

Tax Games: the Race to the Bottom

Europe's role in supporting an unjust global tax system

2017





OWNERSHIP TRANSPARENCY

The European Parliament is advocating for public registers of beneficial owners of companies, as well as all trusts and similar legal structures in the EU.



PUBLIC REPORTING

The European Parliament has proposed that multinational corporations should publish country by country data from all countries where they do business, but included a corporate get-out clause, which would allow corporations to ask for exemptions and keep a selected part of their data secret if they feel public disclosure could harm their business.



TAX TREATIES

The European Parliament has recognised the potential negative impacts of tax treaties on developing countries and called for tax treaties between EU countries and developing countries to be negotiated in a way that ensures policy coherence for development and fairness for developing countries.



HARMFUL TAX PRACTICES

The European Parliament has spoken strongly against both patent boxes and letterbox companies, and proposed public access to information about the content of advance pricing agreements between governments and multinational corporations.



GLOBAL SOLUTIONS

The European Parliament has repeatedly supported the establishment of an intergovernmental UN tax body.



OWNERSHIP TRANSPARENCY

In response to the Panama Papers scandal, the European Commission launched a proposal to introduce public registers of beneficial owners of companies and some (but not all) trusts in the EU.



PUBLIC REPORTING

The European Commission has launched a proposal that would require multinational corporations to publish country by country data from some countries but not others. This conflicts with the fundamental idea of public country by country reporting, which is to obtain a full overview from all countries where a corporation is operating. The proposal is therefore, in reality, not country by country reporting.



TAX TREATIES

The European Commission has recognised that tax treaties can have negative impacts on developing countries. However, the Commission has not yet proposed any concrete actions that can adequately address this problem.



HARMFUL TAX PRACTICES

Despite speaking out against patent boxes, the European Commission has accepted patent boxes that follow the OECD rules. The Commission has not supported the European Parliament's call for a ban on letterbox companies, but also does not promote them. While the Commission does not support the Parliament's call for more public information about the content of advance tax agreements, the Commission has initiated several state aid cases to prevent specific very harmful agreements.



GLOBAL SOLUTIONS

The European Commission does not support the establishment of an intergovernmental UN tax body.

AUSTRIA



OWNERSHIP TRANSPARENCY

Austria does not have a public register of beneficial owners of companies.



PUBLIC REPORTING

The Conservative party, which recently won the election in Austria, has repeatedly spoken out against public country by country reporting.



TAX TREATIES

Although the number of Austrian treaties with developing countries is slightly below average, the average rate of reduction of developing country tax rates imposed through those treaties is significantly above average, which indicates that these treaties could have substantial negative impacts on developing countries.



HARMFUL TAX PRACTICES

Austria has a high amount of investment going through special purpose entities, but does not have a patent box or a significant number of unilateral advance pricing agreements with multinational corporations.



GLOBAL SOLUTIONS

The Austrian government does not support the establishment of an intergovernmental UN tax body, arguing that it is 'doubtful about the added value'.

BELGIUM



OWNERSHIP TRANSPARENCY

Belgium does not have a public register of beneficial owners of companies.



PUBLIC REPORTING

The official position of the Belgian government is unclear. However, the Belgian Finance Minister has repeatedly spoken out against public country by country reporting.



TAX TREATIES

Belgium has a relatively high number of tax treaties with developing countries, but the average reduction of tax rates imposed through those treaties is low. However, what the average does not show is that several of Belgium's tax treaties with developing countries are 'very restrictive', and therefore give particular cause for concern.



HARMFUL TAX PRACTICES

Belgium has a patent box and a high number of unilateral advance pricing agreements with multinational corporations.



GLOBAL SOLUTIONS

The Belgian government does not support the establishment of an intergovernmental UN tax body.

**OWNERSHIP TRANSPARENCY**

The Czech Republic does not have a public register of beneficial owners of companies.

**PUBLIC REPORTING**

The Czech Republic supports changing the legal basis of the European Commission's proposal on public country by country reporting, which would mean that the European Parliament would be excluded from the negotiations and a final decision would require unanimity among EU member states. In reality, this would result in an unambitious outcome.

**TAX TREATIES**

Compared to the other countries covered by this report, the number of tax treaties between the Czech Republic and developing countries, as well as the reduction of tax rates imposed by those treaties, are both above average.

**HARMFUL TAX PRACTICES**

The Czech Republic has a significant number of unilateral advance pricing agreements with multinational corporations, but does not have a patent box.

**GLOBAL SOLUTIONS**

The Czech government does not support the establishment of an intergovernmental UN tax body.

**OWNERSHIP TRANSPARENCY**

Denmark has adopted a law which introduces a public register of beneficial owners of both companies and other legal structures.

**PUBLIC REPORTING**

Denmark supports the position of the European Commission.

**TAX TREATIES**

Denmark has relatively few tax treaties with developing countries, and the average reduction of tax rates imposed through those treaties is low. However, what the average does not show is that several of Denmark's tax treaties with developing countries are 'very restrictive', and therefore give particular cause for concern.

**HARMFUL TAX PRACTICES**

Denmark does not have a patent box or any unilateral advance pricing agreements with multinational corporations. However, Denmark's limited liability companies can be used for international tax avoidance and are therefore a cause for concern. The government has announced its intention to close this loophole.

**GLOBAL SOLUTIONS**

The Danish government does not support the establishment of an intergovernmental UN tax body.

FINLAND



OWNERSHIP TRANSPARENCY

Finland has adopted a law which introduces a public register of beneficial owners of both companies and other legal structures.



PUBLIC REPORTING

Finland supports the position of the European Commission.



TAX TREATIES

Although not unproblematic, Finland's tax treaties with developing countries give fewer reasons for concern compared to many other countries covered by this report, since Finland's number of treaties with developing countries, as well as the average reduction of tax rates imposed through those treaties, are both below average.



HARMFUL TAX PRACTICES

Finland does not have a patent box. However, it has a significant number of unilateral advance pricing agreements with multinational corporations.



GLOBAL SOLUTIONS

Although the Finnish parliament has called for the government to explore opportunities to strengthen the UN tax committee, the Finnish government does not support that it be upgraded from an expert committee to an intergovernmental tax body.

GERMANY



OWNERSHIP TRANSPARENCY

Germany does not have a public register of beneficial owners.



PUBLIC REPORTING

The former German government spoke out against public country by country reporting, and at the moment there are no indications that any new government will take a different position.



TAX TREATIES

Germany's tax treaties with developing countries are a cause of concern due to the high number of 'very restrictive' treaties. Also of concern is the fact that Germany's total number of treaties with developing countries, as well as the average reduction of tax rates through those treaties, are both above average among the countries covered by this report.



HARMFUL TAX PRACTICES

Germany does not have a patent box or any unilateral advance pricing agreements with multinational corporations.



GLOBAL SOLUTIONS

Germany does not support the establishment of an intergovernmental UN tax body.

HUNGARY



OWNERSHIP TRANSPARENCY

Hungary does not have a public register of beneficial owners of companies.



PUBLIC REPORTING

Hungary's position on public country by country reporting is unclear.



TAX TREATIES

Although not unproblematic, the Hungarian tax treaty network gives fewer reasons for concern compared with many other countries covered by this report, since Hungary's number of treaties with developing countries, as well as the average reduction of developing country tax rates, are both significantly below average among the countries covered by this report.



HARMFUL TAX PRACTICES

Hungary has a patent box and a significant number of unilateral advance pricing agreements with multinational corporations.



GLOBAL SOLUTIONS

On the issue of establishing an intergovernmental UN tax body, the position of the Hungarian government is unclear.

IRELAND



OWNERSHIP TRANSPARENCY

Ireland does not have a central register of beneficial owners.



PUBLIC REPORTING

The Irish government supports changing the legal basis of the European Commission's proposal on public country by country reporting, which would mean that the European Parliament would be excluded from the negotiations and a final decision would require unanimity among EU member states. In reality, this would result in an unambitious outcome.



TAX TREATIES

Of all the countries covered by this report, the Irish tax treaties with developing countries introduce the highest average reductions on the tax rates of their developing country treaty partners. Furthermore, three of Ireland's treaties with developing countries are 'very restrictive' treaties. The number of tax treaties between Ireland and developing countries is below average. However, Ireland is currently planning to expand its number of treaties with developing countries.



HARMFUL TAX PRACTICES

Ireland has been identified as the world's fourth largest conduit jurisdiction. The country also has a patent box.



GLOBAL SOLUTIONS

The Irish government does not support the establishment of an intergovernmental UN tax body.



OWNERSHIP TRANSPARENCY

Italy does not have a public register of beneficial owners.



PUBLIC REPORTING

Italy's position on public country by country reporting is unclear.



TAX TREATIES

Italian tax treaties with developing countries, on average, reduce the tax rates less than most other countries covered in this report. However, what the average does not show is that Italy has the highest number of 'very restrictive' tax treaties with developing countries among all the countries covered by this report.



HARMFUL TAX PRACTICES

Italy has a patent box and a significant number of unilateral advance pricing agreements with multinational corporations.



GLOBAL SOLUTIONS

The Italian government does not support the establishment of an intergovernmental UN tax body.



OWNERSHIP TRANSPARENCY

Latvia has adopted a law which introduces a public register of beneficial owners.



PUBLIC REPORTING

The Latvian government would like to change the legal basis of the proposal, so that the European Parliament is excluded from the negotiations and a final decision would require unanimity among the EU member states. In reality, this would result in an unambitious outcome.



TAX TREATIES

Although Latvia has relatively few tax treaties with developing countries, these treaties have a relatively high negative impact on the developing countries that have signed them. This is because Latvia's tax treaties, on average, impose relatively high reductions of developing country tax rates.



HARMFUL TAX PRACTICES

Latvia has introduced a system that allows multinational corporations to pay zero per cent corporate tax on retained or reinvested earnings.



GLOBAL SOLUTIONS

The government of Latvia states that it does not have an official position on the issue of establishing an intergovernmental UN tax body.

LUXEMBOURG



OWNERSHIP TRANSPARENCY

Luxembourg does not have a central register of beneficial owners.



PUBLIC REPORTING

The government of Luxembourg is against public country by country reporting and would like to change the legal basis of the proposal, so that the European Parliament would be excluded from the negotiations and a final decision would require unanimity among the EU member states. In reality, this would result in an unambitious outcome.



TAX TREATIES

Although not unproblematic, the Luxembourg tax treaty network gives fewer reasons for concern compared with many other countries covered by this report, since Luxembourg's number of treaties with developing countries, as well as the average reduction of developing country tax rates, are both significantly below average among the countries covered by this report.



HARMFUL TAX PRACTICES

Luxembourg has been identified as the world's largest sink jurisdiction. It has a patent box and a very high number of unilateral advance pricing agreements with multinational corporations.



GLOBAL SOLUTIONS

The government of Luxembourg states that it does not have an official position on the issue of establishing an intergovernmental UN tax body.

THE NETHERLANDS



OWNERSHIP TRANSPARENCY

The Netherlands does not have a public register of beneficial owners. Work is in progress to introduce a beneficial ownership register, which would be public. However, the current proposal contains restrictions on public access which could make the register difficult to use.



PUBLIC REPORTING

The previous Dutch government supported full public country by country reporting, but the public announcements from the new government suggest that they instead support the position of the European Commission.



TAX TREATIES

The Netherlands has a high number of 'very restrictive' tax treaties with developing countries. Furthermore, compared to the other countries covered by this report, the number of tax treaties between the Netherlands and developing countries, as well as the reduction of tax rates imposed by those treaties, are both above average.



HARMFUL TAX PRACTICES

The Netherlands has been identified as the world's largest conduit jurisdiction. It has a patent box, a high number of letterbox companies, as well as a high number of advance pricing agreements with multinational corporations.



GLOBAL SOLUTIONS

The Dutch government does not support the establishment of an intergovernmental UN tax body.

NORWAY



OWNERSHIP TRANSPARENCY

Norway does not have a public register of beneficial owners.



PUBLIC REPORTING

The position of Norway is unclear since the Parliament has voted for public country by country reporting, but the government has not followed up.



TAX TREATIES

Norwegian tax treaties with developing countries, on average, reduce the tax rates less than most other countries covered in this report. However, what the average does not show is that Norway has a significant number of 'very restrictive' tax treaties with developing countries.



HARMFUL TAX PRACTICES

Norway does not have a patent box, or unilateral advance pricing agreements with multinational corporations.



GLOBAL SOLUTIONS

On the issue of establishing an intergovernmental UN tax body, the position of the Norwegian government is unclear.

POLAND



OWNERSHIP TRANSPARENCY

Poland does not have a public register of beneficial owners. However, a legislative proposal, which would introduce a public register in Poland, has been put forward by the government.



PUBLIC REPORTING

Although Poland has taken concrete steps towards increased corporate transparency at the national level, its position on the issue of public country by country reporting at EU level is currently unclear.



TAX TREATIES

Polish tax treaties with developing countries, on average, introduce quite limited reductions of developing country tax rates. However, what the average does not show is that Poland has a significant number of 'very restrictive' tax treaties with developing countries.



HARMFUL TAX PRACTICES

Poland does not have a patent box. Poland's number of unilateral advance pricing agreements with multinational corporations is relatively low.



GLOBAL SOLUTIONS

The Polish government sees a need to analyse the proposal of establishing an intergovernmental UN tax body before deciding its position.

SLOVENIA



OWNERSHIP TRANSPARENCY

Slovenia has adopted a law which introduces a public register of beneficial owners of both companies and other legal structures.



PUBLIC REPORTING

Slovenia supports full public country by country reporting.



TAX TREATIES

Although Slovenia's number of treaties with developing countries is the lowest among all countries covered by this report, the average rate of reduction of developing country tax rates through those treaties is above average, and thus Slovenia's tax treaties can have negative impacts on developing countries.



HARMFUL TAX PRACTICES

Slovenia does not have a patent box or unilateral advance pricing agreements with multinational corporations.



GLOBAL SOLUTIONS

The Slovenian government does not support the establishment of an intergovernmental UN tax body.

SPAIN



OWNERSHIP TRANSPARENCY

The Spanish government has spoken strongly in favour of public registers of beneficial owners. However, Spain has not yet introduced a public register of its own.



PUBLIC REPORTING

The position of Spain is currently unclear.



TAX TREATIES

Among all the countries covered by this report, Spain has on average been the second most aggressive negotiator when it comes to lowering developing country tax rates through tax treaties. Spain also has a relatively high number of tax treaties with developing countries, which makes the situation even more concerning.



HARMFUL TAX PRACTICES

Spain's holding companies (ETVEs) can be used as vehicles for corporate tax avoidance. Spain also has a patent box and a significant number of unilateral advance pricing agreements with multinational corporations. Spain has a patent box and a significant number of unilateral advance pricing agreements with multinational corporations.



GLOBAL SOLUTIONS

The Spanish government does not support the establishment of an intergovernmental UN tax body.



OWNERSHIP TRANSPARENCY

Sweden has adopted a law that introduces a public register of beneficial owners in Sweden.



PUBLIC REPORTING

The Swedish government would like to change the legal basis of the proposal, so that the European Parliament would be excluded from the negotiations and a final decision would require unanimity among EU member states. In reality, this would result in an unambitious outcome.



TAX TREATIES

Sweden has several 'very restrictive' tax treaties with developing countries. Furthermore, compared to the other countries covered by this report, the number of tax treaties between Sweden and developing countries, as well as the reduction of tax rates imposed by those treaties, are both above average.



HARMFUL TAX PRACTICES

Sweden does not have a patent box or any unilateral advance pricing agreements with multinational corporations. However, Sweden's limited liability companies present a risk of abuse and are thus an issue of concern.



GLOBAL SOLUTIONS

The Swedish government does not support the establishment of an intergovernmental UN tax body.



OWNERSHIP TRANSPARENCY

The UK has been a true frontrunner by creating a public register for beneficial owners of companies, and the register is up and running. However, the UK is opposing public registers for trusts, and has not used the powers it has available to increase transparency in its overseas territories.



PUBLIC REPORTING

The UK government states that it supports public country by country reporting on a global level, but its position on public country by country at an EU level is unclear.



TAX TREATIES

The UK has a high number of 'very restrictive' tax treaties with developing countries. Furthermore, on average, the UK's tax treaties with developing countries contain relatively high reductions in developing country tax rates. The fact that the UK at the same time has the highest number of treaties with developing countries gives even more reason for concern.



HARMFUL TAX PRACTICES

The UK is the world's 2nd largest conduit jurisdiction. It has a patent box and a significant number of unilateral advance pricing agreements with multinational corporations.



GLOBAL SOLUTIONS

The UK government does not support the establishment of an intergovernmental UN tax body.