

**Question for written answer E-005350/2018
to the Commission**
Rule 130
Ernest Urtasun (Verts/ALE)

Subject: CumEx Files investigation into the massive tax fraud by Banco Santander and other European financial institutions

According to the 'CumEx Files' investigation by CORRECTIV, a German non-profit newsroom, German and Danish authorities are investigating massive tax fraud by financial institutions including Banco Santander, Deutsche Bank and Macquarie Bank. The CumEx strategy involved claiming tax refunds on the return on capital from dividends, despite the fact that no tax was ever paid. In spite of the allegations of the Cologne prosecutors and the Danish authorities, and the fact that Spain is potentially affected by the fraud – which would have led to the repayment of billions of euro in taxes never paid – neither the Spanish tax office nor the Spanish prosecutor's office have taken any action.

- 1) Is the Commission going to carry out an investigation into the CumEx scandal, given its transnational nature?
- 2) Does the Commission agree with the Spanish authorities' decision not to investigate the matter, despite the evidence of the German and Danish authorities?
- 3) Does the Commission consider it necessary to review the European rules of Directive 90/435/EEC on parent companies and subsidiaries and the rules on double taxation to close the legal vacuum which has been exploited for this fraud?