



**COUNCIL OF  
THE EUROPEAN UNION**

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from :	the German delegation
date of receipt :	26 October 2000
to :	Code of Conduct Group (Business Taxation)
Subject :	Code of Conduct (Business Taxation) - revised draft guidance on rollback and standstill

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Delegations may find below the amendments submitted by the German delegation to the Presidency's revised draft guidance on rollback and standstill.

The German delegation proposes to read paragraph 13 as follows:

"Transparency and exchange of information shall be guiding principles in the setting up and administration of Member States' company tax system.

Member States shall inform each other about major changes in their company tax system as soon as these changes come into effect.

Member States shall inform each other yearly about the use of the transfer pricing guidelines in practice and the number and kind of advanced agreements concerning transfer pricing. Information on procedures regarding advanced arrangements should be exchanged as well among the Member States. If a Member State has agreed to an Advance Pricing Arrangement (APA), a ruling or any other advanced agreement concerning transfer pricing, it should automatically notify all other

Member States concerned and provide them with all necessary information. The same obligation should apply to Member States where a company has used a transfer pricing method without prior consultation of the tax authorities of that Member State. Member States should inform the Member States concerned of any discrepancies related to the used transfer pricing method. In such cases the Member States should undertake a joint audit regarding the transfer prices."

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