



JANUARY TO JULY 2023

LATEST NEWS

CFE Tax Advisers Europe's 2023 Forum

CFE Tax Advisers Europe held the 2023 Forum and General Assembly in April in Brussels. Two panels of participants at this year's Forum entitled '*Towards a Closer EU Fiscal Union*' debated the EU's VAT in the Digital Age (ViDA) proposals and the EU Directive on minimum tax (Pillar 2).

Benjamin Angel, Director, DG TAXUD, European Commission provided a key note speech reflecting on the European fiscal integration and the ensuing opportunities and challenges. Mr Angel highlighted the European Union leadership in the enactment of the Directive on minimum tax, enabling the EU to drive discussions on both Pillar 1 and 2 at the OECD level.

"EU is having more sway in OECD discussions of the tax proposals, designed to ensure companies earning more than €750 million pay a 15% minimum tax on their global earnings. There is strength in numbers. We can shape the outcome of discussion when we speak with the same voice.", Mr Angel said.

Separately, CFE's President Ian Hayes noted that a number of progressive initiatives have been taken by CFE as a contribution in developing modern tax systems, such as the project on professional judgment in tax planning. Highlighting the need for diversity inclusiveness and CFE's contribution to this topic, the CFE president said:

“We are proud to have had inclusive and gender-balanced panels at our Forum, which are more reflective of our society. Excellent. As set out in the founding treaties, the European Union is committed to eliminating inequalities and promoting the principle of equality between women and men in all their actions. Achieving a more inclusive tax system is a joint responsibility of all of us, requiring action by all the EU institutions, member states, professionals and society at large.

The CFE Executive Board and CFE Brussels Office were delighted to hold the 2023 Forum, General Assembly and Technical Committee meetings in Brussels in May. The next CFE General Assembly and the European Conference on Tax Advisers’ Professional Affairs have been scheduled for 20 - 22 September 2023 in Helsinki, Finland, co-organised with *Suomen Veroasiantuntijat*, Finland’s Association of Tax Professionals.

MEETINGS & EVENTS

CFE & EU Parliament Event: A Gender Equal Tax System in Europe: Reflections for a New Agenda - 4 July 2023

On 4 July 2023, CFE Tax Advisers Europe in the framework of our strategic cooperation with the European Parliament, together with the ICAEW Women in EU Finance Network and PwC jointly organised an event to discuss what steps can be taken to achieving a more inclusive tax system in Europe. Following keynote speeches by Kira Peter-Hansen MEP (Vice-Chair of the Sub-committee on Tax Matters) and Fabrizia Lapecorella (OECD Deputy Secretary General), panellists debated how the structure and administration of tax systems often still have different impacts on gender. With the participation of Michelle Harding (OECD Centre for Tax Policy and Administration), Giorgia Maffini (PwC), Helena Malikova (Chief Economist Team, European Commission) and Ana Xavier (Head of Unit, DG TAXUD, European Commission). The event, hosted by the European

Parliament in their InfoHub, was moderated by Alison Ring (Director, Public Sector & Taxation, ICAEW).

Gender equality in fiscal affairs is a matter of fairness, well-being and growth. While the EU has taken steps to include a gender perspective in all stages of policy design significant challenges remain – including when it comes to tax. The structure and administration of tax systems often still have different impacts on gender. As the EU starts to look ahead towards a new legislative term, what would it take to establish a truly inclusive tax system by 2030? What needs to be done to ensure that future changes to tax systems help drive gender equality as well as responding to Europe’s green, digital and growth ambitions? Speakers offered views and reflections on a pathway towards a more gender equal tax system by 2030, and addressed questions such as: what are the key features of tax system designed to help reduce gender inequality and what is lacking today; what do policymakers and tax administrations need to do to in the next EU legislative period to build a tax system that is gender equal, green, digital and competitive; and, what lessons can be learnt from international best practice; what can be learn from the debate on intersectionality; and is targeting aggressive tax planning a feminist policy?

A summary of the panel responses to these and other questions will soon be published in a podcast, kindly facilitated by PwC. This will be made available via the CFE website in due course.

[SAFE Directive to Define Aggressive Tax Planning: IFA European Conference in Amsterdam](#)

The International Fiscal Association (IFA) held its European region [conference](#) on 5-7 July 2023 in Amsterdam on the conference theme of "*Tax Avoidance in the European Union and Beyond*". The [programme](#) focused on the critical issues of tax avoidance, abuse of law, State aid, dispute resolution, and the EU’s green tax agenda, with participation of high-level policy makers. Marnix van Rij, Dutch State Secretary for Tax Affairs and the Tax Administration, and

European officials Benjamin Angel and Paul Tang participated in the conference, chaired by Maikel Evers, Head of the IFA Dutch Branch and Partner in Ernst & Young European Tax Centre.

CFE Tax Advisers Europe's Director of Tax Policy, Aleksandar Ivanovski, participated in a session dedicated to the Unshell and SAFE Directives, the European Commission's initiative addressing tax enablers. The European Commission Director of Direct Taxation, Benjamin Angel, speaking alongside Paul Tang, the Chairman of the European Parliament Taxation Subcommittee said that the forthcoming SAFE proposal would clearly define aggressive tax planning so that companies and tax advisers would know where the red line is, in a predictable way, ex ante. Mr Angel confirmed that the Commission is working on a definition that can be used effectively, and also said that once the EU has passed the Unshell proposal it, we could then focus preventing aggressive schemes from third countries, which is a primary target of SAFE, adding that the work should be completed under the Spanish EU presidency.

Aleksandar Ivanovski, Director of Tax Policy at CFE Tax Advisers Europe, told a separate panel that clarity on the definition of aggressive tax planning is welcome news. Aggressive tax planning occurs in grey zones, therefore having a clear 'pole' to steer away from would be beneficial for tax professionals. A good reference point is the U.K. regime on enablers of tax avoidance and evasion, which operates on basis of both ex ante and ex post element — a [list of defeated schemes](#). The question is who will have the authority in an EU-wide context — the courts or other authorities — to defeat those schemes. Another question is whether a member state could ask a tax intermediary to avoid schemes that were defeated in another member state. The important issue is in any event is clarity and certainty, Ivanovski said.

Separate panels also discussed various other issues, notably transfer-pricing in context of tax rulings and Advance Pricing Agreements (APAs) from perspective of their compliance with EU State aid rules. Prof. Dr. Vesna Tomljenović, judge in the Court of Justice of the European Union (General Court, President of Chamber), presented the findings of the Fiat case, as well as general issues

related to compliance of MNEs European transfer-pricing structures with Article 107 of the Treaty - EU State aid law.

TECHNICAL RELEASES

Fiscal Committee Opinion Statements

In the first half of 2023, the Fiscal Committee of CFE Tax Advisers Europe published 6 Opinion Statements, as follows:

- [FC 1/2023](#) on the European Commission Public Consultation on the Introduction of a New Corporate Taxation System in Europe (BEFIT).
- [FC 2/2023](#) on the VAT Treatment of Compensation Payments.
- [FC 3/2023](#) on VAT Groups.
- [FC 4/2023](#) on the EU Commission VAT in the Digital Age Legislative Proposal Package.
- [FC 5/2023](#) on Official Ruling 57:2023 of the Italian Central Tax Office on Intervening Fixed Establishments in a VAT Context.
- [FC 6/2023](#) on Further CFE Comments on the EU Commission's ViDA Proposals.

Professional Affairs Committee Opinion Statement

Between January and July 2023, the Professional Affairs Committee of CFE Tax Advisers Europe published 1 Opinion Statement:

- [PAC 1/2023](#) on the European Parliament Report on Lessons Learned from the Pandora Papers.

ECJ Task Force Opinion Statements

In the first six months of 2023, the ECJ Task Force of CFE Tax Advisers Europe published 2 Opinion Statements:

- [ECJ-TF 1/2023](#) on Case C-707/20, *Gallaher Limited*, on the taxation of capital gains in intra-group transfers
- [ECJ-TF 2/2023](#) on Case C-83/21, *Airbnb Ireland and Airbnb Payments UK* on accessory tax obligations imposed on digital service providers

External Publications

The leading European tax law journal *European Taxation*, published by IBFD, regularly publishes articles on selected CFE Opinion Statements of particular relevance. *European Taxation* has published 4 CFE articles in their journal in 2023 to date.

EU Tax Policy Report

In July 2023, CFE Tax Advisers Europe published its [EU Tax Policy Report](#) covering the period of July to December 2023. The EU Tax Policy Report is a bi-annual publication which provides a detailed analysis of significant primary law and tax policy developments at both the EU and the international level that have occurred in the previous six months, which would be of interest to European tax advisers. It also includes an overview of selected CJEU case-law and relevant European Commission decisions.

FORTHCOMING EVENTS

[CFE Tax Advisers Europe's Professional Affairs Conference - "Tax Advisers 2030: Evolution or Revolution for Tax Practice, Policy & Administration?" - Helsinki - 21 September 2023](#)

The 16th European Conference on Tax Advisers' Professional Affairs will be organised by CFE Tax Advisers Europe and Finland's Association of Tax Consultants on 21 September 2023 in Helsinki, Finland on the topic of "*Tax Adviser 2030: Evolution or Revolution for Tax Practice, Policy and Administration?*". Two conference panels of speakers will examine the evolution (or revolution) of fiscal systems, tax practice, tax administration prompted by both policy developments at EU and international level, as well as tax avoidance, enforcement of EU law in relation to taxation and impact on the tax profession.

The conference aims to address the significant impact and evolution of regulatory developments on the evolution of the tax profession with the OECD anti-avoidance initiatives and the BEPS project, DAC Directives, EU Fiscal State Aid Investigations; the ethics of tax professionals (cf. CFE Discussion Paper on Professional Judgment in Tax Planning); the changing EU regulatory/enforcement landscape/fairness of tax arrangements observed via the prism of various tax revelations (Pandora Papers, LuxLeaks) and the fiscal State aid investigations (Apple case), and last but not least the rise of AI.

The first panel will assess the Impact of EU/ OECD Developments on Fiscal Systems and Tax Policy. The second panel will analyse the significance of the Impact of AI on digitalisation of tax systems with a focus on the OECD Tax Administration 3.0 project, the work of the Forum on Tax Administration, and the road to better aligned digitalisation of European tax administrations, by looking at the Finish collaborative real-time economy project for digitalisation, presented by the Finnish Tax Administration (Finish Real Economy project).

CFE Tax Advisers Europe General Assembly & Technical Committee Meetings

The next CFE General Assembly, Technical Committee Meetings and Social Events will take place in Helsinki, Finland, between 21 and 23 September.

Delegates of the CFE General Assembly and the CFE Technical Committees should have received an invitation setting out further information concerning the meetings and events, including information concerning how to register to join the meetings and events.

The selection of the remitted material has been prepared by:
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CFE Tax Advisers Europe is a Brussels-based association representing European tax institutes and associations of tax advisers. Founded in 1959, CFE brings together 33 national organisations from 26 European countries, associated via the Global Tax Advisers Platform (GTAP) with more than 600,000 tax advisers. CFE is part of the European Union Transparency Register no. 3543183647-05. For further information, please contact Piergiorgio Valente, CFE President or the CFE Brussels Office at info@taxadviserseurope.org.