Special regimes, measures, practices, instruments to look into

Only the examination of documents of the code of conduct on business taxation working group (including annexes and room documents) will enable us to put together a more complete list of regimes, measures and practices to examine. It appears that some 400 regimes were examined and many more notified. The list below is only indicative, and the different regimes, measures, practices and instruments might be imbricated. Certain special regimes might have been fully are partially abolished or replaced.

Tax rulings different angles:

Mismatches in transfer pricing methods

Tax planning within groups with transparent and opaque entities in one Member State

Profit Participating Loans PPL and Profit Participating Shares PPS (in particular PPS and PPL mismatches with Third Countries)

Variations of the Model "Swiss-Dutch Sandwich".

Combination of several activities and schemes of a company

Stepping stone tax planning

Wealth structuring & Trusts

Tax planning instruments:

Holding regimes

Group coordination services

Group financing (cash pools or treasury tools)

Patent Boxes / IP Regimes / Group licencing

Free zones/ free ports / economic zones

Insurrance, re-insurance and captive insurance (in-house insurance (deductible in Germany and not taxed in Bermudas for example)

Offshore or exempt companies

Investment funds (through special tax regimes)

And: Permission to use instrument without legal provision

Specific and special regimes such as:

Belgium: excess profit ruling system

Belgium: patent box

Cyprus: patent box

Cyprus: taxation of interest and the participation exemption

Hungary: determining the tax base for interest payments received from abroad

Ireland: "Double Irish"

Lichtenstein: Full exemption for dividends and gains, exemption for capital gains combined with a tax deductible write down/ Special Regime for Private Asset Structures

Luxembourg: Group Financing Companies - Advance Confirmation of Margins.

The Netherlands: Structuring of royalties on payments to third countries via NL (where 0% rate on royalties exist).

Structuring of dividends: Dutch "deelnemingsvrijstelling" via bilateral tax treaties.

"Pooling": combining financing and insurance activities of a company in a specifically designed group

Spain: Spain: Empresas de Tenencia de Valores Extranjeros (ETVE) entities holding foreign securities. SICAV 'investment company with variable capital'

UK: patent box

UK (Gibraltar): - Income Tax Act 2010 (including inbound profit transfers and "shell companies")

UK (Guernsey & Jersey): Zero-Ten Corporate Tax Regime / Income tax law

UK: A derogation to the anti-abuse clause in CFC legislation: An (partial, up to 80%) exemption for passive income means that a financing operation of the company's e.g. Cayman subsidiary leads to effective tax rates at 5% or so.

UK (Ile of Man): 0% corporate tax rate / retail tax