

EU and OECD Digital Tax Challenges

Germaine Rekwest LL.M

University of Curaçao

Prof. dr. Peter Kavelaars

Erasmus University Rotterdam / FEI

Of Counsel Deloitte.



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Programma

- **EU Tax Package for fair & simple taxation**
 - Germaine Rekwest
- **OECD Digital Tax Pillar 1 & 2**
 - Peter Kavelaars



Germaine Rekwest

**EU Tax Package for Fair
& Simple Taxation**



Actieplan voor fair
taxation



DAC7



Tax Good Governance



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Action plan

25 initiatieven

Plan for Fair and Taxation Supporting the EU's recovery

25 new initiatives to make taxation fairer,
simpler and better adapted to our digital world.



Facilitating trade in goods and services in the EU

The Commission will propose amending the
VAT Directive to move towards a single EU
VAT registration system.

Business-friendly VAT rules

The Commission will modernise VAT rules
to ensure they are fit for the online
economy.

Modern VAT rules for financial services

The Commission will update
rules on financial
services taking into
account the rise
of digital



Clear tax residency rules

The Commission will clarify tax residency
rules for cross-border EU workers.

Tackling VAT fraud head-on

To fight VAT fraud and help compliant businesses,
the Commission will support Eurofisc to improve
the use of technology and information
sharing between Member States.

is the
et will

Securing prosperity through tax

Fair taxation is crucial in helping the EU economy bounce back. The Tax Package will make taxation simpler, fairer and better adapted to the modern world, while supporting the fight against tax fraud and avoidance.

Action Plan for fair and simple taxation supporting the recovery

25 measures to reduce tax obstacles, promote taxpayers' rights and help Member States secure reliable tax revenues.

Better administrative cooperation

An EU-level solution to ensure that digital platforms also follow EU tax transparency rules.

Tax Good Governance in the EU and beyond

Reform of the Code of Conduct – which sets the parameters for fair tax competition in the EU – and improvements to the EU list of non-cooperative jurisdictions. The EU is also working to help developing countries fight tax abuse and protect their tax revenues.

Tax rules for the modern economy

This is the first part of a comprehensive and ambitious EU tax agenda. We will soon come with an approach to ensure all companies, including digital ones, pay their fair share. We will make proposals to ensure that taxation supports the green transition and other EU priorities, like the fight against cancer. For sustainable growth, taxation must become simpler

Overview BEPS Actions

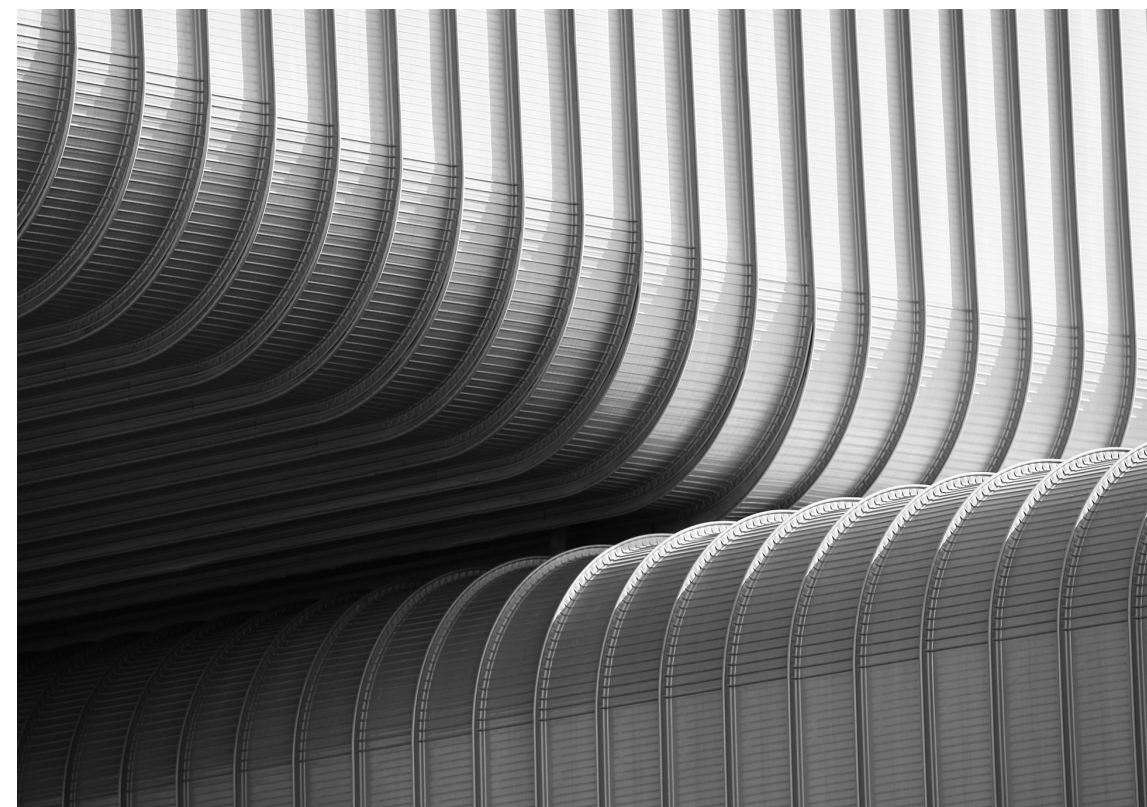
Minimum standards	Reinforced international standards	Common approaches & best practices	Analytical reports & measuring BEPS
Action 5 Counter harmful tax practices	Action 7 Prevent the artificial avoidance of PE status	Action 2 Neutralise the effects of hybrid mismatch arrangements	Action 1 Digital economy
Action 6 Prevent treaty abuse	Actions 8 - 10 Aligning transfer pricing outcomes with value creation: Intangibles; Risk and capital; and Other high-risk transactions	Action 3 Strengthen CFC rules	Action 11 Data analysis
Action 13 Examine transfer pricing documentation		Action 4 Limit interest deductibility	Action 15 Develop a multilateral instrument
Action 14 Dispute resolution		Action 12 Mandatory disclosure rules	

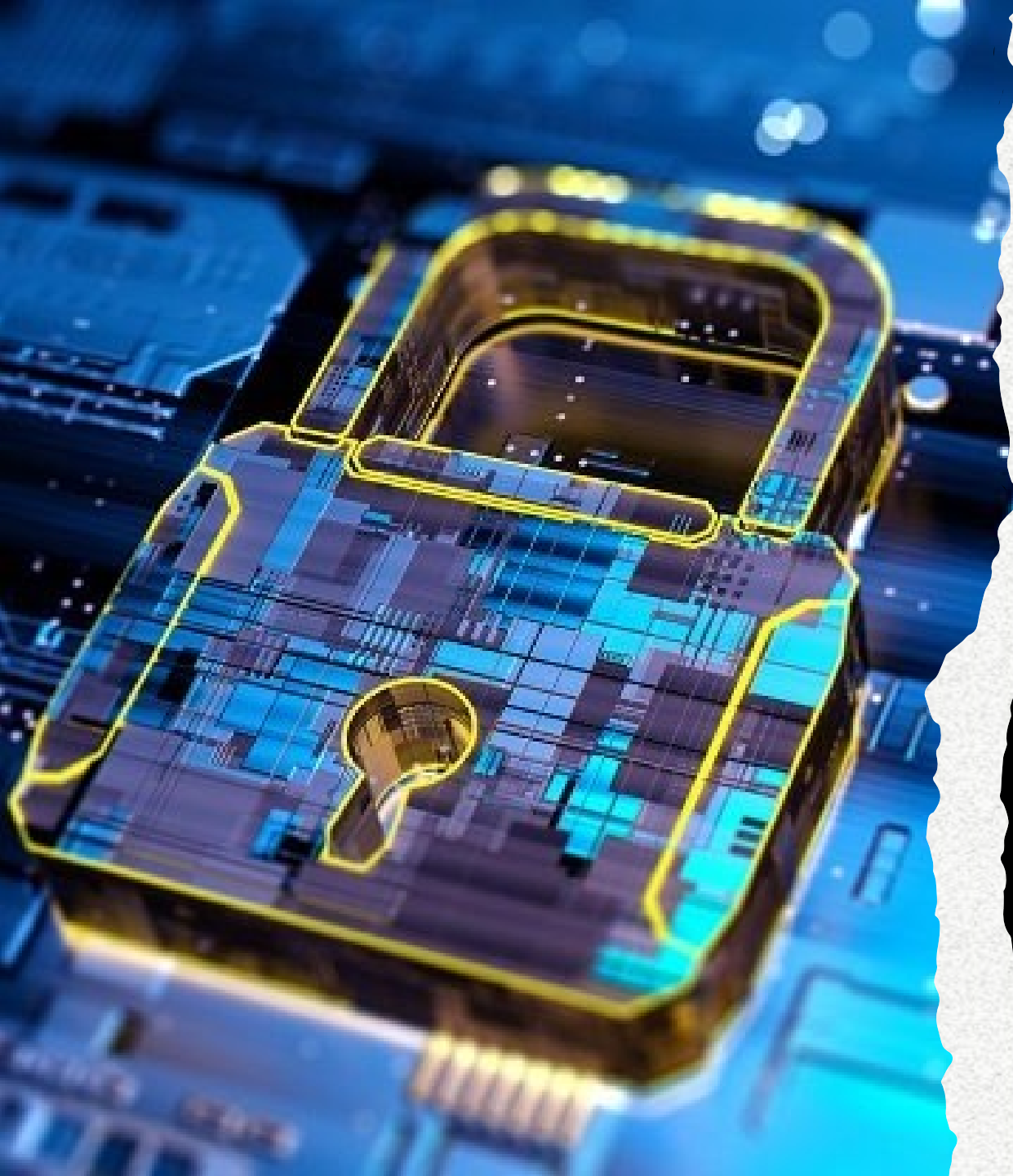
EU Fair taxation → EU Tax Good Governance

Introductie DAC7

Directive on Administrative Cooperation – DAC

DAC1	DAC1	DAC2	DAC3	DAC4	DAC5	DAC6
2011/16/EU NON AEOI	2011/16/EU AEOI ITEMS	2014/107/EU AEOI ITEMS	2015/2376/EU AEOI ITEMS	2016/881/EU: AEOI ITEMS	2016/2258/EU NON AEOI	2018/822/EU AEOI ITEMS
Applies:1/2013	Applies:1/2015	Applies:1/2016	Applies:1/2017	Applies:6/2017	Applies:1/2018	Applies:7/2020
All exchanges of info except Art. 8	1 st exchanges on 2014 by: 30.6.2015	1 st exchanges on 2016 by: 30.9.2017	1 st exchanges by 30.9.2017	1 st exchanges on 2016 by: 30.6.2018	Art. 22, para 1a	1 st exchanges by: 31.8.2020
*Exchanges on request	Art. 8	Art. 8, para 3a	Art. 8a	Art. 8aa	Access by tax authorities to beneficial ownership information as collected under AML rules	Art. 8aaa and hallmarks in Annex 4
*Spontaneous exchanges	*Automatic exchange of information on 5 non-financial categories:	Automatic exchange on financial account information:	Automatic exchange of information (using a central directory as from 1.2018) of:	Automatic exchange of information on country-by-country reports		*Mandatory disclosure rules for intermediaries and
*Presence in adm. offices	<i>*Income from employment</i>	<i>*Interests, dividends or other income generated by financial account</i>	*Advance cross-border rulings	on certain financial information:		*Automatic exchange of information on tax planning
*Simultaneous controls	<i>*Directors fees</i>	<i>*Gross proceeds from sale or redemption</i>	*Advance pricing arrangements	<i>*Revenues</i>		cross-border arrangements
*Request for notification	<i>*Pensions</i>	<i>*account balances</i>		<i>*Profits</i>		
*Sharing best practices	<i>*Life insurance products</i>			<i>*Taxes paid and accrued</i>		
*Use of standard forms	<i>*Immovable property (income and ownership)</i>			<i>*Accumulated earnings</i>		
				<i>*Number of employees</i>		
				<i>*Certain assets</i>		





DAC7

- Automatische informatie-uitwisseling
- Verkopers op digitale platformen
- EU-lidstaat en niet-EU-lidstaat

Platform operator

- Economische activiteiten
- Accommodaties → beschikbaarheid op platform
- Commissie betalen aan operator
- Boekers betalen niks aan operator



Booking.com

Planet Earth's #1 Accommodation Site



- **Probleem:**

belastingautoriteiten kunnen de economische activiteiten via digitale platform moeilijk traceren

- **DAC7:**

- Verplichting om financiële informatie over de platformverkoop verzamelen en verstrekken
- Due diligence uitvoeren t.a.v. verkoper/aanbieder op het platform



Platform

- Iedere vorm van software, website, app oid
- Verkopers $\leftrightarrow$ Kopers
- Vergoeding
- Verhuur OZ, persoonlijke diensten, verkoop goederen, verhuur auto's, crowdfunding



EU-nexus

- Relevante activiteiten van EU-verkopers/aanbieders faciliteren
- Verhuur van OZ die in EU zijn gelegen, faciliteren



DAC7

- Implementatie 31 December 2022
- Vanaf 1 januari 2023 in werking stellen
- In 2024 rapportageplichtig over 2023
- Vanaf 1 januari 2023 proces in stelling hebben



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**EU Tax Package for Fair
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Actieplan



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Tax Good Governance



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