BANKING AND FINANCE

Public consultation on further corporate tax transparency

Fields marked with * are mandatory.

Introduction

Please note: In order to ensure a fair and transparent consultation process **only responses received through our online questionnaire will be taken into account** and included in the report summarising the responses. Should you have a problem completing this questionnaire or if you require particular assistance, please contact fisma-further-corporate-tax-transparency@ec.europa.eu.

More information:

- on this consultation
- on the protection of personal data regime for this consultation

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Fighting tax evasion and avoidance is essential to secure greater fairness and economic efficiency in the EU's internal market. The public has become more sensitive to tax fairness issues in the context of increased pressure on public finance at times when large multinational enterprises can reduce the amount of corporate income tax to single-digit percentages. Corporate income tax avoidance is thought to deprive EU Member States' public budgets of billions of euros every year.

Aggressive tax planning, harmful tax regimes and tax fraud all rely on an environment of opacity, complexity and non-cooperation. Taxation is at the core of countries' sovereignty, and the interaction of different national tax rules remains a source of discrepancies and frictions. This may lead to harmful tax competition. Some enterprises rely on the complexity of tax rules and the lack of cooperation between Member States to shift profits in order to minimise their taxes. Large multinational companies may engage in aggressive tax planning due to their presence in several jurisdictions, which SMEs and natural persons typically do not have. This can lead to distortions of the internal market and the level playing field between taxpayers.

On 18 March 2015, the Commission presented a package of measures to boost tax transparency, concentrating on the most urgent issues and including a proposal for the automatic exchange of information on cross-border tax rulings between Member States. The package is complemented by the Action Plan adopted on 17 June. The main objective of the initiative is to explain the Commission's vision for a fair and efficient corporate tax system in the EU and beyond.

The Commission wants to move to a system on the basis of which the country where a business' profits are generated is also the country of taxation (see A New Start for Europe: Political Guidelines for the next European Commission - July 2014). An impact assessment is being prepared under the aegis of the Communication and Action Plan to assess whether and how further corporate tax transparency, exposing enterprises to more intense scrutiny on the part of authorities or by different stakeholders, would contribute to this objective. Such scrutiny would rely on information being made available either to tax authorities or to the public. More specifically, it could ensure compliance with tax laws, dis-incentivise tax avoidance and increase pressure on States to take appropriate measures. The corresponding detailed objectives would be:

1. To increase pressure on **enterprises** to geographically align taxes paid in a country with actual profits, through enhanced scrutiny and decisions of either citizens or tax authorities ("enterprises should pay tax where they actually make profit");
2. To increase public or peer pressure on **countries** to take measures that contribute to more efficient and fairer tax competition between Member States, thus ensuring that the country where profits are generated is also the country of taxation ("Member States should stop harmful tax competition");
3. To assist tax authorities in orienting their tax audits in view of targeting tax evasion and avoidance, i.e. business decisions whereby tax liabilities are circumvented ("help tax authorities orientate their audits on enterprises");
4. To align corporate **tax planning practices** with multinational enterprises' own commitment / statement to corporate responsibility, such as their contribution to local and social development ("enterprises should act as they communicate in terms of contribution to welfare through taxation");
5. To ensure that **enterprise structures and investments** are more founded on economic motivations and not exclusively on corporate tax-related motivations ("enterprises should structure their investments based on real economic reasons, not just to avoid taxes");
6. To **remedy market distortions** based on corporate intransparency and multinational companies' comparative advantage **over SMEs** when engaging in aggressive tax planning ("fairer competition between multinational enterprises and SMEs")

This consultation will help the Commission gather and analyse the necessary evidence to determine possible options to attain those objectives.

Transparency on taxes paid to governments, in the form of country by country reporting, already exists for financial institutions established in the EU under the Capital Requirement Directive[1] with a view to regain trust in the financial sector. Large extractive and logging industries will also soon have to report their payments to governments on a country-by-country basis under the Accounting Directive[2] and the Transparency Directive[3]. The latter aims mainly to allow local communities of resource-rich countries to know about payments made to their governments, so that these can be better held to account.

The increased public concern regarding fair taxation in today's difficult economic environment is also felt beyond the European Union. Base erosion and profit shifting (BEPS) have preoccupied governments around the world. OECD and G20 countries will finalise by the end of 2015 a 15-point Action Plan on these issues as part of a BEPS Project. Once agreed, it should lead in the coming years to legal requirements in each participant jurisdiction and to tax treaties, possibly including a multilateral instrument – however, it must be noted that OECD and G20 countries are not obliged to follow or implement the recommendations of the BEPS project, and that not all EU Member States are OECD members. Some of the recommendations will be connected to corporate transparency (e.g. actions 5, 12, 13). Assuming that all G20 and OECD countries will implement BEPS action 13 on country-by-country reporting, very large multinational enterprises with turnover above €750m would have to provide a Country-By-Country Report (CBCR) to the relevant tax authority from 2017 onwards. Tax authorities would then share the CBCR submitted to them with the objective to perform a more substantial risk assessment in the area of transfer pricing. The information provided would not be available to the public.

This consultation wants to gather views in particular on the following:

- **Transparency by whom?** Transparency could be required from different kinds of companies, varying e.g. in size, location and extent of cross-border business. Light has been shed recently on cases involving non-EU multinational enterprises operating through branches or subsidiaries in the EU. A key question is whether these enterprises should, if feasible, be covered by any EU attempt to extend corporate tax transparency. In view of this, the consultation aims inter alia to examine the risks implied by a distorted level playing field between EU and non-EU enterprises.
- **Transparency towards whom?** Enhanced transparency could be vis-à-vis tax authorities or could include the wider public.
- **Transparency of what type of information?** The type of information to be disclosed might concern tax rulings, CBCR, statements or other types of information given by enterprises - there is a range of possibilities in terms of the degree of detail and scope of information that could be sought.

This consultation document sets out a number of tentative options. One of the key questions to be considered in relation to these options is whether (i) to follow up or implement the new OECD recommendation in the context of action 13 either at national or EU level which would mean to improve information exchange between tax authorities and (ii) whether to disclose certain tax information to the public, for example by extending requirements on country-by-country reporting currently in place for financial institutions to all other sectors. Respondents are encouraged to propose other relevant options if they wish. This public consultation also seeks views on the potential impact of enhanced tax transparency.

[1] Art 89 of the Directive 2013/36/EU of the European Parliament and of the Council 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC

[2] Chapter 10 of Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC

[3] Article 6 of Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC

Glossary

Aggressive tax planning (see also: Tax planning):

In the Commission Recommendation on aggressive tax planning (C(2012) 8806 final), aggressive tax planning is defined as "taking advantage of the technicalities of a tax system or of mismatches between two or more tax systems for the purpose of reducing tax liability. Aggressive tax planning can take a multitude of forms. Its consequences include double deductions (e.g. the same loss is deducted both in the state of source and residence) and double non-taxation (e.g. income which is not taxed in the source state is exempt in the state of residence)".

Base Erosion and Profit Shifting (BEPS Project):

Tax planning strategies that exploit gaps and mismatches in tax rules to artificially shift profits to low or no-tax locations where there is little or no economic activity, resulting in little or no overall corporate tax being paid. The OECD has developed specific actions to give countries the tools they need to ensure that profits are taxed where economic activities generating the profits are performed and where value is created, while at the same time giving enterprises greater certainty by reducing disputes over the application of international tax rules, and standardising requirements.

Tax avoidance:

According to the OECD glossary of tax terms, tax avoidance is defined as the arrangement of a taxpayer's affairs in a way that is intended to reduce his or her tax liability and that although the arrangement may be strictly legal is usually in contradiction with the intent of the law it purports to follow.

Tax evasion:

According to the OECD glossary of tax terms, tax evasion is defined as illegal arrangements where the liability to tax is hidden or ignored. This implies that the taxpayer pays less tax than he or she is legally obligated to pay by hiding income or information from the tax authorities.

Tax planning (see also: Aggressive tax planning):

According to the OECD glossary of tax terms, tax planning is an arrangement of a person's business and/or private affairs in order to minimize tax liability.

Tax ruling:

It entails any communication or any other instrument or action with similar effects, by or on behalf of the Member State regarding the interpretation or application of tax laws: Under this definition, all sorts of rulings are covered irrespective of its qualification within a Member State. The definition is therefore not limited to those communications in which there is exercise of discretion by a tax authority.

1. Information about you

*Are you replying as:

- a private individual
- an organisation or a company
- a public authority or an international organisation

*First name and last name:

*Name of your organisation:

*Name of the public authority:

Contact email address:

The information you provide here is for administrative purposes only and will not be published

*Is your organisation included in the Transparency Register?
(If your organisation is not registered, we invite you to register here, although it is not compulsory to be registered to reply to this consultation. Why a transparency register?)

- Yes
- No

*If so, please indicate your Register ID number:

*Type of organisation:

- Academic institution
- Consultancy, law firm
- Industry association
- Non-governmental organisation
- Trade union
- Company, SME, micro-enterprise, sole trader
- Consumer organisation
- Media
- Think tank
- Other

*Please specify the type of organisation:

*Is your company a multinational enterprise (group with establishments in more than one country)?

- Yes
- No

*Number of employees

- 1 – 9
- 10 – 49
- 50 – 249
- 250 – 499
- 500 or more

*Turnover

- 0 – €10 million
- 10 – €40 million
- 40 – €750 million
- more than €750 million

*Type of public authority

- International or European organisation
- Regional or local authority
- Government or Ministry
- Regulatory authority, Supervisory authority or Central bank
- Other public authority

*Please specify the type of public authority:

*Where are you based?

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- Norway
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland
- The Netherlands
- United Kingdom
- Other country

*Please specify your country:

*Do you represent interests or carry out activity at:

- ○ National level (your country only)
- ○ EU level
- ○ International level
- ○ Other

*Please specify at which other level you represent interests or carry out activity:

*Field of activity or sector (*if applicable*):

at least 1 choice(s)

- ☐ Accounting
- ☐ Auditing
- ☐ Business
- ☐ Investment management
- ☐ Reporting
- ☐ Tax
- ☐ Other
- ☐ Not applicable

*Please specify your activity field(s) or sector(s):

Important notice on the publication of responses

*Contributions received are intended for publication on the Commission's website. Do you agree to your contribution being published?
(see specific privacy statement)

- ○ Yes, I agree to my response being published under the name I indicate (*name of your organisation/company/public authority or your name if your reply as an individual*)
- ○ No, I do not want my response to be published

2. Your opinion

Introductory questions

*

1. In terms of corporate tax transparency, which of the following assertions would you support?

- a. Current tax transparency requirements in the EU are sufficient (*In the EU, enterprises have to make public their annual financial statement and consolidated financial statement which contains limited information on taxes. In addition, a country-by-country reporting has to be prepared and made public by extractive and forestry industries under the Accounting and Transparency Directives. And finally, financial institutions have to prepare and make public annually a country-by-country reporting under the Capital Requirement Directive*)
- b. The EU should try to achieve that further transparency initiatives are taken at international level, but it should not act alone and should leave the implementation to Member States
- c. The EU should implement international initiatives (e.g. BEPS...) at the same pace and to the same extent as its global partners in order to ensure a level playing field
- d. The EU should be in the forefront and possibly go beyond the current initiatives at international level, for example by extending the current requirements to disclose tax information to the public to all other sectors
- e. No opinion
- f. Other

*Please specify your opinion on whether current tax transparency requirements in the EU are sufficient:

1000 character(s) maximum

2. A possible new EU initiative on corporate tax transparency would aim at a spectrum of objectives.

2A) Do you agree with the following objectives?

	Yes	No	No opinion
*1. To increase pressure on **enterprises** to geographically align taxes paid in a country with actual profits, by enhanced scrutiny and decisions of either citizens or tax authorities (“enterprises should pay tax where they actually make profit”)	○	○	○
*2. To increase public or peer pressure on **countries** to take measures that contribute to more efficient and fairer tax competition between Member States, thus ensuring that the country where profits are generated is also the country of taxation (“Member States should stop harmful tax competition”)	○	○	○
*3. To assist **tax authorities** in orienting their tax audits in view of targeting tax evasion or avoidance, i.e. business decisions whereby tax liabilities are circumvented (“help tax authorities orientate their audits on enterprises”)	○	○	○
*4. To align **corporate tax planning practices** with multinational enterprises’ own commitment / statement to corporate responsibility, such as their contribution to local and social development (“enterprises should act as they communicate in terms of contribution to welfare through taxation”)	○	○	○
*5. To ensure that **enterprise structures and investments** are more founded on economic motivations and not exclusively on corporate tax-related motivations (“enterprises should structure their investments based on real economic reasons, not just to avoid taxes”)	○	○	○
*6. To **remedy market distortions** based on corporate intransparency and multinational companies’ comparative advantage **over SMEs** when engaging in aggressive tax planning (“fairer competition between multinational enterprises and SMEs”)	○	○	○

2B) Would you add other objectives, and if so, which ones? Please explain briefly.

1000 character(s) maximum

(Please note: You will be asked to provide more detailed views on specific objectives in further questions)

3. The following options have been identified by the Commission services (Please note that certain options may be mutually exclusive).

Transparency towards tax authorities:

Note: OECD BEPS Action 13 recommends that, at State level, very large multinational enterprise (turnover > EUR750m) provide from 2017 onwards a Country-By-Country Report (CBCR) to the relevant tax authority. Tax authorities of G20 and OECD members will then exchange the CBCR submitted to them.

a. OPTION A: No EU Action

Please note that even if there is no EU action, some Member States may implement OECD BEPS Action 13 recommendations. This would allow tax authorities to obtain tax-related information and exchange that information with other participating countries. However, not all Member States may implement BEPS 13 – especially as not all EU Member States are OECD Members.

b. OPTION B: Implementation of BEPS 13 at EU level

The EU would recommend or require, as recommended by BEPS 13 , that enterprise disclose tax-related information on a country-by-country basis to the relevant tax authorities. Each ultimate parent enterprise filing a tax return with any of the relevant EU tax authorities would be covered. Its own worldwide consolidated operations would be reported.

Transparency towards the public:

c. OPTION C: Publication of anonymised/aggregated data by the EU tax authorities

The EU would recommend or require the disclosure by enterprises of tax-related information to tax authorities (possibly based on BEPS 13 recommendations). Moreover, aggregated or anonymised data would be made available to the public in order for the public to have access to tax-related information.

d. OPTION D: Public disclosure of tax-related information by either enterprises or tax authorities

The EU would require enterprises to disclose tax-related information on a country-by-country basis. The information would be made available to the public either directly (e.g. as part of their annual reporting obligations) or by national tax authorities in, for example, a public register. This option may consist in extending to all sectors the country-by-country reporting requirements currently in place for financial institutions.

e. OPTION E: Publicly available corporate tax policies

The Commission would require enterprises to report on their approach towards tax compliance and planning (tax management).

3A) Are there other appropriate options in relation to extending corporate tax transparency, such as reporting requirements for tax advisors? Please explain briefly.

1000 character(s) maximum

3B) Please rate below how well each option would achieve the identified primary objectives

Please use the following possibilities:

- Insert a **+** (plus) to indicate that the option achieves the objective
- Insert a **0** (zero) to indicate that the option has no effect with respect to the objective
- Insert a **-** (minus) to indicate that the option runs counter to the objective
- Leave empty to indicate that you have no opinion

	1. Enterprises should pay tax where they actually make profit	2. Member States should stop harmful tax competition	3. Help tax authorities orientate their audits on enterprises	4. Enterprises should act as they communicate in terms of contribution to welfare through taxation	5. Enterprises should structure their investments based on real economic reasons, not just to avoid taxes	6. Fairer competition between multinational enterprises and SMEs
A) No EU action						
B) Implementation of BEPS 13 at EU level						
C) Publication of anonymised/aggregated data by the EU tax authorities						
D) Public disclosure of tax-related information by either enterprises or tax authorities						
E) Publicly available corporate tax policies						
F) Other (as described in 3A)						

*

3C) In your opinion, which would be the most appropriate option(s)?

Please select one or several options

- [ ] a. OPTION A: No EU Action
- [ ] b. OPTION B: Implementation of BEPS 13 at EU level
- [ ] c. OPTION C: Publication of anonymised/aggregated data by the EU tax authorities
- [ ] d. OPTION D: Public disclosure of tax-related information by enterprises
- [ ] e. OPTION E: Publicly available corporate tax policies

The following questions examine in more depth the possible features of each option, and their potential impacts

OPTION B - EU INITIATIVE ON TRANSPARENCY TOWARDS TAX AUTHORITIES, BASED ON OECD BEPS

This section examines the option where the EU would foster the BEPS 13 at EU level by way of an EU-specific initiative. Each ultimate parent enterprise filing a tax return with any of the relevant EU tax authorities would be covered. Its own worldwide consolidated operations would be reported. Ultimately, tax authorities would share this information.

Note: OECD BEPS Action 13 recommends that, at State level, very large multinational enterprise (turnover > EUR750m) provide from 2017 onwards a Country-By-Country Report (CBCR) to the relevant tax authority. Tax authorities of G20 and OECD members will then exchange the CBCR submitted to them.

4. What information should necessarily be disclosed by enterprises to the tax authorities?

Please select one or several options

- [ ] a. BEPS 13 information (Name, Nature of activities, Location, List of subsidiaries of the parent enterprise operating in each country, Revenue, Revenues split between related and unrelated parties, Number of employees, Profit or loss before tax, Income tax paid and accrued, Stated Capital, Accumulated earnings, Tangible assets)
- [ ] b. Public subsidies received
- [ ] c. Explanatory narrative information on tax-related information
- [ ] d. Other
- [ ] e. No opinion
- [ ] f. None

Please specify what information should necessarily be disclosed by enterprises to the tax authorities:

1000 character(s) maximum

5. What EU entities should be covered?

Please select one single option

- ( ) a. Very large enterprises with revenue of EUR 750M or larger enterprises + (as recommended in the BEPS 13)
- ( ) b. At least large enterprises or groups (to be defined more specifically)
- ( ) c. Other
- ( ) d. No opinion

Please specify what other EU entities should be covered:

1000 character(s) maximum

6. At enterprise level:

6A) How would you assess the extent to which enterprises will need to change their tax planning or structure as a result of being more transparent *towards tax authorities*?

Please select one single option

- a. This will have no effects on enterprises' tax planning
- b. This will ensure that enterprises comply with tax rules and do not use tax gaps, mismatches and/or loopholes in tax rules in order to minimise the taxes they pay
- c. Enterprises will voluntarily shift profits back to where they are generated so that they have to pay more taxes than they did before
- d. Other
- e. No opinion

Please specify in what other ways enterprises will need to change their tax planning or structure as a result of being more transparent towards tax authorities:

1000 character(s) maximum

6B) Please explain which mechanism would incentivise enterprises to change:

1000 character(s) maximum

7. What consequences would further tax transparency towards tax authorities have in terms of public finance?

Please select one or several options

- a. Reallocation of tax bases within Europe
- b. Increase in tax paid in Europe
- c. Decrease in tax paid in Europe
- d. Increase in tax paid outside the EU
- e. Decrease in tax paid outside the EU
- f. Other

Please specify what other consequences would further tax transparency towards tax authorities have in terms of public finance:

1000 character(s) maximum

Please explain briefly, if possible with figures, your answer on the possible further consequences tax transparency towards tax authorities would have in terms of public finance?:

1000 character(s) maximum

8. Can you provide an estimation of any additional costs and resources that will be incurred by enterprises in preparing a consolidated CBCR in accordance with BEPS 13?
Please explain, with details of what information is not currently available and if possible with figures:

1000 character(s) maximum

9. What consequence would tax transparency towards tax authorities have in terms of fostering a growth friendly environment and the attractiveness of the EU as a place to invest?

Please select one single option

- a. Constitute a feature of a growth friendly environment and foster the attractiveness of the EU as a place to invest.
- b. No consequence
- c. Hamper the fostering of a growth friendly environment and negatively impact the attractiveness of the EU as a place to invest.
- d. No opinion

Please explain briefly your answer on the consequence tax transparency towards tax authorities would have in terms of fostering a growth friendly environment and the attractiveness of the EU as a place to invest:

1000 character(s) maximum

OPTIONS C and D - EU INITIATIVE TOWARDS FURTHER PUBLIC TRANSPARENCY OF TAX-RELATED INFORMATION

This section examines the options where further tax-related information would be made fully or partially available *to the public*.

Reminder:

OPTION C: Publication of anonymised/aggregated data by the EU tax authorities.

The EU would recommend or require the disclosure by enterprises of tax-related information to tax authorities (possibly based on BEPS 13 recommendations). Moreover, aggregated or anonymised data would be made available to the public in order for the public to have access to tax-related information.

OPTION D: Public disclosure of tax-related information by either enterprises or tax authorities.

The EU would require enterprises to disclose tax-related information on a country-by-country basis. The information would be made available to the public either directly (e.g. as part of their annual reporting obligations) or by national tax authorities in, for example, a public register. This option may consist in extending to all sectors the country-by-country reporting requirements currently in place for financial institutions.

10. How would you describe the potential benefits / disadvantages of a public disclosure of information by enterprises as compared to disclosure towards tax authorities only? Please explain briefly:

1000 character(s) maximum

11. What information would it be *absolutely necessary* to include *in a publicly available CBCR* (option D)?

Please select as many options as necessary among the following 6 categories:

- Information required both under CRD IV and BEPS 13 (this information is already publicly disclosed by financial institutions):

- [ ] a. Name
- [ ] b. Nature of activities
- [ ] c. Location
- [ ] d. Revenue
- [ ] e. Number of employees
- [ ] f. Profit or loss before tax
- [ ] g. Income tax (paid and accrued)

- Additional BEPS 13 information (normally to be made available to tax authorities):

- [ ] h. Revenues split between related and unrelated parties
- [ ] i. Stated Capital
- [ ] j. Accumulated earnings
- [ ] k. Tangible assets
- [ ] l. List of subsidiaries of the parent enterprise operating in each country

- Additional information currently required from financial institutions:

- [ ] m. Public subsidies received

- Information normally exchanged between tax authorities:

- [ ] n. Tax rulings (based on definition as proposed by the Commission in March 2015)

- Options provided for in the Accounting Directive:

- [ ] o. Employees working through subcontractors
- [ ] p. Pecuniary tax-related penalties administered by a country

- Other tax-related information:

- [ ] q. Narratives explaining certain key features of the tax-related information
- [ ] r. None
- [ ] s. Other information
- [ ] t. No opinion

Please specify what other information would it be absolutely necessary to include in a publicly available CBCR:

1000 character(s) maximum

Please explain briefly your answer on what information would it be absolutely necessary to include in a publicly available CBCR:

1000 character(s) maximum

12. In the case of tax authorities publishing aggregated/anonymised information based on returns filed by enterprises with them (OPTION C), what information should be provided by those authorities (on a country-by-country basis)?

Please select one or several options

- [ ] a. Aggregated revenue
- [ ] b. Aggregated number of employees
- [ ] c. Aggregated income tax paid and accrued
- [ ] d. Aggregated tangible assets
- [ ] e. Ratio: Aggregated income tax paid or accrued/aggregated profit or loss before tax
- [ ] f. Ratio: Aggregated income tax paid or accrued/aggregated revenue
- [ ] g. Analysis per sectors of activity
- [ ] h. None
- [ ] i. Other
- [ ] j. No opinion

Please specify what other information should be provided by those authorities (on a country-by-country basis), in the case of tax authorities publishing aggregated/anonymised information based on returns filed by enterprises with them:

1000 character(s) maximum

13. Would you or your organisation have an interest in receiving further corporate tax-related information (detailed or aggregated)?

Please select one single option

- ( ) Yes
- ( ) No
- ( ) No opinion

If so, why and what would you do with that information?
Please explain briefly:

1000 character(s) maximum

14. What entities should be covered?

14A) Size

Please select one single option

- a. Very large enterprises with revenue of EUR 750M or larger enterprises + (as recommended by the BEPS 13)
- b. At least large enterprises or groups (to be defined more specifically)
- c. Other
- d. No opinion

Please specify what other entities size provisions you would consider:

1000 character(s) maximum

14B) Connection with EU markets

Please select one or several options

- a. Enterprises with securities listed in the EEA
- b. Enterprises established in the EEA
- c. If feasible, enterprises not established in the EEA and controlling operations in the EEA
- d. Other
- e. No opinion

Please specify what other connections with EU markets you would foresee:

1000 character(s) maximum

Please explain briefly your answer on the connection with EU markets:

1000 character(s) maximum

15. What operations should be covered?

Please select one single option

- a. Enterprises' operations within the EEA only
- b. Enterprises' operations in the EEA and outside the EEA when controlled from the EEA
- c. If feasible, enterprises' operations in the EEA and outside the EEA even if not controlled from the EEA.
- d. Other
- e. No opinion

Please specify what other operations should be covered:

1000 character(s) maximum

Please explain briefly your answer on the coperations that should be covered:

1000 character(s) maximum

16. Considering that the EU may have stricter rules on tax transparency towards the public than other countries, is there a risk of placing enterprises established/listed in the EU at a competitive disadvantage vis-à-vis non-EU multinational companies operating in the EU?

Please select one single option

- Yes
- No
- No opinion

What would be the scale and consequences of such a disadvantage?

Please explain briefly:

1000 character(s) maximum

What could be done to mitigate the risk?

Please explain briefly:

1000 character(s) maximum

17. Is there a risk that tax transparency *towards the public* could have other unintended negative consequences on companies?

Please select one single option

- Yes
- No
- No opinion

Please explain briefly the risks and their consequences on companies implied by tax transparency towards the public:

1000 character(s) maximum

18. Would you expect measures for enhanced public transparency on tax information in the EU to have an impact on relations with third countries (Developing countries, OECD members, ...)?
Please explain briefly:

1000 character(s) maximum

19. At enterprise level:

19A) How would you assess the extent to which enterprises will need to change their tax planning following further tax transparency *towards the public*?

Please select one single option

- a. This will have no effects on enterprises' tax planning
- b. This will ensure that enterprises comply with tax rules and do not use tax gaps, mismatches and/or loopholes in tax rules in order to minimise the taxes they pay
- c. Enterprises will voluntarily shift profits back to where they are generated so that they have to pay more taxes than they did before
- d. Other
- e. No opinion

Please specify in what other ways enterprises will need to change their tax planning following further tax transparency towards the public:

1000 character(s) maximum

Please explain briefly your answer on how would you assess the extent by which enterprises will need to change their tax planning following further tax transparency towards the public:

1000 character(s) maximum

19B) Please explain which mechanism would incentivise enterprises to change? In particular, please specify to what extent a public disclosure would have a greater effect than a submission only to tax authorities?

1000 character(s) maximum

20. What additional effect, if any, on public finance would tax transparency towards the public have in addition to transparency for tax authorities only?

Please select one or several options

- a. Reallocation of tax bases within Europe
- b. Increase in tax paid in Europe
- c. Decrease in tax paid in Europe
- d. Increase in tax paid outside the EU
- e. Decrease in tax paid outside the EU
- f. Other
- g. No opinion

Please specify what other additional effect tax transparency towards the public would have on public finance in addition to transparency for tax authorities only:

1000 character(s) maximum

Please explain briefly your answer on the possible additional effect tax transparency towards the public would have on public finance in addition to transparency for tax authorities only:

1000 character(s) maximum

21. What consequence would tax transparency *towards the public* have in terms of fostering a growth friendly environment and the attractiveness of the EU as a place to invest?

Please select one single option

- a. Constitute a feature of a growth friendly environment and foster the attractiveness of the EU as a place to invest.
- b. No consequence
- c. Hamper the fostering of a growth friendly environment and negatively impact the attractiveness of the EU as a place to invest.
- d. No opinion

Please explain briefly your answer on the consequence tax transparency towards the public would have in terms of fostering a growth friendly environment and the attractiveness of the EU as a place to invest:

1000 character(s) maximum

22. Should the information prepared by enterprises be specifically verified by an independent assurance service provider (e.g. an auditor)?

Please select one single option

- a. No, the information should not be verified
- b. Limited verification is needed (existence of such report, consistency check)
- c. Extensive verification is needed (e.g. audited)
- d. Other
- e. No opinion

Please specify in what other way information prepared by enterprises should be specifically verified by an independent assurance service provider (e.g. an auditor):

1000 character(s) maximum

23. Should there be additional safeguards in terms of specific rules for the protection of data and business secrets?

Please note that in the absence of specific rules, the EU general EU data protection rules would apply.

Please select one single option

- Yes
- No
- No opinion

If so, which safeguard are necessary in relation to which types of information?
Please explain briefly:

1000 character(s) maximum

24. Please estimate additional costs and resources entailed by the introduction of further transparency measures for enterprises compared to an implementation of OECD BEPS Action 13 at national level and identify information which is not currently available. You may distinguish between additional cost for public authorities and additional costs for enterprises, based on your preferred option(s).
Please explain, if possible with figures:

1000 character(s) maximum

OPTION E - EU INITIATIVE TOWARDS PUBLIC TRANSPARENCY OF CORPORATE TAX POLICY

This section examines the option where enterprises would make public statements regarding their policy/approach towards tax management. This is not part of the OECD BEPS 13 initiative.

25. Would you support a mandatory description of tax management policies by enterprises?

Please select one single option

- a. Yes, instead of any public disclosure of tax-related information
- b. Yes, in addition to further public disclosure of tax-related information
- c. No
- d. No opinion

Please explain briefly your answer on your possible support a mandatory description of tax management policies by enterprises:

1000 character(s) maximum

Final remarks

26. Is there anything else you would like to bring to the attention of the Commission?

1000 character(s) maximum

3. Additional information

Should you wish to provide additional information (e.g. a position paper, report) or raise specific points not covered by the questionnaire, you can upload your additional document(s) here: