AMENDMENTS
1 - 170

Draft report
Pedro Marques
(PE695.241v01-00)

A European Withholding Tax framework
(2021/2097(INI))
AM_Com_NonLegReport
Amendment 1
Paul Tang, Pedro Marques, Aurore Lalucq

Motion for a resolution
Citation 1

Motion for a resolution
— having regard to Articles 113, 115 and 116 of the Treaty on the Functioning of the European Union,

Amendment
— having regard to Articles 12, 45, 49, 58, 63, 64, 65, 113, 115 and 116 of the Treaty on the Functioning of the European Union,

Or. en

Amendment 2
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Citation 19 a (new)

Motion for a resolution
— having regard to the European Banking Authorities’ report of 11 May 2020 on cum/ex, cum/cum and withholding tax reclaim schemes,

Amendment
— having regard to the European Securities and Markets Authority’s final report of 23 September 2020 on the MAR Review,

Or. en

Amendment 3
Billy Kelleher, Ondřej Kovařík, Ivars Ijabs, Stéphanie Yon-Courtin, Gilles Boyer, Olivier Chastel, Caroline Nagtegaal, Nicola Beer

Motion for a resolution
Citation 19 a (new)

Motion for a resolution
— having regard to the European Banking Authorities’ report of 11 May 2020 on cum/ex, cum/cum and withholding tax reclaim schemes,

Amendment
— having regard to the European Securities and Markets Authority’s final report of 23 September 2020 on the MAR Review,
Amendment 4  
Markus Ferber

Motion for a resolution  
Citation 23 a (new)

Motion for a resolution
Amendment
— having regard to the Commission report of 24 March 2017 entitled 'Accelerating the capital markets union: addressing national barriers to capital flows' (COM(2017) 147 final),

Amendment 5  
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution  
Citation 27 a (new)

Motion for a resolution
Amendment
— having regard to the EU Tax Observatory's study "Revenue effects of the global minimum tax: country-by-country estimates"18a


Amendment 6  
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution  
Citation 27 b (new)
Motion for a resolution  

Amendment
— having regards to the study ‘New forms of tax competition in the European Union: An empirical investigation’ published by the EU Tax Observatory on November 22 2021,

Or. en

Amendment 7  
Markus Ferber

Motion for a resolution
Citation 28 a (new)

Motion for a resolution
Amendment
— having regard to the OECD Treaty Relief and Compliance Enhancement (TRACE) project,

Or. en

Amendment 8  
Paul Tang

Motion for a resolution
Recital A a (new)

Motion for a resolution
Amendment
A a. whereas the free movement of capital prohibits all restrictions on the payments and movements of capital between Members States and between Member States and third countries; whereas the objective of the free movement of capital to and from third countries is to enhance economic growth and the position and stability of the Euro globally; whereas the Council may, after consultation with the European Parliament, adopt measures which would limit the liberalisation of the movement of
capital to or from third countries, to protect and ensure the internal market and its objectives;

Amendment 9
Andżelika Anna Możdżanowska, Roberts Zīle

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

A a. whereas the countries of Southern and Central and Eastern Europe are particularly exposed to the risk of tax revenue losses due to tax fraud, especially CEE countries in particular have suffered huge loss of tax revenue during the transformation period in the 90’s;

Amendment 10
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

A a. whereas independent research suggests EU member states collectively lose more corporate tax revenues to other EU member states than to third countries;

Amendment 11  
Isabel Benjumea Benjumea, José Manuel García-Margallo y Marfil

Motion for a resolution
Recital A a (new)

Motion for a resolution  
Amendment

A a. whereas withholding taxes are a source of revenue for Member States and serve to collect revenue which is used to finance public expenditure;

Or. es

Amendment 12  
Isabel Benjumea Benjumea, José Manuel García-Margallo y Marfil

Motion for a resolution
Recital A b (new)

Motion for a resolution  
Amendment

A b. whereas the EU committed itself to completing the Capital Market Union project and to fostering a genuine European market that incentivises cross-border operations; whereas putting an end to the problems arising from burdensome withholding tax relief procedures should be a priority in order to achieve the Capital Market Union; whereas the European Parliament’s position on the Capital Market Union is set out in its resolution of 8 October 2020 on developing the Capital Markets Union (CMU): improving access to capital market finance, in particular by SMEs, and further enabling retail investor participation (2020/2036(INI));

Or. es

Amendment 13
Lídia Pereira

Motion for a resolution
Recital B

Motion for a resolution
Amendment

B. whereas high flows of royalty, interest or dividend payments through a certain jurisdiction indicate that profits are being rerouted with the sole purpose of reducing the tax burden;

Or. en

Amendment 14
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Recital B

Motion for a resolution
Amendment

B. whereas high flows of royalty, interest or dividend payments through a certain jurisdiction indicate that profits are being rerouted with the sole purpose of reducing the tax burden;

B. whereas some Member States have very high financial activity, notably passive income, in proportion to the size of the economy, which may be an indication that their legal system is used by multinationals for tax avoidance; whereas high flows of royalty, interest or dividend payments through a certain jurisdiction indicate that profits are being rerouted with the sole purpose of reducing the tax burden;

Or. en

Amendment 15
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Recital B
Motion for a resolution

B. whereas high flows of royalty, interest or dividend payments through a certain jurisdiction indicate that profits are being rerouted with the sole purpose of reducing the tax burden;

Amendment

B. whereas high flows of royalty, interest or dividend payments through a certain jurisdiction indicate that profits are being rerouted with the sole purpose of reducing the tax burden; whereas such countries are referred to as conduit jurisdictions; whereas studies\(^{21a}\) indicate the leading role of the Netherlands and Ireland in channelling passive income flows to tax havens;

\(^{21a}\) https://theconversation.com/these-five-countries-are-conduits-for-the-worlds-biggest-tax-havens-79555;

Or. en

Amendment 16
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Recital B a (new)

Motion for a resolution

B a. whereas aggressive tax planning structures can be grouped into three main channels: (i) royalty payments; (ii) interest payments and (iii) transfer pricing\(^{22a}\) showcasing the importance of passive income flows in tax avoidance and evasion;

Amendment 17
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Recital C

C. whereas the G20/OECD Inclusive Framework on BEPS agreed on the key components of a two-pillar reform of the international tax system in order to address the challenges arising from the digitalisation of the economy, including a minimum effective corporate tax rate of 15 %; whereas the result of the final negotiations is weaker than the initial proposal;

Amendment 18
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Recital C a (new)

C a. whereas the EU Tax Observatory has estimated that the implementation of the G20/OECD agreement's Pillar II will lead to an immediate gain of EUR 63.9 billion in tax revenues for the 27 Member States;

Amendment 19
Ernest Urtasun
on behalf of the Verts/ALE Group
Motion for a resolution
Recital D

D. whereas withholding taxes can reduce the risk of tax evasion and avoidance, thus remaining a reliable policy tool until the implementation of the above-mentioned agreement by the G20/OECD Inclusive Framework on BEPS;

Amendment

D. whereas withholding taxes are an effective tool to protect a domestic tax base and secure source based taxation, in addition withholding taxes are an effective instrument to combat profit shifting to low-tax jurisdictions;

Or. en

Amendment 20
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Recital D

D. whereas withholding taxes can reduce the risk of tax evasion and avoidance, thus remaining a reliable policy tool until the implementation of the above-mentioned agreement by the G20/OECD Inclusive Framework on BEPS;

Amendment

D. whereas withholding taxes can reduce the risk of tax evasion and avoidance; whereas Member States are entitled to have countermeasures to protect their tax base;

Or. en

Amendment 21
Markus Ferber

Motion for a resolution
Recital D

D. whereas withholding taxes can reduce the risk of tax evasion and avoidance, thus remaining a reliable policy tool until the implementation of the above-mentioned agreement by the G20/OECD Inclusive Framework on BEPS;

Amendment

D. whereas withholding taxes can reduce the risk of tax evasion and avoidance, but increase the risk of double-taxation;
above-mentioned agreement by the G20/OECD Inclusive Framework on BEPS;

Amendment 22
Isabel Benjumea Benjumea, José Manuel García-Margallo y Marfil

Motion for a resolution
Recital D

Motion for a resolution

D. whereas withholding taxes can reduce the risk of tax evasion and avoidance, thus remaining a reliable policy tool until the implementation of the above-mentioned agreement by the G20/OECD Inclusive Framework on BEPS;

Amendment

D. whereas withholding taxes can reduce the risk of tax evasion and avoidance, but can also lead to the undesirable effect of double taxation, it is necessary to speed up the process of implementing the above-mentioned agreement by the G20/OECD Inclusive Framework on BEPS in order thus to eliminate all the problems of this transition process;

Amendment 23
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Recital D a (new)

Motion for a resolution

D a. whereas changes at European and Member State level in the withholding tax system should be tightly integrated with the existing and upcoming anti-tax avoidance provisions such as the implementation of the above-mentioned agreement by the G20/OECD Inclusive Framework on BEPS;

Amendment

Or. en
Amendment 24
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Recital D b (new)

Motion for a resolution

Amendment

D b. whereas the Netherlands as a response to the large outbound flows of passive income to low tax jurisdictions has introduced a conditional withholding tax on outbound royalty and interest payments at a rate of 25% and will introduce a similar withholding tax on dividends as of 2024;

Or. en

Amendment 25
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Recital E

Motion for a resolution

Amendment

E. whereas complex refund procedures increase the administrative burden for cross-border investments and may create an obstacle to market integration;

E. whereas complex refund procedures increase the risk of tax fraud and avoidance schemes as demonstrated by the Cum-Ex revelations, it also increases the administrative burden for cross-border investments and may create an obstacle to market integration;

Or. en

Amendment 26
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Recital E
Motion for a resolution

E. whereas complex refund procedures increase the administrative burden for cross-border investments and may create an obstacle to market integration;

Amendment

E. whereas complex refund procedures increase the administrative burden for cross-border investments and may create market fragmentation, thus representing an obstacle to the development of a proper Capital Markets Union;

Or. en

Amendment 27
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Recital E

Motion for a resolution

E. whereas complex refund procedures increase the administrative burden for cross-border investments and may create an obstacle to market integration;

Amendment

E. whereas complex non-standardized refund procedures increase the administrative burden, making the process lengthy and more prone to fraud;

Or. en

Amendment 28
Billy Kelleher, Ondřej Kovařík, Ivars Ijabs, Stéphanie Yon-Courtin, Gilles Boyer, Olivier Chastel, Caroline Nagtegaal, Nicola Beer

Motion for a resolution
Recital E

Motion for a resolution

E. whereas complex refund procedures increase the administrative burden for cross-border investments and may create an obstacle to market integration;

Amendment

E. whereas complex refund procedures increase the administrative burden for cross-border investments, particularly SME and individual investors, and may create an obstacle to market integration and the advancement of the Capital Markets Union;

Or. en
Amendment 29
Markus Ferber

Motion for a resolution
Recital E

Motion for a resolution

E. whereas complex refund procedures increase the administrative burden for cross-border investments and may create an obstacle to market integration;

Amendment

E. whereas complex, lengthy and costly refund procedures increase the administrative burden for cross-border investments and create an obstacle to market integration; whereas such obstacles even remain in the Single Market constituting a major barrier to the free flow of capital and the completion of the Capital Markets Union; whereas such obstacles are particularly severe for retail investors and might discourage them from cross-border investments;

Amendment 30
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Recital E a (new)

Motion for a resolution

E a. whereas the Commission has introduced non-binding measures to ease tax refund claim procedures in the past; whereas this is the case for the 2009 recommendation that outlined how EU Member States could simplify procedures for claiming cross-border withholding tax relief and which contained measures to eliminate the tax barriers that financial institutions faced in their securities investment activities, while at the same time protecting tax revenues against abuse; whereas, in 2017, the Commission also published a Code of Conduct which put forward new guidelines on
withholding tax to help Member States reduce costs and simplify procedures for cross-border investors in the EU, whose application by Member States was voluntary;

Amendment 31  
Markus Ferber  
Motion for a resolution  
Recital E a (new)

Motion for a resolution

Amendment

E a. whereas previous initiatives to improve the efficiency of current withholding tax procedures, such as the European Commission's 2017 voluntary Code of Conduct on Withholding Tax, have yielded only limited results;

Amendment 32  
Markus Ferber  
Motion for a resolution  
Recital E b (new)

Motion for a resolution

Amendment

E b. whereas the Commission has estimated the total costs of withholding tax refund procedures to be around 8.4bn EUR in 2016, which was mainly due to foregone tax relief (due to complex compliance procedures and costly expert advice), the costs of reclaim procedures and opportunity costs (delayed refunds mean that the money cannot be used for other purposes); whereas such costs are disproportionately borne by small and retail investors that have less capacity to deal with complex administrative
procedures;

1a COM(2017) 147 final; Accelerating the capital markets union: addressing national barriers to capital flows

Amendment 33
Markus Ferber

Motion for a resolution
Recital E c (new)

Motion for a resolution

Amendment

E c. whereas in many Member States withholding tax refund procedures cannot be done online or must be processed through a local agent 1a further complicating the process for non-domestic investors; whereas a move to digital solutions will significantly facilitate the process for tax authorities and investors making the process quicker, more reliable and easier to monitor for tax authorities; whereas such a move towards digital solutions should also encompass elements such as the digitalisation of tax residency proofs;

1a COM(2017) 147 final, Accelerating the capital markets union: addressing national barriers to capital flows

Amendment 34
Markus Ferber

Motion for a resolution
Recital E d (new)
Motion for a resolution

Amendment

E d. whereas the resource-intensive and lengthy procedures might lead non-domestic investors to forego their right to apply for tax refunds that they are entitled to making the prospect of cross-border investments less attractive; whereas such tax disadvantages might cause investors to forego the benefits of cross-border portfolio diversification;

Amendment 35
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Recital F

F. whereas the Interest and Royalties Directive (IRD) and the Parent-Subsidiary Directive (PSD) both exempt certain cross-border payments that take place within the EU and are related to interest, royalties and dividends from withholding tax with the aim of eliminating double taxation; whereas negotiations on a revision of the IRD have stalled in the Council for several years;

F. whereas the Interest and Royalties Directive (IRD) and the Parent-Subsidiary Directive (PSD) both exempt certain cross-border payments that take place within the EU and are related to interest, royalties and dividends from withholding tax with the aim of eliminating double taxation; whereas both IRD and PSD effectively gave taxing rights entirely to the residency countries incentivizing both companies to shift mobile profits to low-tax jurisdictions within the EU and Member States to engage in a detrimental race to the bottom23a; whereas negotiations on a revision of the IRD have stalled in the Council since 2012;


Or. en
Amendment 36
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Recital F

F. whereas the Interest and Royalties Directive (IRD) and the Parent-Subsidiary Directive (PSD) both exempt certain cross-border payments that take place within the EU and are related to interest, royalties and dividends from withholding tax with the aim of eliminating double taxation; whereas negotiations on a revision of the IRD have stalled in the Council for several years;

Amendment

F. whereas the Interest and Royalties Directive (IRD) and the Parent-Subsidiary Directive (PSD) both exempt specific cross-border payments that take place within the EU for associated companies and are related to interest, royalties and dividends from withholding tax with the aim of eliminating double taxation; whereas negotiations on a revision of the IRD have stalled in the Council for several years because 7 Member States voted against the inclusion of an effective minimum taxation rate;

Or. en

Amendment 37
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Recital F a (new)

Motion for a resolution

F a. whereas commentators warned after the adoption of the IRD that abolishing withholding taxes within the EU encouraged tax competition; whereas in conclusion the IRD and the PSD are the root causes of aggressive tax competition in the EU and have led to double non-taxation and a race to the bottom; whereas this situation can only be overturned with the application of stringent anti-base erosion rules or the introduction of minimum rates on interest, royalty and dividend payments in
Amendment 38
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Recital F a (new)

Motion for a resolution
Amendment

F a. whereas the IRD states that “It is necessary to ensure that interest and royalty payments are subject to tax once in a Member State”; whereas withholding taxes on interest and licence fee payments intra-EU may be considered compatible with the IRD, since the directive only applies to payments between associated companies with a direct minimum holding of 25% and given the fact that the source country may ask for legal justification of such payments as a condition for the exemption;

Amendment 39
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Recital F a (new)

Motion for a resolution
Amendment

F a. whereas the European Commission considers that the transposition of Pillar 2 of the G20/OECD Inclusive Framework on BEPS should pave the way for agreeing the pending proposal for recasting the IRD20a

20a Communication from the Commission
Amendment 40
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Recital F b (new)

Amendment

F b. whereas the Commission has pledged to propose a legislative initiative for introducing a common, standardised, EU-wide system for withholding tax relief at source, accompanied by an exchange of information and cooperation mechanism among tax administrations\(^{20}\); whereas, in addition, the Commission has committed to assess the need for exchange of information and cooperation between tax authorities and financial markets supervisory authorities;

\(^{20}\) Commission Action Plan for Fair and Simple Taxation supporting the Recovery Strategy

Amendment 41
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Recital F b (new)

Amendment

F b. whereas research\(^{2a}\) shows that IRD and PSD have been used by Member States to circulate untaxed royalties,
interests and dividends payments in the EU with the aim of reaching a third-country jurisdiction with low or no taxes as a final destination; whereas research\textsuperscript{2b} shows that the top 10 conduit countries include nine European countries, among which the United Kingdom, Luxembourg and the Netherlands are the most important ones;

\textsuperscript{2a} Van ’t Riet M. and A. Lejour, 2020, A Common Withholding Tax On Dividend, Interest And Royalties In The European Union


\begin{itemize}
\item \textbf{Amendment 42}
\item Ernest Urtasun on behalf of the Verts/ALE Group
\item Motion for a resolution
\item Recital F b (new)
\end{itemize}

\textit{Motion for a resolution}

\begin{itemize}
\item F b. whereas tax treaty networks can be exploited to route income to reduce taxes; whereas no outbound withholding taxes on such outbound payments combined with no withholding taxes within the EU facilitated aggressive tax planning and treaty shopping behaviour to exploit differences in the treatment of outbound payments across the EU;
\end{itemize}

\begin{itemize}
\item Or. en
\end{itemize}

\begin{itemize}
\item \textbf{Amendment 43}
\item Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma
\end{itemize}
Motion for a resolution
Recital F c (new)

Amendment

F c. whereas in its inception impact assessment on “New EU system for the avoidance of double taxation and prevention of tax abuse in the field of withholding taxes”, the Commission outlines three options to ensure the proper functioning of the Capital Markets Union, to facilitate cross-border investment and to prevent tax abuse; whereas option 1 consists of improving withholding tax refund procedures to make them more efficient; whereas Option 2 determines the establishment of a fully-fledged common EU relief at source system; whereas Option 3 focuses on enhancing the existing administrative cooperation framework to verify entitlement to double tax convention benefits;

Or. en

Amendment 44
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Recital F c (new)

Amendment

F c. whereas the Commission has put forward a proposal for the revision of the IRD and the European Parliament adopted a legislative resolution stating that “the benefits of the Directive should only be applicable when the income derived from the payment is effectively subject to tax in the Member State of the receiving company or in the Member State where the recipient permanent establishment is situated, without there being the possibility of exemption or a substitution or replacement by payment of
Amendment 45
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Recital F c (new)

F c. whereas on 26 February 2019, the Court of Justice of the European Union ruled on several cases regarding the Danish withholding tax regime with respect to dividends and interest paid by Danish companies to companies in other EU Member States with important consequences on the application of the IRD and PSD; whereas these cases confirm the importance of reliable beneficial ownership information and economic substance by the recipient of passive income;

Amendment 46
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Recital G

G. whereas the cum-ex and cum-cum schemes both involve reclaims of dividend withholding tax to which the beneficiaries were not entitled and are estimated to have imposed a total cost to taxpayers of about EUR 55 billion between 2001 and 2012 in the 11 Member States concerned;
Germany, Netherlands, Spain, France, Italy, Belgium, Luxembourg, Denmark, Ireland and Austria; whereas the revelations constitute the largest ever tax fraud in the European Union; whereas public coffers are continuously losing taxpayer money as a result of these schemes which are still being actively used;

Amendment 47
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Recital G

G. whereas the cum-ex and cum-cum schemes both involve reclaims of dividend withholding tax to which the beneficiaries were not entitled and are estimated to have imposed a total cost to taxpayers of about EUR 55 billion between 2001 and 2012 in the 11 Member States concerned;

Amendment
G. whereas the cum-ex and cum-cum schemes both involve reclaims of dividend withholding tax to which the beneficiaries were not entitled and are estimated to have imposed a total cost to taxpayers of about EUR 55 billion between 2001 and 2012 in the 11 Member States concerned; whereas new revelations in 2021 concerning these practices estimate that they have cost 10 governments, including those of Germany, Spain, France and the US, a total of €141bn;

Amendment 48
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Recital G

G. whereas the cum-ex and cum-cum schemes both involve reclaims of dividend

Amendment
G. whereas the cum-ex and cum-cum schemes both involve reclaims of dividend
withholding tax to which the beneficiaries were not entitled and are estimated to have imposed a total cost to taxpayers of about EUR 55 billion between 2001 and 2012 in the 11 Member States concerned; whereas the cum-ex and cum-cum schemes both involve reclaims of dividend withholding tax to which the beneficiaries were not entitled and are estimated to have imposed a total cost to taxpayers of about EUR 55 billion between 2001 and 2012 in the 11 Member States concerned; whereas new revelations on October 2021 updated those values to EUR 140 billion;

Amendment 49
Billy Kelleher, Ondřej Kovařík, Ivars Ijabs, Stéphanie Yon-Courtin, Gilles Boyer, Caroline Nagtegaal, Nicola Beer

Motion for a resolution
Recital G

Motion for a resolution

G. whereas the cum-ex and cum-cum schemes both involve reclaims of dividend withholding tax to which the beneficiaries were not entitled and are estimated to have imposed a total cost to taxpayers of about EUR 55 billion between 2001 and 2012 in the 11 Member States concerned;

Amendment

G. whereas the cum-ex and cum-cum schemes both involve reclaims of dividend withholding tax to which the beneficiaries were not entitled and have been ruled illegal; together the schemes are estimated to have imposed a total cost to taxpayers of about EUR 55 billion between 2001 and 2012 in the 11 Member States concerned;

Amendment 50
Lídia Pereira

Motion for a resolution
Recital G a (new)

Motion for a resolution

G a. whereas the European Parliament stands for high standards of cooperation between Member States regarding taxation, in order to protect and safeguard the integrity of the Single Market; whereas any legislative initiative must respect the European institutional framework and the set of EU competences
on the matter; whereas the European Parliament respects the principle of national tax sovereignty;

Amendment 51
Markus Ferber

Motion for a resolution
Recital G a (new)

Motion for a resolution

Amendment

G a. whereas the Commission has announced the objective of alleviating the tax-associated burden in cross-border investment as one of the key action points in its 2020 communication "A Capital Markets Union for people and businesses - new action plan";

Or. en

Amendment 52
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Recital G a (new)

Motion for a resolution

Amendment

G a. whereas there is no EU wide system for relieving withholding tax at source or, for repaying it, also the 2017 EU’s Code of Conduct is not widely applied nor is the OECD’s Treaty Relief and Compliance Enhancement package;

24a Opening statement by Paul Gisby
Accountancy Europe at the FISC subcommittee public hearing in the European Parliament on the 27th of
Amendment 53
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Recital G b (new)

Amendment

G b. whereas the Commission has announced in July 2020 to propose a legislative initiative to introduce a common, standardised, EU-wide system for withholding tax relief at source, accompanied by an exchange of information and cooperation mechanism among tax administrations 25a; whereas the Commission has recently published its inception impact assessment and a proposal is expected for the fourth quarter of 2022 26a;


26a https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13031-Withholding-taxes-new-EU-system-to-avoid-double-taxation_en
Motion for a resolution

1. **Notes that despite continuous efforts**, the system of withholding taxes in the EU has remained largely fragmented, creating loopholes which could be abused to shift profits and barriers to cross-border investments in the single market;

Amendment

1. **Deplores that** the system of withholding taxes in the EU, *after being dismantled with the IRD and PSD*, has remained largely fragmented *in terms of rates and relief procedures*, creating loopholes which *are* abused to shift profits, *encouraging aggressive tax competition between EU Member States and creating barriers to cross-border investments in the single market*; *deeply deplores the legislative inaction by policy makers at both EU and Member State level confronted with growing evidence of profit shifting, aggressive tax competition, and most in particular after the Cum-Ex revelations, over the past decades on this matter*;

Or. en

Amendment 55
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 1

**Motion for a resolution**

1. Notes that despite continuous efforts, the system of withholding taxes in the EU has remained largely fragmented, creating loopholes which could be abused to shift profits and **barriers to cross-border investments in the single market**;

Amendment

1. Notes that despite continuous efforts, the system of withholding taxes in the EU has remained largely fragmented, creating loopholes which could be abused to shift profits and **allow for fraud schemes**;

Or. en

Amendment 56
Isabel Benjumea Benjumea, José Manuel García-Margallo y Marfil

Motion for a resolution
Paragraph 1
1. Notes that despite continuous efforts, the system of withholding taxes in the EU has remained largely fragmented, creating loopholes which could be abused to shift profits and barriers to cross-border investments in the single market;

Amendment 57
Markus Ferber

Motion for a resolution
Paragraph 2

2. Welcomes the considerable progress made in the fight against harmful tax practices in recent years, both at EU and international level, while stressing that more efforts are needed;

Amendment 58
Nicola Beer

Motion for a resolution
Paragraph 3

3. Welcomes the agreement reached by the G20/OECD Inclusive Framework on a two-pillar reform, including a global minimum effective tax rate; considers this an important step towards ending the practice of shifting profits to low-tax
jurisdictions; **regrets** the fact that the scope is limited to multinational enterprises with a global consolidated turnover of at least EUR 750 million; jurisdictions; **notes** the fact that the scope is limited to multinational enterprises with a global consolidated turnover of at least EUR 750 million;

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**Amendment 59**  
Lídia Pereira

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Welcomes the agreement reached by the G20/OECD Inclusive Framework on a two-pillar reform, including a global minimum effective tax rate; considers this an important step towards ending the practice of shifting profits to low-tax jurisdictions; *regrets* the fact that the scope is *limited to* multinational enterprises with a global consolidated turnover of at least EUR 750 million;  

*Amendment*

3. Welcomes the agreement reached by the G20/OECD Inclusive Framework on a two-pillar reform, including a global minimum effective tax rate; considers this an important step towards ending the practice of shifting profits to low-tax jurisdictions; *notes* the fact that the scope is *focused on* multinational enterprises with a global consolidated turnover of at least EUR 750 million;  

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**Amendment 60**  
Hélène Laporte, France Jamet

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Welcomes the agreement reached by the G20/OECD Inclusive Framework on a two-pillar reform, including a global minimum effective tax rate; considers this an important step towards ending the practice of shifting profits to low-tax jurisdictions; regrets the fact that the scope is limited to multinational enterprises with a global consolidated turnover of at least EUR 750 million;  

*Amendment*

3. Welcomes the agreement reached by the G20/OECD Inclusive Framework on a two-pillar reform, including a global minimum effective tax rate; considers this an important step towards ending the practice of shifting profits to low-tax jurisdictions; regrets the fact that the scope is limited to multinational enterprises with a global consolidated turnover of at least EUR 750 million; *considers that this*
momentum should be used to advance the fight against the evasion and avoidance of taxes through the payment of interest, dividends and royalties;

Amendment 61
Isabel Benjumea Benjumea, José Manuel García-Margallo y Marfil

Motion for a resolution
Paragraph 3

3. Welcomes the agreement reached by the G20/OECD Inclusive Framework on a two-pillar reform, including a global minimum effective tax rate; considers this an important step towards ending the practice of shifting profits to low-tax jurisdictions; regrets the fact that the scope is limited to multinational enterprises with a global consolidated turnover of at least EUR 750 million;

Amendment 62
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 3

3. Welcomes the agreement reached by the G20/OECD Inclusive Framework on a two-pillar reform, including a global minimum effective tax rate; considers this an important step towards ending the practice of shifting profits to low-tax jurisdictions; regrets the fact that the scope is limited to multinational enterprises with a global consolidated turnover of at least EUR 750 million; considers it also necessary to reflect on the overall maximum effective tax rate;
is limited to multinational enterprises with a global consolidated turnover of at least EUR 750 million; agreement has been weakened as a result of the negotiations and the scope has been limited to multinational enterprises with a global consolidated turnover of at least EUR 750 million; in addition, regrets the fact that the minimum tax rate has been set at 15% (while the initial proposal was 21%), as well as the inclusion of carve-out clauses that lead to a lower effective corporate tax rate and the fact that the principle of taxing profits where the business activity happens is not really respected;

Or. en

Amendment 63
Gilles Boyer, Olivier Chastel, Stéphanie Yon-Courtin, Pascal Canfin

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Welcomes the agreement reached by the G20/OECD Inclusive Framework on a two-pillar reform, including a global minimum effective tax rate; considers this an important step towards ending the practice of shifting profits to low-tax jurisdictions; regrets the fact that the scope is limited to multinational enterprises with a global consolidated turnover of at least EUR 750 million;

Amendment

3. Welcomes the agreement reached by the G20/OECD Inclusive Framework on a two-pillar reform, including a global minimum effective tax rate; considers this an important step towards ending the practice of shifting profits to low-tax jurisdictions; calls on the Commission, as soon as the OECD has developed its model rules, to publish the legislative proposals to implement the international agreement into EU law; calls on the Council to swiftly adopt such proposals to have it effective in 2023;

Or. en

Amendment 64
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 3

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3. Welcomes the agreement reached by the G20/OECD Inclusive Framework on a two-pillar reform, including a global minimum effective tax rate; considers this an important step towards ending the practice of shifting profits to low-tax jurisdictions; regrets the fact that the scope is limited to multinational enterprises with a global consolidated turnover of at least EUR 750 million; notes that the G20/OECD Inclusive Framework agreements allow to lower the established threshold of EUR 750 million;

Amendment 65
Billy Kelleher, Ondřej Kovařík, Ivars Ijabs, Nicola Beer

Motion for a resolution
Paragraph 3

Amendment 66
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

3. Welcomes the agreement reached by the G20/OECD Inclusive Framework on a two-pillar reform, including a global minimum effective tax rate; considers this an important step towards ending the practice of shifting profits to low-tax jurisdictions; regrets the fact that the scope is limited to multinational enterprises with a global consolidated turnover of at least EUR 750 million; calls on the Commission to bring forward a proposal to implement the international agreement in EU law that respects the spirit of the agreement and not to go beyond what has been agreed so as to preserve the competitiveness of the Union;
4. Is pleased that 136 countries and jurisdictions have supported the G20/OECD Inclusive Framework agreement on a two-pillar reform; regrets the fact that one Member State is not part of the Inclusive Framework;

Amendment 67
José Gusmão, Manon Aubry, Martin Schirdewan

4. Is pleased that 137 countries and jurisdictions have supported the G20/OECD Inclusive Framework agreement on a two-pillar reform; welcomes the European Commission’s intention to put forward a legislative proposal for the implementation of Pillar II until the end of 2021; believes that the issue of putting a floor to tax competition in the area of passive income is part of the implementation of the international deal on minimum effective taxation;

Or. en

Amendment 68
Isabel Benjumea Benjumea, José Manuel García-Margallo y Marfil

4. Is pleased that 136 countries and jurisdictions have supported the G20/OECD Inclusive Framework agreement on a two-pillar reform; regrets the fact that one Member State, Cyprus, is not part of the Inclusive Framework;

Or. en
4. Is pleased that 136 countries and jurisdictions have supported the G20/OECD Inclusive Framework agreement on a two-pillar reform; regrets the fact that one Member State is not part of the Inclusive Framework;

Amendment 69
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Is pleased that 136 countries and jurisdictions have supported the G20/OECD Inclusive Framework agreement on a two-pillar reform; regrets the fact that one Member State is not part of the Inclusive Framework; deep regret the damaging role played by certain EU Member States during the negotiations, most in particular Ireland, Hungary, and Estonia; notes that these countries at first refused to join the agreement in July 2021;

Amendment

4. Is pleased that 136 countries and jurisdictions have supported the G20/OECD Inclusive Framework agreement on a two-pillar reform; regrets the fact that one Member State is not part of the Inclusive Framework; deeply regrets the damaging role played by certain EU Member States during the negotiations, most in particular Ireland, Hungary, and Estonia; notes that these countries at first refused to join the agreement in July 2021;

Amendment 70
Nicola Beer

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Is pleased that 136 countries and jurisdictions have supported the G20/OECD Inclusive Framework agreement on a two-pillar reform; regrets the fact that one Member State is not part of the Inclusive Framework;

Amendment

4. Is pleased that 136 countries and jurisdictions have supported the G20/OECD Inclusive Framework agreement on a two-pillar reform; notes the
the fact that one Member State is not part of the Inclusive Framework;

the fact that one Member State is not part of the Inclusive Framework;

Or. en

Amendment 71
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 4

4. Is pleased that 136 countries and jurisdictions have supported the G20/OECD Inclusive Framework agreement on a two-pillar reform; regrets the fact that one Member State is not part of the Inclusive Framework;

Amendment
4. Is pleased that 137 countries and jurisdictions have supported the G20/OECD Inclusive Framework agreement on a two-pillar reform; welcomes that all Members States committed to such international reform and is convinced this will ease and speed up implementation;

Or. en

Amendment 72
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution
4 a. Reminds that withholding taxes can be a defensive measure that Member States take against countries mentioned in the EU list of non-cooperative jurisdictions for tax purposes; recalls its request for the Commission to put forward a legislative proposal that contemplates coordinated defensive measures against listed countries, given that discretionary application by individual Member States is undermining this toolbox; highlights that the implementation of the G20/OECD
agreement, notably Pillar II, must also be taken into account;

Amendment 73
Isabel Benjumea Benjumea, José Manuel García-Margallo y Marfil

Motion for a resolution
Paragraph 5

Motion for a resolution
Amendment

5. Regrets the fact that base erosion and profit shifting are still ongoing and are facilitated by the tax regimes of certain Member States; recalls that the Commission, in the context of the European Semester and the assessment of the National Recovery and Resilience Plans, found that more reforms are needed in order to address aggressive tax planning in six Member States, where the absence or limited application of withholding taxes on outbound payments are likely to be misused for aggressive tax planning;

5. Notes that a simple, coherent and fair tax system is a key factor for commercial success and for improving the EU’s competitiveness because tax harmonisation based on widespread tax increases cannot be the only solution; recalls that the Commission, in the context of the European Semester and the assessment of the National Recovery and Resilience Plans, found that more reforms are needed in order to address aggressive tax planning in six Member States, where the absence or limited application of withholding taxes on outbound payments are likely to be misused for aggressive tax planning;

Amendment 74
Lídia Pereira

Motion for a resolution
Paragraph 5

Motion for a resolution
Amendment

5. Regrets the fact that base erosion and profit shifting are still ongoing and are facilitated by the tax regimes of certain Member States; recalls that the Commission, in the context of the European Semester and the assessment of the National Recovery and Resilience Plans, found that more reforms are needed in order to address aggressive tax planning in six Member States, where the absence or limited application of withholding taxes on outbound payments are likely to be misused for aggressive tax planning;
the National Recovery and Resilience Plans, found that more reforms are needed in order to address aggressive tax planning in six Member States, where the absence or limited application of withholding taxes on outbound payments are likely to be misused for aggressive tax planning;

in order to address aggressive tax planning in six Member States, where the absence or limited application of withholding taxes on outbound payments are likely to be misused for aggressive tax planning;

Amendment 75
Andżelika Anna Możdżanowska, Roberts Zīle

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Regrets the fact that base erosion and profit shifting are still ongoing and are facilitated by the tax regimes of certain Member States; recalls that the Commission, in the context of the European Semester and the assessment of the National Recovery and Resilience Plans, found that more reforms are needed in order to address aggressive tax planning in six Member States, where the absence or limited application of withholding taxes on outbound payments are likely to be misused for aggressive tax planning;

Amendment

5. Regrets the fact that base erosion and profit shifting are still ongoing and are facilitated by the tax regimes of certain Member States; the fight against this practice should be one of the main tasks of the EU for the incoming years; moreover recalls that the Commission, in the context of the European Semester and the assessment of the National Recovery and Resilience Plans, found that more reforms are needed in order to address aggressive tax planning in six Member States, where the absence or limited application of withholding taxes on outbound payments are likely to be misused for aggressive tax planning;

Amendment 76
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Regrets the fact that base erosion

Amendment

5. Regrets the fact that base erosion
and profit shifting are still ongoing and are facilitated by the tax regimes of certain Member States; recalls that the Commission, in the context of the European Semester and the assessment of the National Recovery and Resilience Plans, found that more reforms are needed in order to address aggressive tax planning in six Member States, where the absence or limited application of withholding taxes on outbound payments are likely to be misused for aggressive tax planning;

Amendment 77
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 5

5. Regrets the fact that base erosion and profit shifting are still ongoing and are facilitated by the tax regimes of certain Member States; recalls that the Commission, in the context of the European Semester and the assessment of the National Recovery and Resilience Plans, found that more reforms are needed in order to address aggressive tax planning in six Member States, where the absence or limited application of withholding taxes on outbound payments are likely to be misused for aggressive tax planning;

Amendment

5. Regrets the fact that base erosion and profit shifting are still ongoing and are facilitated by the lack of a common withholding tax on outbound payments to third countries and the lack of a minimum rate for intra-EU flows of dividends, royalties and interests; recalls that the Commission, in the context of the European Semester and the assessment of the National Recovery and Resilience Plans, found that more reforms are needed in order to address aggressive tax planning in six Member States, where the absence or limited application of withholding taxes on outbound payments are misused for aggressive tax planning and treaty shopping;
Amendment 78
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution
Amendment

5 a. Calls on the Commission to give stronger weight to the implementation of recommendations addressing aggressive tax planning given its negative impact on tax revenues of neighbouring countries, particularly other Member States;

Or. en

Amendment 79
Nicola Beer

Motion for a resolution
Paragraph 6

Motion for a resolution
Amendment

6. Calls on the Commission and the Member States to set up a harmonised withholding tax framework that ensures that all dividend, interest and royalties payments flowing out the EU are taxed at a minimum effective tax rate;

6. Calls on the Commission and the Member States to set up a coordinated withholding tax framework that ensures that all dividend, interest and royalties payments flowing out the EU are taxed at a minimum effective tax rate;

Or. en

Amendment 80
Andżelika Anna Możdżanowska, Roberts Zīle

Motion for a resolution
Paragraph 6

Motion for a resolution
Amendment

6. Calls on the Commission and the Member States to set up a harmonised withholding tax framework that ensures

6. Calls on the Commission and the Member States to set up a harmonised withholding tax framework that ensures
that all dividend, interest and royalties payments flowing out the EU are taxed at a minimum effective tax rate;
withholding tax framework that ensures that all dividend, interest and royalties payments flowing out the EU are taxed at a minimum effective tax rate; withholding tax framework that will reduce the complexity for investors and stem the practice of "treaty-shopping"; the Commission may consider measures such as the standardisation of the reclaims procedure or the introduction of a minimum effective tax rate on all dividend, interest and royalties payments flowing out the EU;

### Amendment 83
Hélène Laporte, France Jamet

**Motion for a resolution**

**Paragraph 6**

*Motion for a resolution*

6. Calls on the Commission and the Member States to set up a harmonised withholding tax framework that ensures that all dividend, interest and royalties payments flowing out the EU are taxed at a minimum effective tax rate;

*Amendment*

6. Calls on the Commission and the Member States to set up a harmonised withholding tax framework that ensures that all dividend, interest and royalties payments flowing out the EU are taxed at a minimum effective tax rate; suggests that this framework take account of the ultimate beneficiary of the sums and, in particular, render the withholding tax final for any financial circuit where the ultimate beneficiary is unknown, difficult to identify or located in a non-cooperating jurisdiction; in this connection, views with interest the proposal for an automatic withholding tax on all payments, accompanied by a tax credit which could be applied once proof of payment of a tax in a Member State has been established;

### Amendment 84
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

**Motion for a resolution**
Paragraph 6

Motion for a resolution

6. Calls on the Commission and the Member States to set up a harmonised withholding tax framework that ensures that all dividend, interest and royalties payments flowing out the EU are taxed at a minimum effective tax rate;

Amendment

6. Calls on the Commission and the Member States to set up a harmonised withholding tax framework that ensures that all dividend, interest and royalties payments flowing out the EU are taxed at a minimum effective tax rate; recalls its previous demand on the Commission to present a legislative proposal for an EU-wide withholding tax in order to ensure that profits generated within the Union are taxed at least once before leaving it20c;

20c European Parliament resolution of 6 July 2016 on tax rulings and other measures similar in nature or effect (TAXE 2), para. 26

Amendment 85
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls on the Commission and the Member States to set up a harmonised withholding tax framework that ensures that all dividend, interest and royalties payments flowing out the EU are taxed at a minimum effective tax rate;

Amendment

6. Calls on the Commission and the Member States to set up a harmonised withholding tax framework that ensures that all dividend, interest and royalties payments flowing out the EU are taxed at a minimum effective tax rate; recalls that recent research3a shows large differences in the application of withholding taxes in EU Member-States - the rates can vary between 0 and 35% - and points to the fact that withholding tax rates in tax treaties are often 5 to 10 percentage points lower than the standard rates; deplores, in particular, Cyprus, Hungary, Latvia and Malta for not levying withholding taxes on neither dividend, interest or royalties.
payments and Luxembourg, Netherlands, Norway, Sweden for not levying it on interest and royalties;

3a Van’t Riet M. and A. Lejour, 2020, A Common Withholding Tax On Dividend, Interest And Royalties In The European Union

Amendment 86
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls on the Commission and the Member States to set up a harmonised withholding tax framework that ensures that all dividend, interest and royalties payments flowing out of the EU are taxed at a minimum effective tax rate;

Amendment

6. Calls on the Commission and the Member States to agree on a harmonised withholding tax framework that ensures that all dividend, interest and royalties payments flowing out of the EU are taxed at a minimum effective tax rate of at least 25%; welcomes in this respect the introduced conditional withholding tax in the Netherlands as a first step to limit profit shifting; notes that such a common withholding tax rates could constitute an EU own resource;

Amendment 87
Paul Tang, Pedro Marques, Aurore Lalucq

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls on the Commission and the Member States to set up a harmonised

Amendment

6. Calls on the Commission and the Member States to set up a harmonised
withholding tax framework that ensures that all dividend, interest and royalties payments flowing out the EU are taxed at a minimum effective tax rate; urges the Commission to include strong anti-abuse measures that prevents taxpayers to change their residence to third countries to avoid taxation at the border, by for instances including an exit tax on retained dividends as currently proposed in the Dutch parliament;

Amendment 88
Hélène Laporte, France Jamet
Motion for a resolution Paragraph 6 a (new)

Motion for a resolution

6a. Recalls, incidentally, the urgent need to revise the list of jurisdictions which are not cooperative with the EU, which currently makes it impossible to identify such jurisdictions of convenience and draw the appropriate consequences; insists that diplomatic and trade considerations should not systematically override the objectives of the fight against tax evasion and aggressive tax planning;

Amendment 89
José Gusmão, Manon Aubry, Martin Schirdewan
Motion for a resolution Paragraph 6 a (new)

Motion for a resolution

6 a. Stresses that non-taxed circulation of dividend, interest and royalties payments inside the EU is used as a
conduit for these flows to leave the EU towards low-tax jurisdictions, as has happened in such cases as the double Irish-Dutch sandwich or the Danish beneficial ownership regime;

Amendment 90
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 6 b (new)

Motion for a resolution

Amendment

6 b. Stresses that IRD and PSD can incentivise companies to create holding structures in under-taxed Member States in order to benefit from withholding taxes exemptions; Stresses that harmful tax practices in EU Member States result in significant revenue losses; Calls on the Commission and the Member States to set up a harmonized withholding tax framework for payments within the EU; stresses that a system of tax credits could be put in place in order to guarantee that no double taxation would occur;

Amendment 91
Isabel Benjumea Benjumea, José Manuel García-Margallo y Marfil

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. Recalls the proposal by 10 Member States to include an effective minimum tax rate for royalties and interest in the context of the IRD; urges the Council to swiftly resume and conclude the negotiations on the IRD and encourages
the inclusion of such a measure in the announced directive for the implementation of Pillar II;

proposal for a Council directive on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States (recast 2011/0314(CNS))’ has been blocked in the Council since 2012 due to divergent views of Member States on the principle of introducing a clause on minimum effective taxation and its scope;

Amendment 92
Billy Kelleher, Ondřej Kovařík, Ivars Ijabs, Caroline Nagtegaal

Motion for a resolution
Paragraph 7

Motion for a resolution Amendment

7. Recalls the proposal by 10 Member States to include an effective minimum tax rate for royalties and interest in the context of the IRD; urges the Council to swiftly resume and conclude the negotiations on the IRD and encourages the inclusion of such a measure in the announced directive for the implementation of Pillar II;

7. Recalls the proposal by 10 Member States to include an effective minimum tax rate for royalties and interest in the context of the IRD; has been a contributing factor to the stalling of negotiations on the reform of the Directive; urges the Council to swiftly resume and conclude the negotiations on the IRD;

Amendment 93
Pedro Marques, Paul Tang, Niels Fuglsang, Aurore Lalucq, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 7

Motion for a resolution Amendment

7. Recalls the proposal by 10 Member States to include an effective minimum tax rate for royalties and interest in the context of the IRD; urges the Council to swiftly

7. Recalls the proposal by 10 Member States to include an effective minimum tax rate for royalties and interest in the context of the IRD; urges the Council to swiftly
resume and conclude the negotiations on the IRD and encourages the inclusion of such a measure in the announced directive for the implementation of Pillar II;

resume and conclude the negotiations on the IRD and encourages the inclusion an effective minimum tax rate on payments to third countries in the announced directive for the implementation of Pillar II;

Or. en

Amendment 94
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 7

7. Recalls the proposal by 10 Member States to include an effective minimum tax rate for royalties and interest in the context of the IRD; urges the Council to swiftly resume and conclude the negotiations on the IRD and encourages the inclusion of such a measure in the announced directive for the implementation of Pillar II;

7. Recalls the proposal by 10 Member States to include an effective minimum tax rate for royalties and interest in the context of the IRD; deplore that negotiations have been blocked since 2012; urges the Council to swiftly resume and conclude the negotiations on the IRD and calls on the Commission to include such a measure in the announced directive for the implementation of Pillar II;

Or. en

Amendment 95
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 7

7. Recalls the proposal by 10 Member States to include an effective minimum tax rate for royalties and interest in the context of the IRD; urges the Council to swiftly resume and conclude the negotiations on the IRD and encourages the inclusion of such a measure in the announced directive

7. Recalls the proposal by 10 Member States to include an effective minimum tax rate for royalties and interest in the context of the IRD; stresses that 7 Member States voted against it and notes that these votes should be publicly known; urges the Council to swiftly resume and conclude the
for the implementation of Pillar II; negotiations on the IRD and encourages the inclusion of such a measure in the announced directive for the implementation of Pillar II;

Amendment 96
Lídia Pereira

Motion for a resolution
Paragraph 8

8. Notes that the lack of an effective minimum tax rate on dividend payments to shareholders has triggered a race to the bottom in this field; calls for the adoption of an effective minimum tax rate for dividend payments to shareholders in the EU, thereby reducing harmful tax competition in this realm;

Amendment 97
Markus Ferber

Motion for a resolution
Paragraph 8

8. Notes that the lack of an effective minimum tax rate on dividend payments to shareholders has triggered a race to the bottom in this field; calls for the adoption of an effective minimum tax rate for dividend payments to shareholders in the EU, thereby reducing harmful tax competition in this realm;
Amendment 98
Billy Kelleher, Ondřej Kovařík, Ivars Ijabs, Caroline Nagtegaal

Motion for a resolution
Paragraph 8

Motion for a resolution
Amendment

8. Notes that the lack of an effective minimum tax rate on dividend payments to shareholders has triggered a race to the bottom in this field; calls for the adoption of an effective minimum tax rate for dividend payments to shareholders in the EU, thereby reducing harmful tax competition in this realm;

Or. en

Amendment 99
Isabel Benjumea Benjumea, José Manuel García-Margallo y Marfil

Motion for a resolution
Paragraph 8

Motion for a resolution
Amendment

8. Notes that the lack of an effective minimum tax rate on dividend payments to shareholders has triggered a race to the bottom in this field; calls for the adoption of an effective minimum tax rate for dividend payments to shareholders in the EU, thereby reducing harmful tax competition in this realm;

8. Notes that the lack of an effective minimum tax rate on dividend payments to shareholders created a space that may have favoured tax avoidance, asks the Commission for an analysis and legislative proposal to address this issue thereby reducing harmful tax competition in this realm;

Or. es

Amendment 100
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 8

Motion for a resolution
Amendment

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8. **Notes** that the lack of an effective minimum tax rate on dividend payments to shareholders has triggered a race to the bottom in this field; calls for the adoption of an effective minimum tax rate for dividend payments to shareholders in the EU, thereby reducing harmful tax competition in this realm;

8. **Stresses** that the lack of an effective minimum tax rate on dividend payments to shareholders has triggered a race to the bottom in this field; calls for the adoption of an effective minimum tax rate for dividend payments to shareholders in the EU, thereby reducing harmful tax competition in this realm;

**Amendment 101**

**Pedro Marques, Paul Tang, Niels Fuglsang, Aurore Lalucq, Jonás Fernández, Eero Heinäluoma**

**Motion for a resolution**

**Paragraph 8**

**Motion for a resolution**

8. Notes that the lack of an effective minimum tax rate on dividend payments to shareholders has triggered a race to the bottom in this field; calls for the adoption of an effective minimum tax rate for dividend payments to shareholders in the EU, thereby reducing harmful tax competition in this realm;

**Amendment**

8. Notes that the lack of an effective minimum tax rate on dividend payments to **non-group** shareholders has triggered a race to the bottom in this field; calls for the adoption of an effective minimum tax rate for dividend payments to **non-group** shareholders in the EU, thereby reducing harmful tax competition in this realm;

**Amendment 102**

**Ernest Urtasun**

on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 8**

**Motion for a resolution**

8. Notes that the lack of an effective minimum tax rate on dividend payments to shareholders has triggered a race to the bottom in this field; calls for the adoption of an effective minimum tax rate for dividend payments to shareholders in the
EU, thereby reducing harmful tax competition in this realm; urges the Commission to come forward with a revision of the PSD;

Amendment 103
Andżelika Anna Moźdźanowska, Roberts Zīle

Motion for a resolution
Paragraph 8

8. Notes that the lack of an effective minimum tax rate on dividend payments to shareholders has triggered a race to the bottom in this field; calls for the adoption of an effective minimum tax rate for dividend payments to shareholders in the EU, thereby reducing harmful tax competition in this realm; however, such an European rate should be competitive in relation to the world economies;

Amendment 104
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 8 a (new)

8 a. Recalls the OECD principle of taxing the business activity where it happens; Calls for the repeal of both the IRD and the PSD if no concrete changes are made in the current texts in order to guarantee an effective minimum tax rate in all interest, royalties and dividends payments circulating within the EU and to ensure a clear identification of the beneficial owners, possibly aligning this
Recalls that the major progress achieved in the fight against tax evasion and tax avoidance in recent years at EU level was achieved while maintaining the principle of unanimity in the Council (such as the end of banking secrecy in 2014); considers, in this connection, that the use of Article 116 TFEU would constitute a dangerous precedent and an infringement of Member States’ rights in tax matters;

Highlights the recent attempts by the Dutch government to scrap the withholding tax on dividend payments in order to appease the Royal Dutch Shell, which is proof not only of said race to the bottom environment, but also of the leverage that multinational corporations currently hold over tax policy of sovereign countries;
Amendment 107
Paul Tang, Pedro Marques

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8 a. Encourages the Commission to review the signature status of the MLI among EU Member States to ensure compliance with global minimum standards; calls upon the Commission to include these MLI standards in the reform of the EU list of non-cooperative tax jurisdictions and its criteria;

Amendment 108
Andżelika Anna Możdżanowska, Roberts Zīle

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8 a. As negotiations to establish a common minimum rate can take years, also calling for harmonisation of the rules on deductions and exemptions from withholding tax, which are actually responsible for tax erosion within the European Union;

Amendment 109
Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Motion for a resolution
Paragraph 8 a (new)
Motion for a resolution

Amendment

8a. Calls for greater transparency and scrutiny of banking transactions and money flows in those Member States where the phenomenon of tax avoidance and evasion by multinationals is most apparent;

Or. it

Amendment 110
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 8 b (new)

Motion for a resolution

Amendment

8 b. Encourages the Commission to review all tax treaties in force and signed by Member States with third countries to ensure compliance with new global standards; asks the Commission to release recommendations to Member States regarding their existing bilateral tax treaties to ensure that they include general anti-abuse rules;

Or. en

Amendment 111
Paul Tang, Pedro Marques

Motion for a resolution
Paragraph 8 b (new)

Motion for a resolution

Amendment

8 b. Invites the Commission to assess the development of EU guidelines for the negotiation of tax treaties between an EU Member State and a developing country that would incorporate a minimum withholding tax on passive income at source to prevent base erosion of
developing countries;

Or. en

Amendment 112
Hélène Laporte, France Jamet

Motion for a resolution
Paragraph 8 b (new)

Motion for a resolution

Amendment

8b. Is concerned about the impact of Brexit on tax arbitrage by multinationals and deplores in particular the attitude of Royal Dutch Shell, which has just announced the departure of its headquarters from Amsterdam to the United Kingdom in order to avoid the 15 % withholding tax on dividends;

Or. fr

Amendment 113
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 9

Motion for a resolution

Amendment

9. Recalls that in October 2018, an investigation disclosed that 11 Member States had lost up to EUR 55.2 billion in tax revenue as a result of cum-ex and cum-cum schemes; deeply deplores that in October 2021 the investigating readjusted the lost tax revenues to around 140 billion EUR for the period 2000-2020; is deeply concerned that these schemes continue to be exploited and the tax fraud continuous at the expense of European public coffers; is concerned to hear that other schemes might exist with similar damaging impact such as cum-fake; notes
that the German Court of Justice in Karlsruhe has ruled in July 2021 that cum-ex schemes are illegal and therefore constitute tax fraud;

Amendment 114
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Recalls that in October 2018, an investigation disclosed that 11 Member States had lost up to EUR 55.2 billion in tax revenue as a result of cum-ex and cum-cum schemes;

Amendment

9. Recalls that in October 2018, an investigation disclosed that 11 Member States had lost up to EUR 55.2 billion in tax revenue as a result of cum-ex and cum-cum schemes, but that new estimates set the amount of loss of public revenue at much higher numbers, with these schemes continuing to take place;

Amendment 115
Isabel Benjumea Benjumea, José Manuel García-Margallo y Marfil

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Welcomes the inquiry and final report by the European Securities and Markets Authority into cum-ex, cum-cum and withholding tax reclaim schemes, as requested by Parliament; calls on the Commission to propose measures to link tax reclaims to the underlying distribution of dividends, or to entrust a single entity with responsibility for collecting the withholding tax and issuing the relevant certificate;

Amendment

10. Welcomes the inquiry and final report by the European Securities and Markets Authority into cum-ex, cum-cum and withholding tax reclaim schemes, as requested by Parliament; calls on the Commission to propose measures to extend coordination in the exchange of mandatory information to capital gains tax and withholding tax (including dividend tax), in addition to the existing exchange of information on corporation
10. Welcomes the inquiry and final report by the European Securities and Markets Authority into cum-ex, cum-cum and withholding tax reclaim schemes, as requested by Parliament; calls on the Commission to propose measures to link tax reclaims to the underlying distribution of dividends, or to entrust a single entity with responsibility for collecting the withholding tax and issuing the relevant certificate;
withholding tax and issuing the relevant tax certificate to ensure that multiple tax reclaims over a single distribution cannot take place and that abuse of reclaim procedures is easily detected by tax administrations;

Or. en

Amendment 118
Lídia Pereira

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Welcomes the inquiry and final report by the European Securities and Markets Authority into cum-ex, cum-cum and withholding tax reclaim schemes, as requested by Parliament; calls on the Commission to propose measures to link tax reclaims to the underlying distribution of dividends, or to entrust a single entity with responsibility for collecting the withholding tax and issuing the relevant certificate;

Amendment

10. Welcomes the inquiry and final report by the European Securities and Markets Authority into cum-ex, cum-cum and withholding tax reclaim schemes, as requested by Parliament; calls on the Commission to present an impact assessment on possible solutions to tackle these schemes, namely the possibility to link tax reclaims to the underlying distribution of dividends;

Or. en

Amendment 119
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Welcomes the inquiry and final report by the European Securities and Markets Authority into cum-ex, cum-cum and withholding tax reclaim schemes, as requested by Parliament; calls on the Commission to propose measures to link

Amendment

10. Notes the inquiry and final report by the European Securities and Markets Authority (ESMA) and the European Banking Authority (EBA) into cum-ex, cum-cum and withholding tax reclaim schemes, as requested by Parliament; calls
tax reclaims to the underlying distribution of dividends, or to entrust a single entity with responsibility for collecting the withholding tax and issuing the relevant certificate; on the Commission to propose measures to link tax reclaims to the underlying distribution of dividends, or to entrust a single entity with responsibility for collecting the withholding tax and issuing the relevant certificate; highlights in this framework the importance of accurate and complete beneficial ownership information;

Amendment 120
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 9

9. Recalls that in October 2018, an investigation disclosed that 11 Member States had lost up to EUR 55.2 billion in tax revenue as a result of cum-ex and cum-cum schemes;

Amendment

9. Recalls that in October 2018, an investigation disclosed that 11 Member States had lost up to EUR 55.2 billion in tax revenue as a result of cum-ex and cum-cum schemes; stresses that a new investigation in October 2021 updated those values to EUR 140 billion;

Or. en

Amendment 121
Hélène Laporte, France Jamet

Motion for a resolution
Paragraph 10 a (new)

10 a. Is surprised, however, at the lack of foresight on the part of the European regulators concerned and at the fact that it was whistle-blowers who revealed this scandal, just as with all the scandals that have been brought to light since 2015; suggests that ABB and ESMA should be made more aware of their responsibilities
and be held accountable for their inability to identify certain abuses (Danske Bank, CumEx, etc.);

Amendment 122
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 11

11. Calls on the Commission to enhance cooperation and mutual assistance between tax authorities, financial market supervisory authorities and, where appropriate, law enforcement bodies regarding the detection and prosecution of withholding tax reclaim schemes;

11. Deeply deplores that both ESMA and EBA have failed in their supervisory powers and fail to acknowledge their failure; emphasises that the Cum-Ex revelations should not be limited to a mere tax issue but also a financial markets abuse matter; calls on the Commission to analyse whether the European Market Abuse Regulation has been violated; emphasises in addition that the role of intermediaries should be further investigated and calls on the Commission to develop appropriate measures to tackle the role of intermediaries in facilitating tax fraud, and avoidance; Calls on the Commission to enhance cooperation and mutual assistance between tax authorities, financial market supervisory authorities and, where appropriate, law enforcement bodies regarding the detection and prosecution of withholding tax reclaim schemes;

Amendment 123
Billy Kelleher, Ondřej Kovařík, Ivars Ijabs, Stéphanie Yon-Courtin, Gilles Boyer, Caroline Nagtegaal, Nicola Beer

Motion for a resolution
Paragraph 11
Motion for a resolution

11. Calls on the Commission to enhance cooperation and mutual assistance between tax authorities, financial market supervisory authorities and, where appropriate, law enforcement bodies regarding the detection and prosecution of withholding tax reclaim schemes;

Amendment

11. Calls on the Commission to enhance cooperation and mutual assistance between tax authorities, financial market supervisory authorities and, where appropriate, law enforcement bodies regarding the detection and prosecution of withholding tax reclaim schemes; takes note in this regard of ESMA's recommendation to the Commission to remove the legal limitations to the exchange of information between these authorities; shares ESMA's concern that withholding tax reclaim schemes are rarely confined to EU borders and therefore stresses the importance of continued international cooperation on this matter;

\textsuperscript{1a} European Securities and Markets Authority (ESMA), MAR Review Report, [ESMA70-156-2391], 23 September 2020, paragraph 624

\textsuperscript{1b} European Securities and Markets Authority (ESMA), MAR Review Report, [ESMA70-156-2391], 23 September 2020, paragraph 617

Or. en

Amendment 124
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 11

11. Calls on the Commission to enhance cooperation and mutual assistance between tax authorities, financial market supervisory authorities and, where appropriate, law enforcement bodies regarding the detection and prosecution of withholding tax reclaim schemes;

Motion for a resolution

11. Calls on the Commission to propose measures to enhance cooperation and mutual assistance between tax authorities, financial market supervisory authorities and, where appropriate, law enforcement bodies regarding the detection
withholding tax reclaim schemes; and prosecution of withholding tax reclaim schemes; calls on the Commission, in particular, to propose legislation removing the current legal limitations for exchange of information between financial market supervisory authorities and tax authorities which was obtained through cooperation with other authorities within the EU, and to provide a legal basis for financial market supervisory authorities to exchange relevant information with tax authorities, notably to flag suspicious activities;

Amendment 125
Isabel Benjumea Benjumea, José Manuel García-Margallo y Marfil

Motion for a resolution
Paragraph 11

11. Calls on the Commission to enhance cooperation and mutual assistance between tax authorities, financial market supervisory authorities and, where appropriate, law enforcement bodies regarding the detection and prosecution of withholding tax reclaim schemes;

Amendment
11. Calls on the Commission to enhance cooperation and mutual assistance between tax authorities, financial market supervisory authorities and, where appropriate, law enforcement bodies regarding the detection and prosecution of withholding tax reclaim schemes; values the Commission’s efforts and Parliament’s initiatives to strengthen cooperation on taxation between Member States, for example with the Fiscalis programme;

Amendment 126
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 11 a (new)
Motion for a resolution

11 a. Highlights the importance of ensuring that financial market supervisors are mandated to use transaction reporting data and other regulatory information they receive not only to detect market abuse and short selling violations but also to detect financial crime in a broader sense, and WHT reclaim schemes; calls on the Commission to include this mandate in forthcoming reviews of EU legislation on the regulation of financial markets;

Amendment 127
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 12

12. Notes that although Directive 2014/107/EU has facilitated the exchange of information, other obstacles to the detection of cum-ex and cum-cum schemes exist, including the timeliness of exchanges, the scope of the exchange of information on capital gains, and the insufficient spontaneous exchange of information;

12. Stresses that although Directive 2014/107/EU has facilitated the exchange of information, other obstacles to the detection of cum-ex and cum-cum schemes exist, including the timeliness of exchanges, the scope of the exchange of information on capital gains, and the insufficient spontaneous exchange of information;

Amendment 128
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 12

Or. en
12. Notes that although Directive 2014/107/EU has facilitated the exchange of information, other obstacles to the detection of cum-ex and cum-cum schemes exist, including the timeliness of exchanges, the scope of the exchange of information on capital gains, and the insufficient spontaneous exchange of information; 

12. Notes that although Directive 2014/107/EU has facilitated the exchange of information, other obstacles to the detection of cum-ex and cum-cum schemes exist, including the timeliness of exchanges, the scope of the exchange of information on capital gains, and the insufficient spontaneous exchange of information; recalls the recommendations from its resolution of 16 September 2021 on the implementation of the EU requirements for exchange of tax information: progress, lessons learnt and obstacles to overcome; 

Or. en

Amendment 129
Markus Ferber

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Notes that although Directive 2014/107/EU has facilitated the exchange of information, other obstacles to the detection of cum-ex and cum-cum schemes exist, including the timeliness of exchanges, the scope of the exchange of information on capital gains, and the insufficient spontaneous exchange of information; 

Amendment

12. Notes that although Directive 2014/107/EU has facilitated the exchange of information, other obstacles to the detection of cum-ex and cum-cum schemes exist, including the settlement delays in securities transactions, the scope of the exchange of information on capital gains, and the insufficient spontaneous exchange of information; 

Or. en

Amendment 130
Hélène Laporte, France Jamet

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Recalls that Directive (EU) 

Amendment

13. Recalls that Directive (EU)
2018/822 introduced an obligation on intermediaries to report potentially harmful tax arrangements; calls on the Commission to evaluate to what extent these rules have contributed to revealing harmful tax arrangements such as cum-cum and cum-ex schemes and to what extent they have had a deterrent effect;

calls on the Member States to bring prosecutions to recover, where appropriate, the sums misappropriated and to impose effective dissuasive sanctions on beneficiaries and intermediaries that have enabled such large-scale fraudulent arbitrage schemes;

Amendment 131
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 13

13. Recalls that Directive (EU) 2018/822 introduced an obligation on intermediaries to report potentially harmful tax arrangements; calls on the Commission to evaluate to what extent these rules have contributed to revealing harmful tax arrangements such as cum-cum and cum-ex schemes and to what extent they have had a deterrent effect;

Amendment

13. Recalls that Directive (EU) 2018/822 introduced an obligation on intermediaries to report potentially harmful tax arrangements; calls on the Commission to evaluate to what extent these rules have contributed to revealing harmful tax arrangements such as cum-cum and cum-ex schemes and to what extent they have had a deterrent effect; calls on the Commission to extend DAC6 reporting requirements to cross-border arrangements for the management of assets of clients who are natural persons;

Amendment 132
Nicola Beer

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Recalls that Directive (EU) 2018/822 introduced an obligation on intermediaries to report potentially harmful tax arrangements; calls on the Commission to evaluate to what extent these rules have contributed to revealing harmful tax arrangements such as cum-cum and cum-ex schemes and to what extent they have had a deterrent effect;

Amendment

13. Recalls that Directive (EU) 2018/822 introduced an obligation on intermediaries to report potentially harmful tax arrangements; calls on the Commission to evaluate to what extent these rules have contributed to revealing harmful tax arrangements such as cum-cum and cum-ex schemes and to what extent they have had a deterrent effect like destroying secrecy inherent to exercising respective professions such as tax accountants and lawyers;

Or. en

Amendment 133
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Recalls that Directive (EU) 2018/822 introduced an obligation on intermediaries to report potentially harmful tax arrangements; calls on the Commission to evaluate to what extent these rules have contributed to revealing harmful tax arrangements such as cum-cum and cum-ex schemes and to what extent they have had a deterrent effect;

Amendment

13. Recalls that Directive (EU) 2018/822 (DAC 6) introduced mandatory disclosure rules for cross-border arrangements, creating obligation on intermediaries to report potentially harmful tax arrangements; calls on the Commission to evaluate to what extent these rules have contributed to revealing harmful tax arrangements such as cum-cum and cum-ex schemes and to what extent they have had a deterrent effect;

Or. en

Amendment 134
Paul Tang, Pedro Marques, Aurore Lalucq

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

13 a. Notes that labour experiences a higher tax burden than capital; questions the favourable Union treatment of capital over labour, such as the free movement of capital; is concerned that the free movement of capital is misused in situations involving third countries and aggressive tax planning; is of the opinion that misusing this freedom by means of tax avoidance causes damage to the internal market; calls upon the Commission to protect the integrity of the internal market and tax bases of EU Member States against tax avoidance, by putting forward a proposal to the Council to withdraw the free movement of capital to taxpayers residing in jurisdictions that are listed on the EU list of non-cooperative tax jurisdictions as defensive measure;

Amendment 135

José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

13 a. Welcomes the Commission’s proposal for establishing an Authority for Anti-Money Laundering and Countering the Financing of Terrorism at a European level, solving the problem of what entity has the mandate to investigate and act upon cases of dividend arbitrage; regrets, however, the lack of supervision and transparency when dealing with payments flowing out of the EU, for example, to the US;
Amendment 136  
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Jonás Fernández, Eero Heinäluoma

Motion for a resolution  
Paragraph 13 a (new)

Motion for a resolution

13 a. Reiterates its call for DAC 6 to be 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;

Or. en

Amendment 137  
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution  
Paragraph 13 b (new)

Motion for a resolution

13 b. Stresses that the introduction of a comprehensive Financial Transaction Tax would not only raise tax revenues, but also require better data on this kind of transactions and taxpayers;

Or. en

Amendment 138  
Markus Ferber

Motion for a resolution  
Paragraph 14

Motion for a resolution

14. Notes the Commission’s intention to put forward a proposal by the end of 2022 establishing a European withholding tax framework for dividend, interest or

14. Welcomes the Commission’s intention to put forward a proposal by the end of 2022 establishing a European withholding tax framework for dividend,
Amendment 139
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 14

14. Notes the Commission’s intention to put forward a proposal by the end of 2022 establishing a European withholding tax framework for dividend, interest or royalty payments, accompanied by a mechanism for the exchange of information and cooperation among tax administrations;

Amendment

14. Deplores the Commission’s and Member States’ large inaction to address the problems of treaty shopping facilitated by EU Member States and the abusive schemes revealed by the Cum-Ex files; welcomes the Commission’s intention to put forward a proposal by the end of 2022 establishing a European withholding tax framework for dividend, interest or royalty payments, accompanied by a mechanism for the exchange of information and cooperation among tax administrations; urges the Commission for more ambition and to strive to also tackle divergences in withholding tax rates in the EU;

Amendment 140
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 14

14. Notes the Commission’s intention to put forward a proposal by the end of 2022 establishing a European withholding tax framework for dividend, interest or royalty payments, accompanied by a mechanism for the exchange of information and cooperation among tax administrations;

Amendment

14. Welcomes the Commission’s intention to put forward a proposal by the end of 2022 establishing a European withholding tax framework for dividend,
royalty payments, accompanied by a mechanism for the exchange of information and cooperation among tax administrations;

interest or royalty payments, accompanied by a mechanism for the exchange of information and cooperation among tax administrations;

Amendment 141
Isabel Benjumea Benjumea, José Manuel García-Margallo y Marfil

Motion for a resolution
Paragraph 14

14. Notes the Commission’s intention to put forward a proposal by the end of 2022 establishing a European withholding tax framework for dividend, interest or royalty payments, accompanied by a mechanism for the exchange of information and cooperation among tax administrations;

14. Notes the Commission’s intention to put forward a proposal by the end of 2022 establishing a European withholding tax framework for dividend, interest or royalty payments, accompanied by a mechanism for the exchange of information and cooperation among tax administrations; 

recalls the Commission’s commitment to complete the Capital Market Union project, which is key to responding to many of the needs outlined in this report; calls on the Commission, in this connection and for 2022, to carry out an impact assessment of the implementation of the measures set out in the action plan launched in 2019;

Amendment 142
Andżelika Anna Moźdźanowska, Roberts Zīle

Motion for a resolution
Paragraph 14

14. Notes the Commission’s intention to put forward a proposal by the end of 2022 establishing a European withholding tax framework for dividend, interest or royalty payments, accompanied by a mechanism for the exchange of information and cooperation among tax administrations;
royalty payments, accompanied by a mechanism for the exchange of information and cooperation among tax administrations;  

Amendment 143
Billy Kelleher, Ondřej Kovařík, Ivars Ijabs, Stéphanie Yon-Courtin, Gilles Boyer, Olivier Chastel, Caroline Nagtegaal

Motion for a resolution
Paragraph 14

14. Notes the Commission’s intention to put forward a proposal by the end of 2022 establishing a European withholding tax framework for dividend, interest or royalty payments, accompanied by a mechanism for the exchange of information and cooperation among tax administrations;  

Amendment

14. Strongly welcomes the Commission’s intention to put forward a proposal by the end of 2022 establishing a European withholding tax framework for dividend, interest or royalty payments, accompanied by a mechanism for the exchange of information and cooperation among tax administrations;  

Amendment 144
Markus Ferber

Motion for a resolution
Paragraph 14 a (new)

14 a. Deplores that the Commission recommendation to implement well-functioning relief-at-source procedures or, where this is not possible, to establish quick and standardised refund procedures that was already made as part of the Commission Recommendation of 19 October 2009 on withholding tax relief procedures has not been satisfactorily implemented by Member States so far;
Amendment 145
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 14 a (new)

Motion for a resolution

Amendment

14 a. Requires that such proposal addresses the need for a harmonised implementation that should cover tax treaties between Member States; calls on the Commission to develop an EU tax treaty model which could be used by Member States in their bilateral agreements with third countries;

Amendment 146
Lídia Pereira

Motion for a resolution
Paragraph 15

Motion for a resolution

Amendment

15. Encourages the development of a harmonised EU procedure for withholding tax refunds for all Member States, thereby addressing the concerns about regulatory discrepancies;

15. Encourages the development of a harmonised EU procedure for withholding tax refunds for all Member States, thereby addressing the concerns about regulatory discrepancies, in full respect of the EU competences on taxation;

Amendment 147
Isabel Benjumea Benjumea, José Manuel García-Margallo y Marfil
Motion for a resolution
Paragraph 15

15. Encourages the development of a harmonised EU procedure for withholding tax refunds for all Member States, thereby addressing the concerns about regulatory discrepancies;

Amendment

15. Encourages the development of a common and standardised system of tax relief in the EU, thereby addressing the concerns about regulatory discrepancies;

Or. es

Amendment 148
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 15

15. Encourages the development of a harmonised EU procedure for withholding tax refunds for all Member States, thereby addressing the concerns about regulatory discrepancies;

Amendment

15. Urges the Commission to come forward with a harmonised EU procedure for withholding tax refunds for all Member States, thereby addressing the concerns about regulatory discrepancies; notes that harmonisation can significantly simplify rules and diminish the need to rely on advanced technologies;

Or. en

Amendment 149
Markus Ferber

Motion for a resolution
Paragraph 15

15. Encourages the development of a harmonised EU procedure for withholding tax refunds for all Member States, thereby addressing the concerns about regulatory discrepancies;

Amendment

15. Encourages the development of a harmonised, easy-to use and digital EU procedure for withholding tax refunds for all Member States;
discrepancies;

Amendment 150
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 15

Motion for a resolution
Amendment

15. Encourages the development of a harmonised EU procedure for withholding tax refunds for all Member States, thereby addressing the concerns about regulatory discrepancies;

15. Encourages the development of a harmonised EU procedure for withholding tax refunds for all Member States, thereby addressing the concerns about regulatory discrepancies; **Stresses that the main concern should be to tackle the possibilities of fraud;***

Amendment 151
Billy Kelleher, Ondřej Kovařík, Ivars Ijabs, Stéphanie Yon-Courtin, Gilles Boyer, Olivier Chastel, Caroline Nagtegaal, Nicola Beer

Motion for a resolution
Paragraph 15

Motion for a resolution
Amendment

15. Encourages the development of a harmonised EU procedure for withholding tax refunds for all Member States, thereby addressing the concerns about regulatory discrepancies;

15. Encourages the development of a harmonised EU procedure for withholding tax refunds for all Member States, thereby addressing the concerns about regulatory discrepancies; **calls on the Commission to consider, as part of this harmonisation, inter alia, the introduction of a standardised format and process for reclaim requests, the lack of a uniform definition of "beneficial owner", the alignment of the time periods for request and reclaim, and language barriers;***
Amendment 152
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 15

15. Encourages the development of a harmonised EU procedure for withholding tax refunds for all Member States, thereby addressing the concerns about regulatory discrepancies;

15. Encourages the development of a harmonised EU procedure for withholding tax refunds for all Member States, thereby addressing the concerns about regulatory discrepancies; highlights that such harmonisation would be particularly helpful for retail investors, who are often deterred from completing refund procedures due to excessive burden caused by said discrepancies, thus improving the level playing field;

Or. en

Amendment 153
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 15 a (new)

15 a. Points out that the Commission estimates costs related to withholding tax refund procedures, foregone tax relief and opportunity costs to be EUR 8.4 billion per year; highlights that such issues can particularly impact pension funds and collective investment funds (CIF), which are often unable to obtain their lawful treaty relief; notes that developing a register listing all pension funds and CIFs entitled to treaty relief could provide a reliable reduction of unwarranted withholding taxes in the short-term;
Amendment 154
Hélène Laporte, France Jamet

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments;

Amendment

16. Notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments; considers that it could be beneficial, particularly for small businesses, for the Commission to centralise and make accessible on a public medium, translated into the main EU languages and updated, all bilateral tax treaties concluded by the Member States concerning the tax treatment of dividends, interest and royalties paid in a cross-border context;

Or. fr

Amendment 155
Andżelika Anna Możdżanowska, Roberts Zīle

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments;

Amendment

16. Notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments and tax erosion;

Or. en
Amendment 156
Markus Ferber

Motion for a resolution
Paragraph 16

16. Notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments;  

Amendment
16. Notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments while speeding up procedures for investors and tax authorities alike;  

Or. en

Amendment 157
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 16

16. Notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments;  

Amendment
16. Stresses that digitalising these procedures and improving cooperation between national tax administrations can reduce the administrative burden and uncertainty in cross-border investments;  

Or. en

Amendment 158
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 16

16. Notes that digitalising these procedures and improving cooperation between national tax administrations could  

Amendment
16. Reckons that repayments of withholding taxes remain predominantly a paper driven process, which is not only
reduce the administrative burden and uncertainty in cross-border investments; slower and more burdensome for taxpayers, but also more prone to fraud; notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments;

Amendment 159
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments;

Amendment

16. Notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments; emphasises that technology is not a silver bullet to solve complexities caused by political inaction and a refusal to agree on common rules;

Amendment 160
Nicola Beer

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments;

Amendment

16. Notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments including also cross border donations in the framework of philanthropy;
Amendment 161
Billy Kelleher, Ondřej Kovařík, Ivars Ijabs, Stéphanie Yon-Courtin, Gilles Boyer, Olivier Chastel, Caroline Nagtegaal, Nicola Beer

Motion for a resolution
Paragraph 16

16. Notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments;

16. Notes that digitalising these procedures and improving cooperation between national tax administrations could reduce the administrative burden and uncertainty in cross-border investments in the short-term; in the mid- to long-term, calls the Commission to consider the possibility of developing and introducing a fully integrated, centralised and automated system to allow a seamless, and fraud-proof system for relief at source; calls on the Commission, in this regard, to take account of existing digital solutions in Member States and the potential benefits of using distributed ledger technology (DLT) as the foundations of such a system, and to consider the establishment of a pilot project;

Amendment 162
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Paul Tang, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 16 a (new)

16 a. Takes good note of the potential of distributed ledger technology (DLT) to make the withholding system more efficient in each country, but also to facilitate seamless procedures between
different national systems and prevent fraudulent activity; calls on the European Commission and Member States to assess how to leverage blockchain technologies to prevent tax evasion and avoidance while fully respecting the EU data protection rules;

Amendment 163
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 16 a (new)

16 a. Stresses that a fully-fledged common EU relief at source system undermines the nature of withholding taxes, which is to curb abusive tax practices in which income is shifted to low-tax jurisdictions;

Amendment 164
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 16 b (new)

16 b. Asks the Commission and the Member States to consider as an alternative establishing a system in which all withholding taxes paid to a foreign tax administration would receive a tax credit by the Member State where the income is declared and taxed; stresses this would solve the problem of costly and lengthy reimbursement procedures;
Amendment 165
José Gusmão, Manon Aubry, Martin Schirdewan

Motion for a resolution
Paragraph 17

Motion for a resolution  
Amendment

17. Takes note of the option to establish an EU system for relief at source; highlights that a move towards this type of system cannot be detrimental to the fight against tax abuse; stresses that, in all circumstances, compliance by the destination state with the agreement reached by the G20/OECD Inclusive Framework must be a prerequisite for relief at source;

Amendment 166
Markus Ferber

Motion for a resolution
Paragraph 17

Motion for a resolution  
Amendment

17. Takes note of the option to establish an EU system for relief at source; highlights that a move towards this type of system cannot be detrimental to the fight against tax abuse; stresses that, in all circumstances, compliance by the destination state with the agreement reached by the G20/OECD Inclusive Framework must be a prerequisite for relief at source;

17. Welcomes the option to establish an EU system for relief at source, that should be the preferred option; notes that well-working, quick, standardised and digital withholding tax refund procedures would only be the second-best option, but would still constitute an improvement over the status quo;

Amendment 167
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Jonás Fernández, Eero Heinäluoma
Motion for a resolution
Paragraph 17

17. Takes note of the option to establish an EU system for relief at source; highlights that a move towards this type of system cannot be detrimental to the fight against tax abuse; stresses that, in all circumstances, compliance by the destination state with the agreement reached by the G20/OECD Inclusive Framework must be a prerequisite for relief at source;

Amendment

17. Takes note of the option to establish an EU system for relief at source; highlights that a move towards this type of system cannot be detrimental to the fight against tax abuse; stresses that, in all circumstances, compliance by the destination state with the agreement reached by the G20/OECD Inclusive Framework, or with the equivalent EU legislation implementing said agreement, must be a prerequisite for relief at source;

Or. en

Amendment 168
Ernest Urtasun
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 17

17. Takes note of the option to establish an EU system for relief at source; highlights that a move towards this type of system cannot be detrimental to the fight against tax abuse; stresses that, in all circumstances, compliance by the destination state with the agreement reached by the G20/OECD Inclusive Framework must be a prerequisite for relief at source;

Motion for a resolution

17. Takes note of the option to establish an EU system for relief at source; highlights that a move towards this type of system cannot be detrimental to the fight against tax abuse; stresses that, in all circumstances, compliance by the destination state with the agreement reached by the G20/OECD Inclusive Framework must be a prerequisite for relief at source; calls on the Commission to also consider relief at residence as a means to achieve efficient withholding tax procedures limiting possibilities for abuse;

Or. en
Amendment 169
Pedro Marques, Niels Fuglsang, Aurore Lalucq, Jonás Fernández, Eero Heinäluoma

Motion for a resolution
Paragraph 17 a (new)

Motion for a resolution
17 a. Takes note of the OECD Treaty Relief and Compliance Enhancement (TRACE) initiative, which empowers authorized intermediaries to reclaim withholding tax claims on portfolio investments; reminds that only one Member State has implemented TRACE; encourages others to assess the results, both in terms of administrative burden reduction, impact on tax revenue and fraud risks;

Amendment

Amendment 170
Hélène Laporte, France Jamet

Motion for a resolution
Paragraph 18

Motion for a resolution
18. Points out that the PSD and the IRD have gradually removed withholding taxes on dividend, interest and royalty payments between associated companies in the EU which reach certain thresholds, with the aim of reducing the risk of double taxation; notes that withholding taxes continue to be raised on investors below these thresholds and that the procedures for tax exemption or relief are ruled by double tax conventions in this case; considers, in this connection, that it is necessary to clarify the relationship between these texts and the forthcoming proposals on a minimum rate of withholding tax, since the objectives of one (the fluidity of the internal capital market) and the other (combating evasion and avoidance) may
prove contradictory;

Or. fr