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REPORT

From:	General Secretariat of the Council
To:	Delegations
Subject:	Code of Conduct Group (Business Taxation) - Report to the Council

Greece's measure on Patent tax incentive (EL015)

1. In 2018, the Group endorsed the agreed description of the EL015 regime and decided not to assess it, but to monitor it. Greece also had to notify the Group on an annual basis of any developments relating to the use of the measure. Greece provided such data on a yearly basis and was monitored accordingly.
2. In 2022, Greece informed the Group that it amended EL015, in order to align it with the modified nexus approach. The new provision entered into force on 1.1.2022 and was assessed by the Group (EL015REV). No grandfathering was granted to taxpayers benefitting under the old provision. EL015 is thus not in force since 31.12.2021.
3. As the original measure (EL015) did not seem to have affected in a significant way the business location among the Member States, the Group decided in November 2022 to terminate its monitoring once the data covering the year 2021¹ is received.

¹ Report to ECOFIN, 22.11.2022 ; <https://data.consilium.europa.eu/doc/document/ST-14674-2022-INIT/en/pdf>

4. Based on the data received from Greece, it appears that out of the 6 taxpayers having benefitted from the measure in 2021, only one taxpayer was foreign owned.
5. The conclusion drawn in 2022 that the measure did not seem to have affected in a significant way the business location among the Member States, is therefore confirmed. Accordingly, the monitoring is closed.

Greece - EL015	2016	2017	2018	2019	2020	2021
The number of taxpayers benefitting from the regime	2	3	1	3	6	6
How many of the companies benefitting from the regime are domestic companies	1	2	1	2	5	5
How many are foreign or foreign owned companies	1	1	0	1	1	1
The aggregate amount of income benefitting from the regime.	Amount of reserve: 2 853 222,24	Amount of reserve: 5 416 813,44	Amount of reserve: 3 515 314,07	Amount of reserve: 6 353 388,85	Amount of reserve: 16 482 703,21	Amount of reserve: 20 956 535,82