

# CFE's Tax Top 5

## KEY TAX NEWS OF THE WEEK

BRUSSELS | 13 MAY 2019



### 2019 EU Commission Presidential Debate to be held in Brussels on 15 May 2019

The European Broadcasting Union will be [live broadcasting](#) the 2019 Eurovision Presidential Debate between the lead candidates to be the next president of the European Commission. The debate will take place in the European Parliament in Brussels on 15 May 2019 at 21:00 CET and can be followed live online.

The candidates taking place in the debate are Nico Cué (Spain, European Left), Ska Keller (Germany, European Green Party), Jan Zahradil (Czech Republic, Alliance of Conservatives and Reformists in Europe), Margrethe Vestager (Denmark, Alliance of Liberals and Democrats for Europe), Manfred Weber (Germany, European People's Party) and Frans Timmermans (The Netherlands, Party of European Socialists).

CFE has partnered with the European Parliament to promote the EU elections scheduled for 23 - 26 May, and EU citizens with a right to vote can directly elect Members of the European Parliament from their constituencies. European Parliament's ["This time I am voting"](#) page has more information on the voting process.



### EU Commission Publishes Intra-EU VAT Refunds Study

The EU Commission has [published a study](#) concerning domestic and cross-border intra-EU VAT refunds, examining in detail the current processes for tax administrations and taxpayers for VAT refund claims.

The report examines Member States' implementation of the directive for cross-border intra-EU refunds into national legislation, and CJEU case law concerning domestic VAT refund claims. It also highlights practical issues stemming from implementation issues, particularly from the perspective of taxpayers and tax advisers in claiming VAT refunds in cross-border situations.

The results of the study will be used by the EU Commission to inform future action to address inconsistencies and implementation issues related to the cross-border intra-EU refunds directive.



## Ireland and The Netherlands Set Out Position on Tax Sovereignty

At a joint press conference following a meeting in The Hague, Leo Varadkar and Mark Rutte [stated](#) that the countries “*strongly believe that tax is a sovereign issue, that individual member states should decide for themselves.*” The leaders met ahead of the EU summit which took place in Sibiu, Romania, concerning the future of the EU.

Leo Varadkar reiterated that both countries support global solutions to issues surrounding taxation of large corporations, and that the OECD was making good progress on finding a fair method to tax digital entities.

The comments appear to indicate that Ireland and The Netherlands will not be supportive of any further attempts to revive the EU digital tax proposals, or the plan as outlined in the Commission’s January 2019 [communication](#) proposing that decision making on tax matters could be modified to take place by way of qualified majority voting, rather than by unanimous agreement.



## Council High Level Working Party (Taxation) Discuss Digital Taxation & FTT

The Council of EU High Level Working Party (Taxation) convened a [meeting](#) on 7 May in Brussels, to discuss significant taxation issues faced by the EU.

The Working Party exchanged views on international digital taxation in preparation for ECOFIN discussions, the state of play of Financial Transaction Tax, discussed a Commission Communication on energy/climate and taxation, transfer pricing and the Belt and Road Initiative conference held in China in April this year.

In relation to indirect taxation matters, the group examined excise duties on alcohol in relation to a submission to ECOFIN concerning amendments to the Council Directive, as well as the common system of VAT in relation to SMEs which is anticipated to be agreed in the coming month.



## HMRC Must Delete Files Following GDPR Breach

The UK tax authority, HM Revenue and Customs, has been [found](#) by the Information Commissioner’s Office to have breached data protection rules set out in the EU General Data Protection Regulation by failing to give users an option to opt out of voice identification software.

Following investigation into a complaint lodged by privacy campaigner Big Brother Watch that the biometric data was not held in compliance with GDPR, the IOC held there had been a significant breach of data laws and gave HMRC until 5 June to delete the biometric data voice records of approximately 5 million users.

Big Brother Watch director, Silkie Carlo, said: “*This is a massive success for Big Brother Watch, restoring data rights for millions of ordinary people around the country. To our knowledge, this is the biggest ever deletion of biometric IDs from a state-held database. This*

*sets a vital precedent for biometrics collection and the database state, showing that campaigners and the ICO have real teeth and no government department is above the law.”*

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