November 2018 on the cum-ex scandal: financial crime and loopholes in the current legal framework(2018/2900(RSP))**

²⁶ Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements, OJ L 139, 5.6.2018, p. 1.

²⁷

https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_61.pdf and https://ec.europa.eu/taxation_customs/sites/taxation/files/tax_policies_survey_2017.pdf

Or. en

Amendment 118

Louis Michel

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Calls on the Commission and the

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Amendment

11. Calls on the Commission and the

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Council to propose and adopt a comprehensive definition of aggressive tax planning indicators, building on both the hallmarks identified in the fifth review of the Directive on administrative cooperation (DAC6)²⁶ and the Commission's relevant studies and recommendations²⁷; calls on Member States to use those indicators as a basis to repeal all harmful tax practices deriving from existing tax loopholes;

²⁶ Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements, OJ L 139, 5.6.2018, p. 1.

²⁷

https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_61.pdf and https://ec.europa.eu/taxation_customs/sites/taxation/files/tax_policies_survey_2017.pdf

Council to propose and adopt a comprehensive **and specific** definition of aggressive tax planning indicators, building on both the hallmarks identified in the fifth review of the Directive on administrative cooperation (DAC6)²⁶ and the Commission's relevant studies and recommendations²⁷; ***stresses that these clear indicators may be based, where necessary, on internationally agreed standards***; calls on Member States to use those indicators as a basis to repeal all harmful tax practices deriving from existing tax loopholes;

²⁶ Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements, OJ L 139, 5.6.2018, p. 1.

²⁷

https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_61.pdf and https://ec.europa.eu/taxation_customs/sites/taxation/files/tax_policies_survey_2017.pdf

Or. fr

Amendment 119

Tom Vandenkendelaere

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Calls on the Commission and the Council to propose and adopt a comprehensive definition of aggressive tax planning indicators, building on both the hallmarks identified in the fifth review of the Directive on administrative cooperation (DAC6)²⁶ and the Commission's relevant

Amendment

11. Calls on the Commission and the Council to propose and adopt a comprehensive definition of aggressive tax planning indicators, building on both the hallmarks identified in the fifth review of the Directive on administrative cooperation (DAC6)²⁶ and the Commission's relevant

studies and recommendations²⁷ ; calls on Member States to use those indicators as a basis to repeal all harmful tax practices deriving from existing tax loopholes;

²⁶ Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements, OJ L 139, 5.6.2018, p. 1.

²⁷

https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_61.pdf and https://ec.europa.eu/taxation_customs/sites/taxation/files/tax_policies_survey_2017.pdf

studies and recommendations²⁷ ; calls on Member States to use those indicators as a basis to repeal all harmful tax practices deriving from existing tax loopholes; ***calls on the Commission and the Council to regularly update these indicators if new aggressive tax planning arrangements or practices emerge;***

²⁶ Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements, OJ L 139, 5.6.2018, p. 1.

²⁷

https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_61.pdf and https://ec.europa.eu/taxation_customs/sites/taxation/files/tax_policies_survey_2017.pdf

Or. en

Amendment 120

Barbara Kappel

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Stresses the similarity between corporate tax payers and high-net-worth individuals in the use of corporate structures and similar structures such as trusts and offshore locations for the purpose of ATP; recalls the role of intermediaries in setting up such schemes;

Amendment

deleted

Or. en

Amendment 121

Wolf Klinz, Petr Ježek, Thierry Cornillet, Nils Torvalds, Maite Pagazaurtundúa Ruiz

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Stresses the similarity between corporate tax payers and high-net-worth individuals in the use of corporate structures and similar structures such as trusts and offshore locations for the purpose of ATP; recalls the role of intermediaries in setting up such schemes;

Amendment

12. Stresses the similarity between corporate tax payers and high-net-worth individuals in the use of corporate structures and similar structures such as trusts and offshore locations for the purpose of ATP; recalls the role of intermediaries in setting up such schemes; ***recalls the obligation of intermediaries under DAC6 to report structural loopholes in tax legislation to tax authorities, without having to reveal the identities of any potential clients taking advantage of these loopholes at the time; requests that intermediaries that are convicted for participation in and knowledge of fraudulent behaviour of clients are to have their licenses revoked and be banned from practising their occupation henceforth;***

Or. en

Amendment 122

Alfred Sant

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Stresses the similarity between corporate tax payers and high-net-worth individuals in the use of corporate structures and similar structures such as trusts and offshore locations for the purpose of ATP; recalls the role of intermediaries in setting up such schemes;

Amendment

12. Stresses the similarity between corporate tax payers and high-net-worth individuals in the use of corporate structures and similar structures such as trusts and offshore locations for the purpose of ATP; recalls the role of intermediaries in setting up such schemes; ***understands however that motivations for these two kinds of players in the taxation matrix can be totally disparate, so that while corporate aims will be guided by the***

urge to increase retained earnings within the corporate entity, high net worth individuals will be targeting a consolidation of wealth accumulation by self, family and personal dependents;

Or. en

Amendment 123

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Stresses the similarity between corporate tax payers and high-net-worth individuals in the use of corporate structures and similar structures such as trusts and offshore locations for the purpose of ATP; recalls *the role of intermediaries in setting up such schemes*;

Amendment

12. Stresses the similarity between corporate tax payers and high-net-worth individuals in the use of corporate structures and similar structures such as trusts and offshore locations for the purpose of ATP; recalls, *in this regard, that for the wealthy most of their income arrives in the form of capital gains rather than earnings*;

Or. en

Amendment 124

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Stresses the similarity between corporate tax payers and high-net-worth individuals in the use of corporate structures and similar structures such as trusts and offshore locations for the purpose of ATP; recalls the role of *intermediaries* in setting up such schemes;

Amendment

12. Stresses the similarity between corporate tax payers and high-net-worth individuals in the use of corporate structures and similar structures such as trusts and offshore locations for the purpose of *tax evasion and tax avoidance*; recalls the role of *enablers and promoters* in setting up such schemes;

Amendment 125

Roberts Zile

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Stresses *the* similarity between corporate tax payers and high-net-worth individuals in the use of corporate structures and similar structures such as trusts and offshore locations for the purpose of ATP; recalls the role of intermediaries in setting up such schemes;

Amendment

12. Stresses *that in some cases* similarity between corporate tax payers and high-net-worth individuals in the use of corporate structures and similar structures such as trusts and offshore locations for the purpose of ATP; recalls the role of intermediaries in setting up such schemes;

Or. en

Amendment 126

Werner Langen

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Stresses the similarity between corporate tax payers and high-net-worth individuals in the use of corporate structures and similar structures such as trusts and offshore locations for the purpose of ATP; *recalls* the role of intermediaries in setting up such schemes;

Amendment

12. Stresses the similarity between corporate tax payers and high-net-worth individuals in the use of corporate structures and similar structures such as trusts and offshore locations for the purpose of ATP; *points to* the role of intermediaries in setting up such *ATP* schemes;

Or. de

Amendment 127

Barbara Kappel

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Welcomes the Commission's assessment and inclusion of ATP indicators in its 2018 European Semester country reports; calls for such assessment to become a regular feature in order to ensure a level playing field in the EU internal market, ***as well as the greater stability of public revenue in the long run;***

Amendment

13. Welcomes the Commission's assessment and inclusion of ATP indicators in its 2018 European Semester country reports; calls for such assessment to become a regular feature in order to ensure a level playing field in the EU internal market;

Or. en

Amendment 128

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Welcomes the Commission's assessment and inclusion of ATP indicators in its 2018 European Semester country reports; calls for such assessment to become a regular feature in order to ensure a level playing field in the EU internal market, as well as the greater stability of public revenue in the long run;

Amendment

13. Welcomes the Commission's assessment and inclusion of ATP indicators in its 2018 European Semester country reports; calls for such assessment to become a regular feature in order to ensure a level playing field in the EU internal market ***with a clear follow-up***, as well as the greater stability of public revenue in the long run; ***regrets that so far no recommendations to end harmful tax practices have been put forward by the Commission in the course of the European Semester country reports, calls on the Commission to ensure full transparency of this exercise, including the follow-up, and to give countries concrete recommendations regarding the fight against aggressive tax planning strategies;***

Or. en

Amendment 129

Alfred Sant

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Welcomes the Commission's assessment and inclusion of ATP indicators in its 2018 European Semester country reports; calls for such assessment to become a regular feature in order to ensure a level playing field in the EU internal market, as well as the greater stability of public revenue in the long run;

Amendment

13. Welcomes the Commission's assessment and inclusion of ATP indicators in its 2018 European Semester country reports; calls for such assessment to become a regular feature in order to ensure a level playing field in the EU internal market, as well as the greater stability of public revenue in the long run; ***requests that every year, the Commission includes in its European Semester country reports a short evaluation of how the assessment procedure including ATP indicators is shaping up and how it can be improved;***

Or. en

Amendment 130
Louis Michel

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Welcomes the Commission's assessment and inclusion of ATP indicators in its 2018 European Semester country reports; calls for ***such*** assessment to ***become a regular feature*** in order to ensure a level playing field in the EU internal market, as well as the greater stability of public revenue in the long run;

Amendment

13. Welcomes the Commission's assessment and inclusion of ATP indicators in its 2018 European Semester country reports; calls for ***this*** assessment to ***be done repeatedly*** in order to ensure a level playing field in the EU internal market, as well as the greater stability of public revenue in the long run;

Or. fr

Amendment 131
Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Maite Pagazaurtundúa Ruiz

Motion for a resolution
Paragraph 13 a (new)

13 a. Calls on the Commission and the Council to propose and adopt a comprehensive definition of aggressive tax planning indicators, building on both the hallmarks identified in the fifth review of the Directive on administrative cooperation (DAC6)^{1a} and the Commission's relevant studies and recommendations^{2a}; calls on Member States to use those indicators as a basis to repeal all harmful tax practices deriving from existing tax loopholes;

^{1a} **Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements, OJ L 139, 5.6.2018, p. 1.**

^{2a}

https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_61.pdf and https://ec.europa.eu/taxation_customs/sites/taxation/files/tax_policies_survey_2017.pdf

Or. en

Amendment 132

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

**Motion for a resolution
Paragraph 13 a (new)**

13 a. Regrets that 7 EU Member States have been identified for their tax avoidance by the European Commission in the European Semester, namely, Ireland, The Netherlands, Cyprus, Malta,

Belgium, Hungary and Luxembourg, and that little measures have been taken by such Member States to modify their legislation in order to make it less attractive for tax evasion and avoidance;

Or. en

Amendment 133

Peter Simon, Pervenche Berès, Evelyn Regner, Mady Delvaux, Hugues Bayet, Dietmar Köster, Arndt Kohn, Olle Ludvigsson

Motion for a resolution

Paragraph 13 a (new)

Motion for a resolution

Amendment

13 a. Recalls that the payment of taxes is both an essential corporate contribution to society and a tool for good governance and is therefore a requirement for responsible business practices; stresses the need to include harmful tax practices in the scope of mandatory reporting on corporate social responsibility (CSR);

Or. en

Amendment 134

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 13 b (new)

Motion for a resolution

Amendment

13 b. Notes that company restructures can be observed in the macro-economic data of Ireland from 2014-2017, particularly in the first quarter of 2015; notes that major changes occurred in Ireland's GNP, GDP, exports, imports, investment, external debt and more; regrets that despite the relocation of sales income and intellectual property to

Ireland, there was no observable corresponding increase in corporation tax received by Irish Revenue^{1a}

^{1a} *Brehm Christensen, M.; Clancy, E. (2018) 'Exposed: Apple's delicious tax deals, Is Ireland Helping Apple Pay less than 1% in the EU?'; GUE/NGL; June 2018.*

Or. en

Amendment 135

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

**Motion for a resolution
Paragraph 13 b (new)**

Motion for a resolution

Amendment

13 b. Regrets that even when in Ireland, the capital allowance for depreciation of intangible assets has been lowered from a rate of 100% to 80% from 2017, this reduction was not applied to the intangible assets brought onshore from 2015-2016, which could still benefit from the 100% rate^{1a}

^{1a} *Brehm Christensen, M.; Clancy, E. (2018) 'Exposed: Apple's delicious tax deals, Is Ireland Helping Apple Pay less than 1% in the EU?'; GUE/NGL; June 2018.*

Or. en

Amendment 136

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 13 b (new)

Motion for a resolution

Amendment

13 b. *Calls on the Commission to list the EU jurisdictions identified for providing opportunities for aggressive tax planning as tax havens and prepare a proposal on deterrent actions to be applied against such Member States;*

Or. en

Amendment 137

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 13 c (new)

Motion for a resolution

Amendment

13 c. *Deplores that the Irish government introduced the 100% rate on capital allowances for intellectual property (IP) following a recommendation made by the American Chamber of Commerce in Ireland in 2014^{1a}*

^{1a} *Brehm Christensen, M.; Clancy, E. (2018) 'Exposed: Apple's delicious tax deals, Is Ireland Helping Apple Pay less than 1% in the EU?'; GUE/NGL; June 2018.*

Or. en

Amendment 138

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 13 c (new)

13 c. *Regrets that the Irish government introduced the 100% rate on capital allowances for intellectual property (IP) following a recommendation made by the American Chamber of Commerce in Ireland in 2014^{1a}*

^{1a} ***Brehm Christensen, M.; Clancy, E. (2018) 'Exposed: Apple's delicious tax deals, Is Ireland Helping Apple Pay less than 1% in the EU?'; GUE/NGL; June 2018.***

Or. en

Amendment 139

David Coburn

on behalf of the EFDD Group

Raymond Finch

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Reiterates its call on companies, as taxpayers, to fully comply with their tax obligations and refrain from aggressive tax planning leading to BEPS, ***and to consider fair taxation strategy as an important part of their corporate social responsibility;***

Amendment

14. Reiterates its call on companies, as taxpayers, to fully comply with their tax obligations and refrain from aggressive tax planning leading to BEPS;

Or. en

Amendment 140

Werner Langen

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Reiterates its call on ***companies, as taxpayers, to fully comply with their tax***

Amendment

14. Reiterates its call on ***states to prevent*** aggressive tax planning leading to

obligations and refrain from aggressive tax planning leading to BEPS, and to consider fair taxation strategy as an important part of their *corporate social* responsibility;

BEPS, and to consider fair taxation strategy as an important part of their *state* responsibility;

Or. de

Amendment 141
Thomas Mann

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Reiterates its call on companies, as taxpayers, to fully comply with their tax obligations and refrain from aggressive tax planning leading to BEPS, and to consider fair taxation strategy as an important part of their corporate social responsibility;

Amendment

14. Reiterates its call on companies, as taxpayers, to fully comply with their tax obligations and refrain from aggressive tax planning leading to BEPS, and to consider fair taxation strategy as an important part of their corporate social responsibility *in order also to prevent a negative impact on general taxpayer morale*;

Or. de

Amendment 142
Peter Simon, Evelyn Regner, Mady Delvaux, Elly Schlein, Dietmar Köster, Arndt Kohn, Virginie Rozière, Olle Ludvigsson

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Reiterates its call on companies, as taxpayers, to fully comply with their tax obligations and refrain from aggressive tax planning leading to BEPS, and to consider fair taxation strategy as an important part of their corporate social responsibility;

Amendment

14. Reiterates its call on companies, as taxpayers, to fully comply with their tax obligations and refrain from aggressive tax planning leading to BEPS, and to consider fair taxation strategy as an important part of their corporate social responsibility *and of their implementation of the United Nations Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises*;

Amendment 143

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Reiterates its call on companies, as taxpayers, to fully comply with their tax obligations and ***refrain from*** aggressive tax planning leading to BEPS, and to ***consider*** fair taxation strategy as an important part of their corporate social responsibility;

Amendment

14. Reiterates its call on companies, as taxpayers, to fully comply with their tax obligations and ***stop any forms of*** aggressive tax planning leading to BEPS, ***to recognise their business is enabled by tax-funded social, legal and physical infrastructure and public services***, and to ***embrace*** fair taxation strategy as an important part of their corporate social responsibility; ***reminds them that rising inequality and the gap between the wealthy and corporate elites is undermining the cohesion of societies and faith in democratic politics***;

Amendment 144

Markus Ferber

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Reiterates its call on companies, as taxpayers, to fully comply with their tax obligations and refrain from aggressive tax planning leading to BEPS, and to consider fair taxation strategy as an important part of their corporate social responsibility;

Amendment

14. Reiterates its call on companies, as taxpayers, to fully comply with their tax obligations and refrain from aggressive tax planning leading to BEPS, and to consider fair taxation strategy as an important part of their corporate social responsibility; ***points out that Member States in the spirit of loyal cooperation must not facilitate the creation of aggressive tax planning schemes***;

Amendment 145

Miguel Urbán Crespo, Martin Schirdewan, Marisa Matias, Paloma López Bermejo

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Reiterates its call on companies, as taxpayers, to fully comply with their tax obligations and refrain from aggressive tax planning leading to BEPS, and to consider fair taxation strategy as an important part of their corporate social responsibility;

Amendment

14. Reiterates its call on companies, as taxpayers, to fully comply with their tax obligations and refrain from aggressive tax planning leading to BEPS, ***to recognise their business is enabled by tax-funded infrastructure and services***, and to consider fair taxation strategy as an important part of their corporate social responsibility;

Amendment 146

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 14 a (new)

Motion for a resolution

Amendment

14 a. Notes however, that self-regulation cannot be the answer to tackling tax fraud, tax evasion and avoidance; which can only be fought with adequate legislation, transparency, intra and inter institutional cooperation, inter-jurisdictional cooperation, and sufficient personnel and technical equipment employed by tax administrations

Amendment 147

Barbara Kappel

**Motion for a resolution
Paragraph 14 a (new)**

Motion for a resolution

Amendment

14 a. *Stresses that the initiatives of the Commission and the member states should be aimed at making tax collection more efficient and cost-effective, and not to maximize revenue from the taxpayers to the state;*

Or. en

Amendment 148

Peter Simon, Evelyn Regner, Mady Delvaux, Hugues Bayet, Pervenche Berès, Elly Schlein, Dietmar Köster, Arndt Kohn, Olle Ludvigsson

**Motion for a resolution
Paragraph 14 a (new)**

Motion for a resolution

Amendment

14 a. *Urges furthermore the Member States taking part in the enhanced cooperation procedure to agree as quickly as possible on the adoption of a Financial Transaction Tax (FTT);*

Or. en

Amendment 149

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

**Motion for a resolution
Paragraph 14 a (new)**

Motion for a resolution

Amendment

14 a. *Urges Member States to review and update bilateral taxation agreements between Member States and with third countries to close loopholes that incentivise tax-driven trading practices*

with the purpose of tax avoidance;

Or. en

Amendment 150

Luděk Niedermayer, Jeppe Kofod

Motion for a resolution

Subheading 2 a (new)

Motion for a resolution

Amendment

(new para before para 15) Recalls that opportunities for choosing a business or residence location on the basis of the regulatory framework have boomed with globalisation and digitalisation;

Or. en

Amendment 151

Lefteris Christoforou

Motion for a resolution

Paragraph 15

Motion for a resolution

Amendment

15. Recalls that taxes must be paid in the jurisdictions where the actual economic activity and value creation takes place or, in case of indirect taxation, where consumption takes place;

deleted

Or. el

Amendment 152

David Casa

Motion for a resolution

Paragraph 15

Motion for a resolution

Amendment

15. Recalls that taxes must be paid in

deleted

the jurisdictions where the actual economic activity and value creation takes place or, in case of indirect taxation, where consumption takes place;

Or. en

Amendment 153
Roberta Metsola

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Recalls that *taxes must be paid in the jurisdictions where the actual economic activity and value creation takes place or, in case of indirect taxation, where consumption takes place;*

Amendment

15. Recalls that *it is the prerogative of EU Member States to set their own individual fiscal policy;*

Or. en

Amendment 154
Alfred Sant

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Recalls that taxes must be paid in the jurisdictions where the actual economic activity and value creation takes place or, in case of indirect taxation, where consumption takes place;

Amendment

15. Recalls that taxes must be paid in the jurisdictions where the actual economic activity and value creation takes place or, in case of indirect taxation, where consumption takes place; *recognizes however that in a continually evolving digital economy where marketable output becomes the sum of a jigsaw of cross-border inputs for which current accounting models to measure how and where value is being added are hugely complex or inoperative, rigid, one-size-fits-all methods to measure value creation can become counter-productive; understands that the same consideration applies to digital cross-border*

consumption;

Or. en

Amendment 155

Evelyn Regner, Peter Simon, Mady Delvaux, Hugues Bayet, Elly Schlein, Dietmar Köster, Arndt Kohn, Olle Ludvigsson

Motion for a resolution Paragraph 15

Motion for a resolution

15. Recalls that taxes must be paid in the jurisdictions where the actual economic activity and value creation takes place or, in case of indirect taxation, where consumption takes place;

Amendment

15. Recalls that taxes must be paid in the jurisdictions where the actual ***substantive and genuine*** economic activity and value creation takes place or, in case of indirect taxation, where consumption takes place; ***highlights that this can only be achieved by adopting the common Consolidated Corporate Tax Base (CCCTB); advocates for the inclusion of fair allocation of taxing rights on the agenda of current international tax negotiations, notably at OECD and UN levels;***

Or. en

Amendment 156

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution Paragraph 15

Motion for a resolution

15. Recalls that taxes must be paid in the jurisdictions where the actual economic activity and value creation takes place or, in case of indirect taxation, where consumption takes place;

Amendment

15. Recalls that taxes must be paid in the jurisdictions where the actual economic activity and value creation takes place or, in case of indirect taxation, where consumption takes place; ***especially since it is required to fund the public services that the corporations themselves depend on;***

Amendment 157

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 15 a (new)

Motion for a resolution

Amendment

15 a. Deplores the drop in nominal corporate tax rates all over Europe in recent years and the proliferation of incentives to lower the effective tax rate (ETR) compared to the statutory corporate tax rate; notes with concern that, regarding effective tax rates in the EU, in addition to Luxembourg (2.2%), the lowest ETRs are to be found in Hungary (7.5%), Bulgaria (9.5%), Cyprus (9.6%) as well as in the Netherlands (10.4%) and Latvia (10.6%) and that most countries appear to tax MNEs regressively: the larger the MNE, the lower the ETR;

Or. en

Amendment 158

Markus Ferber

Motion for a resolution

Paragraph 15 a (new)

Motion for a resolution

Amendment

15 a. Calls on the European Commission and Member States to harmonise procedures for a digital system of filing tax returns in order to facilitate cross-border activities and reduce red tape;

Or. en

Amendment 159

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 15 b (new)

Motion for a resolution

Amendment

15 b. Acknowledges the harmful consequences that tax competition between jurisdictions and the resulting "race to the bottom" have on public revenues and the progressivity of taxation; underlines that the further lowering of corporate taxes will eventually put the sustainability of the Union's public finances at stake; calls on the European Commission to propose a Directive that ensures minimum effective corporate tax rates of at least 20% in the European Union;

Or. en

Amendment 160

Werner Langen

Motion for a resolution

Paragraph 16

Motion for a resolution

Amendment

16. Takes note of the statement made by the French Finance Minister at the TAX3 meeting of 23 October 2018 regarding the need to discuss the concept of minimum taxation; welcomes the readiness by France to include the debate on minimum taxation as one of the priorities of its G7 Presidency in 2019;

deleted

Or. de

Amendment 161

Lefteris Christoforou

Motion for a resolution
Paragraph 16

Motion for a resolution

Amendment

16. Takes note of the statement made by the French Finance Minister at the TAX3 meeting of 23 October 2018 regarding the need to discuss the concept of minimum taxation; welcomes the readiness by France to include the debate on minimum taxation as one of the priorities of its G7 Presidency in 2019; *deleted*

Or. el

Amendment 162
Markus Ferber

Motion for a resolution
Paragraph 16

Motion for a resolution

Amendment

16. Takes note of the statement made by the French Finance Minister at the TAX3 meeting of 23 October 2018 regarding the need to discuss the concept of minimum taxation; welcomes the readiness by France to include the debate on minimum taxation as one of the priorities of its G7 Presidency in 2019; *deleted*

Or. en

Amendment 163
David Coburn
on behalf of the EFDD Group
Raymond Finch

Motion for a resolution
Paragraph 16

Motion for a resolution

Amendment

16. Takes note of the statement made by the French Finance Minister at the *deleted*

*TAX3 meeting of 23 October 2018
regarding the need to discuss the concept
of minimum taxation; welcomes the
readiness by France to include the debate
on minimum taxation as one of the
priorities of its G7 Presidency in 2019;*

Or. en

Amendment 164
Roberta Metsola

Motion for a resolution
Paragraph 16

Motion for a resolution

Amendment

*16. Takes note of the statement made
by the French Finance Minister at the
TAX3 meeting of 23 October 2018
regarding the need to discuss the concept
of minimum taxation; welcomes the
readiness by France to include the debate
on minimum taxation as one of the
priorities of its G7 Presidency in 2019;* *deleted*

Or. en

Amendment 165
Barbara Kappel

Motion for a resolution
Paragraph 16

Motion for a resolution

Amendment

*16. Takes note of the statement made
by the French Finance Minister at the
TAX3 meeting of 23 October 2018
regarding the need to discuss the concept
of minimum taxation; welcomes the
readiness by France to include the debate
on minimum taxation as one of the
priorities of its G7 Presidency in 2019;* *deleted*

Or. en

Amendment 166

Roberts Zile

Motion for a resolution

Paragraph 16

Motion for a resolution

16. ***Takes note of*** the statement made by the French Finance Minister at the TAX3 meeting of 23 October 2018 regarding the need to discuss the concept of minimum taxation; ***welcomes*** the readiness by France to include the debate on minimum taxation as one of the priorities of its G7 Presidency in 2019;

Amendment

16. ***Is opposed to*** the statement made by the French Finance Minister at the TAX3 meeting of 23 October 2018 regarding the need to discuss the concept of minimum taxation; ***notes*** the readiness by France to include the debate on minimum taxation as one of the priorities of its G7 Presidency in 2019; ***recalls, however, that taxation falls within the competence of the Member States;***

Or. en

Amendment 167

Caroline Nagtegaal, Wolf Klinz, Nils Torvalds, Petr Ježek

Motion for a resolution

Paragraph 16

Motion for a resolution

16. Takes note of the statement made by the French Finance Minister at the TAX3 meeting of 23 October 2018 regarding the need to discuss the concept of minimum taxation; ***welcomes the readiness by France to include the debate on minimum taxation as one of the priorities of its G7 Presidency in 2019;***

Amendment

16. Takes note of the statement made by the French Finance Minister at the TAX3 meeting of 23 October 2018 regarding the need to discuss the concept of minimum taxation;

Or. en

Amendment 168

Alfred Sant

Motion for a resolution

Paragraph 16

Motion for a resolution

16. Takes note of the statement made by the French Finance Minister at the TAX3 meeting of 23 October 2018 regarding the need to discuss the concept of minimum taxation; welcomes the readiness by France to include the debate on minimum taxation as one of the priorities of its G7 Presidency in 2019;

Amendment

16. Takes note of the statement made by the French Finance Minister at the TAX3 meeting of 23 October 2018 regarding the need to discuss the concept of minimum taxation; welcomes the readiness by France to include the debate on minimum taxation as one of the priorities of its G7 Presidency in 2019; ***points out however that the concept of minimum taxation could lead to a race to “the top” as contrasted to a race to “the bottom”, which would force Member States running lean tax systems to load up their tax schedules, to the benefit of Member States, such as France, which by running high taxation, high public expenditure administrative systems render their economies less competitive in the Single market compared to those Member States that run leaner tax systems and have leaner and more efficient public expenditure commitments;***

Or. en

Amendment 169
Dariusz Rosati

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Takes note of the statement made by the French Finance Minister at the TAX3 meeting of 23 October 2018 regarding the need to discuss the concept of minimum taxation; ***welcomes*** the readiness by France to include the debate on minimum taxation as one of the priorities of its G7 Presidency in 2019;

Amendment

16. Takes note of the statement made by the French Finance Minister at the TAX3 meeting of 23 October 2018 regarding the need to discuss the concept of minimum taxation; ***notes*** the readiness by France to include the debate on minimum taxation as one of the priorities of its G7 Presidency in 2019; ***considers that progress is needed on CCCTB to improve the functioning of the Single Market;***

Or. en

Amendment 170

Peter Simon, Pervenche Berès, Ramón Jáuregui Atondo, Arndt Kohn, Paul Tang, Virginie Rozière, Evelyn Regner, Mady Delvaux, Doru-Claudian Frunzulică, Hugues Bayet, Elly Schlein, Dietmar Köster, Olle Ludvigsson

Motion for a resolution

Paragraph 16 a (new)

Motion for a resolution

Amendment

16 a. Stresses that between 1985 and 2018, the global average statutory corporate tax rate has fallen from 49% to 24%^{1a} ; notes that nominal corporate tax rates have decreased by 46% since 2000 at EU level –from an average of 32% in 2000 to 21,9% in 2018^{1b}; is concerned about a growing race to the bottom on nominal corporate tax rates at both international and EU levels; regrets that international tax reform such as G20/OECD led BEPS project did not touch upon this unfair tax competition; calls for a second set of international tax reforms aiming at tackling tax competition among countries and ensuring a fair allocation of taxing rights; underlines it is necessary to give a greater role to the UN Committee of Experts on International Cooperation in Tax Matters in the next reform of international tax rules;

^{1a} Tørsløv, Wier and Zucman ‘The missing profits of nations’, National Bureau of Economic Research, Working Paper 24701, 2018.

^{1b} Taxation trend in the EU, Table 3: Top statutory corporate income tax rates (including surcharges), 1995-2018, European Commission 2018

Or. en

Amendment 171

Alfred Sant

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Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

Amendment

16 a. Notes moreover that within the Eurozone as well as under Maastricht budgetary rules, Member States are obligated to follow deficit and national debt operational criteria sufficiently rigorous such that the imposition of any new “minimum” rules on taxation levels within government budgets could appear to be, and quite likely will be, vexatious, over intrusive, not fit for purpose and in the end helpful only to states that give low priority to increasing the tax burden on their polities;

Or. en

Amendment 172

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

Amendment

16 a. Notes however, that any debate concerning minimum taxation should make reference to minimum effective taxation, measured by the total income taxes paid by a corporation over its total profits, including in this measurement tax breaks to the base (that is, the income on which taxes are charged), as effective rates can often be much lower, and in many cases half, of the statutory rate;

Or. en

Amendment 173

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé

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on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

Amendment

16 a. *Acknowledges that special tax and deduction regimes, including those in non-EU countries like Switzerland, bear substantial responsibility for the global downward spiral of corporate taxes rates; notes that the effective tax rate is much lower than nominal rates in most EU countries, and important disparities and pressure on lower tax rates lead to a race to the bottom;*

Or. en

Amendment 174

Peter Simon, Mady Delvaux, Evelyn Regner, Ramón Jáuregui Atondo, Elly Schlein, Dietmar Köster, Olle Ludvigsson, Virginie Rozière

Motion for a resolution
Paragraph 16 b (new)

Motion for a resolution

Amendment

16 b. *Deplores the imbalance between taxes paid on corporate and capital income and on labour; points out that such distribution of tax burden is unsustainable in view of the expected massive changes in the labour market due to increased robotisation and digitalisation and poses a serious risk to social cohesion;*

Or. en

Amendment 175

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 16 b (new)

Motion for a resolution

Amendment

16 b. *Regrets that profit shifting is often used by companies to put pressure on governments and employees, demanding weaker regulation and labour standards with the excuse of low profit margins, even though the company is operating successfully;*

Or. en

Amendment 176

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo

**Motion for a resolution
Paragraph 16 b (new)**

Motion for a resolution

Amendment

16 b. *Notes that the Independent Commission for the Reform of International Tax (ICRICT), observed that setting a minimum effective taxation would put a floor under tax competition^{1a}*

^{1a} ICRICT (2016) *FOURWAYS TO TACKLE INTERNATIONAL TAX COMPETITION*, November 2016

Or. en

Amendment 177

Peter Simon, Pervenche Berès, Ramón Jáuregui Atondo, Arndt Kohn, Paul Tang, Virginie Rozière, Evelyn Regner, Mady Delvaux, Hugues Bayet, Dietmar Köster, Olle Ludvigsson

**Motion for a resolution
Paragraph 16 c (new)**

Motion for a resolution

Amendment

16 c. *Affirms that a fair and effective solution to tax dumping and aggressive*

tax competition would reside in the setting of a minimum corporate tax rate; calls for the adoption of a coordinated level of minimum effective taxation at European level through a combination of anti-abuse measures and limitation to tax deductions; asks the European Commission to consider proposing a legislative package aiming at ensuring a minimum effective level of taxation;

Or. en

Amendment 178

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

**Motion for a resolution
Paragraph 16 c (new)**

Motion for a resolution

Amendment

16 c. Notes that a debate that does not consider effective taxation risks ending in lowering statutory rates even more and increasing tax competition;

Or. en

Amendment 179

Peter Simon, Pervenche Berès, Ramón Jáuregui Atondo, Arndt Kohn, Paul Tang, Virginie Rozière, Evelyn Regner, Hugues Bayet, Dietmar Köster, Olle Ludvigsson

**Motion for a resolution
Paragraph 16 d (new)**

Motion for a resolution

Amendment

16 d. Takes note that traditional sectors pay in average an effective corporate tax rate of 23% while the digital sector pays about 9,5%^{1a}; asks the European Commission to carry out and release an in depth study on effective level of corporate taxation within the EU and develop a proposal for a coordinated level of

minimum taxation within the EU;

*1a COM(2018) 146 final
COMMUNICATION FROM THE
COMMISSION TO THE
EUROPEAN PARLIAMENT AND THE
COUNCIL Time to establish a modern,
fair and efficient taxation standard for the
digital economy*

Or. en

Amendment 180
Werner Langen

Motion for a resolution
Paragraph 17

Motion for a resolution

17. *Notes that an exit tax was adopted by the EU in ATAD I, allowing Member States to tax the economic value of capital gain created in its territory even when that gain has not yet been realised at the time of exit;* considers that the principle of taxing profits made in Member States before they leave the Union should be strengthened, for example through coordinated withholding taxes on interests and royalties; calls on the Council to resume negotiations on the interest and royalties proposal²⁸;

²⁸ Proposal for a Council directive of 11 November 2011 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States, COM(2011)0714 - 2011/0314(CNS).

Amendment

17. Considers that the principle of taxing profits made in Member States before they leave the Union should be strengthened, for example through coordinated withholding taxes on interests and royalties; calls on the Council to resume negotiations on the interest and royalties proposal²⁸;

²⁸ Proposal for a Council directive of 11 November 2011 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States, COM(2011)0714 - 2011/0314(CNS).

Or. de

Amendment 181
Alfred Sant

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Notes that an exit tax was adopted by the EU in ATAD I, allowing Member States to tax the economic value of capital gain created in its territory even when that gain has not yet been realised at the time of exit; considers that the principle of taxing profits made in Member States before they leave the Union should be strengthened, for example through coordinated withholding taxes on interests and royalties; calls on the Council to resume negotiations on the interest and royalties proposal²⁸ ;

²⁸ Proposal for a Council directive of 11 November 2011 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States, COM(2011)0714 - 2011/0314(CNS).

Amendment

17. Notes that an exit tax was adopted by the EU in ATAD I, allowing Member States to tax the economic value of capital gain created in its territory even when that gain has not yet been realised at the time of exit; considers that the principle of taxing profits made in Member States before they leave the Union should be strengthened, for example through coordinated withholding taxes on interests and royalties; calls on the Council to resume negotiations on the interest and royalties proposal²⁸ ; ***insists however that such measures should not apply on a one size fits all basis, that they should be proportional to the tasks at hand and that the manner by which they are established and implemented are totally transparent as well as subject to quick recall when it is found that they are not fulfilling the aims that led to their establishment;***

²⁸ Proposal for a Council directive of 11 November 2011 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States, COM(2011)0714 - 2011/0314(CNS).

Or. en

Amendment 182
Marco Valli

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Notes that an exit tax was adopted by the EU in ATAD I, allowing Member States to tax the economic value of capital

Amendment

17. Notes that an exit tax was adopted by the EU in ATAD I, allowing Member States to tax the economic value of capital

gain created in its territory even when that gain has not yet been realised at the time of exit; considers that the principle of taxing profits made in Member States before they leave the Union should be strengthened, for example through coordinated withholding taxes on interests and royalties; calls on the Council to resume negotiations on the interest and royalties proposal²⁸ ;

²⁸ Proposal for a Council directive of 11 November 2011 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States, COM(2011)0714 - 2011/0314(CNS).

gain created in its territory even when that gain has not yet been realised at the time of exit; considers that the principle of taxing profits made in Member States before they leave the Union should be strengthened, for example through coordinated withholding taxes on *dividends, licence fees*, interests and royalties, *so as to close existing loopholes and avoid profits leaving the EU untaxed*; calls on the Council to resume negotiations on the interest and royalties proposal²⁸ ;

²⁸ Proposal for a Council directive of 11 November 2011 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States, COM(2011)0714 - 2011/0314(CNS).

Or. en

Amendment 183

Luděk Niedermayer, Jeppe Kofod

Motion for a resolution Paragraph 17 a (new)

Motion for a resolution

Amendment

17 a. (new) Reaffirms that the adaptation of international tax rules needs to answer to avoidance deriving from the possible use of the interplay between national tax provisions, and networks of treaties, resulting in an erosion of the tax base and double non-taxation while ensuring that there is no double-taxation;

Or. en

Amendment 184

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

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Motion for a resolution
Paragraph 17 a (new)

Motion for a resolution

Amendment

17 a. Notes that taxing all earnings without deduction for interest and license fee payments in and by the source country could and should be at the center of any measures against tax avoidance^{1a}

^{1a} Jarass, L. and Obermair, G.M. (2015) *What an Individual EU Country Can Do Unilaterally to Counteract BEPS. Reprinted from Tax Notes Int'l, August 24, 2015, p. 697*

Or. en

Amendment 185

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution
Paragraph 17 b (new)

Motion for a resolution

Amendment

17 b. Notes that any individual EU country can unilaterally enforce both withholding taxes and conditioned limitations on deductions, as comprehensive taxation at the source, including earnings paid for interest, license fees, and the like, is by no means ruled out by the relevant EU directive^{1a}

^{1a} Jarass, L. and Obermair, G.M. (2015) *What an Individual EU Country Can Do Unilaterally to Counteract BEPS. Reprinted from Tax Notes Int'l, August 24, 2015, p. 697*

Or. en

Amendment 186

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 17 c (new)

Motion for a resolution

Amendment

17 c. Notes that many countries have introduced withholding taxes, in particular for interest and license fee payments to related parties outside the EU. However, existing tax treaties considerably reduce the withholding tax rate^{1a}

^{1a} Jarass, L. and Obermair, G.M. (2015) ‘What an Individual EU Country Can Do Unilaterally to Counteract BEPS’, Reprinted from Tax Notes Int’l, August 24, 2015, p. 697; and Hearson M. (2018) ‘The European Union’s Tax Treaties with Developing Countries– Leading By Example?’, September 2018.

Or. en

Amendment 187

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 17 d (new)

Motion for a resolution

Amendment

17 d. Regrets, that within the EU, no withholding taxes are levied on payments between related parties even when the other party is not effectively subject to tax on the income deriving from those payments in that other Member State. Notes however, that recital 3 of the

interest and royalty directive^{1a} clearly states that “It is necessary to ensure that interest and royalty payments are subject to tax once in a Member State”.

Therefore, the EU directive on interest and royalty payments does not forbid source taxation of all earnings produced by an enterprise, whether declared as profit or transferred to another enterprise domestic or abroad as payment for interest or license fees^{2a}

^{1a} COUNCIL DIRECTIVE 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States

^{2a} Jarass, L. and Obermair, G.M. (2015) What an Individual EU Country Can Do Unilaterally to Counteract BEPS. Reprinted from Tax Notes Int'l, August 24, 2015, p. 697

Or. en

Amendment 188

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution Paragraph 17 e (new)

Motion for a resolution

Amendment

17 e. Encourages EU Member States to apply withholding taxes to payments within and outside the EU in order to ensure that interests and royalty payments are subject to tax once in a Member State; and to make the necessary re-negotiations of their tax treaties in order to allow for withholding taxes to be applied at source^{1a}

^{1a} Jarass, L. and Obermair, G.M. (2015) What an Individual EU Country Can Do Unilaterally to Counteract BEPS.

Or. en

Amendment 189

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds

Motion for a resolution

Paragraph 18

Motion for a resolution

18. Acknowledges that the G20/OECD-led BEPS project was meant to tackle in a coordinated manner the causes and circumstances creating BEPS practices, by improving the coherence of tax rules across borders, reinforcing substance requirements and enhancing transparency and certainty;

Amendment

deleted

Or. en

Amendment 190

Alfred Sant

Motion for a resolution

Paragraph 18

Motion for a resolution

18. Acknowledges that the G20/OECD-led BEPS project was meant to tackle in a coordinated manner the causes and circumstances creating BEPS practices, by improving the coherence of tax rules across borders, reinforcing substance requirements and enhancing transparency and certainty;

Amendment

18. Acknowledges that the G20/OECD-led BEPS project was meant to tackle in a coordinated manner the causes and circumstances creating BEPS practices, by improving the coherence of tax rules across borders, reinforcing substance requirements and enhancing transparency and certainty; *again clarifies that coherence of tax rules across borders need not and should not imply one size fits all remedies applied across the board, that in the end benefit high taxation economies which arguably maintain excessive levels of uneconomic and non-social public expenditure;*

Amendment 191**Dariusz Rosati****Motion for a resolution****Paragraph 18***Motion for a resolution*

18. Acknowledges that the G20/OECD-led BEPS project was meant to tackle in a coordinated manner the causes and circumstances creating BEPS practices, by improving the coherence of tax rules across borders, reinforcing substance requirements and enhancing transparency and certainty;

Amendment

18. Acknowledges that the G20/OECD-led BEPS project was meant to tackle in a coordinated manner the causes and circumstances creating BEPS practices, by improving the coherence of tax rules across borders, reinforcing substance requirements and enhancing transparency and certainty; ***states, however, that the willingness and commitment to cooperate on the OECD BEPS Action Plan varies amongst countries and between particular actions;***

Or. en

Amendment 192

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution**Paragraph 18***Motion for a resolution*

18. Acknowledges that the G20/OECD-led BEPS project was meant to tackle in a coordinated manner the causes and circumstances creating BEPS practices, by improving the coherence of tax rules across borders, reinforcing substance requirements and enhancing transparency and certainty;

Amendment

18. Acknowledges that the G20/OECD-led BEPS project was meant to tackle in a coordinated manner the causes and circumstances creating BEPS practices, by improving the coherence of tax rules across borders, reinforcing substance requirements and enhancing transparency and certainty; ***regrets that OECD BEPS Action Plan concerns only tax base competition and does not address tax rate competition;***

Or. en

Amendment 193

Louis Michel

Motion for a resolution

Paragraph 18

Motion for a resolution

18. Acknowledges that the ***G20/OECD-led BEPS*** project was meant to tackle in a coordinated manner the causes and circumstances creating BEPS practices, by improving the coherence of tax rules across borders, reinforcing substance requirements and enhancing transparency and certainty;

Amendment

18. Acknowledges that the ***Base Erosion and Profit Shifting (BEPS)*** project ***led by the G20/OECD in 2012*** was meant to tackle in a coordinated manner the causes and circumstances creating BEPS practices, by improving the coherence of tax rules across borders, reinforcing substance requirements and enhancing transparency and certainty;

Or. fr

Amendment 194

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Notes that the G20/OECD 15-point BEPS action plan is being implemented and monitored and further discussions are taking place, in a broader context than just the initial participating countries, through the Inclusive Framework; ***calls on Member States to support a reform of both the mandate and the functioning of the Inclusive Framework to ensure that remaining tax loopholes and unsolved tax questions such as the allocation of taxing rights among countries are covered by the current international framework to combat BEPS practices;***

Amendment

19. Notes that the G20/OECD 15-point BEPS action plan is being implemented and monitored and further discussions are taking place, in a broader context than just the initial participating countries, through the Inclusive Framework;

Or. en

Amendment 195

Alfred Sant

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Notes that the G20/OECD 15-point BEPS action plan is being implemented and monitored and further discussions are taking place, in a broader context than just the initial participating countries, through the Inclusive Framework; calls on Member States to support a reform of both the mandate and the functioning of the Inclusive Framework to ensure that remaining tax loopholes and unsolved tax questions such as the allocation of taxing rights among countries are covered by the current international framework to combat BEPS practices;

Amendment

19. Notes that the G20/OECD 15-point BEPS action plan is being implemented and monitored and further discussions are taking place, in a broader context than just the initial participating countries, through the Inclusive Framework; calls on Member States to support a reform of both the mandate and the functioning of the Inclusive Framework to ensure that remaining tax loopholes and unsolved tax questions such as the allocation of taxing rights among countries are covered by the current international framework to combat BEPS practices; ***expresses the hope that efforts to achieve the desired elimination of tax loopholes and unsolved tax questions does not degenerate into a political practice by which tax malpractices in the larger European economies get offloaded onto the smaller peripheral economies of the EU;***

Or. en

Amendment 196

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Notes that the G20/OECD 15-point BEPS action plan is being implemented and monitored and further discussions are taking place, in a broader context than just the initial participating countries, through the Inclusive Framework; calls on Member

Amendment

19. Notes that the G20/OECD 15-point BEPS action plan is being implemented and monitored and further discussions are taking place, in a broader context than just the initial participating countries, through the Inclusive Framework; ***notes with regret***

States to support a reform of both the mandate and the functioning of the Inclusive Framework to ensure that remaining tax loopholes and unsolved tax questions such as the allocation of taxing rights among countries are covered by the current international framework to combat BEPS practices;

however that BEPS so far failed to deliver on the most effective solution against the base erosion and profit shifting, deplores the fact that OECD still remain rather an exclusive club of countries rather than an open global platform that could keep up with the pace and deliver the solutions to minimise the negative impacts and risks of globalisation; calls on Member States to support a reform of both the mandate and the functioning of the Inclusive Framework to ensure that remaining tax loopholes and unsolved tax questions such as the allocation of taxing rights among countries are covered by the current international framework to combat BEPS practices;

Or. en

Amendment 197

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Notes that the G20/OECD 15-point BEPS action plan is being implemented and monitored and further discussions are taking place, in a broader context than just the initial participating countries, through the Inclusive Framework; calls on Member States to support a reform of both the mandate and the functioning of the Inclusive Framework to ensure that remaining tax loopholes and unsolved tax questions such as the allocation of taxing rights among countries are covered by the current international framework to combat BEPS practices;

Amendment

19. Notes that the G20/OECD 15-point BEPS action plan, *intended to tackle in a coordinated manner the causes and circumstances creating BEPS practices*, is being implemented and monitored and further discussions are taking place, in a broader context than just the initial participating countries, through the Inclusive Framework; calls on Member States to support a reform of both the mandate and the functioning of the Inclusive Framework to ensure that remaining tax loopholes and unsolved tax questions such as the allocation of taxing rights among countries are covered by the current international framework to combat BEPS practices;

Or. en

Amendment 198

Peter Simon, Evelyn Regner, Mady Delvaux, Elly Schlein, Dietmar Köster, Arndt Kohn, Olle Ludvigsson

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Notes that the G20/OECD 15-point BEPS action plan is being implemented and monitored and further discussions are taking place, in a broader context than just the initial participating countries, through the Inclusive Framework; calls on Member States to support a reform of both the mandate and the functioning of the Inclusive Framework to ensure that remaining tax loopholes and unsolved tax questions such as the allocation of taxing rights among countries are covered by the current international framework to combat BEPS practices;

Amendment

19. Notes that the G20/OECD 15-point BEPS action plan is being implemented and monitored and further discussions are taking place, in a broader context than just the initial participating countries, through the Inclusive Framework; calls on Member States to support a reform of both the mandate and the functioning of the Inclusive Framework to ensure that remaining tax loopholes and unsolved tax questions such as the allocation of taxing rights among countries are covered by the current international framework to combat BEPS practices; ***highlights the need to ensure that all countries participate on an equal footing;***

Or. en

Amendment 199

Werner Langen

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Notes that the G20/OECD 15-point BEPS action plan is being implemented and monitored and further discussions are taking place, in a broader context than just the initial participating countries, through the Inclusive Framework; calls on Member States to support a reform of both the mandate and the functioning of the Inclusive Framework to ensure that remaining tax loopholes and unsolved tax questions such as the allocation of taxing rights among countries are ***covered*** by the current international framework to combat

Amendment

19. Notes that the G20/OECD 15-point BEPS action plan is being ***too slowly*** implemented and monitored and further discussions are taking place, in a broader context than just the initial participating countries, through the Inclusive Framework; calls on Member States to support a reform of both the mandate and the functioning of the Inclusive Framework to ensure that remaining tax loopholes and unsolved tax questions such as the allocation of taxing rights among countries are ***addressed more quickly*** by the current

BEPS practices;

international framework to combat BEPS practices;

Or. de

Amendment 200

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds

Motion for a resolution

Paragraph 19 a (new)

Motion for a resolution

Amendment

19 a. calls on the EU to work on reforming the OECD in order to equip it with enforcement powers so as to avoid a situation where OECD standards are only implemented by very few members, usually the EU; considers that contributing to work at the OECD level does not exclude or prevent work also being undertaken at the European level;

Or. en

Amendment 201

Luděk Niedermayer, Jeppe Kofod

Motion for a resolution

Paragraph 19 a (new)

Motion for a resolution

Amendment

19 a. (new) Takes note that the actions require implementation and that some of them require follow-up work to draw possible solutions to the identified challenges, as for instance action 1 'Address the tax challenges of the digital economy';

Or. en

Amendment 202

Louis Michel

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Motion for a resolution
Paragraph 20

Motion for a resolution

20. Points out that some countries have recently adopted unilateral countermeasures against harmful tax practices (such as the UK's Diverted Profits Tax and the Global Intangible Low-Taxed Income (GILTI) provisions of the US tax reform) to ensure that the foreign income of MNEs is duly taxed at a minimum effective tax rate in the parent's country of residence; calls for an EU assessment of these measures;

Amendment

20. Points out that some countries have recently adopted unilateral countermeasures against harmful tax practices (such as the UK's Diverted Profits Tax and the Global Intangible Low-Taxed Income (GILTI) provisions of the US tax reform) to ensure that the foreign income of MNEs is duly taxed at a minimum effective tax rate in the parent's country of residence; calls for an EU assessment of these measures; ***calls for the establishment of a minimum rate of corporation tax in order to limit tax competition between Member States;***

Or. fr

Amendment 203
Barbara Kappel

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Points out that some countries have recently adopted unilateral countermeasures against harmful tax practices (such as the UK's Diverted Profits Tax and the Global Intangible Low-Taxed Income (GILTI) provisions of the US tax reform) to ensure that the foreign income of MNEs is duly taxed at a minimum effective tax rate in the parent's country of residence; ***calls for an EU assessment of these measures;***

Amendment

20. Points out that some countries have recently adopted unilateral countermeasures against harmful tax practices (such as the UK's Diverted Profits Tax and the Global Intangible Low-Taxed Income (GILTI) provisions of the US tax reform) to ensure that the foreign income of MNEs is duly taxed at a minimum effective tax rate in the parent's country of residence; ***encourages other member states to explore similar possibilities;***

Or. en

Amendment 204

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Points out that some countries have recently adopted unilateral countermeasures against harmful tax practices (such as the UK's Diverted Profits Tax and the Global Intangible Low-Taxed Income (GILTI) provisions of the US tax reform) to ensure that the foreign income of MNEs is duly taxed at a minimum effective tax rate in the parent's country of residence; calls for an EU assessment of these measures;

Amendment

20. Points out that some countries have recently adopted unilateral countermeasures against harmful tax practices (such as the UK's Diverted Profits Tax and the Global Intangible Low-Taxed Income (GILTI) provisions of the US tax reform) to ensure that the foreign income of MNEs is duly taxed at a minimum effective tax rate in the parent's country of residence; calls for an EU assessment of these measures ***and a legislative proposal, if appropriate, considering the negative potential tax base and strategic spillovers the US reform can have on the EU;***

Or. en

Amendment 205

Peter Simon, Ramón Jáuregui Atondo, Evelyn Regner, Mady Delvaux, Dietmar Köster, Olle Ludvigsson

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Points out that some countries have recently adopted unilateral countermeasures against harmful tax practices (such as the UK's Diverted Profits Tax and the Global Intangible Low-Taxed Income (GILTI) provisions of the US tax reform) to ensure that the foreign income of MNEs is duly taxed at a minimum effective tax rate in the parent's country of residence; calls for an EU assessment of these measures;

Amendment

20. Points out that some countries have recently adopted unilateral countermeasures against harmful tax practices (such as the UK's Diverted Profits Tax and the Global Intangible Low-Taxed Income (GILTI) provisions of the US tax reform) to ensure that the foreign income of MNEs is duly taxed at a minimum effective tax rate in the parent's country of residence; ***notes that, in contrast to these unilateral measures, the EU generally promotes multilateral and consensual solutions to deal with a fair allocation of taxing rights, and, therefore,***

calls for an EU assessment of these measures; *stresses that the EU prioritises a global solution when it comes to taxing the digital sector but is proposing a Digital Services Tax as global discussions seem currently locked;*

Or. en

Amendment 206

Luděk Niedermayer, Jeppe Kofod

Motion for a resolution

Paragraph 20 a (new)

Motion for a resolution

Amendment

20 a. (new) Recalls that the 2016 EU 'anti-tax-avoidance package' supplements existing provisions so as to implement the 15 BEPS actions in an EU coordinated manner in the Single Market;

Or. en

Amendment 207

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds

Motion for a resolution

Paragraph 21

Motion for a resolution

Amendment

21. Welcomes the adoption by the EU of ATAD I and ATAD II; *takes note that they provide a minimum level of protection against corporate tax avoidance throughout the EU, while ensuring a fairer and more stable environment for businesses, from both demand and supply perspectives; welcomes the provisions on hybrid mismatches to prevent double non-taxation in order to eliminate existing mismatches and refrain from creating further mismatches, between Member States and with third countries;*

21. Welcomes the adoption by the EU of ATAD I and ATAD II^{1a};

^{1a} takes note that they provide a minimum level of protection against corporate tax avoidance throughout the EU, while ensuring a fairer and more stable environment for businesses, from both demand and supply perspectives; welcomes the provisions on hybrid mismatches to prevent double non-taxation in order to eliminate existing mismatches and refrain from creating further mismatches, between Member States and with third countries;

Or. en

Amendment 208

Alfred Sant

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Welcomes the adoption by the EU of ATAD I and ATAD II; takes note that they provide a minimum level of protection against corporate tax avoidance throughout the EU, while ensuring a fairer and more stable environment for businesses, from both demand and supply perspectives; welcomes the provisions on hybrid mismatches to prevent double non-taxation in order to eliminate existing mismatches and refrain from creating further mismatches, between Member States and with third countries;

Amendment

21. Welcomes the adoption by the EU of ATAD I and ATAD II; takes note that they provide a minimum level of protection against corporate tax avoidance throughout the EU, while ensuring a fairer and more stable environment for businesses, from both demand and supply perspectives; welcomes the provisions on hybrid mismatches to prevent double non-taxation in order to eliminate existing mismatches and refrain from creating further mismatches, between Member States and with third countries; ***insists that such measures can be fully effective only if they are applied proportionately and in full transparency by all parties;***

Or. en

Amendment 209

Louis Michel

Motion for a resolution
Paragraph 21

Motion for a resolution

21. Welcomes the adoption by the EU of *ATAD I and ATAD II*; ***takes note that they*** provide a minimum level of protection against corporate tax avoidance throughout the EU, ***while*** ensuring a fairer and more stable environment for businesses, from both demand and supply perspectives; welcomes the provisions on hybrid mismatches to prevent double non-taxation in order to eliminate existing mismatches and refrain from creating further mismatches, between Member States and with third countries;

Amendment

21. Welcomes the adoption by the EU of *Council Directive (EU) 2016/1164 of 12 July 2016 laying down rules against tax avoidance practices that directly affect the functioning of the internal market and Council Directive (EU) 2017/952 of 29 May 2017 amending Directive (EU) 2016/1164 as regards hybrid mismatches with third countries*; ***notes that these directives*** provide ***more fiscal justice by establishing*** a minimum level of protection against corporate tax avoidance throughout the EU ***and*** ensuring a fairer and more stable environment for businesses, from both demand and supply perspectives; welcomes the provisions on hybrid mismatches to prevent double non-taxation in order to eliminate existing mismatches and refrain from creating further mismatches, between Member States and with third countries;

Or. fr

Amendment 210
Pirkko Ruohonen-Lerner

Motion for a resolution
Paragraph 21

Motion for a resolution

21. Welcomes the adoption by the EU of ATAD I and ATAD II; takes note that they provide a minimum level of protection against corporate tax avoidance throughout the EU, while ensuring a fairer and more stable environment for businesses, from both demand and supply perspectives; welcomes the provisions on hybrid mismatches to prevent double non-taxation in order to eliminate existing mismatches and refrain from creating further mismatches, between Member States and

Amendment

(Does not affect the English version.)

with third countries;

Or. fi

Amendment 211

Barbara Kappel

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Welcomes the provisions on Controlled Foreign Corporation (CFC) included in ATAD I to ensure that profits made by related companies parked in low or no-tax countries are effectively taxed; acknowledges that they prevent the absence or diversity of national CFC rules within the Union from distorting the functioning of the internal market beyond situations of wholly artificial arrangements as called for repeatedly by Parliament; *deplores the coexistence of two approaches to implement CFC rules in ATAD I and calls on Member States to implement only the simpler and most efficient CFC rules as in ATAD I Article 7(2)(a);*

Amendment

22. Welcomes the provisions on Controlled Foreign Corporation (CFC) included in ATAD I to ensure that profits made by related companies parked in low or no-tax countries are effectively taxed; acknowledges that they prevent the absence or diversity of national CFC rules within the Union from distorting the functioning of the internal market beyond situations of wholly artificial arrangements as called for repeatedly by Parliament;

Or. en

Amendment 212

Tom Vandenkendelaere

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Welcomes the provisions on Controlled Foreign Corporation (CFC) included in ATAD I to ensure that profits made by related companies parked in low or no-tax countries are effectively taxed; acknowledges that they prevent the absence or diversity of national CFC rules

Amendment

22. Welcomes the provisions on Controlled Foreign Corporation (CFC) included in ATAD I to ensure that profits made by related companies parked in low or no-tax countries are effectively taxed; acknowledges that they prevent the absence or diversity of national CFC rules

within the Union from distorting the functioning of the internal market beyond situations of wholly artificial arrangements as called for repeatedly by Parliament;
deplores the coexistence of two approaches to implement CFC rules in ATAD I and calls on Member States to implement only the simpler and most efficient CFC rules as in ATAD I Article 7(2)(a);

within the Union from distorting the functioning of the internal market beyond situations of wholly artificial arrangements as called for repeatedly by Parliament;

Or. en

Amendment 213 **Louis Michel**

Motion for a resolution **Paragraph 22**

Motion for a resolution

22. Welcomes the provisions on Controlled Foreign Corporation (CFC) included in ATAD I to ensure that profits made by related companies parked in low or no-tax countries are effectively taxed; acknowledges that they prevent the absence or diversity of national CFC rules within the Union from distorting the functioning of the internal market beyond situations of wholly artificial arrangements as called for repeatedly by Parliament; deplores the coexistence of two approaches to implement CFC rules in ATAD I and calls on Member States to implement only the simpler and most efficient CFC rules as in ATAD I Article 7(2)(a);

Amendment

22. Welcomes the provisions on Controlled Foreign Corporation (CFC) included in ATAD I to ensure that profits made by related companies parked in low or no-tax countries are effectively taxed; acknowledges that they prevent the absence or diversity of national CFC rules within the Union from distorting the functioning of the internal market beyond situations of wholly artificial arrangements as called for repeatedly by Parliament; deplores the coexistence of two approaches to implement CFC rules in ATAD I and calls on Member States to implement only the simpler and most efficient CFC rules as in ATAD I Article 7(2)(a); ***points out that the second and third actions of the BEPS action plan also aim to neutralise the effects of hybrid structures and interest deductibility; calls on Member States to incorporate into their legislation the measures recommended by the BEPS plan which are beyond the scope of the EU;***

Or. fr

Amendment 214

Peter Simon, Pervenche Berès, Ramón Jáuregui Atondo, Arndt Kohn, Paul Tang, Virginie Rozière, Evelyn Regner, Mady Delvaux, Doru-Claudian Frunzulică, Hugues Bayet, Elly Schlein, Dietmar Köster, Olle Ludvigsson

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Welcomes the provisions on Controlled Foreign Corporation (CFC) included in ATAD I to ensure that profits made by related companies parked in low or no-tax countries are effectively taxed; acknowledges that they prevent the absence or diversity of national CFC rules within the Union from distorting the functioning of the internal market beyond situations of wholly artificial arrangements as called for repeatedly by Parliament; deplores the coexistence of two approaches to implement CFC rules in ATAD I and calls on Member States to implement only the simpler and most efficient CFC rules as in ATAD I Article 7(2)(a);

Amendment

22. Welcomes the provisions on Controlled Foreign Corporation (CFC) included in ATAD I to ensure that profits made by related companies parked in low or no-tax countries are effectively taxed; acknowledges that they prevent the absence or diversity of national CFC rules within the Union from distorting the functioning of the internal market beyond situations of wholly artificial arrangements as called for repeatedly by Parliament; deplores the coexistence of two approaches to implement CFC rules in ATAD I and calls on Member States to implement only the simpler and most efficient CFC rules as in ATAD I Article 7(2)(a); ***asks the European Commission to make a legislative proposal reinforcing CFC rules, including a criteria on an actual corporate tax paid on profits lower than 18%;***

Or. en

Amendment 215

Alfred Sant

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Welcomes the provisions on Controlled Foreign Corporation (CFC) included in ATAD I to ensure that profits made by related companies parked in low or no-tax countries are effectively taxed; acknowledges that they prevent the absence or diversity of national CFC rules

Amendment

22. Welcomes the provisions on Controlled Foreign Corporation (CFC) included in ATAD I to ensure that profits made by related companies parked in low or no-tax countries are effectively taxed; acknowledges that they prevent the absence or diversity of national CFC rules

within the Union from distorting the functioning of the internal market beyond situations of wholly artificial arrangements as called for repeatedly by Parliament; deplores the coexistence of two approaches to implement CFC rules in ATAD I and calls on Member States to implement only the simpler and most efficient CFC rules as in ATAD I Article 7(2)(a);

within the Union from distorting the functioning of the internal market beyond situations of wholly artificial arrangements as called for repeatedly by Parliament; deplores the coexistence of two approaches to implement CFC rules in ATAD I and calls on Member States to implement only the simpler and most efficient CFC rules as in ATAD I Article 7(2)(a); ***again insists that such measures can be fully effective only if they are applied in full transparency by all parties;***

Or. en

Amendment 216

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Maite Pagazaurtundúa Ruiz, Louis Michel

Motion for a resolution Paragraph 22

Motion for a resolution

22. Welcomes the provisions on Controlled Foreign Corporation (CFC) included in ATAD I to ensure that profits made by related companies parked in low or no-tax countries are effectively taxed; ***acknowledges that they*** prevent the absence or diversity of national CFC rules within the Union from distorting the functioning of the internal market beyond situations of wholly artificial arrangements ***as called for repeatedly by Parliament;*** deplores the coexistence of two approaches to implement CFC rules in ATAD I and calls on Member States to implement only the simpler and most efficient CFC rules as in ATAD I Article 7(2)(a);

Amendment

22. Welcomes the provisions on Controlled Foreign Corporation (CFC) included in ATAD I to ensure that profits made by related companies parked in low or no-tax countries are effectively taxed; ***as called for repeatedly by Parliament, these provisions*** prevent the absence or diversity of national CFC rules within the Union from distorting the functioning of the internal market beyond situations of wholly artificial arrangements; deplores the coexistence of two approaches to implement CFC rules in ATAD I and calls on Member States to implement only the simpler and most efficient CFC rules as in ATAD I Article 7(2)(a);

Or. en

Amendment 217

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution
Paragraph 22 a (new)

Motion for a resolution

Amendment

22 a. Calls on the Commission to review ATAD I in order to eliminate the 2 alternatives for implementing CFC rules and leave only the stronger, most efficient one in Article 7(2)(a): to tax interest, royalties and other relevant types of income of all low-tax foreign subsidiaries, as the second option (to tax income of low-tax subsidiaries arising from non-genuine arrangements which have been put in place for the essential purpose of obtaining a tax advantage) is very weak and open to abuse, because it only protects against profit-shifting out of the home country and requires the tax authority to analyse many individual transactions of low-tax subsidiaries;

Or. en

Amendment 218

Peter Simon, Pervenche Berès, Ramón Jáuregui Atondo, Arndt Kohn, Paul Tang, Virginie Rozière, Evelyn Regner, Mady Delvaux, Doru-Claudian Frunzulică, Hugues Bayet, Elly Schlein, Dietmar Köster, Olle Ludvigsson

Motion for a resolution
Paragraph 23

Motion for a resolution

Amendment

23. Welcomes the general anti-abuse rule for the purposes of calculating corporate tax liability included in ATAD I, allowing Member States to ignore arrangements that are not genuine and having regard to all relevant facts and circumstances aimed at obtaining a tax advantage; reiterates its repeated call for the adoption of a general and common anti-abuse rule, namely in existing legislation and in particular in the parent-subsidiary directive, the merger directive and the interest and royalties directive;

23. Welcomes the general anti-abuse rule for the purposes of calculating corporate tax liability included in ATAD I, allowing Member States to ignore arrangements that are not genuine and having regard to all relevant facts and circumstances aimed at obtaining a tax advantage; reiterates its repeated call for the adoption of a general and common anti-abuse rule, namely in existing legislation and in particular in the parent-subsidiary directive, the merger directive and the interest and royalties directive; **calls on**

Member States to consider a general anti-abuse rule including a minimum effective tax rate of 18%;

Or. en

Amendment 219

Marco Valli

Motion for a resolution

Paragraph 23

Motion for a resolution

23. Welcomes the general anti-abuse rule for the purposes of calculating corporate tax liability included in ATAD I, allowing Member States to ignore arrangements that are not genuine and having regard to all relevant facts and circumstances aimed at obtaining a tax advantage; reiterates its repeated call for the adoption of a ***general and*** common anti-abuse rule, namely in existing legislation and in particular in the parent-subsidiary directive, the merger directive and the interest and royalties directive;

Amendment

23. Welcomes the general anti-abuse rule for the purposes of calculating corporate tax liability included in ATAD I, allowing Member States to ignore arrangements that are not genuine and having regard to all relevant facts and circumstances aimed at obtaining a tax advantage; reiterates its repeated call for the adoption of a common ***and stringent*** anti-abuse rule, namely in existing legislation and in particular in the parent-subsidiary directive, the merger directive and the interest and royalties directive;

Or. en

Amendment 220

Markus Ferber

Motion for a resolution

Paragraph 23

Motion for a resolution

23. Welcomes the general anti-abuse rule for the purposes of calculating corporate tax liability included in ATAD I, allowing Member States to ignore arrangements that are not genuine and having regard to all relevant facts and circumstances aimed at obtaining a tax advantage; reiterates its repeated call for the adoption of a general and common anti-

Amendment

23. Welcomes the general anti-abuse rule for the purposes of calculating corporate tax liability included in ATAD I, allowing Member States to ignore arrangements that are not genuine and having regard to all relevant facts and circumstances ***solely*** aimed at obtaining a tax advantage; reiterates its repeated call for the adoption of a general and common

abuse rule, namely in existing legislation and in particular in the parent-subsi­diary directive, the merger directive and the interest and royalties directive;

anti-abuse rule, namely in existing legislation and in particular in the parent-subsi­diary directive, the merger directive and the interest and royalties directive;

Or. en

Amendment 221
Alfred Sant

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Welcomes the general anti-abuse rule for the purposes of calculating corporate tax liability included in ATAD I, allowing Member States to ignore arrangements that are not genuine and having regard to all relevant facts and circumstances aimed at obtaining a tax advantage; reiterates its repeated call for the adoption of a general and common anti-abuse rule, namely in existing legislation and in particular in the parent-subsi­diary directive, the merger directive and the interest and royalties directive;

Amendment

23. Welcomes the general anti-abuse rule for the purposes of calculating corporate tax liability included in ATAD I, allowing Member States to ignore arrangements that are not genuine and having regard to all relevant facts and circumstances aimed at obtaining a tax advantage; reiterates its repeated call for the adoption of a general and common anti-abuse rule, ***following wideranging consultations with all public and private stakeholders***, namely in existing legislation and in particular in the parent-subsi­diary directive, the merger directive and the interest and royalties directive;

Or. en

Amendment 222
Lefteris Christoforou

Motion for a resolution
Paragraph 24

Motion for a resolution

24. ***Reiterates its call for a clear definition of permanent establishment so that companies cannot artificially avoid having a taxable presence in a Member State in which they have economic activity;***

Amendment

deleted

Amendment 223

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds

Motion for a resolution

Paragraph 24

Motion for a resolution

24. Reiterates its call for a clear definition of permanent establishment so that companies cannot artificially avoid having a taxable presence in a Member State in which they have economic activity;

Amendment

deleted

Or. en

Amendment 224

Alfred Sant

Motion for a resolution

Paragraph 24

Motion for a resolution

24. Reiterates its call for a clear definition of permanent establishment so that companies cannot artificially avoid having a taxable presence in a Member State in which they have economic activity;

Amendment

24. Reiterates its call for a clear definition of permanent establishment so that companies cannot artificially avoid having a taxable presence in a Member State in which they have economic activity, *always taking into account the problems posed by the ambiguities inherent in a digital presence; recalls nonetheless that healthy tax competition should be preserved in the EU as the European Commission in its Communication (2007/785) had recognised that "it is quite legitimate for tax considerations to play a role in the decision on whether to establish a subsidiary" and that "the objective of minimising one's tax burden is in itself a valid commercial consideration as long as the arrangements entered into with a view to achieving it do not amount to artificial transfers of profits";*

Amendment 225

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 24

Motion for a resolution

24. Reiterates its call for a clear definition of permanent establishment so that companies cannot artificially avoid having a taxable presence in a Member State in which they have economic activity;

Amendment

24. Reiterates its call for a clear definition of permanent establishment, ***including the concept of a ‘significant digital presence’***, so that companies cannot artificially avoid having a taxable presence in a Member State in which they have economic activity;

Or. en

Amendment 226

Barbara Kappel

Motion for a resolution

Paragraph 24

Motion for a resolution

24. ***Reiterates its call for a clear definition of permanent establishment so that companies cannot artificially avoid having a taxable presence in a Member State in which they have economic activity;***

Amendment

24. ***Warns that clearly defining a permanent establishment might infringe on the freedom of establishment;***

Or. en

Amendment 227

Markus Ferber

Motion for a resolution

Paragraph 24

Motion for a resolution

Amendment

24. Reiterates its call for a clear definition of permanent establishment so that companies cannot artificially avoid having a taxable presence in a Member State in which they have economic activity;

24. Reiterates its call for a clear definition of 'permanent establishment' **and 'virtual permanent establishment'** so that companies cannot artificially avoid having a taxable presence in a Member State in which they have economic activity;

Or. en

Amendment 228
Dariusz Rosati

Motion for a resolution
Paragraph 24

Motion for a resolution

24. Reiterates its call for a clear definition of permanent establishment so that companies cannot artificially avoid having a taxable presence in a Member State in which they have economic activity;

Amendment

24. Reiterates its call for a clear definition of permanent establishment **and significant economic presence** so that companies cannot artificially avoid having a taxable presence in a Member State in which they have economic activity;

Or. en

Amendment 229
Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo

Motion for a resolution
Paragraph 24 a (new)

Motion for a resolution

Amendment

24 a. Calls for the definition of a permanent establishment to be more in line with the concept of a permanent establishment as defined in the UN model tax convention considering also the definition in the CCTB proposal, in a way that allows for the definition of permanent establishment not only to comprise tax payers with a fixed place of residence in a Member State, but also economic activities performed without the

need of physical presence;

Or. en

Amendment 230

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds

Motion for a resolution

Paragraph 25

Motion for a resolution

Amendment

25. *Calls for the finalisation of the work being done within the EU Joint Transfer Pricing Forum (JTPF) on the development of good practices and monitoring of Member States' implementation by the Commission;*

deleted

Or. en

Amendment 231

Alfred Sant

Motion for a resolution

Paragraph 26

Motion for a resolution

Amendment

26. Recalls its concerns relating to the use of transfer prices in ATP and consequently recalls the need for adequate action and improvement of the transfer pricing framework to address the issue; stresses the need to ensure that they reflect the economic reality, provide certainty, clarity and fairness for Member States and for companies operating within the Union, and reduce the risk of misuse of the rules for profit-shifting purposes, taking into account the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administration 2010;

26. Recalls its concerns relating to the use of transfer prices in ATP and consequently recalls the need for adequate action and improvement of the transfer pricing framework to address the issue; *recognizes that subjective and contingent factors related to the competitive strategies followed by MNCs and the product/service mix of their final cross-border output, influence how internally within these conglomerates, and independently of tax finalities, transfer prices are defined*; stresses the need to ensure that they reflect the economic reality, provide certainty, clarity and fairness for Member States and for companies operating within the Union, and reduce the risk of misuse of the rules for

profit-shifting purposes,taking into account the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administration 2010;

Or. en

Amendment 232
Barbara Kappel

Motion for a resolution
Paragraph 26

Motion for a resolution

26. Recalls its concerns relating to the use of transfer prices in ATP and consequently recalls the need for adequate action and improvement of the transfer pricing framework to address the issue; stresses the need to ***ensure that they reflect the economic reality***, provide certainty, clarity and fairness for Member States and for companies operating within the Union, and reduce the risk of misuse of the rules for profit-shifting purposes, taking into account the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administration 2010;

Amendment

26. Recalls its concerns relating to the use of transfer prices in ATP and consequently recalls the need for adequate action and improvement of the transfer pricing framework to address the issue; stresses the need to provide certainty, clarity and fairness for Member States and for companies operating within the Union, and reduce the risk of misuse of the rules for profit-shifting purposes, taking into account the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administration 2010;

Or. en

Amendment 233
Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution
Paragraph 26

Motion for a resolution

26. Recalls its concerns relating to the use of transfer prices in ATP and consequently recalls the need ***for adequate action and improvement of the transfer pricing framework to address the issue;***

Amendment

26. Recalls its concerns relating to the use of transfer prices in ATP and consequently recalls the need to ensure that ***taxable earnings*** reflect the economic reality, and reduce the risk of misuse of the

stresses the need to ensure that *they* reflect the economic reality, *provide certainty, clarity and fairness for Member States and for companies operating within the Union*, and reduce the risk of misuse of the rules for profit-shifting purposes, *taking into account the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administration 2010*;

rules for profit-shifting purposes.

Or. en

Amendment 234

Louis Michel

Motion for a resolution

Paragraph 26

Motion for a resolution

26. Recalls its concerns relating to the use of transfer prices in ATP and consequently recalls the need for adequate action and improvement of the *transfer pricing* framework to address the issue; stresses the need to ensure that they reflect the economic reality, provide certainty, clarity and fairness for Member States and for companies operating within the Union, and reduce the risk of misuse of the rules for profit-shifting purposes, taking into account the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administration 2010;

Amendment

26. Recalls its concerns relating to the use of transfer prices in ATP and consequently recalls the need for adequate action and improvement of the *relevant regulatory* framework to address the issue; stresses the need to ensure that they reflect the economic reality, provide certainty, clarity and fairness for Member States and for companies operating within the Union, and reduce the risk of misuse of the rules for profit-shifting purposes, taking into account the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administration 2010;

Or. fr

Amendment 235

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 26 a (new)

Motion for a resolution

Amendment

26 a. Notes that as has been highlighted repeatedly by numerous experts and publications, the use of the ‘independent entity concept’ or ‘arm’s length principle’ recommended by the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations of 1979, 1995, 2010 and 2017, is at the core of the problem of tax evasion, tax avoidance and double non-taxation;

Or. en

Amendment 236
Louis Michel

Motion for a resolution
Paragraph 27

Motion for a resolution

27. Emphasises that the EU actions aimed at addressing BEPS and ATP have equipped tax authorities with an updated toolbox to ensure *fair* tax collection; stresses that tax authorities should be responsible for making effective use of the tools without imposing an additional burden on responsible taxpayers, particularly SMEs;

Amendment

27. Emphasises that the EU actions aimed at addressing BEPS and ATP have equipped tax authorities with an updated toolbox to ensure tax collection *in which everyone makes a fair contribution*; stresses that tax authorities should be responsible for making effective use of the tools without imposing an additional burden on responsible taxpayers, particularly SMEs;

Or. fr

Amendment 237
Alfred Sant

Motion for a resolution
Paragraph 27

Motion for a resolution

27. Emphasises that the EU actions aimed at addressing BEPS and ATP have equipped tax authorities with an updated toolbox to ensure fair tax collection; stresses that tax authorities should be

Amendment

27. Emphasises that the EU actions aimed at addressing BEPS and ATP have equipped tax authorities with an updated toolbox to ensure fair tax collection; stresses that tax authorities should be

responsible for making effective use of the tools without imposing an additional burden on responsible taxpayers, particularly SMEs;

responsible for making effective use of the tools without imposing an additional burden on responsible taxpayers, particularly SMEs; *regrets that practices being adopted in this regard are creating excessive operational problems for SMEs;*

Or. en

Amendment 238

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution Paragraph 27

Motion for a resolution

27. Emphasises that the EU actions aimed at addressing BEPS and **ATP** have equipped tax authorities with an **updated** toolbox to ensure fair tax collection; stresses that tax authorities should be **responsible for making effective use of the tools without** imposing an additional burden on **responsible taxpayers**, particularly SMEs;

Amendment

27. Emphasises that the EU actions aimed at addressing BEPS and **tax avoidance** have equipped tax authorities with an **insufficient** toolbox to ensure fair tax collection **and to tackle tax avoidance from multinational companies**; stresses that tax authorities should be **cautious not to end up** imposing an additional burden on SMEs, **when incapable of taxing multinational companies** ;

Or. en

Amendment 239

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution Paragraph 27

Motion for a resolution

27. Emphasises that the EU actions aimed at addressing BEPS and ATP have equipped tax authorities with an updated toolbox to ensure fair tax collection; stresses that tax authorities should be responsible for making effective use of the

Amendment

27. Emphasises that the EU actions aimed at addressing BEPS and ATP have equipped tax authorities with an updated toolbox to ensure fair tax collection; stresses that tax authorities should be responsible for making effective use of the

tools without imposing *an additional* burden on responsible taxpayers, particularly SMEs;

tools without imposing *a significant* burden on responsible taxpayers, particularly SMEs;

Or. en

Amendment 240

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds

Motion for a resolution

Paragraph 27 a (new)

Motion for a resolution

Amendment

27 a. Reiterates its call for a clear definition of permanent establishment so that companies cannot artificially avoid having a taxable presence in a Member State in which they have economic activity;

Or. en

Amendment 241

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds

Motion for a resolution

Paragraph 27 b (new)

Motion for a resolution

Amendment

27 b. Calls for the finalisation of the work being done within the EU Joint Transfer Pricing Forum (JTPF) on the development of good practices and monitoring of Member States' implementation by the Commission;

Or. en

Amendment 242

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Louis Michel

Motion for a resolution

Paragraph 28

Motion for a resolution

28. ***Recognises that the new flow of information to tax authorities following the adoption of ATAD I and DAC4 creates the need for adequate*** resources to ensure the most efficient use of such information and to effectively reduce the current tax gap;

Amendment

28. ***Implores Member States to provide their*** tax authorities ***with the necessary*** resources to ensure the most efficient use of such information and to effectively reduce the current tax gap, ***given the new flow of information to tax authorities following the adoption of ATAD I and DAC4; considers that sufficient budgetary resources should also be provided at the EU level;***

Or. en

Amendment 243

Alfred Sant

Motion for a resolution

Paragraph 28

Motion for a resolution

28. Recognises that the new flow of information to tax authorities following the adoption of ATAD I and DAC4 creates the need for adequate resources to ensure the most efficient use of such information and to effectively reduce the current tax gap;

Amendment

28. Recognises that the new flow of information to tax authorities following the adoption of ATAD I and DAC4 creates the need for adequate resources to ensure the most efficient use of such information and to effectively reduce the current tax gap; ***calls upon national tax authorities to ensure that their human, material and financial capabilities are sufficiently in line with the growing requirements placed on them;***

Or. en

Amendment 244

Peter Simon, Mady Delvaux, Doru-Claudian Frunzulică, Evelyn Regner, Dietmar Köster, Virginie Rozière, Olle Ludvigsson

Motion for a resolution

Paragraph 28

Motion for a resolution

Amendment

28. Recognises that the new flow of information to tax authorities following the adoption of ATAD I and DAC4 creates the need for adequate resources to ensure the most efficient use of such information and to effectively reduce the current tax gap;

28. Recognises that the new flow of information to tax authorities following the adoption of ATAD I and DAC4 creates the need for adequate resources to ensure the most efficient use of such information and to effectively reduce the current tax gap; ***calls on all Member States to evaluate if the tools of the authorities are sufficient and adequate to use this information; points out the importance of combining different sets of information in order to identify patterns which indicate suspicious activity and can thereby help to discover financial crimes, tax evasion or tax avoidance;***

Or. en

Amendment 245

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution Paragraph 28

Motion for a resolution

28. Recognises that the new flow of information to tax authorities following the adoption of ATAD I and DAC4 creates the need for adequate resources to ensure the most efficient use of such information and to effectively reduce the current tax gap;

Amendment

28. Recognises that the new flow of information to tax authorities following the adoption of ATAD I and DAC4 creates the need for adequate resources to ensure the most efficient use of such information and to effectively reduce the current tax gap; ***notes that there are continuing loopholes in the DAC regime that need to be closed***¹;

[1] Greens/EFA Report Reporting taxation: Analysing loopholes in the EU's automatic exchange of information and how to close them, October 15 2018

Or. en

Amendment 246

Miguel Urbán Crespo, Martin Schirdewan, Marisa Matias, Paloma López Bermejo

Motion for a resolution
Paragraph 28 a (new)

Motion for a resolution

Amendment

28 a. *Is concerned by the trend amongst some Member States of facilitating onshoring of IP from low tax third countries to EU Member States, through the provision of amortisation relief on IP acquirement, the proliferation of ‘patent boxes’ providing reduced taxation rates on certain IP profits, high or complete capital allowances for intellectual property and the introduction or extension of research and development credits^{1a}; reiterates concerns expressed by the European Parliament^{1b} and European Commission in relation to revenue losses associated with such measures^{1c};*

^{1a} *Eurodad et. al., Tax Games: the Race to the Bottom, Europe’s role in supporting an unjust tax system 2017, December 2017, pp. 22 – 24; and IMF, Fiscal Monitor: Acting Now, Acting Together, April 2016, p44.*

^{1b} *European Parliament resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect, OJ C 366, 27.10.2017, p. 26, paragraph 117.*

^{1c} *European Commission, DG TAXUD, Tax Policies in the European Union. 2016 Survey, 26 October 2016, 2.1.3 R&D tax incentives, p2.*

Or. en

Amendment 247

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 28 a (new)

Motion for a resolution

Amendment

28 a. Is concerned by the trend amongst some Member States of facilitating onshoring of IP from low tax Third Countries to EU Member States, through the provision of amortisation relief on IP acquirement, the proliferation of ‘patent boxes’ providing reduced taxation rates on certain IP profits, high or complete capital allowances for intellectual property and the introduction or extension of research and development credits¹; notes that this while may conform with the BEPS actions’ substance requirements, it is in contrast with the spirit of BEPS; reiterates concerns expressed by the European Parliament² and European Commission in relation to revenue losses associated with such measures³;

[1] Eurodad et. al., Tax Games: the Race to the Bottom, Europe’s role in supporting an unjust tax system 2017, December 2017, pp. 22 – 24; and IMF, Fiscal Monitor: Acting Now, Acting Together, April 2016, p 44.

[2] European Parliament resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect, OJ C 366, 27.10.2017, p. 26, paragraph 117.

[3] European Commission, DG TAXUD, Tax Policies in the European Union. 2016 Survey, 26 October 2016, 2.1.3 R&D tax incentives, p 2.

Or. en

Amendment 248

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution Subheading 2.2

Motion for a resolution

Strengthening EU actions to fight against corporate ***aggressive tax planning (ATP)***

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Amendment

Strengthening EU actions to fight against corporate ***tax avoidance*** and

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and supplementing BEPS action plan

supplementing BEPS action plan

Or. en

Amendment 249

Louis Michel

Motion for a resolution

Subheading 2.2 a (new)

Motion for a resolution

Amendment

Points out that the aim of the BEPS plan is to propose international solutions to enable national authorities to combat the grey area of tax avoidance;

Or. fr

Amendment 250

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 28 c (new)

Motion for a resolution

Amendment

28 c. Calls on EU Institutions and Member States to support a global tax reform based on the principles of formulary apportionment as included in the CCCTB proposal;

Or. en

Amendment 251

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Subheading 2.2.1

Motion for a resolution

Scrutinising Member States' tax systems and overall tax environment – **ATP** within the EU (European Semester)

Amendment

Scrutinising Member States' tax systems and overall tax environment – **tax avoidance** within the EU (European Semester)

Or. en

Amendment 252

Peter Simon, Evelyn Regner, Ramón Jáuregui Atondo, Dietmar Köster, Arndt Kohn, Olle Ludvigsson

**Motion for a resolution
Paragraph 29**

Motion for a resolution

29. Welcomes the fact that Member States' tax systems and overall tax environment have become part of the European Semester in line with Parliament's call to that effect²⁹ ; welcomes the studies and data drawn up by the Commission³⁰ that allow situations that provide economic ATP indicators to be better addressed, and give a clear indication of the exposure to tax planning as well as furnishing a rich data base for all Member States on the phenomenon;

²⁹ European Parliament resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect, OJ C 366, 27.10.2017, p. 51, paragraph 96.

³⁰ Referred to above. The studies provide an overview of Member States' exposure
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Amendment

29. Welcomes the fact that Member States' tax systems and overall tax environment have become part of the European Semester in line with Parliament's call to that effect²⁹ ; welcomes the studies and data drawn up by the Commission³⁰ that allow situations that provide economic ATP indicators to be better addressed, and give a clear indication of the exposure to tax planning as well as furnishing a rich data base for all Member States on the phenomenon; ***calls for these new tax indicators for the European Semester to be given the same rank as the indicators relating to expenditure control; underlines the interest of providing the European Semester with this tax dimension, as it will make it possible to tackle certain harmful tax practices that had not been tackled until now through the ATAD Directive and other existing European regulations;***

²⁹ European Parliament resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect, OJ C 366, 27.10.2017, p. 51, paragraph 96.

³⁰ Referred to above. The studies provide an overview of Member States' exposure

to ATP structures affecting their tax base (erosion or increase), although there is no stand-alone indicator of the phenomenon, a set of indicators seen as a ‘body of evidence’ nevertheless exists.

to ATP structures affecting their tax base (erosion or increase), although there is no stand-alone indicator of the phenomenon, a set of indicators seen as a ‘body of evidence’ nevertheless exists.

Or. en

Amendment 253
Alfred Sant

Motion for a resolution
Paragraph 29

Motion for a resolution

29. Welcomes the fact that Member States’ tax systems and overall tax environment have become part of the European Semester in line with Parliament’s call to that effect²⁹ ; welcomes the studies and data drawn up by the Commission³⁰ that allow situations that provide economic ATP indicators to be better addressed, and give a clear indication of the exposure to tax planning as well as furnishing a rich data base for all Member States on the phenomenon;

²⁹ European Parliament resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect, OJ C 366, 27.10.2017, p. 51, paragraph 96.

³⁰ Referred to above. The studies provide an overview of Member States’ exposure to ATP structures affecting their tax base (erosion or increase), although there is no stand-alone indicator of the phenomenon, a set of indicators seen as a ‘body of

Amendment

29. Welcomes the fact that Member States’ tax systems and overall tax environment have become part of the European Semester in line with Parliament’s call to that effect²⁹ ; welcomes the studies and data drawn up by the Commission³⁰ that allow situations that provide economic ATP indicators to be better addressed, and give a clear indication of the exposure to tax planning as well as furnishing a rich data base for all Member States on the phenomenon; ***recommends that in its presentations on the aforementioned issues, in the context of the European semester, the Commission clearly distinguishes between effects that relate to macroeconomic and macro-financial issues, and effects that follow from issues related to taxation policies;***

²⁹ European Parliament resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect, OJ C 366, 27.10.2017, p. 51, paragraph 96.

³⁰ Referred to above. The studies provide an overview of Member States’ exposure to ATP structures affecting their tax base (erosion or increase), although there is no stand-alone indicator of the phenomenon, a set of indicators seen as a ‘body of

evidence' nevertheless exists.

evidence' nevertheless exists.

Or. en

Amendment 254

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution **Paragraph 29**

Motion for a resolution

29. Welcomes the fact that Member States' tax systems and overall tax environment have become part of the European Semester in line with Parliament's call to that effect²⁹ ; welcomes the studies and data drawn up by the Commission³⁰ that allow situations that provide economic ATP indicators to be better addressed, and give a clear indication of the exposure to tax planning as well as furnishing a rich data base for all Member States on the phenomenon;

²⁹ European Parliament resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect, OJ C 366, 27.10.2017, p. 51, paragraph 96.

³⁰ Referred to above. The studies provide an overview of Member States' exposure to ATP structures affecting their tax base (erosion or increase), although there is no stand-alone indicator of the phenomenon, a set of indicators seen as a 'body of evidence' nevertheless exists.

Amendment

29. Welcomes the fact that Member States' tax systems and overall tax environment have become part of the European Semester in line with Parliament's call to that effect²⁹ ; welcomes the studies and data drawn up by the Commission³⁰ that allow situations that provide economic ATP indicators to be better addressed, and give a clear indication of the exposure to tax planning as well as furnishing a rich data base for all Member States on the phenomenon; ***calls on the Commission to make full use of this information and give concerned countries precise recommendations in its Specific Country Recommendations' (SCRs) reports; urges Member States to swiftly follow the Commission's recommendations to fight ATP;***

²⁹ European Parliament resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect, OJ C 366, 27.10.2017, p. 51, paragraph 96.

³⁰ Referred to above. The studies provide an overview of Member States' exposure to ATP structures affecting their tax base (erosion or increase), although there is no stand-alone indicator of the phenomenon, a set of indicators seen as a 'body of evidence' nevertheless exists.

Or. en

Amendment 255

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Louis Michel

Motion for a resolution

Paragraph 29

Motion for a resolution

29. Welcomes the ***fact that*** Member States' tax systems and overall tax environment ***have become part of*** the European Semester in line with Parliament's call to that effect²⁹ ; welcomes the studies and data drawn up by the Commission³⁰ that allow situations that provide economic ATP indicators to be better addressed, and give a clear indication of the exposure to tax planning as well as furnishing a rich data base for all Member States on the phenomenon;

²⁹ European Parliament resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect, OJ C 366, 27.10.2017, p. 51, paragraph 96.

³⁰ Referred to above. The studies provide an overview of Member States' exposure to ATP structures affecting their tax base (erosion or increase), although there is no stand-alone indicator of the phenomenon, a set of indicators seen as a 'body of evidence' nevertheless exists.

Amendment

29. Welcomes the ***inclusion of*** Member States' tax systems and overall tax environment ***within*** the European Semester in line with Parliament's call to that effect²⁹; welcomes the studies and data drawn up by the Commission³⁰ that allow situations that provide economic ATP indicators to be better addressed, and give a clear indication of the exposure to tax planning as well as furnishing a rich data base for all Member States on the phenomenon;

²⁹ European Parliament resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect, OJ C 366, 27.10.2017, p. 51, paragraph 96.

³⁰ Referred to above. The studies provide an overview of Member States' exposure to ATP structures affecting their tax base (erosion or increase), although there is no stand-alone indicator of the phenomenon, a set of indicators seen as a 'body of evidence' nevertheless exists.

Or. en

Amendment 256

Luděk Niedermayer, Jeppe Kofod

Motion for a resolution

Paragraph 30

Motion for a resolution

30. Welcomes the fact that DAC6 sets out the hallmarks of reportable cross-border arrangements that intermediaries

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Amendment

30. Welcomes the fact that DAC6 sets out the hallmarks of reportable cross-border arrangements that intermediaries

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must report to tax authorities to allow them to be assessed by the latter; welcomes the fact that these features of ATP schemes can be updated if new arrangements or practices emerge;

must report to tax authorities to allow them to be assessed by the latter; welcomes the fact that these features of ATP schemes can be updated if new arrangements or practices emerge; ***points out that the implementation deadline of the directive has not yet lapsed and that the provisions will need to be monitored to ensure their efficiency;***

Or. en

Amendment 257

Barbara Kappel

Motion for a resolution

Paragraph 30

Motion for a resolution

30. ***Welcomes*** the fact that DAC6 sets out the hallmarks of reportable cross-border arrangements that intermediaries must report to tax authorities to allow them to be assessed by the latter; ***welcomes the fact that these features of ATP schemes can be updated if new arrangements or practices emerge;***

Amendment

30. ***Takes note of*** the fact that DAC6 sets out the hallmarks of reportable cross-border arrangements that intermediaries must report to tax authorities to allow them to be assessed by the latter;

Or. en

Amendment 258

Barbara Kappel

Motion for a resolution

Paragraph 31

Motion for a resolution

31. ***Calls on the CoC Group report yearly on the main arrangements reported in Member States to allow decision makers to keep up with the new tax schemes which are being elaborated and to take the countermeasures that might potentially be needed;***

Amendment

deleted

Amendment 259

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds

Motion for a resolution

Paragraph 31

Motion for a resolution

31. Calls on the CoC Group report yearly on the main arrangements reported in Member States to allow decision makers to keep up with the new tax schemes which are being elaborated and to take the countermeasures *that might potentially be needed*;

Amendment

31. Calls on the CoC Group *to* report yearly on the main arrangements reported in Member States to allow decision makers to keep up with the new tax schemes which are being elaborated and to take the *necessary* countermeasures *if required*;

Or. en

Amendment 260

Werner Langen

Motion for a resolution

Paragraph 31

Motion for a resolution

31. Calls on the CoC Group report yearly on the main arrangements reported in Member States to allow decision makers to keep up with the new tax schemes which are being elaborated and to take the countermeasures that might potentially be needed;

Amendment

31. Calls on the CoC Group report yearly *to the Council and Parliament* on the main arrangements reported in Member States to allow decision makers to keep up with the new tax schemes which are being elaborated and to take the countermeasures that might potentially be needed;

Or. de

Amendment 261

Barbara Kappel

Motion for a resolution

Paragraph 32

Motion for a resolution

Amendment

32. Calls on the Commission *to issue a proposal aimed at repealing patent boxes, and calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; reiterates, in the meantime, its call* to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; *welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;*

32. Calls on the Commission to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition;

Or. en

Amendment 262
Tom Vandenkendelaere

Motion for a resolution
Paragraph 32

Motion for a resolution

32. ***Calls on the Commission to issue a proposal aimed at repealing patent boxes, and*** calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; reiterates, ***in the meantime,*** its call to ensure that ***current*** patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;

Amendment

32. Calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; reiterates its call to ensure that patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;

Or. en

Amendment 263
Peter Simon, Ramón Jáuregui Atondo, Mady Delvaux, Evelyn Regner, Dietmar Köster, Arndt Kohn, Olle Ludvigsson

Motion for a resolution
Paragraph 32

Motion for a resolution

Amendment

32. Calls on the Commission to issue a proposal aimed at repealing patent boxes, and calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; reiterates, in the meantime, its call to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;

32. Calls on the Commission to issue a proposal aimed at repealing patent boxes, and calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; ***stresses that tax reliefs for companies need to be carefully constructed and implemented only where their positive impact on jobs and growth is evident and any risk of creating new loopholes in the taxation system is excluded***; reiterates, in the meantime, its call to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal; ***however continues to express its concern about new deductions for R&D expenditure included in the CCTB proposal and which could create opportunities for artificially reducing the tax base***;

Or. en

Amendment 264 Roberts Zile

Motion for a resolution Paragraph 32

Motion for a resolution

32. Calls on the Commission to issue a proposal aimed at repealing patent boxes, and calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; reiterates, in the meantime, its call to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;

Amendment

32. Calls on the Commission to issue a proposal aimed at repealing patent boxes, and ***notes the*** calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; reiterates, in the meantime, its call to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;

Or. en

Amendment 265

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Louis Michel

Motion for a resolution

Paragraph 32

Motion for a resolution

32. Calls on the Commission to issue a proposal aimed at repealing patent boxes, and calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; reiterates, in the meantime, its call to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; **welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;**

Amendment

32. Calls on the Commission to issue a proposal aimed at repealing patent boxes, and calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; reiterates, in the meantime, its call to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition;

Or. en

Amendment 266

Louis Michel

Motion for a resolution

Paragraph 32

Motion for a resolution

32. Calls on the Commission to issue a proposal aimed at repealing patent boxes, and calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; reiterates, in the meantime, its call to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;

Amendment

32. Calls on the Commission to issue a proposal aimed at repealing patent boxes, and calls on Member States to favour non-harmful and, if appropriate, direct support **on their territory** for R&D **expenditure relating to those patents**; reiterates, in the meantime, its call to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;

Or. fr

Amendment 267
Werner Langen

Motion for a resolution
Paragraph 32

Motion for a resolution

32. Calls on the Commission to issue a proposal aimed at repealing patent boxes, and calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; reiterates, in the meantime, its call to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;

Amendment

32. Calls on the Commission to issue - ***before the end of its term of office*** - a proposal aimed at repealing patent boxes, and calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; reiterates, in the meantime, its call to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;

Or. de

Amendment 268
Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 32

Motion for a resolution

32. Calls on the Commission to issue a proposal aimed at ***repealing*** patent boxes, and calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; reiterates, in the meantime, its call to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;

Amendment

32. Calls on the Commission to issue a proposal aimed at ***outlawing*** patent boxes, and calls on Member States to favour non-harmful and, if appropriate, direct support for R&D; reiterates, in the meantime, its call to ensure that current patent boxes establish a genuine link to economic activity, such as expenditure tests, and that they do not distort competition; welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;

Or. en

Amendment 269

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 32 a (new)

Motion for a resolution

Amendment

32 a. Calls on both the EU institutions and Member States to ensure public procurement contracts do not facilitate tax avoidance or benefit ATP by suppliers. Member States should monitor and ensure that companies or other legal entities involved in tenders and procurement contracts do not participate in tax evasion and avoidance by interacting with financial intermediaries established in offshore centres and tax havens, or by facilitating illicit capital flows, and to increase their transparency policies by requiring annual public country-by-country reporting, tracing beneficial ownership and controlling transfer pricing in order to ensure the transparency of investments and prevent tax evasion and tax avoidance; calls on the Commission to clarify existing procurement practice under the EU procurement directive, and if necessary, propose an update to it that does not prohibit the application of tax related considerations as criteria for exclusion or even as selection criteria in public procurement¹.

[1] Initiatives such as www.tenderhaven.eu have attempted to introduce more transparency.

Or. en

Amendment 270

Miguel Urbán Crespo, Martin Schirdewan, Marisa Matias, Paloma López Bermejo

Motion for a resolution
Paragraph 32 a (new)

Motion for a resolution

Amendment

32 a. Calls on both the EU institutions and Member States to ensure public procurement contracts do not facilitate tax avoidance by suppliers. Member States should monitor and ensure that companies or other legal entities involved in tenders and procurement contracts do not participate in tax evasion and avoidance by interacting with financial intermediaries established in offshore centres and tax havens, or by facilitating illicit capital flows, and to increase their transparency policies by requiring annual public country-by-country reporting, tracing beneficial ownership and controlling the valuation of intragroup transactions in order to ensure the transparency of investments and prevent tax evasion and tax avoidance; Calls on the Commission to clarify existing procurement practice under the EU procurement directive, and if necessary, propose an update to it does not prohibit the application of tax related considerations as criteria for exclusion or even as selection criteria in public procurement^{1a};

^{1a} *Initiatives such as www.tenderhaven.eu have attempted to introduce more transparency.*

Or. en

Amendment 271

Peter Simon, Pervenche Berès, Ramón Jáuregui Atondo, Arndt Kohn, Paul Tang, Virginie Rozière, Evelyn Regner, Mady Delvaux, Doru-Claudian Frunzulică, Hugues Bayet, Elly Schlein, Dietmar Köster, Olle Ludvigsson

Motion for a resolution
Paragraph 32 a (new)

Motion for a resolution

Amendment

32 a. *Calls on the Council, assisted by the European Commission, to define a comprehensive and exhaustive list of potential harmful tax practices within the EU, to be updated every year; demands that criteria aiming at identifying harmful tax practices include, notably, schemes allowing for a large deduction of corporate income tax without benefiting the real local economy;*

Or. en

Amendment 272

Lefteris Christoforou

Motion for a resolution

Subheading 2.2.2

Motion for a resolution

Amendment

· Common Consolidated Corporate Tax base (CCCTB)

deleted

Or. el

Amendment 273

Barbara Kappel

Motion for a resolution

Subheading 2.2.2

Motion for a resolution

Amendment

Common consolidated corporate tax base (CCCTB)

deleted

Or. en

Amendment 274

Roberta Metsola

Motion for a resolution

Subheading 2.2.2

Motion for a resolution

Amendment

***Common consolidated corporate tax base
(CCCTB)***

deleted

Or. en

Amendment 275

Markus Ferber

Motion for a resolution

Subheading 2.2.2

Motion for a resolution

Amendment

***Common consolidated corporate tax base
(CCCTB)***

***Facilitating Cross-Border Economic
Activity Through Better Cooperation in
the Area of Taxation***

Or. en

Amendment 276

Lefteris Christoforou

Motion for a resolution

Paragraph 33

Motion for a resolution

Amendment

***33. Welcomes the re-launch of the
CCCTB project in a two-step approach,
with the Commission's adoption of
interconnected proposals on CCTB and
CCCTB; calls on the Council to swiftly
adopt them, taking into consideration
Parliament's opinion that already
includes the concept of virtual permanent
establishment that would close the
remaining loopholes allowing tax
avoidance to take place and level the
playing field in light of digitalisation;***

deleted

Or. el

Amendment 277
Roberta Metsola

Motion for a resolution
Paragraph 33

Motion for a resolution

Amendment

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation; *deleted*

Or. en

Amendment 278
Barbara Kappel

Motion for a resolution
Paragraph 33

Motion for a resolution

Amendment

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation; *deleted*

Or. en

Amendment 279

Caroline Nagtegaal

Motion for a resolution
Paragraph 33

Motion for a resolution

Amendment

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;

deleted

Or. en

Amendment 280

David Coburn

on behalf of the EFDD Group

Raymond Finch

Motion for a resolution
Paragraph 33

Motion for a resolution

Amendment

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB;

Or. en

Amendment 281

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds

Motion for a resolution

Paragraph 33

Motion for a resolution

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; ***calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;***

Amendment

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB;

Or. en

Amendment 282

David Casa

Motion for a resolution

Paragraph 33

Motion for a resolution

33. ***Welcomes*** the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; calls on the Council to ***swiftly adopt them, taking*** into consideration Parliament's opinion ***that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;***

Amendment

33. ***Notes*** the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; calls on the Council to ***take*** into consideration Parliament's opinion;

Or. en

Amendment 283

Alfred Sant

Motion for a resolution
Paragraph 33

Motion for a resolution

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;

Amendment

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation; ***notes that among Member States there is resistance to the introduction of CCTB on the grounds that it represents the first step towards tax harmonisation which such states disagree with and on the grounds that there exist material doubts regarding whether its application would respect the principles of subsidiarity and proportionality; further emphasizes that, despite the agreement about the fact that the global economy is digitalising, any chosen solution shall apply to the economy broadly and not to narrow segments of the economy;***

Or. en

Amendment 284

Peter Simon, Ramón Jáuregui Atondo, Evelyn Regner, Doru-Claudian Frunzuliță, Mady Delvaux, Hugues Bayet, Dietmar Köster, Arndt Kohn, Virginie Rozière, Olle Ludvigsson

Motion for a resolution
Paragraph 33

Motion for a resolution

33. Welcomes the re-launch of the CCCTB project ***in a two-step approach***, with the Commission's adoption of

Amendment

33. Welcomes the re-launch of the CCCTB project with the Commission's adoption of interconnected proposals on

interconnected proposals on CCTB and CCCTB; calls on the Council to swiftly adopt *them*, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;

CCTB and CCCTB; *stresses that once implemented fully, the CCCTB will make it possible to attribute income to where the value is created and will eliminate loopholes between national tax systems, in particular transfer pricing*; calls on the Council to swiftly adopt *and implement the two proposals side by side* taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;

Or. en

Amendment 285

Louis Michel

Motion for a resolution

Paragraph 33

Motion for a resolution

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals *on* CCTB and CCCTB; calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;

Amendment

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals *relating firstly to the implementation of the CCTB and secondly to the establishment of the CCCTB*; calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation; *points out that the CCCTB combats aggressive tax planning by requiring large groups within the EU to comply with its rules; it makes the use of transfer pricing obsolete and, thanks to its anti-abuse clauses, makes it possible to combat transfers to third countries*;

Or. fr

Amendment 286

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 33

Motion for a resolution

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; ***calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;***

Amendment

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; ***deplores the continued refusal of certain Member States to support this proposal and the failure of EU solidarity that this refusal represents;***

Or. en

Amendment 287

Thomas Mann

Motion for a resolution

Paragraph 33

Motion for a resolution

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;

Amendment

33. Welcomes the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB, ***in order to tackle the issue of profit shifting comprehensively;*** calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;

Or. de

Amendment 288

Roberts Zile

Motion for a resolution

Paragraph 33

Motion for a resolution

33. ***Welcomes*** the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;

Amendment

33. ***Notes*** the re-launch of the CCCTB project in a two-step approach, with the Commission's adoption of interconnected proposals on CCTB and CCCTB; calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;

Or. en

Amendment 289

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 33 a (new)

Motion for a resolution

Amendment

33 a. Urges the Council to adopt these legislative proposals as soon as possible and before the end of this legislature, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment; considers that the deployment of this legislation would significantly contribute to closing the remaining loopholes and level the playing field in light of digitalisation and the growing role of intangible assets in the MNE value chain, which have exacerbated the problems with transfer pricing systems; however, expresses concern about the inclusion of

*a super-deduction for research and development*¹;

[1] Council of the European Union, Opinion of the European Economic and Social Committee, ECO/419,5.4 (<http://data.consilium.europa.eu/doc/document/ST-12848-2017-INIT/EN/pdf>)

Or. en

Amendment 290

Paul Tang, Evelyn Regner, Hugues Bayet, Peter Simon, Dietmar Köster, Arndt Kohn, Virginie Rozière, Olle Ludvigsson

Motion for a resolution

Paragraph 33 a (new)

Motion for a resolution

Amendment

33 a. Recalls that to end the practice of profit shifting and to introduce the principle that tax is paid where profit is generated, the CCTB and CCCTB should be introduced simultaneously in all Member States; calls on the Commission to issue a new proposal based on Article 116 of the Treaty on the Functioning of the European Union, whereby the European Parliament and the Council act in accordance with the ordinary legislative procedure to issue the necessary legislation, should the Council fail to adopt a unanimous decision on the proposal to establish a CCCTB;

Or. en

Amendment 291

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 33 a (new)

33 a. *Notes that CCCTB impact assessments have been carried out on the basis of incomplete data at a time when tax administrations will soon have access to more precise and complete information following the Member States' implementation of country-by-country reporting, and that going ahead without proper analysis would be deeply irresponsible; calls on the European Commission to conduct a new impact assessment based on high-quality data which would allow for a more informed decision to be made between different possible apportionment formulas;^{1a}*

^{1a} *'Assessing the impact of the CC(C)TB: European tax base shifts under a range of policy scenarios'; a GUE/NGL Study by Alex Cobham, Petr Janský, Chris Jones and Yama Temouri (Tax Justice Network); November 2017;*

Or. en

Amendment 292

Thierry Cornillet, Petr Ježek, Nils Torvalds

Motion for a resolution

Paragraph 33 a (new)

Motion for a resolution

Amendment

33 a. *Calls on the Council to swiftly adopt them, taking into consideration Parliament's opinion that already includes the concept of virtual permanent establishment that would close the remaining loopholes allowing tax avoidance to take place and level the playing field in light of digitalisation;*

Or. en

Amendment 293

Markus Ferber

Motion for a resolution

Paragraph 33 a (new)

Motion for a resolution

Amendment

33 a. Stresses that taxation policy in the European Union should not be solely focussed on fighting tax avoidance and aggressive tax planning, but also on facilitating cross-border economic activity by cooperation between tax authorities and smart tax policy design;

Or. en

Amendment 294

Thierry Cornillet, Petr Ježek, Wolf Klinz, Nils Torvalds, Maite Pagazaurtundúa Ruiz, Louis Michel

Motion for a resolution

Paragraph 33 b (new)

Motion for a resolution

Amendment

33 b. Welcomes the improved definition of R&D costs in the common corporate tax base (CCTB) proposal;

Or. en

Amendment 295

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo

Motion for a resolution

Paragraph 33 b (new)

Motion for a resolution

Amendment

33 b. Believes that, as regards proceeding with the CCTB and CCCTB proposals, if aggregation were to take place without considering the differences between Member States' accounting rules

the inconsistencies in the EU tax base might end up being exploited by those seeking to secure advantage from regulatory arbitrage; calls on the Council to consider that ‘consolidated tax base’ should mean the consolidated net taxable revenue of the corporate group members, as calculated on a consistent accounting basis applicable to all group members;

Or. en

Amendment 296

Markus Ferber

Motion for a resolution

Paragraph 33 b (new)

Motion for a resolution

Amendment

33 b. Underlines that there is a multitude of tax-related obstacles that hamper cross-border economic activity; urges the European Commission to adopt an action plan addressing these obstacles as a matter of priority;

Or. en

Amendment 297

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

Motion for a resolution

Paragraph 33 c (new)

Motion for a resolution

Amendment

33 c. As already stressed by the PANA recommendations, implementing the CCCTB at EU level runs the risk of creating a situation in which current losses from Member States to the rest of world could be locked in, as could the exploitation of the rest of the world by some Member States; notes that an EU-

only approach could eliminate the incentives to shift profit within the EU, but open the door to further incentives and opportunities to shift profit out of the EU^{1a}

^{1a} European Parliament recommendation of 13 December 2017 to the Council and the Commission following the inquiry into money laundering, tax avoidance and tax evasion (Texts adopted, P8_TA-(2017)0491).

Or. en

Amendment 298

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo

Motion for a resolution

Paragraph 33 d (new)

Motion for a resolution

Amendment

33 d. Calls on the Council to take note of PANA recommendations and consider strengthening the anti-tax avoidance provisions of the CCCTB to eliminate transfer pricing to third-country jurisdictions leading to a reduction in the taxable base of companies in the Union^{1a}; in particular this means considering using the stronger, simpler and most efficient approach regarding the implementation of CFC rules in ATAD I Article 7(2)(a);

^{1a} European Parliament recommendation of 13 December 2017 to the Council and the Commission following the inquiry into money laundering, tax avoidance and tax evasion (Texts adopted, P8_TA-(2017)0491).

Or. en

Amendment 299
Alfred Sant

Motion for a resolution
Paragraph 34

Motion for a resolution

34. Notes that the phenomenon of digitalisation has created a new situation in the market, whereby digital and digitalised companies are able to take advantage of local markets without having a physical, and therefore taxable, presence in that market, creating a non-level playing field and putting traditional companies at a disadvantage; ***notes that digital businesses models in the EU face a lower effective average tax burden than traditional business models***³¹;

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

Amendment

34. Notes that the phenomenon of digitalisation has created a new situation in the market, whereby digital and digitalised companies are able to take advantage of local markets without having a physical, and therefore taxable, presence in that market, creating a non-level playing field and putting traditional companies at a disadvantage; ***remarks that the theoretical effective rates used in the Commission's Impact Assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081) do not stand up to empirical evidence, since the methodology used in this IA, by setting such rates at only 8.9 percent, is underestimating by about 20 percentage points (if average tax rates were taken into consideration) the effective corporate taxes for digital companies (Sources: The proposed EU digital services tax: Effects on welfare, growth and revenues, study by Copenhagen Economics ; Digital Companies and Their Fair Share of Taxes: Myths and misconceptions, Dr Matthias Bauer, Senior Economist, ECIPE 03/2018)***;

Or. en

Amendment 300

Peter Simon, Ramón Jáuregui Atondo, Evelyn Regner, Doru-Claudian Frunzulică, Mady Delvaux, Dietmar Köster, Arndt Kohn, Virginie Rozière, Olle Ludvigsson

Motion for a resolution
Paragraph 34

Motion for a resolution

34. Notes that the phenomenon of digitalisation has created a new situation in the market, whereby digital and digitalised companies are able to take advantage of local markets without having a physical, and therefore taxable, presence in that market, creating a non-level playing field and putting traditional companies at a disadvantage; notes that digital businesses models in the EU face a lower effective average tax burden than traditional business models³¹ ;

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

Amendment

34. Notes that the phenomenon of digitalisation has created a new situation in the market, whereby digital and digitalised companies are able to take advantage of local markets without having a physical, and therefore taxable, presence in that market, creating a non-level playing field and putting traditional companies at a disadvantage; notes that digital businesses models in the EU face a lower effective average tax burden than traditional business models³¹ ; ***deplores that digital businesses pay almost no taxes in some Member States despite their significant digital presence and large revenues in those Member States; reminds that, when it comes to the digitalisation of the whole economy, the location of the value creation should take into account the input from users as well as information collected on consumers' behaviour online;***

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

Or. en

Amendment 301
Gabriel Mato

Motion for a resolution
Paragraph 34

Motion for a resolution

34. Notes that the phenomenon of digitalisation has created a new situation in the market, whereby digital and digitalised companies are able to take advantage of local markets without having a physical, and therefore taxable, presence in that market, creating a non-level playing field and putting traditional companies at a disadvantage; notes that digital businesses models in the EU ***face a lower effective average tax burden than*** traditional business models³¹ ;

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

Amendment

34. Notes that the phenomenon of digitalisation has created a new situation in the market, whereby digital and digitalised companies are able to take advantage of local markets without having a physical, and therefore taxable, presence in that market, creating a non-level playing field and putting traditional companies at a disadvantage; notes that digital businesses models in the EU ***pay on average less than half of the effective tax rate of companies with*** traditional business models³¹ ;

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

Or. en

Amendment 302

Wolf Klinz, Caroline Nagtegaal

Motion for a resolution

Paragraph 34

Motion for a resolution

34. Notes that the phenomenon of digitalisation has created a new situation in the market, whereby digital and digitalised companies are able to ***take advantage of*** local markets without having a physical, and therefore taxable, presence in that market, ***creating a non-level playing field and putting traditional companies at a disadvantage***; notes that digital businesses models in the EU face a lower effective average tax burden than traditional business models³¹ ;

Amendment

34. Notes that the phenomenon of digitalisation has created a new situation in the market, whereby digital and digitalised companies are able to ***operate in*** local markets without having a physical, and therefore taxable, presence in that market; notes ***that the Commission states*** that digital businesses models in the EU face a lower effective average tax burden than traditional business models³¹ ; ***points to empirical evidence that finds, however, that the effective tax rate of digital companies at least comparable to that of traditional companies***^{31a}

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

^{31a} Copenhagen Economics. "The proposed EU Digital Services Tax", September 2018; Bauer, Dr. Matthias, "Digital Companies and their fair share of taxes: Myths and Misconceptions", ECIPE Occasional Paper 03/2018; Fuest, Dr. Clemens, "Die Besteuerung der Digitalwirtschaft", August 2018; according to which the effective tax rate of digital companies lies between 20.9% and 29%

Or. en

Amendment 303

Louis Michel

Motion for a resolution

Paragraph 34

Motion for a resolution

34. Notes that the phenomenon of digitalisation has created a new situation in the market, whereby digital and digitalised companies are able to take advantage of local markets without having a physical, and therefore taxable, presence in that market, creating ***a non-level playing field*** and putting traditional companies at a disadvantage; notes that digital businesses models in the EU face a lower effective average tax burden than traditional business models³¹;

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised

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Amendment

34. Notes that the phenomenon of digitalisation has created a new situation in the market, whereby digital and digitalised companies are able to take advantage of local markets without having a physical, and therefore taxable, presence in that market, creating ***competitive distortions*** and putting traditional companies at a disadvantage; notes that digital businesses models in the EU face a lower effective average tax burden than traditional business models³¹;

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised

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businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

Or. fr

Amendment 304

Werner Langen

Motion for a resolution

Paragraph 34

Motion for a resolution

34. Notes that ***the phenomenon of*** digitalisation has created a new ***situation in the market***, whereby digital and digitalised companies are able to take advantage of local markets without having a physical, and therefore taxable, presence in that market, creating a non-level playing field and putting traditional companies at a disadvantage; notes that digital businesses models in the EU face a lower effective average tax burden than traditional business models³¹;

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

Amendment

34. Notes that ***advancing*** digitalisation has created a new ***competition situation***, whereby digital and digitalised companies are able to take advantage of local markets without having a physical, and therefore taxable, presence in that market, creating a non-level playing field and putting traditional companies at a disadvantage; notes that digital businesses models in the EU face a lower effective average tax burden than traditional business models³¹;

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

Or. de

Amendment 305

Thierry Cornillet, Petr Ježek, Nils Torvalds, Louis Michel

Motion for a resolution

Paragraph 34

Motion for a resolution

34. ***Notes*** that the phenomenon of

Amendment

34. ***Highlights*** that the phenomenon of

digitalisation has created a new situation in the market, whereby digital and digitalised companies are able to take advantage of local markets without having a physical, and therefore taxable, presence in that market, creating a non-level playing field and putting traditional companies at a disadvantage; notes that digital businesses models in the EU face a lower effective average tax burden than traditional business models³¹ ;

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

digitalisation has created a new situation in the market, whereby digital and digitalised companies are able to take advantage of local markets without having a physical, and therefore taxable, presence in that market, creating a non-level playing field and putting traditional companies at a disadvantage; notes that digital businesses models in the EU face a lower effective average tax burden than traditional business models³¹ ;

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

Or. en

Amendment 306
Pirkko Ruohonen-Lerner

Motion for a resolution
Paragraph 34

Motion for a resolution

34. Notes that the phenomenon of digitalisation has created a new situation in the market, whereby digital and digitalised companies are able to take advantage of local markets without having a physical, and therefore taxable, presence in that market, creating a non-level playing field and putting traditional companies at a disadvantage; notes that digital businesses models in the EU face a lower effective average tax burden than traditional business models³¹;

³¹ As evidenced in the impact assessment of 21 March 2018 accompanying the digital tax package (SWD(2018)0081), according to which on average, digitalised

Amendment

(Does not affect the English version.)

businesses face an effective tax rate of only 9.5 %, compared to 23.2 % for traditional business models.

Or. fi

Amendment 307

Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric, Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt Carthy, Miguel Viegas

**Motion for a resolution
Paragraph 34 a (new)**

Motion for a resolution

Amendment

34 a. *Notes that digitalisation affects the whole economy with many firms using multi-channel models; thus, instead of creating special regimes for digital businesses, international tax rules should be reformed, based on a principle of neutrality between different business models, both digital and non-digital, and regardless of the extent or form of digitalisation, including multi-channel models, recognising the economic reality businesses operate in today;*

Or. en

**Amendment 308
Gunnar Hökmark**

**Motion for a resolution
Paragraph 34 a (new)**

Motion for a resolution

Amendment

34 a. *Underlines that the correct forum for tax challenges stemming from the digitalisation is within the OECD, and that tax challenges stemming from the digitalisation of the economy is a global issue requiring a global solution; believes that the EU should focus on creating a more attractive business environment in*

order to achieve a well-functioning Digital Single Market while waiting for a global solution on taxing the digital economy;

Or. en

Amendment 309
Dariusz Rosati

Motion for a resolution
Paragraph 34 a (new)

Motion for a resolution

Amendment

34 a. Underlines that a lack of a common Union approach on addressing the taxation of the digital economy will lead Member States to adopt unilateral solutions, which will lead to regulatory uncertainty, fracturing of the single market and might become a burden for companies operating cross-border as well as tax authorities;

Or. en

Amendment 310
Louis Michel

Motion for a resolution
Paragraph 34 a (new)

Motion for a resolution

Amendment

(34a) Takes the view that digital taxation should not be restricted to the digital giants, but should be considered within a global framework of combating the tax evasion of all multinationals, inclusively and in all sectors, including the energy sector;

Or. fr

Amendment 311
Roberta Metsola

Motion for a resolution
Paragraph 35

Motion for a resolution

35. ***Welcomes*** the digital tax package adopted by the Commission on 21 March 2018; ***calls on the Council to swiftly adopt these proposals, taking into account Parliament's opinion on them;***

Amendment

35. ***Notes*** the digital tax package adopted by the Commission on 21 March 2018;

Or. en

Amendment 312
Barbara Kappel

Motion for a resolution
Paragraph 35

Motion for a resolution

35. ***Welcomes*** the digital tax package adopted by the Commission on 21 March 2018; ***calls on the Council to swiftly adopt these proposals, taking into account Parliament's opinion on them;***

Amendment

35. ***Takes note of*** the digital tax package adopted by the Commission on 21 March 2018;

Or. en

Amendment 313
David Coburn
on behalf of the EFDD Group
Raymond Finch

Motion for a resolution
Paragraph 35

Motion for a resolution

35. ***Welcomes*** the digital tax package adopted by the Commission on 21 March 2018; ***calls on the Council to swiftly adopt these proposals, taking into account Parliament's opinion on them;***

Amendment

35. ***Welcomes*** the digital tax package adopted by the Commission on 21 March 2018;

Amendment 314**Wolf Klinz, Caroline Nagtegaal, Louis Michel****Motion for a resolution****Paragraph 35***Motion for a resolution*

35. ***Welcomes the digital tax package adopted by the Commission on 21 March 2018***; calls on the Council to swiftly adopt these proposals, taking into account Parliament's opinion on them;

Amendment

35. ***Notes that the Commission has recognised the need to discuss the concept of a digital tax***; calls on the Council to ***take careful note of the discussion and to actively advance a global solution on G20, OECD and UN-level based on the taxation of profits***; swiftly adopt these proposals, taking into account Parliament's opinion on them;

Or. en

Amendment 315**Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé**
on behalf of the Verts/ALE Group**Motion for a resolution****Paragraph 35***Motion for a resolution*

35. Welcomes the digital tax package adopted by the Commission on 21 March 2018; calls on the Council to ***swiftly*** adopt these proposals, taking into account Parliament's opinion on them;

Amendment

35. Welcomes the digital tax package adopted by the Commission on 21 March 2018; ***deplores the slow approach by the Council and its inability to come to an agreement on this package yet; points out that this already led to the distortion of the Single Market as national solutions have been put in place in different Member States and warns that the distortion risks worsening as other Member States consider to put in place national digital taxes***; calls on the Council to adopt these proposals ***as soon as possible and before the end of this legislature***, taking into account Parliament's opinion on them;

Amendment 316

Roberts Zile

Motion for a resolution

Paragraph 35

Motion for a resolution

35. Welcomes the digital tax package adopted by the Commission on 21 March 2018; calls on the Council to **swiftly adopt** these proposals, taking into account Parliament's opinion on them;

Amendment

35. Welcomes the digital tax package adopted by the Commission on 21 March 2018; calls on the Council to **study and improve** these proposals, taking into account Parliament's opinion on them;

Or. en

Amendment 317

Dariusz Rosati

Motion for a resolution

Paragraph 35

Motion for a resolution

35. Welcomes the digital tax package adopted by the Commission on 21 March 2018; calls on the Council to swiftly adopt these proposals, taking into account Parliament's opinion on them;

Amendment

35. Welcomes the digital tax package adopted by the Commission on 21 March 2018; calls on the Council to swiftly adopt these proposals, taking into account Parliament's opinion on them, **as adopted on the 13th of December 2018**;

Or. en

Amendment 318

Gabriel Mato

Motion for a resolution

Paragraph 35

Motion for a resolution

35. Welcomes the digital tax package adopted by the Commission on 21 March 2018; calls on the Council to swiftly adopt
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Amendment

35. Welcomes the digital tax package adopted by the Commission on 21 March 2018; calls on the Council to swiftly adopt
PE632.134v01-00

these proposals, taking into account
Parliament's opinion *on them*;

these proposals, taking into account
Parliament's opinion *adopted on the 13th
of December 2018*;

Or. en

Amendment 319

**Miguel Urbán Crespo, Emmanuel Maurel, Marie-Pierre Vieu, Patrick Le Hyaric,
Martin Schirdewan, Stelios Kouloglou, Marisa Matias, Paloma López Bermejo, Matt
Carthy, Miguel Viegas**

**Motion for a resolution
Paragraph 35 a (new)**

Motion for a resolution

Amendment

**35 a. Notes that changing the definition
of permanent establishment to make it
more aligned with that of the UN model
tax convention in a way that also includes
digital significant presence, would be the
optimal solution to tackle problems not
only affecting the digital market but
rather the digitalization of the economy
and the earnings created in jurisdictions
where companies do not have any
physical presence;**

Or. en

Amendment 320

Molly Scott Cato, Sven Giegold, Eva Joly, Ernest Urtasun, Max Andersson, Jordi Solé
on behalf of the Verts/ALE Group

**Motion for a resolution
Paragraph 35 a (new)**

Motion for a resolution

Amendment

**35 a. Recalls that the digital services
under the scope of the digital tax package
should be the processing and sale of data,
online advertisement, digital interfaces
and the provision of digital content;
deplores that the Council is currently
considering a proposal that is much less
ambitious in scope than the Commission's**

proposal and than the Parliament's position;

Or. en

Amendment 321

Luděk Niedermayer, Jeppe Kofod

Motion for a resolution

Paragraph 35 a (new)

Motion for a resolution

Amendment

35 a. (new) Emphasizes that sole agreement on what constitutes digital permanent establishment is a step in the right direction, but does not solve the issue of how to determine tax base to that digital permanent establishment;

Or. en

Amendment 322

Tom Vandenkendelaere

Motion for a resolution

Paragraph 35 a (new)

Motion for a resolution

Amendment

35 a. Stresses that some Member States are unilaterally implementing, or are planning to implement, national measures on digital taxation, which might cause fragmentation and distort the level-playing field within the EU;

Or. en

Amendment 323

Tom Vandenkendelaere

Motion for a resolution

Paragraph 35 a (new)

Motion for a resolution

Amendment

35 a. *Urges the Commission to consider the possibility of establishing a digital tax within the framework of enhanced cooperation should the Council not be able to reach agreement on the 'Digital Services Tax';*

Or. en

Amendment 324
Gunnar Hökmark

Motion for a resolution
Paragraph 35 a (new)

Motion for a resolution

Amendment

35 a. *Notes that the proposed Digital Services Tax is a tax on turnover instead of on profits, which deviates from fundamental principles of international taxation;*

Or. en