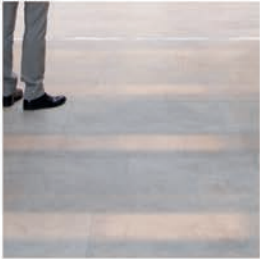
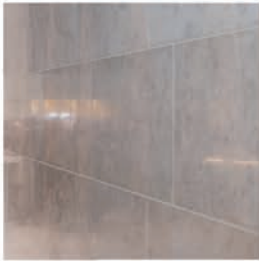
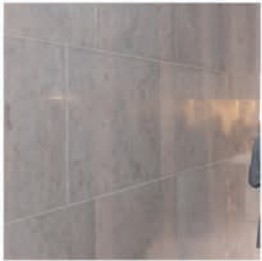


Annual Report 2014



CONFEDERATION
FISCALE
EUROPEENNE

MEMBER ORGANISATIONS / OBSERVERS / STANDING GUEST IN 2014

	AT	Kammer der Wirtschaftstreuhand		MT	Malta Institute of Taxation
	BE	Institut des Experts-Comptables et des Conseils Fiscaux / Instituut van de Accountants en de Belastingconsulenten		NL	Register Belastingadviseurs De Nederlandse Orde van Belastingadviseurs
	CH	Treuhand-Kammer / Chambre Fiduciaire		PT	Associação Portuguesa de Consultores Fiscais
	CZ	Komora Daňových Poradců ČR		PL	Krajowa Izba Doradców Podatkowych
	DE	Bundessteuerberaterkammer Bundesverband der Steuerberater Deutscher Steuerberaterverband		RO	Camera Consultantilor Fiscali
	ES	Asociación Española de Asesores Fiscales Registro de Economistas de Asesores Fiscales		RU	Palata Nalogovych Konsultantov (Chamber of Tax Advisers)
	FI	Suomen verokonsulttien Yhdistys ry Suomen Veroasiantuntijat ry (Association for Finnish Tax Professionals)		SI	Zbornica Davcnih Svetovalcev Slovenije (ZDSS)
	FR	Institut des Avocats Conseils Fiscaux Union Professionnelle des Sociétés d'Avocats		SK	Slovenská komora danových poradcov
	GR	The Hellenic Federation of Self-employed Tax Consultants (P.O.F.E.E.)		UK	The Chartered Institute of Taxation Tax Faculty – Institute of Chartered Accountants in England and Wales
	IT	Associazione Nazionale Tributaristi Italiani		UA	The Union of the Tax Advisers of Ukraine
	IE	The Irish Taxation Institute	Observers:		
	LU	Ordre des Experts-Comptables		BG	Bulgarian Chamber of Tax Advisors
	LV	Latvijas Nodokļu Konsultantu Asociācija		HR	Udruga Poreznih Strucnjaka (Association of Tax Professionals)
			Standing guest:		
				UZ	The Chamber of Tax Advisors of Uzbekistan

CFE is the umbrella organisation representing the tax profession in Europe. On 31 December 2014, our members were 32 professional organisations from 25 European countries (22 EU member states) with approximately 180,000 individual members and 1 standing guest organisation from Uzbekistan. Our functions are to safeguard the professional interests of tax advisers, to assure the quality of tax services provided by tax advisers, to exchange information about national tax laws and professional law and to contribute to the coordination of tax law in Europe.

CFE is registered in the EU Transparency Register (ID 3543183647-05).

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WELCOME



Pierre Moscovici
Commissioner for Economic and Financial Affairs, Taxation and Customs

The fight against tax evasion, avoidance and aggressive tax planning has been at the forefront of the tax policy agenda for years. The reason for this is obvious. These strategies both deprive Member States of substantial tax revenues and shift the burden of taxation onto others, so that it is not shared fairly in line with the choices made by governments. Likewise, it distorts competition between businesses depending on how successful they are at exploiting these gaps. Local businesses should not be placed at a disadvantage in trying to keep up with competitors able to exploit international tax differences.

In the European Union, Member States should take what action they can to defend their tax systems, provided that they respect Treaty Freedoms and European Court of Justice Case Law. But unilateral action can only go so far. Multilateral action is necessary to reduce multinationals' capacity to take advantage of these differences.

The European Union, recognising the distorting effect these practices have on the Internal Market, has taken many concrete steps to combat corporate tax evasion and avoidance. For example, the EU has been a global pioneer in working towards greater transparency in taxation matters. The Savings Directive brought EU Member States the benefits of automatic exchange of financial information for tax purposes long before the rest of the world. As another example, the *Code of Conduct on Business Taxation Group* has pressured Member States to amend those laws or practices that are deemed to be harmful having regard to the principles of the Code and refrain from introducing new harmful tax measures. The work of this group has led to hundreds of measures being removed.

In 2012, the Commission published an *Action Plan to Strengthen the Fight Against Tax Fraud and Tax Evasion*. This document detailed 34 actions which the Commission would take to combat this problem. Many of the actions detailed in the plan have already been completed, most notably recently the Parent Subsidiary Directive has been amended to close a loophole which was being abused by tax planners, and a general anti abuse provision was added.

But the new Commission is even more determined to step up efforts to combat tax evasion and fraud. President Juncker has confirmed that this fight is one of the top ten priorities for this Commission. And I have given my personal commitment to the European Parliament that I will ensure that this important issue will be at the top of my agenda.

The Commission work plan for 2015 therefore includes two action points focussed on this objective. Firstly, we will bring forward as part of a broader transparency initiative a proposal for a directive providing for automatic exchange of information in respect of cross border rulings. The proposal will result in the exchange of relevant information between tax authorities of all Member States on advance interpretations or applications of legal provisions in cross border situations.

Secondly, the Commission will prepare an Action Plan on a renewed approach for corporate taxation in the Single Market in the light of global developments, starting from the work done on base erosion and profit shifting in the OECD and G20. Work is at a preliminary stage, but the expectation is that it will include measures at the EU level which will help build a fairer and more efficient corporation tax environment in Europe.

One measure which I believe would undoubtedly help bring about fairer taxation in the EU would be the Commission's proposal for a common Consolidated Corporate Tax Base (CCCTB), which would harmonise the corporate tax base for many companies operating cross border in the EU. It would both make the internal market more competitive and limit the opportunities for these companies to manipulate their tax position. I am consequently determined to reinvestigate the CCCTB discussions in the month to come.

Aggressive tax planning strategies, tax avoidance and tax evasion have no place in a strong internal market. That is why the fight against these practices is one of my top priorities, and the Commission is taking concrete steps to turn ambition into reality.

FOREWORD



Henk Koller
CFE President

It is my honour and pleasure to present to you this Annual Report of the CFE.

As the newly elected President I want to thank our members for their trust in me, expressed with this election. Also I would like to thank our past President Jiří Nekovář for the hard work he has put into the CFE over the years of his Presidency and the years before.

Change is the predominant word in our environment over the past years and apparently at an ever faster pace.

The forewords to our Annual Report have mentioned this every year so at least that has not changed.

This time however the OECD, the EU and individual countries seem to be determined to bring about serious change in many elements of (international) taxation. Reference to the many "BEPS" action plans suffices to demonstrate this.

It is a challenge for our profession and therewith for the CFE to keep up with this and continue to give our input to the process. The number of CFE opinion statements has reached an all-time high in 2014. Thanks go to our Committees and the ECJ Task Force.

In 2014, the CFE has made an additional step towards cooperation between tax advisers not only within Europe but possibly on a global scale. Developments in the global economy and tax systems require a global counterpart for global players like the OECD and UN.

Although a global representation of tax advisers would be desirable it must be said that to date, CFE is the leading force in any international representation.

Traditionally it is in Europe that our profession is best organised. Having said that we must however recognise that there is room for further strengthening the CFE within Europe. Leading the international cooperation can only be done by a strong CFE.

It is therefore my goal for the next few years to broaden the basis of the CFE in Europe and strengthen the cooperation and commitment between CFE and our members.

There is a lot of work to be done which will only be possible with a substantial contribution from our members.

An important part of our work will be to ensure that the role of tax advisers is recognized and appreciated. In the hunt for tax revenues and in announcements of politicians, it seems that tax advisers are forgotten. It is our task to refresh the memories and also to keep on watching over taxpayers' rights. The services of tax advisers are also in the interest of the tax administration: It was the OECD's Seoul declaration in which we were put down as harmful. In the Cape Town declaration thereafter we were considered a valuable and indispensable element of the tax system and compliance of taxpayers.

Hopefully the new European Commission will be receptive to our various contributions to any debate.

The new organisational structure of the Commission gives room for optimism that good legislation, the rule of law and fundamental rights will play a more prominent role in the years to come.

Finally, as an internal matter, a long period in which the General Secretary was supported by an office in Berlin has come to an end in 2014. As of 2015 all work will be done by our staff in the Brussels office.

HIGHLIGHT OF THE YEAR: THE ALBERT J. RÄDLER MEDAL – REACHING OUT FOR ACADEMIC EXCELLENCE IN EUROPEAN TAX LAW

On the occasion of the CFE Forum 2014, the CFE awarded for the first time the Albert J. Rädler Medal, launched to encourage academic excellence in European taxation. The award was created on the initiative of CFE past president Stephen Coleclough to commemorate the German tax adviser and tax law professor Albert Rädler (1933-2012) and his outstanding contribution to taxation within Europe. Professor Rädler was also the longest-serving member in the history of the CFE Fiscal Committee.

The first winner of the Albert J. Rädler medal was Loes Brillman, a graduate from Tilburg University for her Master's thesis entitled „Emigration and immigration of a business: impact of taxation on European and global mobility“. The award was presented in the presence of the Rädler family.

The Albert J. Rädler Medal will be awarded annually. Any Master's thesis on European taxation by a person of 30 years or under on the 31 December of the relevant year, which achieves a distinction in that year is eligible for nomination for the award. The examining jury is composed of Stephen Coleclough and Professors Michael Lang and Pasquale Pistone (WU University of Vienna) who were both mentees of Albert J. Rädler.

Albert J. Rädler (1933-2012)



Stephen Coleclough, Loes Brillman, Albert Rädler jun., Jiří Nekovář

I. TECHNICAL AND POLICY WORK



Milan Tomiček, Martin Houska

TAXATION

FISCAL COMMITTEE

The Fiscal Committee (headed by Piergiorgio Valente) and its two sub-committees on direct and indirect taxes (chaired by Ian Young and Petra Pospíšilová respectively) cast a critical eye on draft tax legislation and other relevant developments in tax law and policy at national, EU and international level. Among their main tasks is the issuing of opinions to European institutions, the OECD and other international organisations. These representations are written from the viewpoint of the tax adviser and may where circumstances permit give insight into the views of his client. The Committee met on 28 January and 28 March in Brussels and on 18/19 September 2014 in Amsterdam.

The main topics for discussion were the efforts undertaken at EU and international level to curb tax evasion and tax avoidance. To a large extent this entailed detailed involvement with the OECD's BEPS (base erosion and profit shifting) Action Plan and the related stakeholder consultation process.

In order to be able to keep up with the accelerating pace of the BEPS consultation process, the Fiscal Committee set up the BEPS working group (members: Brendan Crowley, Miriam Galandová, Jos Goubert, Dick Hofland, Petra Pospíšilová, Stella Raventós, Rudolf Reibel, Geraldine Schembri, Piergiorgio Valente and Ian Young). This group was able to develop seven Opinion Statements on six BEPS Actions:

- FC 2 and 16/2014 on transfer pricing documentation and country by country reporting (BEPS Action 13), March and December 2014
- FC 5/2014 on tax treaty abuse (BEPS Action 6), April 2014
- FC 7 and 17/2014 on the tax challenges of the digital economy (BEPS Action 1), April and December 2014
- FC 9/2014 on hybrid mismatch arrangements (BEPS Action 2), May 2014
- FC 15/2014 on a multilateral instrument to modify bilateral tax treaties (BEPS Action 15), December 2014.



Ian Young, Rudolf Reibel, Petra Pospíšilová

At EU level the revision of the Parent-Subsidiary Directive and the work of the European Commission's Platform for Tax Good Governance, in particular its work on a possible EU GAAR (general anti abuse rule) and policy responses to tax competition by jurisdictions considered tax havens covered similar ground. The Fiscal Committee contributed to CFE's responses to the Commission's working papers on these issues and to other topics discussed by the Platform. In this context, between July and October the Committee conducted a survey on national blacklists of tax havens and criteria and protective measures applied which was contributed to the Platform.

I. TECHNICAL AND POLICY WORK

The Direct Tax Sub-Committee further prepared the following Opinion Statements (on non-BEPS matters):

- FC 1/2014 on technical changes to be included in the next update to the OECD Model Tax Convention, January 2014
- FC 3/2014 on the Recommendation C(2012)8806 on aggressive tax planning, an EU GAAR and double non-taxation, March 2014
- FC 10/2014 on the proposal COM(2013)814 for a revised Parent-Subsidiary Directive, May 2014
- FC 11/2014 European tax advisers' priorities in EU policy 2014-2019 (jointly with PAC), May 2014
- FC 12/2014 on cross-border inheritance tax problems within the EU, July 2014
- FC 13/2014 on improving the framework for voluntary disclosure (jointly with PAC), September 2014



Diana Kluskina, Simona Novak, Suzana Tokič, Georg Kofler, Trudy Perié, Jeremy Woolf, Rhiannon Churchill

The Fiscal Committee carried out an update and extension of the CFE Transfer Pricing Survey, published in June 2014.

Other tax issues pursued were country by country reporting of tax payments and different exchange of information regimes, such as the EU Savings and Administrative Cooperation Directives, the new OECD Global Standard, US FATCA and national reactions to these.

The Indirect Tax Sub-Committee drafted the following statements:

- FC 4/2014 on VAT legislation on public bodies and tax exemptions in the public interest, April 2014
- FC 6/2014 on the VAT exemption for independent groups of persons (cost-sharing exemption), April 2014

- FC 8/2014 on the proposal for a common standard VAT return, April 2014
- FC 14/2014 on the VAT treatment of vouchers, October 2014

Other topics discussed were changes to the place of supply rules, the new Mini One Stop Shop regime for electronic, telecommunication and broadcasting services, VAT on financial services, the case law of the EU Court of Justice and various issues concerning interpretation and practical application of the EU VAT framework, e.g. the VIES database and refund procedures.

The Fiscal Committee also participated in the preparation of the CFE Forum on 27 March 2014 in Brussels.



Fiscal Committee Meeting in Amsterdam, September 2014

I. TECHNICAL AND POLICY WORK



Walo Stählin, Aleš Budja



Gary Ashford

ECJ TASK FORCE

The CFE ECJ Task Force is chaired by Georg Kofler. It is a group of tax professors and renowned tax practitioners which meets regularly to discuss and issue opinions on specific case law exemplified in selected decisions of the EU Court of Justice. It met on 22 January in Luxembourg, on 26 March in Brussels, on 17 September in Amsterdam and on 20 November in Vienna, and issued Opinion Statements on four Court decisions:

- ECJ-TF 1/2014 on the case C-617/10, Åkerberg Fransson, and the "ne bis in idem" principle in tax law, February 2014
- ECJ-TF 2/2014 on the case C-276/12, Sabou, concerning taxpayer's rights in case of exchange of information upon request, April 2014
- ECJ-TF 3/2014 on the case DMC, C-164/12 concerning the taxation of unrealized gains upon a reorganisation within the EU, December 2014
- ECJ-TF 4/2014 on the cases SCA Group Holding et al., C-39, 40 and 41/13, concerning the requirements to form „fiscal unity“, December 2014

CFE MEMBERSHIP IN EUROPEAN COMMISSION ADVISORY GROUPS IN TAXATION

In July 2014, the CFE was appointed to the Commission's Expert Group on Removing Cross-Border Tax Obstacles Facing Individuals, dealing with inheritance and other tax problems of legislative, administrative or practical nature. CFE representatives are Volker Heydt and Isabelle Richelle, both are members of the ECJ Task Force. The group met three times in autumn 2014.

In October 2014, the CFE's membership in the VAT Expert Group (representatives: Petra Pospíšilová and Jeremy Woolf) was renewed in 2014 for another two-year term.

Further advisory bodies to the European Commission in which the CFE has been active in 2014 are, since 2013, the Platform of Tax Good Governance, Aggressive Tax Planning and Double Taxation (representatives: Piergiorgio Valente and Stella Raventós) and, since 2012, the EU VAT Forum (representatives: Ian Hayes and Christian Amand).

OTHER TAX POLICY WORK

A permanent arbitration tribunal for international tax disputes

Board members Dick Barmentlo and Piergiorgio Valente and Uta Gayer and Rudolf Reibel from the CFE office met with Heinz Zourek, Director-General for Taxation and Customs Union, and Tom Neale, Head of Unit at DG TAXUD, in February 2014 to discuss the idea of a permanent arbitration tribunal for international tax disputes, together with Hans Mooij and Willem Calkoen, initiators of the proposal to create such tribunal at the Permanent Court of Arbitration of the Peace Palace at The Hague. Upon invitation by Heinz Zourek, the CFE presented the idea to the members of the Platform for Tax Good Governance.

European Parliament's Annual Tax Report

In November 2014, the CFE met with the rapporteur of the planned European Parliament's Annual Tax Report, MEP Eva Kaili, and provided input to the process to several EP members.

United Nations Tax Committee

Direct Tax chairman Ian Young took part in the annual meeting of the United Nations Committee of Experts in International Cooperation in Tax Matters from 25 to 30 October 2014 in Geneva.

I. TECHNICAL AND POLICY WORK

PROFESSIONAL AFFAIRS

Professional Affairs Committee

The Professional Affairs Committee (PAC) deals with non-technical tax matters affecting the profession and practice of tax advisers, e.g. professional regulation, qualification, ethics, anti money laundering, cross-border operation and the relationship to clients and tax authorities.

The PAC met on 26 March in Brussels and on 18 September 2014 in Amsterdam. The main topics of the PAC in 2014 were the revision of the EU Anti Money Laundering Directive, the follow-up to the draft Model Taxpayer Charter presented in 2013 and the OECD consultation on voluntary disclosure.



Wil Vennix

On anti money laundering, the ad hoc Anti Money Laundering Working Group set up in 2013 drafted comments on amendment proposals from the European Parliament. Apart from a number of technical comments aimed at making the obligations of tax advisers under the Directive workable in practice, the statement advocated a clear distinction in law between legal and illegal tax behaviour and warned against the risks, especially for individuals, of making beneficial ownership information accessible to anyone.

The Committee discussed the feedback received from the OECD on the draft Model Taxpayer Charter (jointly published in 2013 with AOTCA and STEP)and how the role of

tax advisers in relation to taxpayer rights and obligations should be defined.

The PAC was also active in the drafting of the European Tax Advisers' Priorities 2014-2019, a statement issued on the occasion of the European Parliament elections in May 2014 and made available in English, Czech, German and Italian on the CFE website. The document was submitted to the incoming Commission as an aid in their consideration of policy over the next five years.

On voluntary disclosure, the PAC and Fiscal Committee jointly responded to a public consultation by the OECD on improving the framework for voluntary disclosure.



PAC meeting in Amsterdam, September 2014

I. TECHNICAL AND POLICY WORK

The CFE stressed that for the success of a disclosure initiative and for the protection of a taxpayers' fundamental rights, any voluntary disclosure regime must respect professional privilege of tax advisers.

The Professional Affairs Committee drafted the following Opinion Statements:

- PAC 1/2014, on the revision of the EU Anti Money Laundering Directive, January 2014
- PAC 2/2014 European tax advisers' priorities in EU policy 2014-2019 (jointly with Fiscal Committee), May 2014
- PAC 3/2014 on improving the framework for voluntary disclosure (jointly with Fiscal Committee), September 2014



Wim Gohres, Henk Koller, Uta Gayer

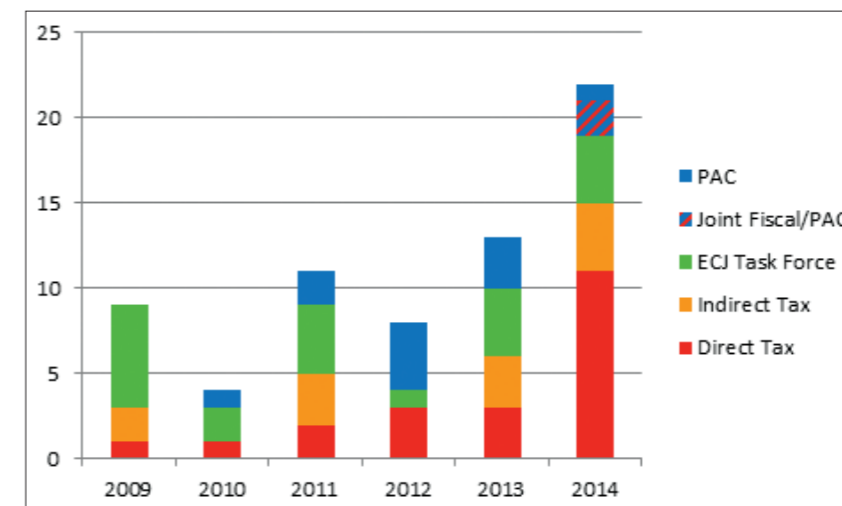
The PAC also contributed to the preparation of the CFE PAC Conference on 5 December 2014 in Paris.

Joint Working Group on aggressive tax planning and responsibilities of tax advisers

The Joint Working Group set up in 2013 coordinates the work on issues affecting both the work of the Fiscal and the Professional Affairs Committee and monitors the work of the European Commission's Platform for Tax Good Governance. Members of the Group are: Dick Barmentlo and Piergiorgio Valente (co-chairs), Gary Ashford, Wim Gohres, Petra Pospíšilová, Stella Raventós, Rudolf Reibel, Philippe Vanclooster and Ian Young.



Dick Barmentlo and Ian Young



CFE Opinion Statements since 2009

European tax advisers' priorities in EU policy 2014 - 2019



Achieving a level playing field in the European Union, contributing to improving and clarifying the EU legal framework and counteracting tax evasion and tax avoidance, while also fostering the efficiency and clarity taxpayers, advisers and all other stakeholders require, are crucial issues for the CFE, as the umbrella organisation of the tax adviser profession in Europe.

1 Tax must be in the law

The law will have to decide in a clear and unambiguous manner on which arrangements are acceptable and which are not. Acting within the limits of the law is a fundamental right of each individual. Taxpayers need legal certainty for planning their business and managing their assets long-term. Advisers need certainty to prevent them from incurring civil, disciplinary and criminal liability for serving their clients. Uncertainty arises from the notion of the spirit of the law prevailing over the letter of the law. The EU and member states should define key concepts such as abuse, avoidance, artificiality or double non-taxation, and not seek to introduce unclear concepts like "aggressive tax planning" which blur the distinction between legal and illegal and are subject to the whims of public opinion. Tax avoidance laws should be well-known and not open to discretion, while ensuring a certain level of flexibility to be able to respond to developments in the tax field and to minimise compliance costs.

2 Transparency to serve fair taxation

Transparency has to be weighted against the taxpayer's right to confidentiality. It is important that tax authorities have the relevant information to base their assessments upon and to minimize opportunities for fraud and evasion. It is the tax administration, not the public, that needs this information, as only the tax administration assesses the tax due, enforces the law and is obliged to protect the taxpayer's privacy. Information that increases legal certainty should be public.

3 Recognise the rights of taxpayers

Taxpayer rights are not granted by the state but derived from human and fundamental rights. A balanced approach to taxpayer rights and obligations is a prerequisite for an increase in mutual trust of taxpayers, tax advisers and tax administrations. While some tax administrations have shown openness towards a relationship of mutual trust in which both advisers and administration help a taxpayer comply with the law, a change of mindset is still needed in other member states. This endeavour will only be worthwhile if the result is not a mere political statement of intent but has legal force and can be invoked by citizens and businesses.

4 Respect the role of tax advisers

Tax advisers play an important role in ensuring taxpayer compliance. They are not only bound by law but also by codes of conduct of their professional bodies. Their independence should be recognised by tax authorities and safeguarded. The right to effective legal representation is part of an individual's human and fundamental rights to privacy and a fair trial. These will only be effective if clients can trust that information shared with their adviser will remain confidential and that tax advisers are not watchdogs of the tax administration. Tax professionals, when representing clients in tax matters, should be granted recognised privilege throughout the EU, not only if they are member of the profession of lawyers. The specific importance of tax advisers' independence and qualification should not be ignored by applying a one-size-fits-all approach in the regulation of services.

5 Solve double taxation

Double taxation persists, although we believe that it should not, as it is contrary to the very idea of the Single Market. A multilateral agreement on double and non-taxation, even though an ambitious goal, would be a huge step in the right direction. For the time being, next to the continuation of existing measures like the Joint Transfer Pricing Forum, the CFE welcomes any legislative solution or practical tool in specific areas, such as:

- a common tax base (like the CCCTB) on a voluntary basis with an appropriate apportionment formula;
- a critical assessment and improvement of the EU Arbitration Convention;
- measures aimed at a more consistent interpretation and application of double tax conventions between member states;
- a permanent international tax arbitration tribunal in the field of the Arbitration Convention, with the possibility of extending this to other areas of tax law;
- a solution to double taxation of inheritances, including the possibility for citizens to reach binding decisions.

6 Tax sovereignty and mismatches

Many difficulties in cross-border taxation are due to different understanding of legal concepts and different classification of arrangements, due to different legal traditions. The work of the Commission should be aimed at reducing these mismatches by promoting a common understanding through agreed definitions. However, national laws that aim at creating incentives for taxpayers should be respected and member states should be allowed to compete in a not-harmful way. Non-taxation in itself is not always a ground of objection.

7 Facilitate VAT compliance

A very concrete and pressing need is a proper and efficient portal for cross-border VAT compliance. Whilst we note that it is on the Commission's agenda we believe it should be a priority. We see this as a prerequisite for the proper functioning of any VAT (mini)-one-stop-shop.

8 Foster competitiveness

Harmful tax competition must be addressed both at EU and international level. International cooperation with the OECD (in particular in the BEPS -base erosion and profit shifting- project) and other international organisations is desired and welcomed, keeping an eye on their compatibility with EU law and on the very specific nature of the EU and the Single Market, as to ensure coherence among member states' policies and that the EU policies do not endanger the EU's global competitiveness.

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II. CFE EVENTS



CFE FORUM 2014

“Policies for a sustainable tax future” on 27 March 2014 in Brussels

In the midst of the technical and policy discussion on the OECD’s BEPS Action Plan and awaiting the first resulting OECD recommendations, the 2014 CFE Forum shed light on BEPS from an EU perspective.

Georg Kofler (University of Linz and Chairman of the CFE ECJ Task Force) drew up a critical comparison between the measures proposed in the BEPS Action Plan and the European Commission’s 2012 Action Plan against tax fraud and evasion. Addressing the compatibility of anti-BEPS Actions with the EU fundamental freedoms, Tom O’Shea (Queen Mary University of London) gave an overview on the CJEU’s anti-abuse case law.

Hans van den Hurk (Maastricht University) was an eloquent advocate for a coherent approach to double taxation and double non-taxation at EU level, revising both the Parent-Subsidiary and the Interest & Royalties regime, ideally replacing them with a Regulation.

Instead of an EU GAAR, he preferred leaving the definition of abuse to the CJEU.

Giampiero Ianni from the Italian Tax Police Guardia di Finanza was able to draw extensively from the work of his administration, e.g. on risk assessment to give an extremely informative practical report.

Ramon S. J. Dwarkasing (Maastricht University) explained the significance of global value chains in today’s economy and pointed out the increasing risk of cross-border transfer pricing disputes due to different approaches at OECD and UN level. He further examined the proposed transfer pricing-related measures of the BEPS Action Plan.

Giampiero Ianni, Piergiorgio Valente,
Ramon Dwarkasing, Hans van den Hurk, Georg Kofler



II. CFE EVENTS

Focussing in further detail on these issues, tax practitioner Eduardo Gracia analysed the OECD’s January 2014 discussion draft on transfer pricing documentation, comparing it to the model developed by the EU Joint Transfer Pricing Forum. He expressed concern for the administrative burdens imposed on SMEs and on the confidentiality of information contained in the master file. He agreed with the previous speaker that country by country reporting is likely to increase acceptance of a formulary apportionment of profitability.

Amparo Grau from Madrid Complutense University compared the different approaches to country by country reporting discussed at EU and OECD level and underlined that country by country reporting serves a different purpose than transfer pricing documentation and cannot be a cure to BEPS.

Addressing dispute resolution, Hans Mooij, tax adviser and former double taxation treaty negotiator for the Dutch government, demonstrated the shortcomings of the existing procedures such as the OECD MAPs and the EU Arbitration Convention. In particular he stressed the need for and benefit of a binding solution to tackle the increasing number of unresolved cases.

The indirect tax session focused on the EU Financial Transaction Tax (FTT) and provided an update on developments in VAT.

Manfred Bergmann, Director for Indirect Tax and Tax Administration at the European Commission, explained the proposal for an EU FTT on the trading of shares and bonds and –at a lower rate- derivatives and financial market bets, commenting also on the counter-party principle, criticized for its allegedly impermissible extraterritorial effects.

Stephan Schulmeister from the Austrian WIFO Institute of Economic Research demonstrated how short-term asset price fluctuations add up to long-term trends able to cause crises, arguing that attaching a price to short-term transactions, as the FTT would, could reduce the volatility of markets.

Taking a reserved approach to the EU FTT, Daniela Doležalová from the Czech Ministry of Finance questioned whether the proposed tax sufficiently reflects the complexity of financial markets.

The conference concluded with a project report on the Model Taxpayer Charter by CFE Vice President Ian Hayes, one of the co-authors.

The CFE Forum 2014 was attended by 136 participants.



Stella Raventós



Tom O’Shea



Hans Mooij



Stephan Schulmeister, Petra Pospíšilová,
Daniela Doležalová, Manfred Bergmann

II. CFE EVENTS

CFE PAC CONFERENCE 2014

“Tax transparency – How to make it work?” on 5 December 2014 in Paris

The 7th CFE Professional Affairs Conference responded to some recent tax policy discussions that give the impression that tax transparency is the new panacea for tax troubles, being capable of ensuring fair competition both between undertakings and between states, ensuring reliable tax revenues and finally, fostering democracy and good governance in developing countries. The Conference selected three aspects of tax transparency, currently discussed at EU and OECD level: corporate country-by-country reporting, mandatory disclosure of tax avoidance schemes and “cooperative compliance” in the relationship between taxpayers and their advisers and the tax administration.

The first session was devoted to corporate country-by-country reporting of tax payments. In its 2014 revision of the EU Accounting Directive, the EU legislator had opted against making such data public, but included a review clause to make sure that the topic will be reconsidered in the future. The OECD approach relies on reporting of country by country information to tax authorities rather than on publication. Krister Andersson from BusinessEurope presented the EU businesses’ viewpoint supporting the OECD approach. Pasquale Pistone from WU University of Vienna addressed the changing role of tax advisers where they are involved in monitoring the taxpayers’ compliance. He warned that the client’s decision to engage in such co-operation must remain entirely voluntary.

Mandatory disclosure of tax avoidance schemes has been introduced in a number of countries. The OECD has identified this as one possible solution to fight BEPS. Grace Perez Navarro from the OECD and Henriette Fuchs from the OECD’s Business and Industry Advisory Committee (BIAC) gave some insights on the OECD work on disclosure of avoidance schemes and practical difficulties in defining avoidance schemes. Cora O’Brien from the Irish Tax Institute reported the Irish experience with the introduction of a disclosure obligation in 2011.

The third session dealt with “cooperative compliance”, a term coined by the OECD, which advocates an end of the adversarial relationship between taxpayers/advisers and tax authorities and with the specific example in France - the relation de confiance (relationship of trust)



Henriette Fuchs, Cora O’Brien, Grace Perez-Navarro



Raphaël Coin, Dick Barmantlo, Jean-Luc Barçon-Maurin, Cora O’Brien, Krister Andersson

pilot project of the French tax administration. The first experience of administration, companies and tax advisers and the feasibility of extending relation de confiance to all taxpayers were discussed by Jean-Luc Barçon-Maurin from the French Ministry of Finance, Raphaël Coin from General Electric France and tax lawyer Stéphane Austray.

The PAC Conference 2014 was attended by 72 participants.



III. SERVICES AND PUBLICATIONS

PRINTED PUBLICATIONS

CFE Forum Reports on European Taxation

The Forum Reports on European Taxation contain contributions from CFE Forum speakers based on their presentations at the Forum and other articles related to the Forum topic. They are edited by Servaas van Thiel and published in book format.



In 2014, the CFE published two issues of the CFE Forum Reports, both sponsored by DATEV:

- Volume 5 unites the subjects of the CFE Forums 2012 and 2013, “Tax law in the light of judgments - the interaction of European law and the national courts” and “Tax planning – What is (un)acceptable?”.
- Volume 6 relates to the CFE Forum 2014, titled “Policies for a sustainable tax future”.

Both publications are available on the CFE website.

European Taxation

The tax law journal European Taxation, edited by IBFD, regularly publishes articles on CFE conferences and selected Opinion Statements. In 2014, it published the following articles and Opinion Statements of CFE:

- Opinion Statements ECJ-TF 4/2013, ECJ-TF 1/2014, ECJ-TF 2/2014, FC 1/2014 and FC 2/2014
- Article “Countering BEPS through transfer pricing documentation” by Piergiorgio Valente

- Report from the PAC Conference 2013 by Filipa Correia and Rudolf Reibel
- Report from the CFE Forum 2014 by IBFD

The publication of four CFE Opinion Statements issued in 2014 and an article for the PAC Conference 2014 is planned for spring 2015.

ELECTRONIC PUBLICATIONS



CFE’s Tax Top 5 –Key tax news of the week

In January 2014, the CFE introduced a public e-newsletter sent on Mondays, showing a selection of news in European and international taxation and related areas of the past week.

CFE European Tax & Professional Law Report

The Tax & Professional Law Report is a more comprehensive selection of news in European and international taxation, tax-related areas and professional law of the previous month. The Tax & Professional Law Report is available to the interested public.

CFE Transfer Pricing Survey

In June 2014, the CFE published an update of its Questionnaire on Transfer Pricing Documentation. The summary document contains information on the way the OECD Transfer Pricing Guidelines have been implemented in 21 European countries. The 2014 update, relating to the legal situation of 31 December 2013, contains a new chapter on benchmark assessments.

EUROPEAN REGISTER OF TAX ADVISERS

The European Register of Tax Advisers has been created to respond to the practical need of taxpayers and tax advisers to find a tax adviser in another European country. Any individual tax professional who is a member of a CFE member organisation may seek to register. By registering, they accept the CFE guidelines on qualification and professional conduct. Registered tax advisers benefit from further advantages, e.g. discounts on CFE events and the receipt of CFE newsletters and electronic publications. The number of tax advisers registered on 30 June 2014 (key date) was 574.

IV. THE NETWORK OF CFE



Uta Gayer, Uwe Ihli, Rudolf Reibel, Gilles Moure, Dick Barmentlo

EUROPEAN INSTITUTIONS

To strengthen the good working relations with European institutions, apart from the regular exchange on technical issues, the CFE organises an annual Tax Dinner in Brussels to allow for an informal exchange of views between EU institution representatives working in taxation and members of the CFE Board, the Fiscal Committee chairmen and CFE representatives in Commission working groups.

Valère Moutarlier (then cabinet of Commissioner Šemeta), Uwe Ihli (Head of Sector, Corporate tax directives and CCCTB, DG TAXUD, European Commission), Richard Lyal

Piergiorgio Valente, Gilles Moure



(Principal Legal Adviser on Budget, Customs and Taxes, Legal Service, European Commission), Gilles Moure (Head of Unit Revenue Management and Tax Policy Issues at DG ECFIN, European Commission), Momchil Sabev (Head of Unit, Control of the application of EU legislation and state aid/Direct Tax, DG TAXUD, European Commission) and Andreas Strub (Head of Unit, Tax Policy, Export Credits and Regional Policy, EU Council) kindly accepted the invitation on 27 January 2014.

GLOBAL TAX ADVISERS' COOPERATION FORUM

The Global Tax Advisers' Cooperation Forum (GTACF) was set up on 24 October 2014 to provide a global response of tax advisers to the work on the international tax environment undertaken by organisations such as the OECD and the UN.

Signing parties were the CFE and the Asia-Oceania Tax Consultants' Association (AOTCA). The signing took place on the occasion of the AOTCA General Assembly in Taipei, in which CFE President Jiří Nekovář and Secretary General Stephen Coleclough represented the CFE.

IV. THE NETWORK OF CFE

The setting up of the GTACF follows up to the Saint Petersburg Declaration, signed by CFE, AOTCA and the West African Union of Tax Institutes (WAUTI) on 20 September 2013 which expressed the three organisations' commitment to establish a cooperation forum.

Already uniting almost 500,000 tax advisers worldwide, the GTACF remains open to like-minded tax professional organisations from other regions. The GTACF is not a global professional organisation, nor is there any intention to create one. It is, as stated, a forum for co-operation on specific tax issues which have global significance.

A project-based technical cooperation between AOTCA's and CFE's tax technical bodies with the aim of issuing joint opinion statements on the OECD BEPS Action Plan was agreed in December 2014 and started in early 2015. The operations of the GTACF are coordinated by the CFE office.

CFE President Jiří Nekovář also attended the General Assembly of WAUTI in Accra/Ghana in February 2014.

INVOLVEMENT WITH OTHER ORGANISATIONS

Apart from the institutions of the European Union, the CFE maintains regular and strong relations with a number of international organisations:

The CFE Fiscal Committee regularly contributes to the work of the OECD by submitting Opinion Statements and taking part in stakeholder meetings and through active participation in the OECD Business and Industry Advisory Committee (BIAC).

CFE enjoys Special Consultative Status with the United Nation's ECOSOC Committee and participates in the regular meetings of the Committee of Experts in International Cooperation in Tax Matters.

In Brussels, regular exchange of views at working level takes place between other European associations of liberal professions and business representatives.

SOCIAL MEDIA

The CFE has been active on LinkedIn since April 2014 and had 238 followers on 31 December 2014. Followers receive updates on CFE events and selected e-publications, including the European Tax & Professional Law Report.



Rudolf Reibel, Uwe Ihli, Ian Hayes, Gottfried Schellmann, Nora Schmidt-Kesseler



Georg Kofler, Richard Lyal, Christian Amand, Ian Young



Andreas Strub, Herbert Becherer, Jiří Nekovář



Valère Moutarlier, Jiří Nekovář

V. GENERAL ASSEMBLY

The General Assembly met twice, on 28 March 2014 in Brussels and on 20 September 2014 in Amsterdam.

Among other subjects, the Brussels meeting discussed the envisaged form of cooperation in the context of the Global Tax Advisers' Cooperation Forum. The General Assembly also decided to set up a solidarity fund to help member organisations that are temporarily unable to pay their membership fees.

The General Assembly at Amsterdam elected the CFE President and the other Executive Board members for 2015-2016: President will be Henk Koller from the Netherlands. The three Vice Presidents will be Bruno Gouthière (France), Ian Hayes (United Kingdom) and Mihaela Mitroi (Romania). Secretary-General will be Stephen Coleclough (United Kingdom). The Chairmen of the two technical committees, Piergiorgio Valente (Italy) for the Fiscal Committee and Dick Barentlo (Netherlands) for the Professional Affairs Committee were confirmed. Branislav Kováč from Slovakia was elected Treasurer. Bruno Gouthière and Stephen Coleclough assumed their positions with immediate effect, replacing Nora Schmidt-Kessler and Herbert Becherer (both Germany) who had resigned from their offices just before the General Assembly meeting. CFE president Jiří Nekovář (Czech Republic) did not stand for re-election.



Jiří Nekovář, Henk Koller



Oana Iacob, Florentina Șuşnea, Anca Teau



Reception at Rijksmuseum Amsterdam, September 2014

V. GENERAL ASSEMBLY

The General Assembly also thanked Christiane Keller from the CFE office in Berlin for her longstanding commitment to CFE. Mrs Keller will work for the German Federal Chamber of Tax Advisers from the beginning of 2015.

The Amsterdam meetings and social events were hosted by the two Dutch CFE member organisations NOB (de Nederlandse Orde van Belastingadviseurs) and RB (Register Belastingadviseurs) and took place in a number of settings all related to the Netherlands' "golden" 17th century: The West Indisch Huis, the Koepelkerk, the National Maritime Museum and the Rijksmuseum.



Christiane Keller, Uta Gayer



Artem Nushtaev, Tatiana Ioffe



Karima Baakil and Sandra Schouten



General Assembly in Amsterdam, September 2014



Peter Fanning, Radek Neuzil, Frits Sobels, Martin Lambe



Martin Lambe, Andrew Clarke

VI. ORGANISATIONAL STRUCTURE

General Assembly

The General Assembly is the governing body of the CFE. Each country may take up to six seats; observer countries may send up to two delegates. The General Assembly is to decide in particular on the election of the office holders within the CFE Executive Board and the election of the auditor. It adopts the business report of the Executive Board, approves the accounts and the budget, fixes the contributions, receives the report of the auditor, discharges the Executive Board, accepts and excludes members and observers, adopts all statutory amendments, decides upon the dissolution of the association and upon the place of the General Assembly meeting. Administrative and management responsibilities may be delegated to the Executive Board.

Delegates of the General Assembly in 2014

AT	Klaus Hübner, Helmut Puffer, Roland Rief, Friedrich Rödler, Peter Katschnig
BE	André Bert, Jos de Blay, Christine Cloquet, Philippe Vanclooster
CH	Massimo Bianchi, Kaloyan Stoyanov
CZ	Petr Toman, Martin Tuček, Jana Skalova, Radek Nežžil, Petra Pospíšilová
DE	Horst Vinken, Volker Kaiser, Michael Korth, Axel Pestke, Rolf Breuer
ES	Leopoldo Pons Alventosa, Jesús Sanmartin, Andrés Diaz, Marta González
FI	Ilkka Merimaa, Timo Matikkala, Pasi Puranen, Ossi Sopen-Luoma
FR	Georges-Marie Duclos, Jean-Yves Mercier, Yves de Sevin, Pascal Coudin
GR	Vasilios Kampanis, Abraham Panidis, Nikolaos Patelis, Theodore Vassilopoulos
IT	Mario Boidi, Giuseppe Antonio Ciro Barranco di Valdivieso, Gaetano Ragucci, Walter Vilardi, Vito Branca, Gianfranco Gaffuri
IE	Andrew Clarke, Helen O'Sullivan
LU	Eric Jolas
LV	Ainis Dābols, Diāna Kļušķina, Inga Kursite-Predite, Daiga Zēna-Zēmane
MT	Renald Micallef, Robert Attard
NL	Frits Sobels, Wim Gohres, Paul Cramer, Wil Vennix
PT	Francisco Sousa da Câmara
PL	Tomasz Michalik, Jacek Zieliński
RO	Toni Teau, Mihaela Mitroi
RU	Tatiana Ioffe
SI	Aleš Budja, Dejan Petkovič
SK	Milan Chovan, Anna Fábryová, Milan Vargan, Miriam Galandová, L'ubomir Alezár, Branislav Kováč
UK	Bob Davies, Peter Fanning, Anthony D Thomas, Gary Ashford, Carl Bayley
Observers:	
BG	Pavlina Kalcheva
HR	Drazen Nimcevic
UA	Leonid Rubanenko, Claudia Chosova
Standing guest:	
UZ	Bahadir S. Nabijanov, Botir Mansurov

THE MEMBERS OF THE EXECUTIVE BOARD

The Executive Board is in charge of the day-to-day business of the CFE and reports to the General Assembly. It is composed of 8 persons, i. e. the President, three Vice Presidents, the Secretary General, the Treasurer, the Chairman of the Fiscal Committee and the Chairman of the Professional Affairs Committee.

EXECUTIVE BOARD 2014



President
Jiří Nekovář



Vice President
Herbert Becherer
(until September 2014)



Vice President
Ian Hayes



Vice President
Gottfried Schellmann



Secretary General
Nora Schmidt-Kesseler
(until September 2014)



Chairman of the
Fiscal Committee
Piergiorgio Valente



Chairman of the
Prof. Affairs Committee
Dick Barmentlo



Treasurer
Henk Koller

EXECUTIVE BOARD 2015



President
Henk Koller



Vice-President
Bruno Gouthière
(since September 2014)



Vice-President
Ian Hayes



Vice-President
Mihaela Mitroi



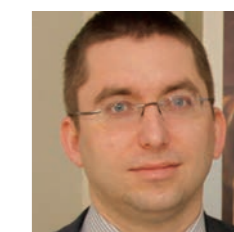
Secretary General
Stephen Coleclough
(since September 2014)



Chairman of the
Fiscal Committee
Piergiorgio Valente



Chairman of the
Prof. Affairs Committee
Dick Barmentlo



Treasurer
Branislav Kováč

TECHNICAL BODIES

Fiscal Committee

Delegates of the Fiscal Committee 2014

Sub-committee Direct Taxes
Chairman Ian Young

AT	Friedrich Rödler, Georg Wilfried Kofler
BE	Jos Goubert, Isabelle Richelle (Expert)
CH	Walo Stählin, Pascal Hinny
CZ	Martin Houska, Jana Skalova
DE	Christian Schmidt, René Bittner, Jürgen Lüdicke, Claas Fuhrmann
ES	Bárbara Pitarque Villaescusa, Victor Viana, Stella Ravéntos (Expert)
FI	Ossi Haapaniemi
FR	Stéphane Contargyris, Bruno Gouthière, Sébastien Laisney, Pierre Ullmann, Philippe Rochmann
GR	Theodore Vassilopoulos
IT	Nicola Vecchiotti Massacci, Raffaele Rizzardi
IE	Cora O'Brien, Brendan Crowley
LU	Romain Bontemps
LV	Ruta Tereško, Diana Kluskina
MT	Geraldine Schembri, Conrad Cassar Torregiani
NL	Dick Hofland, Ruud Zuidgeest
PT	Pedro Pais de Almeida
RO	Florentina Şuşnea, Nicolae Done
RU	Igor Shikov
SI	Simona Novak
SK	Miriám Galandová, Silvia Hallová
UK	Jason Short, Rupert Shiers
Observers:	
HR	Dunja Hitrec, Nadica Salov
UA	Lyudmyla Rubanenko, Oleg Shmal

Chairman Piergiorgio Valente

Sub-committee Indirect Taxes
Chairwoman Petra Pospíšilová

AT	Michael Tumpel, Ingrid Rattinger
BE	Fredegonda Schelfhaut, Christian Amand (Expert)
CH	Claudio Fischer, Willi Leutenegger
CZ	Milan Tomicek
DE	Ulrich Grünwald, Josef Ludwig, Götz Neuhahn
ES	Carlos Gómez
FI	Timo Matikkala
FR	Véronique Lenoir, Anne Grousset, Thibault Hénique, Sebastian Laisney, Philippe Rochmann
GR	Vasileios Kampanis
IT	Paolo Centore, Marco Peirolo
IE	Frank Mitchell
LV	Inga Kursite - Priedite, Solvita Liepina
MT	Christian Vella, George Faruggia
NL	Ad. Frujtier, Trudy Perié
PT	Francisco de Sousa da Câmara
RO	Oanna Jacob, Ionut Stefan
SI	Suzana Tokic
SK	Milan Vargan, Anna Fabryova
UK	Peter Dylewski, Ian Hayes, John Voyez, Jeremy Woolf
Observers:	
HR	Drazen Budimir, Natko Serbic
UA	Darya Reva

TECHNICAL BODIES

Professional Affairs Committee

ECJ Task Force

Delegates
of the Professional Affairs Committee 2014

Chairman Dick Barmentlo

AT	Friedrich Rödler
BE	Christine Cloquet, Philippe Vanclooster
CH	Walo Stählin
CZ	Radek Nežžil, Michael Frankl
DE	Herbert Becherer, Annette Weißenborn, Axel Pestke, René Bittner
ES	Leopoldo Pons, Andrés Diaz, Marta Gonzales
FR	Jean-Charles Flatres, Denis Di Leonardo, Jean Charter David, Yves de Sevin
GB	Heather Brehcist, Terry Davies, John Roberts
GR	Vasilios Kampanis, Theodore Vassilopoulos
IT	Riccardo Bordoli, Luciano Olivieri, Emanuela Fusa
IE	Cora O'Brien
LU	John Hames
LV	Ilze Birzniece, Daiga Zena-Zemane
MT	Jonathan Abela, Robert Taylor East
NL	Wim Gohres, Frits Sobels, Wil Vennix
RO	Ionut Stefan
RU	Mikhail Milovidov
SI	Aleš Budja
SK	Branislav Kováč, Lubomir Alezar
Observers:	
HR	Dunja Hitrec
UA	Leonid Rubanenko, Claudia Chosova

Members of the ECJ Task Force 2014

Chairman Georg Kofler

Paul Farmer; deputy: Kelly Stricklin-Coutinho
Stella Ravéntos; deputy: Alfredo Garcia
Daniel Gutmann
Erik Kemmeren
Volker Heydt
Michael Lang
Pasquale Pistone
Frank Le Mentec
Isabelle Richelle
Friedrich Rödler

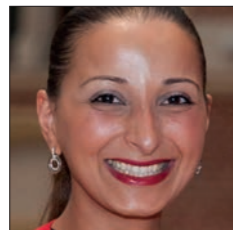
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MANIFESTO OF THE CFE

Tax advisers are highly qualified, independent liberal professionals in Europe

This manifesto has been prepared on the occasion of the 50th anniversary of the CFE in 2009 following the principles set up in the CFE “Professional qualifications and ethics of tax advisers in Europe¹”. It has been published to inform key stakeholders of the vital role of the tax advisers as the unique profession in all our tax systems by helping taxpayers to understand and comply with their tax obligations.

1. The tax adviser in Europe: Highly qualified

- Tax advisers play a collaborative part as unique experts in the field of taxation law and practice. They bring an exclusive combination of practical expertise, understanding of the climate of taxation and of the issues facing their clients’ businesses to these processes.
- The tax advisers role of translating complex tax codes into business - related guidance is vital in ensuring transactions are executed correctly and efficiently.
- The tax advisers fulfil an important role in safe-guarding the legal rights of their clients by representing before and outside tax courts.
- These services require the highest degree of specialised knowledge and skills of the professional.

2. The tax adviser in Europe: independent liberal profession

- Tax advisers provide guidance on the application of tax legislation to the particulars of a client’s transaction.
- By doing this, tax advisers are independent in arriving at the judgment and in delivering their advice.
- Thus, the tax adviser provides services of an intellectual character, based upon their professional qualification and in view of their personal and professionally independent capacities.
- The combination of local and international codes of ethics and standards ensures that tax advisers operate within strict professional standards that include disciplinary procedures where appropriate.

The tax advisers in Europe, regardless of the way they are organised in their respective countries, contribute to the achieving of Europe being a dynamic and competitive knowledge - based economy in Europe.

The Confédération Fiscale Européenne,
Paris, 26 September 2009

¹ Approved on September 13th 1991 by the CFE GA in Zurich, revised on 29th April 2005 in Brussels.



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