



Brussels, 26 October 2015

Meeting Report Code of Conduct Group
21 October 2015

I. EXECUTIVE SUMMARY

- **Regarding the links to third countries, a delegation from Liechtenstein participated in the meeting.** [REDACTED]

[REDACTED]

- **No MS took the floor to react. It was therefore concluded that MS were not in a position to provide a definitive answer to Liechtenstein and will do so as soon as possible, at the latest by the next meeting.**

- [REDACTED]

- **COM offered to prepare an analysis of the tax regimes to be possibly covered in the dialogue in order to assist MS in taking a decision.**

- **On the issue of the Gibraltar's tax regimes applicable to shell companies,** [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- **It was decided that COM would make a more general analysis [REDACTED] COM asked MS to send in useful information insofar.**
- **Regarding the new work program, after discussion on a modified text, it was agreed that [REDACTED] [REDACTED] The text should be adopted at the next meeting and go in the report to ECOFIN for December.**
- [REDACTED]
- **COM offered to provide a document concerning the interpretation of the modified nexus approach.**
- [REDACTED]
- **Under AOB, COM informed delegations about the progress of the TAXE consultation and informed that MS will be asked if they can agree to disclosure concerning further documents in the coming weeks.**

II. REPORT

1. Links to third countries - Liechtenstein

- **COM** recalled that the dialogue with Liechtenstein had been on hold in the last three years and that it was re-launched in 2014. **COM** briefly introduced the draft roadmap for the dialogue and the draft descriptions of national tax regimes to be discussed (Annex I and II of room document # 2). [REDACTED]

- **CHAIR** invited a delegation from Liechtenstein to join the Group to make a presentation on national tax regimes.

- [REDACTED]

- [REDACTED]

- **CHAIR** invited MS to take the floor but no MS did so. It was therefore concluded that MS were not in a position to provide a definitive answer to Liechtenstein and

will do so as soon as possible, at the latest by the next meeting. The discussion then continued among MS only.

- COM invited MS to provide feedback on the tax regimes to be covered in the dialogue. To assist them COM said that it was willing to provide an analysis of these regime by the next CoC meeting.

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

2. Rollback: Gibraltar – Income Tax Act 2010

- Discussions centred on a Commission paper describing the Gibraltar's 2010 Income Tax Act in so far as it applies to asset holding companies ("shell" or "dormant" companies). [REDACTED]

- [REDACTED]

- [REDACTED]

■ [REDACTED]

■ [REDACTED]

- [REDACTED]

- **CHAIR** concluded by asking COM to make a more general analysis on whether shell companies like those of Gibraltar could be used to obtain tax advantages.
- **COM** asked MS to send in useful information insofar.

3. Future of the Code

- The draft work program prepared by COM was discussed. The main issues discussed concerned points 2 – Administrative practices and 6 – Outbound payments.
- On administrative practices point 2c) and 2d) were discussed. [REDACTED]

- [REDACTED]

4. Patent Boxes

- COM presented its paper on the future work of the group with Patent boxes [REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

5. AOB

- COM informed the group about the consultation of COM documents by members of the TAXE Committee. The "in camera" consultation is currently on-going concerning the 25 documents containing MS contributions. The contributions of the MS who have not agreed to disclosure have been redacted. COM also informed delegations that TAXE has asked for documents from 1998-2009 as well and that MS will receive a note from COM asking if they can give their consent to sharing those documents that contain contributions from MS. The question of TAXE access to COM internal notes is also being discussed but so far there is no conclusion.

- CONS gave its support to the COM line of action as described and emphasized the need for contacts between CONS and COM on this subject.

- [REDACTED]