



BRUSSELS | 22 FEBRUARY 2021

EU Council Updates EU Tax Blacklist

The EU's list of non-cooperative jurisdictions for taxation purposes was [updated](#) by the Council of the EU on 22 February 2021.

Dominica was added to the Blacklist following on from its OECD Global Forum peer review report on transparency and exchange of information, in which its compliance rating remained partially compliant. Barbados was removed to Annex II of the EU Blacklist pending the outcome of a supplementary review by the Global Forum.

Following commitments made to reform tax policies, the following 9 jurisdictions are now listed in the Annex II "grey-list" of non-compliant countries who have undertaken to reform their tax policy: Australia, Barbados, Botswana, Eswatini, Jamaica, Jordan, Maldives, Thailand and Turkey. Turkey has been asked to resolve exchange of information issues with Member States in order to avoid being moved to the blacklist.

Twelve jurisdictions remain on the EU blacklist: American Samoa, Anguilla, Dominica, Fiji, Guam, Palau, Panama, Samoa, Seychelles, Trinidad and Tobago, the US Virgin Islands and Vanuatu. Morocco, Namibia and Saint Lucia have now been removed completely from the list after fulfilling all commitments.

Detailed Implementing Regulation for EU e-Commerce Directive Published

The EU Commission has now published draft [implementing rules](#) for the e-Commerce Directive, concerning the extension of the special scheme for supplies of goods facilitated by electronic interfaces to cover all distances sales of goods and services made to non-taxable persons.

Input can be submitted on the draft implementing regulation until 18 March 2021 via the [Have Your Say](#) portal.

EU Commission February Infringement Package

The European Commission has published its [infringement package](#) for February 2021 setting out the legal action being pursued against various Member States by the Commission for noncompliance with obligations under EU law.

France has been issued with a letter of formal notice in relation to withholding tax rules on dividends paid to Unit Linked insurance companies established in other EEA countries, on the basis that differential rules imposed by France infringe on the free movement of capital. France has two months to reply before a reasoned opinion is issued.

Sweden has also been issued with a letter of formal notice concerning its taxation of dividends paid to non-resident public pension institutions, on the basis that taxation of difference in the tax treatment of Swedish public pension dividends versus those for non-resident public pension institutions infringes on the free movement of capital. Sweden has two months to reply before a reasoned opinion is issued.

Following on from its Anti-Money Laundering Action Plan published in May 2020, the Commission has also issued letters of formal notice to Germany, Portugal and Romania for failing to fully implement correctly into national law the 4th Anti-Money Laundering Directive. The countries will have two months to notify the Commission that the Directive has been implemented, or will thereafter be issued with reasoned opinions.

TAXUD Publishes VAT TOMS Scheme Evaluation & Rules of Origin Guide for EU-UK Trade Agreement

The EU Commission's TAXUD has [published](#) the evaluation resulting from the public consultation performed in the autumn of 2020 concerning the effectiveness of the special EU VAT regime for tour operators and travel agents. The evaluation supports maintaining the TOMS scheme, but indicates participants have called for the Commission to adapt rules for the digital age, ensure a level playing field for EU operators and to use the regime to assist in the recovery from the COVID-19 crisis. CFE welcomed the opportunity to respond to the consultation, and issued an [opinion statement](#) on the current issues experienced by tax advisers in relation to the scheme.

In addition, TAXUD has now published a [guide](#) for traders concerning the rules of origins provisions of the EU-UK Trade & Cooperation Agreement, under which preferential rules of origin apply. The guide covers determining the origin of goods, how to ensure a trader can benefit from the rules, the claim process, verification and record keeping.

Final Reminder: CFE European Register Webinar on the Tax Implications of Brexit - 25 February 2021

Don't forget to register for the first 2021 edition of the CFE European Register Webinar Series, to be held virtually on Thursday, 25 February 2021 from 2:30pm to 3:30pm CET, on the topic of the ["Tax Implications of Brexit"](#).

The webinar will welcome tax experts including: Jeremy Woolf, Barrister from Pump Court Tax Chambers, the United Kingdom; Trudy Perié, from Loyens & Loeff, the Netherlands; and Aleksandra Heinzer, EU VAT specialist from Slovenia. Aleksandar Ivanovski, Director of Tax Policy at CFE will moderate the webinar. The panel will examine the tax consequences of Brexit, including key changes to UK rules following Brexit, differences in recognition of clients from the UK and Northern Ireland from a practical point of view, and significant EU customs implications.

Register [here](#) to secure your place for the webinar.

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