

EN
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Answer given by Mr Gentiloni
on behalf of the European Commission
(28.5.2021)

The Commission thanks the European Parliament for the relevant points it raised when taking position on the latest amendment to the Directive on Administrative Cooperation ('DAC')¹, i.e. DAC7. Some of them were already addressed during the discussions in Council on DAC7². Others could be addressed in the planned DAC8 proposal. For this purpose, the Commission services are currently analysing in-depth the European Parliament's position while preparing the legislative proposal for DAC8. Other elements to be included in DAC8, such as the exchange of information on crypto-assets and e-money, depend on developments in other regulatory areas as well as in other fora, such as the Organisation for Economic Co-operation and Development. Finally, there are items raised in the European Parliament's position that might be better addressed through other means than an amendment of the DAC itself, for example by fostering the exchange of best practices among Member States.

The planned DAC8 proposal intends to respond to the challenges - from a tax compliance perspective - arising from the digitalisation of the financial markets through crypto-assets and e-money. The Commission also intends to address general issues related to the functioning of the DAC, such as a better design of the penalty and compliance framework to ensure its enforcement. The input from the European Parliament as well as from the recent audit performed by the European Court of Auditors³ will be important in identifying additional issues to include.

¹ Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0016&from=en>

² COUNCIL DIRECTIVE (EU) 2021/514 of 22 March 2021 amending Directive 2011/16/EU on administrative cooperation in the field of taxation.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2021:104:FULL&from=EN>

³ European Court of Auditors report: "Exchanging tax information in the EU: solid foundation, cracks in the implementation."

https://www.eca.europa.eu/Lists/ECADocuments/SR21_03/SR_Exchange_tax_inform_EN.pdf