

# Common corporate tax base

2016/0337(CNS) - 01/03/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Economic and Monetary Affairs adopted, following Parliament's consultation, the report by Paul TANG (S&D, NL) on the proposal for a Council directive on a Common Corporate Tax Base.

The committee recommended that the European Parliament approve the Commission proposal subject to the following amendments:

The report noted that in times of globalisation and digitalisation, taxation of in particular financial and intellectual capital on a source base is becoming increasingly harder to retrace and easier to manipulate. The mainstream digitalisation of many sectors of the economy coupled with the fast developing digital economy calls into question the suitability of the Union corporate tax models.

**Subject matter:** Members are calling for a Directive which establishes a system of a **common base for the taxation in the Union** of certain companies and lays down rules for the calculation of that base, including rules on measures to prevent tax avoidance and on measures relating to the international dimension of the proposed tax system.

Considering the need to act swiftly in order to ensure a proper functioning of the internal market by making it, on the one hand, friendlier to trade and investment and, on the other hand, more resilient to tax avoidance schemes, it is very important to **ensure simultaneous entry into force of the Directive on a Common Corporate Tax Base and the [Directive on a Common Consolidated Corporate Tax Base](#)**. Because such a change of regime is a significant step in the completion of the internal market, it needs flexibility in order to be properly executed from the outset.

**Permanent establishment in a Member State of a taxpayer who is resident for tax purposes in the Union:** the rules of this Directive shall apply to a company that is established under the laws of a Member State, **including its permanent and digital permanent establishments** in other Member States, where the company meets specific conditions, in particular, that they belong to a consolidated group for financial accounting purposes with a total consolidated group revenue that exceeded **EUR 750 million** during the financial year preceding the relevant financial year. That threshold shall be **lowered to zero over a maximum period of seven years**.

The amended text stipulates that a taxpayer shall be considered to have a permanent establishment which includes a **digital permanent establishment** in a Member State other than the jurisdiction in which it is resident for tax purposes when it has a **fixed place of business or a digital presence** in that other Member State through which it carries on its business, wholly or partly.

If a taxpayer resident in one jurisdiction provides access to or offers a digital platform such as an electronic application, database, online marketplace, or storage room, or offers search engine or advertising services on a website or in an electronic application, that taxpayer shall be deemed to have a digital permanent establishment in a Member State other than the jurisdiction in which it is resident for tax purposes if the total amount of revenue of the taxpayer or associated enterprise due to **remote transactions generated** from aforementioned digital platforms in the non-resident jurisdiction exceeding **EUR 5 000 000 per year** in a Member State other than the jurisdiction in which the taxpayer is resident for tax purposes, under certain circumstances.

A taxpayer shall be required to **disclose** to the tax authorities all information relevant to the determination of permanent establishment or digital permanent establishment.

**Deductible expenses:** for research and development costs not exceeding EUR 20 000 000 and that relate to staff including wages, subcontractors agency workers and freelancers, the taxpayer shall receive a tax credit of 10 % of the costs incurred.

**Specific exemptions:** Members sought to include a new Article which stipulates that earnings retained to a reserve by cooperatives and consortia, both during the current activity of a company and after its expiration, as well as the benefits granted by cooperatives and consortia to their own members, are **deductible** whenever the deductibility is allowed by fiscal national law.

Member States may **exclude** from the scope an entity or permanent establishment:

- with accounting profits of no more than EUR 750 000, and non-trading income of no more than EUR 75 000; or
- of which the accounting profits amount to no more than 10 percent of its operating costs for the tax period.

**European tax identification number:** the Commission is called on to present a legislative proposal for a harmonised, common European taxpayer identification number by 31 December 2018, in order to make automatic exchange of tax information more efficient and reliable within the Union.

**Mandatory automatic exchange of information on tax matters:** in order to guarantee full transparency and the proper implementation of this Directive, the exchange of information on tax matters shall be automatic and mandatory, as laid down by Council Directive 2011/16/EU. Member States shall allocate adequate staff, expertise and budget resources to their national tax administrations as well as resources for the training of tax administration staff focusing on cross-border tax cooperation, and on automatic exchange of information in order to ensure full implementation of this Directive.

**Measures against tax treaty abuses:** the amended text called on Member States to **amend their bilateral tax treaties** in accordance with this Directive to ensure such treaties contain all of the following: (i) a clause ensuring that both parties to the treaty undertake to laying down measures whereby tax is to be paid where economic activities are taking place and where value is created; (ii) an addendum to clarify that the objective of bilateral treaties, beyond avoiding double taxation is also to fight tax evasion and aggressive tax planning; (iii) a clause for a principal purpose test based on a general anti-avoidance rule.

**Reporting:** the Commission shall, 10 years after the entry into force of this Directive, review its application and report to the European Parliament and the Council on the operation of this Directive. It shall communicate its findings in a report to the European Parliament and Member States with the aim of taking those findings into account for the design and implementation of national corporate tax systems accompanied, if appropriate, by a legislative proposal to amend this Directive.