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Press release | 25.11.2015

EP tax investigation

Special committee extension blocked to protect Juncker and Dijsselbloem

Philippe Lamberts, **Sven Giegold** and **Eva Joly** host a press conference on the developments with the EP's tax investigation at 16.00 today in the press room in Strasbourg. It will be streamed at: http://www.greens-efa.eu/ep-tax-investigation-prolongation-blocked-by-political-groups-14858.html

A previous commitment by the socialist (S&D), Christian democrat (EPP) and liberal (ALDE) political groups to extend the EP's special committee investigating taxation could be abandoned under plans from the S&D group. The plan foresees replacing the current committee with a new committee, based on a seriously restricted mandate. Commenting on the development, Greens/EFA president **Philippe Lamberts** said:

"The EP's investigation into tax scandals, revealed in Luxembourg Leaks, would be brought to an abrupt end under these proposals from the socialist group, with the support of the Christian democrat and liberal political groups. The new committee they plan to create is based on a limited mandate that will prevent proper investigation of the revelations. Instead of 'investigating and analysing' tax dumping, as the special committee did, the new committee should only carry out 'information work'. This is a slap in the face to European citizens and taxpayers who have a right to have this mass corporate tax avoidance scandal properly investigated. Instead, there will be no clarity on where the political responsibility lies for the billion Euro tax dumping of Google, Amazon, Facebook and hundreds of other multinationals. Those politicians directly implicated in the scandal, like Jean-Claude Juncker and Jeroen Dijsselbloem, will be spared any further investigation."

*Greens/EFA coordinator in the TAXE committee **Sven Giegold** said:*

"It is clear that EU Parliament president Martin Schulz is behind this. His legal service met with representatives of the EPP, S&D and ALDE groups in a backroom last night. The Greens/EFA and GUE/NGL groups, which pushed for the creation of the committee and its extension, were excluded. This is a shameful breach of confidence by the EP president and the presidents of the EPP, S&D and ALDE groups. It is unfathomable that the socialist group has played the lead role in blocking the investigation of this tax scandal.

"A new mandate or committee is neither necessary nor sensible. The report of the current committee could be voted and the work of the committee could continue. The mandate of the existing committee is broad enough to ensure its work could continue on the basis of the earlier recommendations."

(1) Below is the text of the email inviting representatives of the three groups to a meeting, along with the draft mandate for the new special committee on taxation:

Sent: 24 November 2015 16:55
Subject: Short meeting today at 7 pm on TAXE special committee

Dear Members and Colleagues,
On behalf of my President and in agreement with EPP and Alde Presidents, I would like to invite you to a short meeting today at 7 pm today in Room LOW 04105 in order to fix the next steps for the TAXE special committee.

(XXX, name of staff), Head of Unit of the presidency will give an explanation on the legal aspects.

It would be appreciated if you could ensure your presence and confirm by e-mail.

Many thanks and best wishes,

(signature of socialist secretariat)

Proposal for mandate

Draft mandate

The European Parliament,

1. Decides to set up a special committee (ex. article 197 of its rule of procedure) on harmful corporate tax regimes and practices at European and international level:

a. to extend and complete the information work carried out by the special TAXE committee, in particular to keep requesting relevant document for its work, including the minutes of the Code of Conduct Group, to make the necessary contacts and hold hearings with the EU institutions and national, European and international institutions and fora, the national parliaments and governments of the Member States and third countries, as well as representatives of the scientific community, business and civil society, including the social partners; in close cooperation with the standing committees;

b. to follow up the implementation of the TAXE report recommendations by the Member States and all competent European and international institutions including the OECD and G20;

2. Decides that the term of the office of the special committee shall be 6 months, beginning on 1 December 2015.

3. The structure of the Special Committee on tax rulings and other measures similar in nature or effect (TAXE) should be kept in the new special committee.

4. Decides that the special committee shall have 45 members (as the TAXE committee currently has)

5. Considers it appropriate that the special committee present a report drafted by two co-rapporteurs.

Mandate of the current special committee

1. Decides to set up a special committee on tax rulings and other measures similar in nature or effect to examine practice in the application of EU state aid and taxation law in relation to tax rulings and other measures similar in nature or effect issued by Member States, if such practice appears to be the act of a Member State or the Commission;

2. Decides that the special committee shall be vested with the following powers:

a) to analyse and examine practice in the application of Article 107(1) of the Treaty on the Functioning of the European Union (TFEU) regarding tax rulings and other measures similar in nature or effect issued by Member States since 1 January 1991;

b) to analyse and assess the Commission's practice of keeping under constant review, pursuant to Article 108 TFEU, all systems of aid existing in Member States, proposing to the Member States appropriate measures required by the progressive development or by the functioning of the internal market, checking whether aid granted by a State or through State resources is compatible with the internal market and not misused, deciding that the State concerned is to abolish or alter such aid within a certain period of time, and referring the matter to the Court of Justice of the European Union if the State concerned does not comply, which has allegedly resulted in a high number of tax rulings incompatible with EU state aid rules;

c) to analyse and examine compliance by Member States since 1 January 1991 with obligations set out in Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union[(1)] , regarding the obligation to cooperate and provide all necessary documents;

d) to analyse and examine compliance with the obligations set out in Council Directive 77/799/EEC of 19 December 1977 concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation and taxation of insurance premiums[(2)] and Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC[(3)] , regarding communication by Member States to other Member States since 1 January 1991, by spontaneous exchange, of information on tax rulings;

e) to analyse and assess the Commission's practice as regards the proper application of Directives 77/799/EEC and 2011/16/EU regarding communication by Member States to other Member States, by spontaneous exchange, of information on tax rulings;

f) to analyse and assess compliance by the Member States with the principle of sincere cooperation enshrined in Article 4(3) of the Treaty on European Union, such as fulfilment of the obligations to facilitate the achievement of the Union's tasks and to refrain from any measure which could jeopardise the attainment of the Union's objectives, given the alleged large scale of aggressive tax planning facilitated by Member States, and the likely significant consequences this has had on public finances of and in the EU;

g) to analyse and assess the third-country dimension of aggressive tax planning carried out by companies established or incorporated in the Member States, as well as the exchange of information with third countries in this respect;

h) to make any recommendations that it deems necessary in this matter;

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Responsible MEPs



Sven Giegold

Member



Philippe Lamberts

Member

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