



Council of the  
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### **OUTCOME OF PROCEEDINGS**

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From: General Secretariat of the Council  
To: COCG delegations  
Subject: Code of Conduct Group (business taxation)  
- Priority list for monitoring agreed guidance

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Delegations will find attached the priority list agreed by the Code of Conduct Group at its meeting of 14 February 2018.

## **Code of Conduct Group (business taxation)**

### **Priority list for monitoring agreed guidance**

At its meeting of 14 February 2018 and in line with its *Procedural Guidelines on setting working methods for an effective monitoring of Member States' compliance with agreed guidance* (doc. 15449/17), the Code of Conduct Group (business taxation) agreed that:

#### **A- The following agreed guidance should continue to be monitored:**

- a) 2014 Guidance on nexus approach for IP regimes.
- b) 2010 Guidance on inbound profits:
  - a. Member States should report on how they implemented the 2010 guidelines; and
  - b. The Group agreed to return to the issue of the dependant and associated territories after the end of the screening of third country jurisdictions under the external strategy.

#### **B- The Group should start monitoring the following agreed guidance, one guidance at the time, in chronological order:**

- a) 2000 Guidance on Rollback and Standstill.
  1. finance branches;
  2. holding companies;
  3. headquarter companies;
- b) 2013 Guidance on intermediate (financing, licensing) companies.
- c) 2016 Guidance on the conditions and rules for the issuance of tax rulings – standard requirements for good practice by Member States.
- d) 2017 Guidance on tax privileges related to special economic zones (SEZ).

**C- Other agreed guidance do not need to be monitored either because of a significant overlap with EU law or because of their procedural nature.**

The Group furthermore agreed that, for transparency reasons, a compilation of agreed guidance should be made public on the Council's website by the General Secretariat of the Council (see doc. 5814/18) together with the above explanatory note.

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