



**tax advisers  
europe**



**CFE** Annual Report

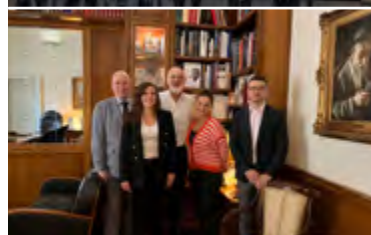
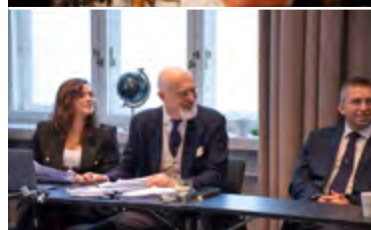
**2023**

## MEMBER ORGANISATIONS / STANDING GUEST IN 2023

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CFE is an umbrella organisation representing the tax profession in Europe. On 31 December 2023, our members comprised 30 professional organisations from 23 European countries, representing more than 200,000 individual members, and 1 standing guest organisation from Uzbekistan. Our functions are to safeguard the professional interests of tax advisers, to assure the quality of tax services provided by tax advisers, to exchange information about national tax laws and professional law, and to contribute to the coordination of tax law in Europe.

 <b>AT</b>	Kammer der Steuerberater und Wirtschaftsprüfer (KSW)	 <b>NL</b>	De Nederlandse Orde van Belastingadviseurs (NOB)  De Nederlandse Vereniging van Advocaten-Belastingkundigen (NVAB)  Register Belastingadviseurs (RB)
 <b>BE</b>	Institute for Tax Advisors & Accountants (ITAA)	 <b>PL</b>	Krajowa Izba Doradców Podatkowych (KIDP)
 <b>CH</b>	EXPERTsuisse	 <b>PT</b>	Associação Portuguesa de Consultores Fiscais (APCF)
 <b>CZ</b>	Komora daňových poradců ČR (KDPČR)	 <b>RO</b>	Camera Consultantilor Fiscali (CCF)
 <b>ES</b>	Asociación Española de Asesores Fiscales (AEDAF)  Registro de Economistas de Asesores Fiscales (REAF)	 <b>RS</b>	The Association of Tax Advisors of Serbia
 <b>FI</b>	Suomen Veroasiantuntijat ry (Association for Finnish Tax Professionals)	 <b>SK</b>	Slovenská komora danových poradcov (SKDP)
 <b>FR</b>	Institut des Avocats Conseils Fiscaux (IACF)	 <b>SI</b>	Tax Advisory Chamber of Slovenia (DSZS)  Zbornica Davčnih Svetovalcev Slovenije (ZDSS)
 <b>HR</b>	Hrvatska Komora Poreznih Savjetnika (HKPS)	 <b>SM</b>	Ordine dei Dottori Commercialisti e degli Esperti Contabili (ODCEC)
 <b>IE</b>	The Irish Tax Institute (ITI)	 <b>UK</b>	The Chartered Institute of Taxation (CIOT)  Tax Faculty – Institute of Chartered Accountants in England and Wales (ICAEW)
 <b>IT</b>	Associazione Nazionale Tributaristi Italiani (ANTI) Consiglio Nazionale dei Dottori Commercialisti e degli Esperti Contabili (CNDCEC)		
 <b>LU</b>	Ordre des Experts-Comptables (OEC)		
 <b>LV</b>	Latvijas Nodokļu Konsultantu Asociācija		
 <b>ME</b>	Institute of Accountants and Auditors of Montenegro		
 <b>MT</b>	Malta Institute of Taxation (MIT)		
		<b>Standing guest:</b>	
		 <b>UZ</b>	The Chamber of Tax Advisors of Uzbekistan



<b>WELCOME</b> .....	4
<b>FOREWORD</b> .....	5
<b>I. TAX POLICY AND TAX ADVISERS' PROFESSIONAL AFFAIRS</b>	
<b>FISCAL COMMITTEE</b>	
Overview .....	6
Activities .....	6
Priorities .....	6
<b>PROFESSIONAL AFFAIRS COMMITTEE</b>	
Overview .....	10
Activities .....	10
Priorities .....	10
<b>TAX TECHNOLOGY COMMITTEE</b>	
Overview .....	13
Activities .....	13
Priorities .....	13
<b>NEW TAX PROFESSIONALS AD HOC COMMITTEE</b> .....	16
<b>ECJ TASK FORCE</b> .....	17
<b>CFE ENGAGEMENT</b>	
European Commission Platform for Tax Good Governance .....	18
VAT Expert Group .....	19
United Nations Tax Committee .....	19
EU Institutions .....	20
European Commission .....	20
European Parliament .....	20
<b>GLOBAL TAX ADVISERS PLATFORM</b> .....	21
<b>II. 2023 - THE YEAR IN REVIEW</b> .....	22
<b>III. CFE EVENTS</b>	
<b>CFE FORUM 2023</b> .....	24
<b>CFE ACADEMY</b> .....	26
<b>AWARD OF THE ALBERT RÄDLER MEDAL 2022</b> .....	26
<b>CFE &amp; EU PARLIAMENT EVENT: A GENDER EQUAL TAX SYSTEM IN EUROPE</b> ....	27
<b>16th EUROPEAN CONFERENCE ON TAX ADVISERS' PROFESSIONAL AFFAIRS</b> ..	28
<b>CFE ANNUAL TAX NETWORKING EVENT</b> .....	30
<b>CFE CONFERENCE PARTICIPATION</b> .....	30
<b>IV. GALLERY</b> .....	32
<b>V. CFE PUBLICATIONS</b>	
Opinion Statements .....	44
External & Electronic Publications ... ..	45
Tax Top 5 .....	45
Global Tax Top 10 .....	45
Living CFE .....	45
EU Tax Policy Report .....	45
<b>VI. EUROPEAN REGISTER OF TAX ADVISERS</b> .....	45
<b>VII. CFE GOVERNANCE</b>	
General Assembly .....	46
Executive Board .....	53
<b>VIII. CFE TECHNICAL COMMITTEES &amp; CFE OFFICE</b>	
CFE Technical Committees .....	55
CFE Office & Impressum .....	58

**Ian Hayes**

President, CFE Tax Advisers Europe

It is a great pleasure to write this address introducing the 2023 CFE Annual Report. It was my first year in office as President and saw the Executive Board addressing issues affecting the major changes in work, lifestyle and capabilities brought about by digitalisation, climate change and the spread of contagion viruses. Regrettably, we have warfare on European soil and all of us know far too well the effect that has on economic, social and co-operative behaviours.

Overarching the development of CFE's strategy has been the need to establish a concept of the Tax Adviser in 2030. What skills will a tax adviser need, what taxes will be dealt with, how will technology have impacted not only how tax advisers work but also to what extent does the State participate.

At the April General Assembly meeting in Brussels, I presented the strategic direction CFE will follow during my Presidency. It is designed to focus on the perceived skills a tax adviser will need in 2030 and the transition the profession will go through. As part of this strategy, in 2023 the General Assembly format was amended to expand on the consultation groups piloted with Member Organisations over the last 2 years. We had a curated consultation designed to elicit members' views on key issues such as digitalisation of tax and Artificial Intelligence, how tax practice on the ground is changing and how CFE and our Member Organisations are adapting to the challenge.

Informed with these views, the Executive Board has been and is formulating proposals to be brought to the General Assembly in 2024 setting out objectives, strategy and a route for CFE Tax Advisers Europe and its Member Organisations to achieve those objectives in the period up to 2030. Our intent is that a key part of the CFE General Assembly will be an interactive consultation devoted to discussions about CFE strategy going forward. Our activities must reflect the change and the needs they create.

At the Fall meeting, held in Helsinki, Finland, on 22 September 2023, the first of these consultations took place, with attendees discussing the issue of how CFE sees its role in shaping the tax advisory profession in the years up to 2030. Prof. Dr. Georg Kofler, LL.M., Professor of Tax Law at Vienna University of Economics and Chair of the CFE ECJ Task Force gave a very informative presentation to start the discussions on "The Impact of Data and Deep Learning, AI on Tax Law - Risks and Opportunities".

The views of the General Assembly delegates were gathered as an extension of tailored meetings held between the CFE Board and Member Organisations' representatives in the past two years, and are informing the next iteration of this ongoing development of a strategic change programme. A set of 5 questions, tailored from a broad range of discussions currently being held by policy-

makers, and narrowed down to topics which the Executive Board considered the most relevant for the future of the tax advisory profession, were put to curated discussion groups. The discussion topics covered disruption brought by tech, AI, and regulatory developments and provided a thorough and in-depth consultation on the way forward for our profession.

The outcome of the consultation process will be set out in a strategy document that will propose the direction for CFE and the profession going forward, prepared before, and discussed during the 2024 General Assemblies in Brussels and Ljubljana.

Tax work is changing fast, and not only must we move with it, we must recognise the critical role we play in social and economic development and accept that, as we have done in the past, we lead into the future and assist in the evolutionary changes that are coming and will continue to come. The Executive Board looks forward to continuing the process of consultation and engagement with our Member Organisations to develop our Tax Adviser 2030 strategy. Should you have any queries concerning the strategy, we would be delighted to hear from you via the e-mail [president@taxadviserseurope.org](mailto:president@taxadviserseurope.org).



**Dr Aleksandar Ivanovski**  
Director of Tax Policy, CFE Tax Advisers Europe

Last year brought new tax policy developments with potential to become the most significant changes in the global tax architecture in recent times. Just when the tax professional community thought the complexity with the taxation of the 'tech companies' could not get any worse, the whole picture got upended: BEPS, BEPS 2.0 and 'allocation' discussions are now almost back to square one.

Seeking a greater role for the UN, the UN General Assembly voted in favour of a Draft Resolution on the Promotion of Inclusive and Effective International Tax Cooperation, directly challenging the OECD leadership in international tax matters. The vote on a resolution filed by Nigeria saw a clear divide between the Global South and the rest of the world led by the EU and the US, who are opposed to the UN process. The UN vote followed an earlier Report from the UN Secretary General, which called for a greater role for the Global South countries in setting the international tax policy agenda.

Writing on the EU tax developments, the Director-General for Taxation and Customs at the European Commission, Gerassimos Thomas, proclaimed that the EU Minimum Tax (Pillar 2) Directive "will undoubtedly have a lasting effect on base erosion and profit shifting, and enhance the fairness of taxation globally". In implementing the directive, however, we foresee further challenges and uncertainty, given the evolving guidance coming from the OECD, which the EU approved as a priori coherent with the EU Pillar 2 Directive. Many countries maintain reservations about the complexity of the rules and their capacity and ability to effectively raise taxes under such rules.

Regarding Pillar 1, things are even more complex, politically and technically. Without implementation in the US as a headquarter jurisdiction of the companies with significant digital presence, Pillar 1 rules, as currently designed, will not be effective. With the US elections and the Republican – Democratic stand-off, it seems unlikely Congress will be able to pass legislation to which the US government signed up for. And this is probably not very surprising, given the continued reluctance in the US to allow taxation of the US 'tech companies' in market jurisdictions. In this regards, Canada was warned of "significant consequences" should it proceed with introduction of a digital services tax on 1 January 2024. As a response to these developments in the US, Paul Tang, Chairman of the European Parliament Taxation Subcommittee FISC said that the US should be given a deadline, regardless of the administration that will take over the presidency or Congress, after which the EU will implement the Digital Services Tax. As such, Pillar 1 and the taxation of companies with significant digital presence depends on the EU position towards the US and the transatlantic relationship and cooperation.

The EU law enforcement side saw interesting developments in relation to the fiscal State aid cases, and opening of infringement proceedings against Member states who have failed to notify the Commission that they have implemented Pillar 2, as a matter of compliance with EU law. The fiscal State aid cases brought limited success and some setback in the judicial challenge of Commission's State aid decisions. With the Fiat case, the Court of Justice introduced the 'manifest error' doctrine, which significantly limits the possibility for the Commission to challenge past tax planning structures approved

by Member states. A similar destiny was reserved for the Engie case, however, here the Court of Justice dismissed AG Kokott's suggestion of mere plausibility check on tax rulings. In fact, the Court opened a new avenue for challenging past tax planning structures where the ordinary rules of taxation were not followed, and where the tax administration approved a ruling which endorses taxation on basis of mark-up/ margin.

Therefore, the tax ruling saga does not seem to be over. The Advocate General in the Apple case advised the Court to uphold Commission's reasoning and fully dismiss Ireland's and Apple's arguments in stark contrast to AG Kokott's views on the Engie case. AG Petruzzella suggested that setting a high burden of proof on the Commission will render primary EU law ineffective vis-à-vis the review of tax rulings and tax planning structures. Finally, in line with the guidance set by the ECJ, the General Court identified a number of State aid issues with the Belgian Excess Profit rulings scheme, which was declared contrary to EU law and ordered recovery of back taxes from a significant number of beneficiaries in Belgium.

In relation to non-EU countries and their compliance with the Single Market's anti-subsidy rules, the EU enacted and implemented the Foreign Subsidies Regulation (FSR), a piece of directly effective EU legislation, with a dedicated Task Force that already evaluates foreign grants of aid, including by means of tax breaks, that could be declared incompatible with the Single Market. Specific rules on taxation are set out in the FSR Implementing Regulation, on basis of which the FSR Task Force could enforce the rules against non-EU entities deemed to have received aid or subsidies contrary to the EU rules.

As to already anticipated developments for the months to come, the European Commission adopted its Commission Work Programme 2024. In terms of taxation, the Programme emphasises that progressing currently tabled legislative proposals will be the central focus, stating that the EU "need to agree on the new rules on withholding tax procedures, the proposal to prevent the misuse of shell entities for tax purposes and a series of measures to modernise the EU's Value Added Tax (VAT) system and make it more resilient to fraud by embracing digitalisation. Furthermore, we need to advance on the proposal to improve business taxation (BEFIT and transfer pricing) and the comprehensive reform of the EU Customs Union." The Programme document claims that the BEFIT proposal could reduce tax compliance costs for businesses operating in the EU by up to 65%. It also emphasises as priority progressing the Commission's regulatory fitness and performance programme (REFIT), establishing a Head Office Taxation system (HOT) to simplify rules and cut tax compliance costs for SMEs expanding their operations across borders as a key priority for 2024.

Last but not least, we should bear in mind this is an election year (for the EU, UK, a lot of EU member states and the US). A lot on the policy agenda will depend on the outcome of these elections. CFE Tax Advisers Europe has partnered with the European Parliament to promote the values of democracy and voting, and we encourage all our Members with the right to vote to go out and contribute to our democracy, fair and inclusive election process.



Bruno Gouthière &amp; Jos Goubert



Giampiero Guarnerio, Victor Viana &amp; Chris Lallemand



Fiscal Committee Meeting in Brussels



CFE Indirect Taxes Subcommittee Meeting in Brussels

## FISCAL COMMITTEE

### Overview

CFE's Fiscal Committee is comprised of two Sub-Committees: the Direct Taxes Subcommittee and Indirect Taxes Subcommittee, which focus on monitoring and responding to developments in tax policy and tax law at both European and international level. The Fiscal Committee aims to provide members with a cohesive view of the current state of affairs in tax policy by providing detailed analyses and updates concerning the work of the EU, OECD and UN as well as to contribute with practical insights to tax policy regulatory initiatives.

In 2023, the Fiscal Committee was chaired by Bruno Gouthière. The Direct Taxes Subcommittee was chaired by Jos Goubert, and the Indirect Taxes Subcommittee was chaired by Jeremy Woolf. Member and observer organisations nominate delegates who form the committee, attend the Fiscal Committee's technical meetings and are contacted on a regular basis concerning developments in taxation policy. The views communicated to CFE by those delegates are then represented in CFE's opinion statements and outreach work in both European and international tax fora.

### Activities

In 2023, the Fiscal Committee held a virtual meeting in February, and in-person meetings in April and September. The Committee also held a number of ad hoc virtual meetings on specific issues which required attention from the Committee during the year.

The Committee in particular focussed on analysing tax policy developments emanating from the EU Commission, OECD and UN. The means by which the Fiscal Committee carries out the work relating to its priorities include the following activities:

- Monitoring relevant tax policy developments at both European and international level;
- Reviewing legislative developments and monitoring progress within Member States on the implementation of tax reforms;
- Publishing Opinion Statements setting out the views of the Fiscal Committee on tax policy developments, many of which have been republished in leading tax journals in Europe;
- Engaging with European Commission, European Parliament and the OECD concerning tax policy developments and providing specific input setting out the views of members on these matters;
- Distributing updates and questionnaires to delegates concerning tax matters of particular importance;
- Representing CFE Tax Advisers Europe at multiple taxation expert groups, including:
  - EU Platform for Tax Good Governance;
  - EU VAT Expert Group;
  - EU VAT Forum;
  - UN Committee of Experts in International Cooperation in Tax Matters.

### Priorities

In 2023 the Fiscal Committee represented the views of mem-



Gian Luca Belluzzi, Daniela Mina &amp; Nathalie Habibou



Jeremy Woolf



Christine Weinzierl



Chris Lallemand

bers by engaging with the European Commission and OECD on relevant policy initiatives and matters of importance to the Committee, participated in various international expert groups, and issued publications and Opinion Statements on various tax policy developments throughout the year.

Significant priorities of the Fiscal Committee in 2023 included:

#### **BEFIT: Proposals on the New Corporate Income Taxation Framework for Europe**

In October, the European Commission published the long-awaited proposals on the new corporate income taxation framework for Europe. The package contained two proposals for directives on BEFIT (Business in Europe: Framework for Income Taxation), and for the first time ever, a proposal for an EU directive on transfer-pricing. BEFIT aims to replace and thus repeal the 2011 and 2016 Commission proposals for a common consolidated corporate tax base (CCCTB), and replace the current 27 national corporate tax systems for MNE groups with combined revenue exceeding EUR 750 million. The approval of these proposals requires unanimity, given the shared competence in corporate taxation between the Union and its Member states.

BEFIT establishes a common set of rules to determine the tax base of companies that are part of a group which prepares consolidated financial statements and which are subject to corporate income taxation in an EU Member State. The proposal does not contain sector-specific exclusions from its scope.

The proposal for an EU Directive on transfer pricing covers

the substantive rules, transposing the OECD Transfer Pricing Guidelines into the EU legal order. This aspect constitutes a significant milestone for the EU, as it would formalise the use of soft-law instruments agreed at OECD level as a matter of compliance with secondary EU law. Significantly, the proposal relies on the so-called EU Comitology procedures, under which the Commission is empowered by Member states to cater for any subsequent changes of the OECD rules and thus adopt an "ambulatory approach" to the application and interpretation of the OECD-derived transfer-pricing rules.

These corporate tax reform proposals aim to reduce the administrative burden for taxpayers and authorities with a harmonised corporate tax base and simplified Transfer-Pricing administration, according to the European Commission. CFE supports measures that aim to reduce administrative complexity and improve the ease of doing business in Europe, however we query the need for BEFIT, the legal basis as chosen by the Commission (Article 115 of the Treaty on Functioning of the European Union), and the potential breach of the EU's fundamental principles of subsidiarity and proportionality. CFE also remarks that insufficient attention has been paid to the unpredictable impact of BEFIT on public finances of the Member States and, whilst the objective of BEFIT is to decrease complexity, compliance costs and legal uncertainty, the opposite seems to be the case.

CFE issued an Opinion Statement setting out detailed remarks concerning the BEFIT proposal, which we believe need to be taken into account before this directive could be subject to a vote for adoption. Of course, these remarks are not exhaustive, but we



Indirect Taxes Subcommittee Meeting in Brussels



Bruno Gouthière &amp; Jos Goubert

believe are of fundamental importance to the successful implementation and acceptance of BEFIT in the long term:

- The legal basis chosen by the EU for the BEFIT Directive does not seem to be in line with EU law. The formulations provided by the European Commission are not sufficient in CFE's view to satisfy the legal basis to demonstrate that the aims of the initiative cannot be sufficiently addressed by the Member States themselves.
- The timing for the BEFIT proposal is not appropriate bearing in mind the implementation process of Pillar Two. The proposal needs further development to be synchronised in line with the process of implementation of Pillar Two. The interaction of BEFIT and the minimum tax rules would increase complexity to an unprecedented level, which would result in significant compliance costs and potentially make the EU a less attractive place to do business.
- Also, the timeframe for implementation is very short considering the impact on Member States and the enterprises involved. The directive outlines many legislative adjustments and needs to be more coherent in the broader perspective.
- CFE is concerned the tax administrations of Member States are not able and capable (yet) to deliver all launched initiatives on time and would choose instead to opt for a standard implementation with reference to the guidelines, which ultimately creates legal uncertainty for the taxpayers and companies involved.
- The administrative costs for affected companies should not be underestimated, bearing in mind the three different tax filings in a year that would need to occur: Pillar Two, BEFIT and national filings. Also, knowing that this directive currently foresees a timeline of seven years after implementation, CFE urges the Commission to clarify up-front what the sustainable solutions will be, particularly given there is a risk that the temporary solution could become the permanent one, if BEFIT is adopted.
- The BEFIT rules also contain a set of tax adjustments to the financial accounting statements with certain tax depreciation rules and raises timing and quantification issues. To prevent mismatches, and to contribute to the reduction of administrative burdens, the adjustments should align

as much as possible with the adjustments under the Pillar Two rules. One possible method of simplification would be to specify the use of IFRS as a starting point for everyone within BEFIT.

In relation to Transfer Pricing proposal, CFE issued an Opinion Statement recommending a number of factors to be taken into consideration by the European Commission. CFE supports simplification, but it is not in favour of parallel standards as proposed by the Transfer Pricing Directive. This directive makes legal relationships intra-EU versus non-EU more complicated. Furthermore, it would be extremely challenging to codify the ambulatory, dynamic and evolving OECD Guidelines in EU legislation that would need to be implemented in the different national legislations of the Member States. Therefore, CFE considers that the legal basis of the Transfer Pricing Directive is not in line with the EU law, is not in line with the subsidiarity principle, and is therefore disproportionate.

CFE is of the view that the explanations and formulations given by the European Commission do not adequately satisfy the legal basis and do not demonstrate that the aims of the initiative cannot be sufficiently addressed by Member States themselves.

The Fiscal Committee will follow developments related to these proposals closely in 2024.

#### European Commission on EU VAT Rules in the Digital Age

In 2023, as part of its Corporate Tax Plan, the European Commission published its VAT in the Digital Age legislative proposals which aim to adapt current VAT rules in the EU in light of changes brought about by digitalisation of the economy.

The Fiscal Committee issued an Opinion Statement welcoming the proposals, and highlighting a number of issues in relation the proposals put forward further to the Opinion Statement submitted by CFE on 5 May 2022 in response to the EU Commission public consultation when policy options for the ViDA proposal were being considered.

Some of the issues raised included:

- That the time limits in the proposal concerning e-invoic-





Roelof Vos, André Areias &amp; Christian Amand



Trudy Perié

ing and digital reporting requirements will be overly burdensome for businesses to comply with, in particular for SMEs.

- That the proposals surprisingly contain no reference to the particular burdens that they will place on small businesses. Some of them may need to engage outside professional assistance to comply with the proposals. Especially if, as currently appears to be the position, no attempt is being made to create exceptions for such businesses, it would have been helpful if the proposal had contained recommendations of steps that Member States should take to assist in reducing the burdens on such businesses.
- The granularity of data required to be transmitted under the proposed EU system of Digital Reporting Requirements (DRR) and the access that tax authorities will have to business sensitive information. Lesser requirements would appear to be more proportionate and more in accord with principles of data protection. If the aim of the proposed legislation is to ensure that the information provided by the seller and buyer marries up for VAT collection purposes, then it is arguable that the required level of granularity, such as the requirement to provide price per unit, is not necessary to achieve this aim. The level of data being required, including line level detail on invoices for purchasing and sales, raises significant issues around confidentiality of business information.
- That the proposals completely abolish the rules relating to summary invoices. We in particular have difficulty in seeing why such summary invoicing should not remain an option in a domestic context, where the VAT is charged, in particular in countries that do not adopt digital reporting requirements for such transactions. With supplies of services it is also common to have monthly invoicing and we are concerned about the proportionality of requiring any change. We are also concerned about the implications of the proposals on credit notes.
- That it is unfortunate the One-Stop-Shop portal is not being extended so that, in addition to reporting output tax liabilities, it can also be used to recover input tax. The absence of such a facility increases the administrative burdens on businesses and also causes cash flow problems, in so far as a business faces delays in recovering input tax under the refund directives.
- That it is unfortunate that one consequence of the changes is such a speedy phasing out of the current simplification regime for call-off stock introduced as part of the quick fixes.
- That it is unfortunate that in relation to supplies of own goods business are being left with solely two options, one to use the new proposed regime for all supplies of own goods between Member states or not to use it at all. We can see no clear reason why the system should not be modified to allow more optionality.
- That CFE has reservations about the proposals to extend the circumstances in which platforms are deemed to be the suppliers of goods and services sold via the platform. It observes that the proposals may encourage customers not to complete transactions over a platform if they can avoid having to account for VAT by approaching the underlying supplier directly.

A further Statement was issued later in 2023 developing some of the points made in the earlier representations and also making some further observations.

CFE will remain engaged in the work of the European Commission in seeking to review the appropriateness of current VAT rules in the EU in light of changes brought about by digitalisation of the economy.

#### **European Commission Consultation on Introducing a Common EU-wide System for Withholding Taxes**

In 2023, the EU Commission published its withholding tax proposal to introduce legislation on a new EU system for the avoidance of double taxation and prevention of tax abuse: Faster and Safer Relief of Excess Withholding Taxes. CFE Tax Advisers Europe published an Opinion Statement concerning the proposal.

The CFE Fiscal Committee already published an earlier statement confirming it is supportive of the EU Commission initiative to introduce an EU-wide system for relief at source of withholding tax on dividend, interest, royalty payments and service fees, and for exchange of information and cooperation between tax authorities under the system.

In the 2023 statement, CFE made some key observations con-



Indirect Taxes Subcommittee Meeting in Helsinki



Aleksandra Heinzer

cerning issues identified with the legislative proposal. Firstly, CFE believes that a tax residence certificate should be issued in a harmonized format within the EU, both in the local language and in English. Furthermore, it should certify the residence of the taxpayer under the applicable domestic law and not for the purposes of particular tax treaties.

Secondly, CFE is of the view that the scope of the currently proposed directive is much too restricted, given the extremely limited application to only publicly traded bonds and shares which is much narrower than was originally envisaged at the time of the EU Commission's consultation process in 2022. CFE is disappointed that the proposed directive is limited in scope and does not address further issues which allow for relief of double taxation not addressed by the mechanism. CFE is of the view that relief at source via a digital certificate mechanism should be applicable to all types of dividend, interest and royalty payments and to service fees.

Thirdly, while obviously recognizing that Member States should effectively fight tax fraud and abuse, CFE believes that the right that they have in this respect should be exercised "after-the-facts" and not before. For that reason, CFE Tax Advisers Europe is of the view that a taxpayer should not have to provide information on the purposes of the certificate (this refers to Article 4(2)(g) of the Proposal) and that the financial intermediary should not be required to verify that information including undertaking a "risk assessment that takes into account the credit risk and fraud risk" as is notably provided by Article 10(1)(b) of the Proposal. More generally, the role of financial intermediaries should be revisited as set forth in section 4 of our Statement.

Finally, CFE observes that the currently proposed directive will not enter into force until January 2027, which is a relatively long transition period as compared with other direct tax proposals, for what would seemingly be a less complicated implementation. CFE will continue to follow developments concerning this topic.

#### Publications & Tax Technical Work of the Fiscal Committee

In 2023, the Fiscal Committee of CFE Tax Advisers Europe published 8 Opinion Statements:

- **Opinion Statement FC 1/2023** on the European

Commission Public Consultation on the Introduction of a New Corporate Taxation System in Europe (BEFIT).

- **Opinion Statement FC 2/2023** on the VAT Treatment of Compensation Payments.
- **Opinion Statement FC 3/2023** on VAT Groups.
- **Opinion Statement FC 4/2023** on the EU Commission VAT in the Digital Age Legislative Proposal Package.
- **Opinion Statement FC 5/2023** on Official Ruling 57:2023 of the Italian Central Tax Office on Intervening Fixed Establishments in a VAT Context.
- **Opinion Statement FC 6/2023** on Further CFE Comments on the EU Commission's ViDA Proposals.
- **Opinion Statement FC 7/2023** on the EU Commission FASTER Withholding Tax Proposal.
- **Opinion Statement FC 8/2023** on the EU Commission BEFIT & Transfer Pricing Proposals.
- **Opinion Statement FC 9/2023** on the EU Commission Proposal on establishing a Head Office Tax system for micro, small and medium sized enterprises and amending Directive 2011/16/EU.

## PROFESSIONAL AFFAIRS COMMITTEE

### Overview

The Professional Affairs Committee engages in the policy areas that concern and affect the exercise of the tax advisory profession. By way of submitting technical submissions and engaging with the European Commission and the OECD, the Professional Affairs Committee advances the CFE Board priorities that concern the tax advisory profession at large.

In 2023, the Professional Affairs Committee was chaired by Philippe Vanclooster. Apart from partaking in ongoing discussions with the EU Commission in different policy areas, the Professional Affairs Committee regularly responds to various EU and OECD questionnaires and also drafts technical updates of relevance for tax advisers which are aimed at informing the members of recent developments. In 2023, the Professional Affairs Committee participated in various initiatives at EU and OECD level that aim to contribute to the ongoing policy debate and to voice the concerns of European tax advisers.



Aleksandar Ivanovski



Jane Mellor &amp; Nick Parker

The work of the Professional Affairs Committee broadly covers issues such as: ethics and professional codes, anti-money laundering, reporting of tax avoidance schemes, cooperation with tax authorities, taxpayers' rights, tax certainty, professional qualifications and regulation, liability and insurance, cross-border mobility, business structures of tax firms, client confidentiality and legal privilege.

### Activities

Following the work of the European Commission and the OECD in more detail, the Professional Affairs Committee contributed to the ongoing policy discussion of relevance for tax advisers with tax technical comments in the form of opinion statements and policy submissions to the European Commission and the OECD, as well as through ongoing participation in meetings and activities of the European Commission, European Parliament and the OECD.

In 2023, the Professional Affairs Committee published the following Opinion Statement:

- **Opinion Statement PAC 1/2023** on the European Parliament Report on Lessons Learned from the Pandora Papers.

### Priorities

#### **Work of the European Parliament Permanent Tax Subcommittee & European Parliament Report on Lessons Learned from the Pandora Papers and Other Revelations**

In 2023, the Professional Affairs Committee issued an Opinion Statement on the European Parliament Report on Lessons Learned from the Pandora Papers and Other Revelations.

In the Statement, the PAC set out that it values the continued efforts and contribution of the European Parliament, in particular the Subcommittee on Tax Matters (FISC) and the Committee of Economic and Monetary Affairs (ECON) in promoting better transparency, accountability and integrity of our tax systems.

CFE has contributed to the public debate and the expert hearings organised by the European Parliament in exploring ways

in which tax professionals can contribute to these goals as well as to strengthen the integrity and robustness of the fiscal systems for the benefit of the European economy, society, its citizens and taxpayers.

In particular, in 2022 the European Parliament's Permanent Subcommittee on Tax Matters ("FISC") held a hearing concerning regulation of the provision of tax advice across the European Union, under the title "How to reinforce the regulation of intermediaries to create an intermediary sector that ensures a fair and user-friendly tax system?". The hearing was a follow-up to a hearing held in November 2021 concerning the Pandora Papers and tax evasion. Members of FISC discussed the role of tax intermediaries in tax avoidance and tax evasion and evaluated options to improve tax intermediaries' regulatory framework to deter them from playing any part in tax abusive activities. Aleksandar Ivanovski and Brodie McIntosh participated as expert speakers at the hearing, introducing to the Members of FISC the CFE Discussion Paper on Professional Judgment in Tax Planning – An Ethics Quality Bar for All Tax Advisers prepared by the Professional Affairs Committee of CFE Tax Advisers Europe in mid-2021.

The Professional Affairs Committee will continue to support the EU institutions in these important endeavours. In this spirit, CFE issued its remarks on the findings of the EU Parliament report, hoping these may be of assistance to the MEPs and the Parliament in their deliberations.

#### **Professional Judgement in Tax Planning & The European Commission Public Consultation on the Proposed Directive on Securing the Activity Framework of Enablers ("SAFE") Proposed Directive**

At meetings in 2023, the Professional Affairs Committee continued to discuss progression of work on its Ethics Quality Bar project which was launched in 2021, where responses from a questionnaire were analysed and used as the basis for the discussion paper published by the Professional Affairs Committee, entitled "Professional Judgement in Tax Planning – An Ethics Quality Bar for All Tax Advisers".

While tax advisers play a valuable role in the proper function-

ing of tax systems, this role can be undermined by the promotion of abusive tax arrangements within legal parameters. “If it is legal, is it acceptable?” is the central ethical question which inspired this paper. It is distinct from criminal tax evasion – breaking the law – which CFE unequivocally condemns. The question comes down to whether there is manipulation and artificiality in tax planning. CFE has issued this paper to stimulate discussion on how to tackle this problem among all who have an interest in how our tax systems function in Europe, not just tax specialists. CFE through the discussion paper seeks views on whether the questions can help to steer all advisers in the direction of an appropriate balance between the rights and obligations of taxpayers, avoiding abusive planning.

Tying into this topic, the Professional Affairs Committee has continued to monitor developments since it issued an Opinion Statement responding to the public consultation launched by the European Commission on 6 July 2022 on the policy options being considered ‘to improve a regulatory framework for tax intermediaries’, through a legislative proposal to tackle the role of ‘Enablers’ that facilitate tax evasion and aggressive tax planning in the European Union (Securing the Activity Framework of Enablers – SAFE). Furthermore, on 2 December, CFE’s 15th European Conference on Professional Affairs took place in Zagreb, examining the Commission’s consultation and the policy measures being considered, professional standards in tax advice, and the proposed “ethics quality bar” set out in CFE’s discussion paper.

CFE engaged with stakeholders on the Ethics Quality Bar project and is looking to expand work on this in 2024.

**EU Anti-Money Laundering Package**

In 2023, the Professional Affairs Committee followed political progress on agreeing the European Commission’s Anti-Money Laundering legislative package, which will upgrade the existing EU Anti-Money Laundering legislative package by establishing an EU AML supervisory body, a single rulebook for AML across the EU, extend the application of the AML framework to the crypto sector, impose an EU-wide cash payment limit of EUR 10,000 and create a “black-list” and “grey-list” based on the recommendations made by the global money laundering and terrorist financing watchdog, Financial Action Task Force (FATF).

The Professional Affairs Committee earlier published an Opinion Statement on the AML Action Plan, welcoming the possibility for a more harmonised approach at EU level, that builds on and supplements the work of national supervisory bodies which could potentially be complemented and coordinated by an EU-supervisory body, and reiterating prior input asking the EU Commission to consider why the risk for tax advisers has not been reduced compared to the initial risk assessments, despite all the measures introduced over the years.

The ongoing evolution of the EU anti-money laundering legislation is an ongoing priority for the Professional Affairs Committee and the Professional Affairs Committee will continue to monitor the legislative process and issue statements or participate in any further public consultations concerning the legislative package.



Professional Affairs Committee Meeting in Helsinki



Philippe Vanclooster



Professional Affairs Committee Meeting in Helsinki



Alistair Cliff



Professional Affairs Committee Meeting in Brussels



Miroslav Marcinčin



Professional Affairs Committee Meeting in Helsinki



Anneke Haasnoot &amp; Nick Parker

## TAX TECHNOLOGY COMMITTEE

### Overview

The Tax Technology Committee (TTC) was established in 2018 as a response to the manifest importance of digital taxation and technology and its applications in taxation both now and for the foreseeable future. In this regard, the TTC has a different approach to tax and technology, being devoted to digital transformation and all its ramifications for tax.

In 2023, the CFE Tax Technology Committee was chaired by Piergiorgio Valente. The Committee operates in a horizontal rather than a vertical way. This means that, upon identifying the topics the Committee feels are important to address, each subject is then headed up by project leader with a small operational team who report on the subject to the Committee, which thereafter makes recommendations for further action and progress of the working group.

The Tax Technology Committee is in particular focused on the role professionals handling tax in all manifestations will have and the risks and opportunities posed to them by the development of technology and the increasingly direct interaction

between taxpayer and revenue authorities.

### Activities

In 2023, the topics of Use of Artificial Intelligence by Tax Advisers, the Taxation of Teleworkers Workers and the EU Artificial Intelligence Act were the main focus of work of the Committee. The Committee were fortunate enough to hear from experts at meetings and the CFE Professional Affairs Conference, who discussed emerging developments in tax technology and the significance that those changes may have for tax practice and tax advisers. The Committee uses this information to interpret and communicate that to the community we represent, our stakeholders and our members.

The Committee will continue identifying issues associated with tax digitalisation, collecting and collating the reaction of tax advisers and taxpayers in differing countries. The overarching goal will continue to be establishing and maintaining a position of primacy and influence within the area of tax technology.

### Priorities

#### ChatGPT AI Questionnaire

In 2023, the CFE Tax Technology Committee agreed to formu-



Philippe Vanclooster & Aleksandar Ivanovski



Professional Affairs Committee Meeting in Brussels



Tax Technology Committee Meeting in Brussels



Stella Raventós-Calvo & Piergiorgio Valente

late a questionnaire to test ChatGPT accuracy/outcome with a view to testing whether generative AI was likely to replace some of our activities or only integrate/complement some of our activities. It was agreed that the questions would cover: rules of engagement; taxation, profession, etc. The questions put to the programme were:

From a Lay Person Perspective:

**Q1:** I rent a room in my house to someone. Do I have to pay tax on the rent?

**Q2:** If I give some quoted shares to my children, will I have any tax to pay? Will they?

**Q3:** I have just started a business which will make a profit of around 30,000 a year. Would I save tax by operating through a limited company?

From a General Tax Practitioner Perspective:

**Q1:** What tax allowances can I claim on a lift/lift shaft in a new commercial building?

**Q2:** Do I have to bring an asset into use before I can claim capital allowances?

**Q3:** A citizen is employed by a domestic company but carries out his duties abroad. What factors will determine where his employment income is taxed? Please cite sources.

From a Tax Specialist:

**Q1:** I have a client who is a UK resident and who spends 30 days a year in the USA. He has just sold a holiday home in the USA and has been told by a US accountant that he needs to consider FIRPTA. What does he need to know?

**Q2:** What are the restrictions on preferential dividend rights for investors claiming Enterprise Investment Scheme relief and has HMRC issued any guidance on relaxations?

The Committee will launch a report concerning the Questionnaire in early 2024. Notable outcomes for the exercise using Chat GPT, included the following:

- Responses were easy to read and fluent;
- Fluency did not equate to accuracy - issues with informa-



Brodie McIntosh, Piergiorgio Valente, Branislav Kováč &amp; Willem Faassen



Tax Technology Committee Meeting in Helsinki



Jeremy Choi &amp; Marcellus Wong



Tax Technology Committee Meeting in Helsinki

tion reliability;

- Answers out of date or sometimes not much better than using Google;
- If a person pushes ChatGPT further on the answers known to be incorrect it sometimes conceded they were incorrect;
- Discrepancy across different sets of answers in different countries.

From the exercise, the Committee found it interesting to observe the differences between the free and professional version of ChatGPT. ChatGPT itself suggested that for more detailed or accurate answers, a tax adviser should be consulted. It was agreed it would be pertinent to repeat the experiment in the future with others involved. Experts in ChatGPT will be invited to a Committee meeting in 2024 to give a better understanding of AI and the IT community.

Committee members concluded after the exercise and from insights into their personal use of ChatGPT that it is presently

used as a basic assistant/information tool to prepare advice for clients, with big firms having custom own tools created. It was agreed that answers to more specific questions were generally wrong across the jurisdictions and inventing information. At present, ChatGPT is not a big competitor but has the potential to be if all historical law would be inputted.

#### Taxation of Remote Workers

On 4 July, Chair of the CFE Tax Technology Committee, Piergiorgio Valente, spoke at a hearing organised by the European Economic and Social Committee on the topic of "Taxation of Cross-Border Teleworkers – Possible Solutions", held in Tallinn, Estonia.

The Committee focused on this topic at subsequent committee meetings, and the Chairman proposed the Committee produce a questionnaire with some relevant questions on PE, thresholds, de minimis issues in double tax treaties, among other points. This work will be followed up on in 2024.



New Tax Professionals Ad Hoc Committee Meeting in Helsinki



Philippe Vandevorde &amp; Adriana Horváthová



New Tax Professionals Ad Hoc Committee Meeting in Brussels



Anna Misiak

## NEW TAX PROFESSIONALS AD HOC COMMITTEE

The New Tax Professionals (NTP) Ad Hoc Committee was formally established during the CFE General Assembly held in Torino on 04 October 2019. The NTP Ad Hoc Committee was formed to represent new tax professionals from within CFE Tax Advisers Europe, allowing them to better understand how different Member Organisations work, promote relevant issues in their jurisdictions and build a cross-border network of the future generation of tax leaders. The Committee considers new tax professionals someone within their first 10-15 years of practice (or 10-15 years of membership of the Member Organisation).

In 2023, the Chair of the New Tax Professionals Ad Hoc Committee was Anna Misiak. The New Tax Professionals Ad Hoc Committee enables the representation of the views of newer members to the CFE, and facilitates the sharing of knowledge, information and experience between delegates within the CFE and the NTP. The Ad Hoc Committee also aims to help provide potential future delegates and Committee members for the CFE and its Member Organisations, through helping to increase understanding of the

CFE, and increasing the visibility of future leaders to those who are currently part of the CFE leadership.

In 2023, the main work of the Committee at its meetings was on comparing soft skill trainings offered to new tax professionals by Member Organisations, and general practices across the CFE Member Organisations on how to engage younger members and recruit for the tax advisory profession. This report will be finalised in 2024 and circulated to the CFE Member Organisations.

Additionally, at its meetings in 2023 the NTP examined other topics including: buying real estate in a foreign jurisdiction as a private investor; special investment incentives for wealthy individuals; R&D tax credit schemes; capital gains tax and the use of management companies in Member States.

Topics to be discussed in 2024 include: environmental, social, and corporate governance goals in taxation, green taxation, how young professionals entering the tax world deal with the threats and opportunities of AI and relief to encourage taxpayers to invest in early stage businesses or trading businesses.





ECJ Task Force Meeting in Helsinki



Georg Kofler



João Félix Pinto Nogueira



ECJ Task Force Meeting in Helsinki

## ECJ TASK FORCE

The CFE ECJ Task Force is a group of tax academics and renowned tax practitioners which meets regularly to discuss and issue opinion statements on selected decisions of the Court of Justice of the European Union. The Task Force was assembled in 1997 by current CFE Vice-President Stella Raventós-Calvo at the request of Bruno Gangemi, who served as Chair of the Fiscal Committee from 1997 to 2000.

The founding members of the Task Force were Philip Baker, Paul Farmer, Bruno Gangemi, Luc Hinnekens, Albert Raedlert, and Stella Raventós-Calvo. Since 2013, the ECJ Task Force has been chaired by Georg Kofler (CFE Tax Advisers Europe, Austria) and its current members are Alfredo Garcia Prats (Professor at the University of Valencia), Werner Haslehner (Professor at the University of Luxembourg), Eric Kemmeren (Professor of International Taxation and International Tax Law at the Fiscal Institute Tilburg of Tilburg University), Georg Kofler (Chair of the Task Force and Professor at the Institute for Austrian and International Tax Law of WU Wien), Michael Lang (Professor at

the Institute for Austrian and International Tax Law of WU Wien), João Nogueira (Deputy Academic Chairman at IBFD), Christiana Hji Panayi (Professor at Queen Mary University of London), Emmanuel Raingeard de la Blétière (Associate Professor at the University of Rennes, Partner PwC France), Stella Raventós-Calvo (President of AEDAF and Vice-President of CFE), Isabelle Richelle (Co-Chair of the Tax Institute - HEC - University of Liège, Brussels Bar Elegis), Alexander Rust (Professor at the Institute for Austrian and International Tax Law of WU Wien), and Aleksandar Ivanovski (Director of Tax Policy at CFE).

The ECJ Task Force generally meets four times a year for full-day meetings. The Task Force aims at analysing Court decisions with wide impact and providing high-level practical input to tax practitioners on selected judgments by the Court of Justice of the European Union through its Opinion Statements. In 2023, the following four Opinion Statements (ECJ-TF) were issued:

- **Opinion Statement ECJ-TF 1/2023** on Case C-707/20, Gallaher Limited, on the taxation of capital gains in intra-group transfers.



Isabelle Richelle



João Félix Pinto Nogueira



Agnes Fekete, European Commission



Prof. Dr. Vesna Tomljenović, Judge, Court of Justice of the EU

- **Opinion Statement ECJ-TF 2/2023** on Case C-83/21, Airbnb Ireland and Airbnb Payments UK on accessory tax obligations imposed on digital service providers.
- **Opinion Statement ECJ-TF 3/2023** on Case C-322/22: Right to be paid interest on overpayment of taxes in breach of EU Law.
- **Opinion Statement ECJ-TF 4/2023** on EFTA Court Case E-11/22, RS: Compatibility with fundamental freedoms of a municipal surcharge distinguishing between residents and non-residents for the purposes of the applicable rate.

These Opinion Statements are submitted directly to the European Institutions, disseminated to a wide audience of tax practitioners and academics throughout Europe and published in IBFD's "European Taxation" journal.

The ECJ Task Force and its members are also actively involved in the organisation of and as speakers at an annual conference at the University of Luxembourg. Topics over the last years have been "Landmark Decisions in Direct Tax Jurisprudence" (2014), "Primary Law Limits to Direct Taxation: Fundamental Rights, Fundamental Freedoms and State Aid" (2015), "EU Tax Policy in the 21st Century" (2016), "Time and Tax" (2017); "Tax and the Digital Economy" (2018); and "The Anti-Tax Avoidance Directive" (2019). The 2020 conference was unfortunately cancelled due to the coronavirus crisis, but in 2021 a virtual conference took place on the topic of "Alternative Dispute Resolution in International Taxation". In 2022, the topic of the conference was "The Global Minimum Corporate Tax". In 2023, the conference was not held due to the sabbatical of the organiser, Werner Haslehner.

Books containing the written contributions for the conferences are edited by Task Force Members Werner Haslehner, Georg Kofler and Alexander Rust together with Aikaterini Pantazatou (University of Luxembourg) and have been published by Kluwer and Edward Elgar, respectively, and are well accepted and widely cited in academic literature.

## CFE ENGAGEMENT

### European Commission Platform for Tax Good Governance

The European Commission's Platform for Tax Good Governance, Aggressive Tax Planning and Double Taxation was established by the European Commission in order to seek advice and assistance from expert stakeholders in the field of tax good governance, aggressive tax planning and double taxation. The Platform also provides an opportunity for members to exchange views and have an open dialogue with the European Commission concerning significant taxation issues facing the tax profession and wider society. CFE has been a member of the Platform since its inception in 2012 and has benefited from the opportunity to provide its input on many significant taxation issues through its participation at the expert group.

CFE is honoured to be among the limited number of non-governmental members and to be the only organisation of advisers in the professional tax field selected to participate in the important work the Platform carries out. CFE's term at the Platform for Tax Good Governance will run until mid-2024, after which time CFE will have the possibility to renew its participation. CFE is represented at the



Helena Malikova, Chief Economist Team - Financial Data Manager, European Commission



CFE Forum 2023



Jasna Voje, OECD



Reinhard Biebel, European Commission

Platform by Piergiorgio Valente, Chair of the CFE Tax Technology Committee, and Aleksandar Ivanovski, Director of Tax Policy at CFE Tax Advisers Europe.

CFE is pleased to be able to demonstrate its role as a thought leader in professional standards for tax advisers at the Platform. Given the technical expertise within the CFE organisation and its status as being a leader in tax knowledge, CFE is able to draw on the direct link it has to the experience of practitioners across the EU and its regular involvement in the areas of tax good governance, double taxation and tax planning to contribute to the valuable work of the Platform.

#### VAT Expert Group

The VAT Expert Group was established by the European Commission in 2012 in order to bring together experts who can advise the Commission on the preparation of legislative acts and other policy initiatives in the field of VAT and provide insight concerning the practical implementation of legislative acts and other EU policy initiatives in the field of VAT. CFE Tax Advisers Europe has been a member of the Expert Group since its inception in 2012.

The group is composed of individuals appointed in a personal capacity with requisite expertise in the area of VAT, and organisations representing particular businesses and tax practitioners that can assist in the development and implementation of VAT policies. CFE reapplied for and was successfully reappointed as a member of the VAT Expert Group for the renewed mandate which began in 2023.

The CFE representatives at the VAT Expert Group from 2023 onwards are Trudy Perié, Vice-President of CFE Tax Advisers Europe and Vice-Chair of the CFE Indirect Taxes Subcommittee and Aleksandra Heinzer, Member of the Indirect Taxes Subcommittee and former representative of the CFE at the EU VAT Forum.

The Expert Group were consulted by the European Commission in relation to a number of issues, including VAT in the digital age and e-invoicing, as well as technical issues concerning the e-commerce rules and EU guidance on the VAT "quick fixes". The VAT Expert Group are also preparing advice on fixed establishment issues arising from ECJ caselaw, and single VAT registration. CFE was active in contributing to all topics, and elaborated further on these issues in both Opinion Statements and written representations to the Commission.

#### United Nations Tax Committee

The UN Committee of Experts in International Cooperation in Tax Matters (UN Tax Committee) typically meets twice a year, in April in New York and in October in Geneva. CFE applied for, and was granted, NGO (non-governmental organisation) status with the UN in 2006, and has participated at the meetings of the UN Tax Committee since that time. These meetings were originally held once per year but increased to twice per year from 2017 to reflect the increased importance of tax matters within the UN as determined at the Addis Ababa Finance For Development Conference in 2015.

In 2023, the Chair of the CFE Direct Tax Subcommittee, Jos Goubert, took part in sessions of the UN Tax Committee. In particular, the Committee of Experts approved a new treaty provision concern-



Ioanna Mitroyanni, Deputy Head of Unit, DG TAXUD, European Commission



Markus Ehgartner, Helena Malikova, Marbée Koller & Aleksandar Ivanovski



Minoru Nakazato, Ian Hayes & Jeremy Choi



2023 GTAP Declaration Signature Ceremony in Helsinki

ing tax on digital services to be inserted into the UN Model Tax Convention. The session also addressed progress on updating the Model Double Taxation Convention Between Developed and Developing Countries, as well as environmental taxation and taxation of the extractive industries.

Ian Young, former Chair of the CFE Indirect Taxes Subcommittee, continues to have a peripheral role in the UN Tax Committee through the involvement of the International Chamber of Commerce (ICC) in the Tax Charter and Taxpayer Rights work that CFE is carrying out under the title “Tax Charters without Borders”. ICC, and Ian Young, have made several presentations to UN Tax Committee delegates on this work.

**EU Institutions**  
**European Commission**

In 2023, CFE continued to maintain regular meetings with representatives from the European Commission to exchange views and discuss policy and other technical aspects related to the policy priorities of CFE Tax Advisers Europe.

At the CFE Forum which took place in May 2023, CFE was fortunate enough to welcome multiple European Commission speakers at the event: Benjamin Angel, Director, DG TAXUD.

who opened the conference with a keynote speech, Ioanna Mitroyanni, Deputy Head of Unit, Company Taxation Initiatives at European Commission also participated in the panel discussion on the implications of the EU Minimum Tax Directive. Additionally, Agnes Fekete, Team Leader, VAT Unit at DGTAXUD, participated in the indirect tax panel which examined issues concerning the European Commission’s VAT in the Digital Age proposals.

A number of additional bilateral meetings were also held throughout the year. Maintaining a constructive working relationship with the European Commission will remain a priority for CFE Tax Advisers Europe in 2024.

**European Parliament**

CFE Tax Advisers Europe was honoured to conclude a Memorandum of Understanding with the European Parliament on a strategic partnership in the context of the EU elections and beyond in 2019, and celebrated its 60th Anniversary under the High Patronage of the European Parliament.

CFE has remained engaged with the European Parliament under the terms of the Memorandum of Understanding, collaborating with the Parliament on various partner outreach seminars. CFE was also in regular contact with Members of the European



GTAP Meeting in Brussels



2023 GTAP Declaration Signature Ceremony in Helsinki



GTAP Meeting in Brussels



Piergiorgio Valente &amp; Jeremy Choi

Parliament and their advisors. In particular, CFE focused efforts on Members of the European Parliament's Permanent Tax Subcommittee to the Committee on Economic and Monetary Affairs, established in June 2020.

## GLOBAL TAX ADVISERS PLATFORM (GTAP)

CFE Tax Advisers Europe is a founding member of the Global Tax Advisers Platform ("GTAP"), formed in 2013. GTAP is an international platform, representing more than 600,000 tax advisers in Europe, Asia and Africa, that seeks to bring together national and international organizations of tax professionals from all around the world.

GTAP is dedicated to the promotion of the public interest by ensuring the fair and efficient operation of national and international tax systems. A fair and efficient global tax framework favours the effective pursuit of taxpayers' and tax advisers' rights and interests. GTAP is committed to their furtherance, and to the continuous improvement of this framework.

The founding members of GTAP are CFE Tax Advisers Europe, the Asia-Oceania Tax Consultants' Association (AOTCA), and the West

Africa Union of Tax Institutes (WAUTI), and the observer members are the International Association of Financial Executives Institutes (IAFEI), the Society of Trust and Estate Practitioners (STEP), and the Arc Méditerranéen des Auditeurs (AMA). It is a key priority for GTAP to expand its membership and international network in order to reach tax professionals in all corners of the globe, effectively enabling the most inclusive dialogue and interaction.

The CFE and other GTAP members were delighted to once again be able to hold in-person meetings, in Brussels in April and in Helsinki in September. Significantly, the formal signing of the GTAP Declaration 2023 took place. This Trilateral Declaration, spanning three continents, signifies a monumental step towards a streamlined and fair global tax system.

The Declaration was first signed in Helsinki in September 2023 during the CFE Tax Advisers Europe meetings, and then in Tokyo during the AOTCA meetings. The final signature ceremony took place in Benin in early 2024 at the WAUTI meetings. This Declaration underscores our commitment to equitable taxation, benefiting citizens, governments, and taxpayers worldwide towards more streamlined tax system operations.



CFE publishes its Semester II EU Tax Policy Report for Semester II 2022



Director of Tax Policy at CFE, Aleksandar Ivanovski, attended the first EU Platform for Tax Good Governance meeting of 2023, in Brussels



CFE's Fiscal Committee publishes its Opinion Statement on the EU Commission VAT in the Digital Age Legislative Proposal Package

JANUARY

FEBRUARY

MARCH

APRIL

MAY

JUNE

JULY

CFE holds its Winter Technical Committee Meetings



CFE holds its flagship Forum in Brussels on the topic of 'Towards a Closer EU Fiscal Union' Minimum Tax & VAT in the Digital Age'



CFE's Professional Affairs Committee publishes its Opinion Statement on the European Parliament Report on Lessons Learned from the Pandora Papers and Other Revelations





On 4 July 2023, CFE, in the framework of its strategic cooperation with the European Parliament held an event on a 'Gender Equal Tax System in Europe', jointly organised with ICAEW and PwC



CFE's 16th European Conference on Tax Advisers' Professional Affairs is held on 21 September 2023 in Helsinki, on the topic of "Tax Adviser 2030: Evolution Or Revolution For Tax Practice, Policy and Administration?"



Chair of the CFE Tax Technology Committee, Piergiorgio Valente, attended the 2023 Global Tax Controversy Conference in Zurich on 30 November

AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

The Albert J Rädler Medal Award 2022 for academic excellence in European taxation was awarded to Ms. Marjolein De Jonge, for her thesis on the topic "Tax whistleblowing: Whistleblower Directive a Gamechanger?"



CFE signs the 2023 GTAP Declaration in Tokyo, Japan, at the AOTCA 2023 Conference



The ECJ TaskForce holds its December meeting, finalising the Opinion Statement on Case in Case C-538/20, W AG on the ECJ decision concerning the deductibility of foreign final losses





## CFE FORUM 2023

CFE Tax Advisers Europe held the 2023 Forum and General Assembly in April in Brussels. Two panels of participants at this year’s Forum entitled ‘Towards a Closer EU Fiscal Union’ Minimum Tax & VAT in the Digital Age’ debated the EU’s VAT in the Digital Age (ViDA) proposals and the EU Directive on minimum tax (Pillar 2).

These two key European Commission projects mark another milestone in the deepening of EU fiscal integration. The Directive on Minimum Tax which implements Pillar 2 has been adopted and is now EU law. The directive relies on a degree of inter-nation fiscal equity, with minimum common standards for paying a ‘fair share’ of tax. Member states, tax administrations, companies and advisers all have questions about the implementation and the mechanism of operation. CFE sought to clarify the main issues surrounding the practical application of the new directive as well as the issues posed by the lack of US implementation for taxpayers and wider.

On the other hand, similar developments have already been occur-

ring in the indirect tax area. VAT, which as an area of competence for the EU, has evolved alongside the European project and is now entering the digital age. To discuss the VAT in the Digital Age EU package, CFE invited a number of speakers to consider the policy side as well as the technical implications.

Benjamin Angel, Director, DG TAXUD, European Commission provided a keynote speech reflecting on the the EU efforts in direct taxation and the EU Directive on Minimum Tax, European fiscal integration and the ensuing opportunities and challenges. Mr Angel highlighted the European Union leadership in the enactment of the Directive on minimum tax, enabling the EU to drive discussions on both Pillar 1 and 2 at the OECD level.

*“The EU is having more sway in OECD discussions of the tax proposals, designed to ensure companies earning more than €750 million pay a 15% minimum tax on their global earnings. There is strength in numbers. We can shape the outcome of discussion when we speak with the same voice.”*, Mr Angel said.





Indirect Taxes Panel Discussion, CFE Forum 2023



Kristen Andersson, Piergiorgio Valente, Albert Raedler Jr.



CFE Forum 2023



Benjamin Angel



Trudy Perié



CFE Forum 2023

Speakers in the indirect tax panel included: Ahnes Fekete, Team Leader, VAT Unit, European Commission; Nathalie Habibou, Partner, Arsene Taxand, France; Madeleine Merx, Professor of Indirect Taxes, Erasmus University; Stephen Dale, Member of the Indirect Taxes Subcommittee, CFE; Dr Nevia Čičin-Šain, Assistant Professor, Vienna University (WU). The panel was moderated by Trudy Perié, Counsel, Loyens & Loeff, Vice-President of CFE Tax Advisers Europe.

Speakers in the direct tax panel concerning minimum tax included: Ioanna Mitroyanni, Deputy Head of Unit, DG TAXUD, European Commission; Erik Stessens, Senior Vice President, Tax, Mastercard and Jos Goubert, Director, KPMG Tax Centre, Brussels. The panel was moderated by Dr João Félix Pinto Nogueira, Deputy Academic Chairman, IBFD.

Separately, CFE's President Ian Hayes noted that a number of progressive initiatives have been taken by CFE as a contribution in developing modern tax systems, such as the project on profes-

sional judgment in tax planning. Highlighting the need for diversity inclusiveness and CFE's contribution to this topic, the CFE president said:

*"We are proud to have had inclusive and gender-balanced panels at our Forum, which are more reflective of our society. Excellent. As set out in the founding treaties, the European Union is committed to eliminating inequalities and promoting the principle of equality between women and men in all their actions. Achieving a more inclusive tax system is a joint responsibility of all of us, requiring action by all the EU institutions, member states, professionals and society at large."*

The CFE Executive Board and CFE Brussels Office were delighted to hold the 2023 Forum, General Assembly and Technical Committee meetings in Brussels.

AWARD OF THE CFE ALBERT J. RÄDLER MEDAL 2022



The CFE Albert J Rädler Medal Award was launched in 2013 to encourage academic excellence among young tax students in the field of European taxation, and to recognise the outstanding contribution to the field of taxation of the late Professor Albert J Rädler.

The Albert J Rädler Medal Award for the 2022 academic year for excellence in European taxation was awarded to Ms. Marjolein De Jonge, for her thesis on the topic "Tax whistleblowing: Whistleblower Directive a Gamechanger?".

The CFE Academic Jury, composed of Prof. Dr Pasquale Pistone, Prof. Dr Michael Lang and Prof. Dr Otmar Thömmes, stated of the thesis that "Under Union law whistleblowing is an important topic. Several member states are currently struggling to implement the respective directive. Although a lot of research has been conducted in general, the impact of the directive on tax law deserves still more research. The manuscript makes an analytical comparison on whistleblowing between EU and Belgium, developing useful content for an assessment of the implementation process that may be of use also in other EU Member States. The author deals with a relevant topic and provides a clear analysis and content for the implementation process that may be of use also in other EU Member States."

The CFE Executive Board and CFE Academic Jury warmly congratulates Ms De Jonge, and wish her the best in her future career.



Stella Raventós-Calvo



Indirect Taxes Panel Discussion, CFE Forum 2023



Nevia Čičin-Šain

CFE ACADEMY

The CFE Tax Academy aims to share knowledge and experience on tax matters while exchanging ideas on practical tax issues. The Academy creates opportunities for tax professionals to be updated on global tax developments through attending seminars and trainings. In 2023, a CFE Academy event took place in Japan, hosted by the AOTCA, with CFE President Piergiorgio Valente giving a seminar at the annual AOTCA Conference.

CNDCEC and CFE members can enrol in the European Register of Tax Advisers and can attend CFE Academy's online courses to keep up to date on pertinent issues in European and international tax.



CFE &amp; EU Parliament Gender Equal Tax System Event



Fabrizia Lapecorella



CFE &amp; EU Parliament Gender Equal Tax System Event



Susanna Di Feliciantonio, Anna Misiak &amp; Alison Ring

## CFE & EU PARLIAMENT EVENT: A GENDER EQUAL TAX SYSTEM IN EUROPE

On 4 July 2023, CFE Tax Advisers Europe in the framework of our strategic cooperation with the European Parliament, together with the ICAEW Women in EU Finance Network and PwC, jointly organised an event to discuss what steps can be taken to achieving a more inclusive tax system in Europe. Following keynote speeches by Kira Peter-Hansen MEP (Vice-Chair of the Sub-committee on Tax Matters) and Fabrizia Lapecorella (OECD Deputy Secretary General), panellists debated how the structure and administration of tax systems often still have different impacts on gender. With the participation of Michelle Harding (OECD Centre for Tax Policy and Administration), Giorgia Maffini (PwC), Helena Malikova (Chief Economist Team, European Commission) and Ana Xavier (Head of Unit, DG TAXUD, European Commission) as panellists, the event, hosted by the European Parliament in their InfoHub, was moderated by Alison Ring (Director, Public Sector & Taxation, ICAEW).

Gender equality in fiscal affairs is a matter of fairness, well-being and growth. While the EU has taken steps to include a gender per-

spective in all stages of policy design, significant challenges remain – including when it comes to tax. The structure and administration of tax systems often still have different impacts on gender. As the EU starts to look ahead towards a new legislative term, what would it take to establish a truly inclusive tax system by 2030? What needs to be done to ensure that future changes to tax systems help drive gender equality as well as responding to Europe's green, digital and growth ambitions? Speakers offered views and reflections on a pathway towards a more gender equal tax system by 2030, and addressed questions such as: what are the key features of tax system designed to help reduce gender inequality and what is lacking today; what do policymakers and tax administrations need to do to in the next EU legislative period to build a tax system that is gender equal, green, digital and competitive; and, what lessons can be learnt from international best practice; what can be learn from the debate on intersectionality; and is targeting aggressive tax planning a feminist policy?

A summary of the panel responses to these and other questions were published in a podcast facilitated by PwC. This will be made available via the CFE website in due course.



**16TH EUROPEAN CONFERENCE ON TAX ADVISERS' PROFESSIONAL AFFAIRS**

CFE's 16th European Conference on Tax Advisers' Professional Affairs was held on 21 September 2023 in Helsinki, co-hosted with the Finnish CFE Member Organisation, Suomen Veroasiantuntijat ry. The topic of the conference was "Tax Adviser 2030: Evolution Or Revolution For Tax Practice, Policy and Administration?". Two conference panels of speakers examined the evolution of fiscal systems, tax practice and tax administration, prompted by both policy developments at EU and international level, as well as tax avoidance, enforcement of EU law in relation to taxation and impact on the tax profession.

The conference aimed to address the significant impact and evolution of regulatory developments on the evolution of the tax profession with the OECD anti-avoidance initiatives and the BEPS project,

DAC Directives, EU Fiscal State Aid Investigations; the ethics of tax professionals (cf. CFE Discussion Paper on Professional Judgment in Tax Planning); the changing EU regulatory/enforcement landscape and fairness of tax arrangements observed via the prism of various tax revelations (Pandora Papers, LuxLeaks) and the fiscal State aid investigations (Apple case), and last but not least the rise of AI. Ian Hayes, President, CFE Tax Advisers Europe and Timo Matikkala, Founding Member of Suomen Veroasiantuntijat ry and Philippe Vanclooster, Chair of the Professional Affairs Committee at CFE Tax Advisers Europe, introduced the topics to be considered by the panels and welcomed the speakers and participants to the conference.

The first panel discussed the impact of EU/ OECD Developments on fiscal systems and tax policy. The panel featured a keynote speech from Prof. Dr. Vesna Tomljenović, Judge at the General Court of the European Union (GC)/ Judge-rapporteur for the Apple case. Prof.



16th European Conference on Tax Advisers' Professional Affairs



Philippe Vanclooster



Sami Koskinen &amp; Virpi Pasanen



16th European Conference on Tax Advisers' Professional Affairs

Dr. Vesna Tomljenović was joined on the panel by: Maikel Evers, Partner, EY, Head of IFA Dutch Branch; Helena Malikova, Chief Economist Team – Financial Data Manager, European Commission; Raluca Enache, Partner, Head of EU Tax Centre, KPMG; and, Dr Filip Majdowski, Deputy Director, Polish Ministry of Finance & Polish Representative to the OECD. The panel discussed what is next for tax policy, the role of tax advisers, fairness in taxation in the aftermath of BEPS, and took stock of the EU/OECD anti-avoidance initiatives with the more prominent role of the UN in tax policy, as well as the constraints on the EU Commission to investigate tax planning practices with the ‘manifest error’ doctrine established by the ECJ in the Fiat case.

The second panel analysed the significance of the Impact of AI on digitalisation of tax systems with a focus on the OECD Tax Administration 3.0 project, the work of the Forum on Tax Administration, and the road to better aligned digitalisation of

European tax administrations, by looking at the Finnish collaborative real-time economy project for digitalisation, presented by the Finnish Tax Administration (Finish Real Economy project). Speakers on the second panel included: Sami Koskinen, Director, Stakeholder Relationships, Finnish Tax Administration; Petra Pospíšilová, Director of Taxation, CSOB (KBC Group) and President, Czech Chamber of Tax Advisers; Piergiorgio Valente, Chair, Tax Technology Committee, CFE Tax Advisers Europe and Chair, Global Tax Advisers Platform (GTAP); and, Virpi Pasanen, Chair, Finnish Association of Tax Professionals, Partner, Deloitte.

The CFE Executive Board and CFE Brussels Office were delighted to hold the 2023 Professional Affairs Conference, General Assembly and Technical Committee meetings in Helsinki in September.



16th European Conference on Tax Advisers' Professional Affairs



16th European Conference on Tax Advisers' Professional Affairs



Samí Koskinen & Petra Pospíšilová



16th European Conference on Tax Advisers' Professional Affairs

### CFE ANNUAL TAX NETWORKING EVENT

CFE Tax Advisers Europe ordinarily hosts an annual networking dinner event each year in Brussels, which provides the opportunity to strengthen relationships with colleagues and counterparts, and expand engagement beyond formal policy meetings on technical issues.

Attendees are able to exchange views in an informal setting with members of the European Commission working in relevant areas, such as Directorate-General for Taxation and Customs Union (DG TAXUD), Members of the European Parliament with a particular interest in tax and Members of the Council of the European Union. In 2023 CFE hosted its Annual Tax Networking Event and was thrilled to welcome representatives from the EU institutions and other tax policy stakeholders, as well as CFE Members to a networking cocktail event held at the Sofitel Brussels Europe Hotel in May 2023.

### CFE CONFERENCE PARTICIPATION

#### WAUTI 9th Annual Tax Conference

On 1 February, Piergiorgio Valente, participated as a panellist in the 9th Annual WAUTI Tax Conference, held on the topic of "Rethinking Taxation for Human Development and Economic Prosperity". Piergiorgio participated in a stimulating discussion on "Contemporary Tax Practice Management: Imperatives for Success and Sustainability" with Euney Marie Mata-Perez from AOTCA, Mr. Hermann Zoungrana, Mr. Lamin Jatta and Mr. Guillaume Ali-Atti. The chair of the session was Mr. Bakary K.

Sanyang, former Commissioner General of Gambia Revenue Authority.

#### EESC Hearing on Taxation of Cross-Border Teleworkers

On 4 July, Chair of the CFE Tax Technology Committee, Piergiorgio Valente, spoke at a hearing organised by the European Economic and Social Committee on the topic of "Taxation of Cross-Border Teleworkers – Possible Solutions", held in Tallinn, Estonia.

#### IFA European Conference in Amsterdam

The International Fiscal Association (IFA) held its European region conference on 5-7 July 2023 in Amsterdam on the conference theme of "Tax Avoidance in the European Union and Beyond". The programme focused on the critical issues of tax avoidance, abuse of law, State aid, dispute resolution, and the EU's green tax agenda, with participation of high-level policy makers. Marnix van Rij, Dutch State Secretary for Tax Affairs and the Tax Administration, and European officials Benjamin Angel and Paul Tang participated in the conference, chaired by Maikel Evers, Head of the IFA Dutch Branch and Partner in Ernst & Young European Tax Centre.

CFE Tax Advisers Europe's Director of Tax Policy, Aleksandar Ivanovski, participated in a session dedicated to the Unshell and SAFE Directives, the European Commission's initiative addressing tax enablers. The European Commission Director of Direct Taxation, Benjamin Angel, speaking alongside Paul Tang, the Chairman of the European Parliament Taxation Subcommittee, said that the forthcoming SAFE proposal would clearly define aggressive tax planning so that companies and tax advisers would know where the red line is, in a predictable way, ex ante.



16th European Conference on Tax Advisers' Professional Affairs



16th European Conference on Tax Advisers' Professional Affairs



GTAP Meeting in Helsinki



2023 GTAP Declaration Signature Ceremony in Helsinki

Mr Angel confirmed that the Commission is working on a definition that can be used effectively, and also said that once the EU has passed the Unshell proposal it, it could then focus preventing aggressive schemes from third countries, which is a primary target of SAFE, adding that the work should be completed under the Spanish EU presidency.

Aleksandar Ivanovski, Director of Tax Policy at CFE Tax Advisers Europe, told a separate panel that clarity on the definition of aggressive tax planning is welcome news. Aggressive tax planning occurs in grey zones, therefore having a clear 'pole' to steer away from would be beneficial for tax professionals. A good reference point is the U.K. regime on enablers of tax avoidance and evasion, which operates on basis of both ex ante and ex post element — a list of defeated schemes. The question is who will have the authority in an EU-wide context — the courts or other authorities — to defeat those schemes. Another question is whether a Member state could ask a tax intermediary to avoid schemes that were defeated in another Member state. The important issue is in any event is clarity and certainty, Ivanovski said.

Separate panels also discussed various other issues, notably transfer-pricing in context of tax rulings and Advance Pricing Agreements (APAs) from perspective of their compliance with EU State aid rules. Prof. Dr. Vesna Tomljenović, judge in the Court of Justice of the European Union (General Court, President of Chamber), presented the findings of the Fiat case, as well as general issues related to compliance of MNEs European transfer-pricing structures with Article 107 of the Treaty - EU State aid law.

#### AOTCA Annual Conference

From 31 October to 3 November 2023, Chair of the CFE Tax Technology Committee, Piergiorgio Valente, spoke at the AOTCA 2023 Conference in Tokyo, Japan. The main discussion topics of the International Tax Conference included digital tax, enhancing tax compliance, taxation connected with environmental issues, taxation on crypto assets, and other topics related to the latest update on international taxation.

#### International Tax Specialist Group 2023 World Conference

Chair of the CFE Tax Technology Committee, Piergiorgio Valente, attended the ITSG 2023 World Conference in Athens, Greece, from 8 to 10 November 2023. During the conference, Piergiorgio presented a session titled "OECD and EU Tax Developments" where he provided a comprehensive analysis of current issues, trends, and agenda items in the realm of taxation. Specifically, the following critical questions were explored: Will the proposed 15% corporate minimum tax mark the conclusion of the era of low corporate tax rates? How significant are disclosures, registers, and reporting in today's tax landscape?

#### Global Tax Controversy Conference 2023

Chair of the CFE Tax Technology Committee, Piergiorgio Valente, attended the 2023 Global Tax Controversy Conference in Zurich on 30 November – 1 December 2023, on the topic of "Navigating Complex International Tax Landscapes". Piergiorgio joined experts to explore key topics in tax law: global and EU tax policy trends and Pillar 2, offering an in-depth analysis of the latest developments in global and EU tax policy. He delved into the most pressing topics in tax law, such as updates on global and EU tax policy trends and Pillar 2.



Executive Board Dinner in Brussels



Karima Baakil, Wim Gohres & Philippe Vanclooster



Martin Phelan



Prof. Dr. Vesna Tomljenović, Maikel Evers & Dr Filip Majdowski



Anna Misiak, Stella Raventós-Calvo & Jiří Nekovář



Executive Board Meeting in Brussels



Branislav Kováč



Piergiorgio Valente, Elbano de Nuccio & Salvatore Regalbuto





Christine Cloquet



Executive Board Meeting in Brussels



Marcellus Wong, Marco Boidi & Minoru Nakazato



Bruno Gouthière, Ian Hayes & Christine Cloquet



Serena Cabrita Neto



Petra Pospíšilová & Milan Tomíček



Ivan Simič



Paul Cramer



Radek Neužil



Paul Aplin



Timo Matikkala



Jasna Voje



Marcellus Wong



Virpi Pasanen



Ian Hayes, Elbano de Nuccio & Salvatore Regalbuto



Piergiorgio Valente, Elbano de Nuccio, Petra Pospíšilová & Jiří Nekovář



Executive Board Meeting in Brussels



Ian Hayes



Professional Affairs Committee Meeting in Helsinki



Executive Board Meeting in Helsinki



CFE Networking Event in Brussels



Ian Hayes



CFE Networking Event in Brussels



Visa Kananoja



Brodie McIntosh



Ian Hayes & Trudy Perié



Friedrich Roedler



Markus Ehgartner



Philippe Vanclooster



Markus Ehgartner, Helena Malikova, Marbée Koller & Aleksandar Ivanovski



Aleksandar Ivanovski



Branislav Kováč, Miriam Galandová & Milan Tomiček



Roelof Vos



Danielle Philips



Nevia Čičin-Šain



Aleksandar Ivanovski & Brodie McIntosh



Executive Board Meeting in Brussels



Piergiorgio Valente & Karima Baakil



Massimo Bianchi



CFE Forum in Brussels



Ian Hayes, Stella Raventós-Clavo, Agustín Fernández Pérez & Carmen Jover



Member Organisation Dinner in Brussels



Member Organisation Dinner in Brussels



New Tax Professionals Ad Hoc Committee Meeting in Brussels



Andreu Bové & Philippe Vandevoorde



Marbée Koller



Ynze Scheffer



Paul Kraan



Piergiorgio Valente



Jeremy Woolf



Willem Faassen



2023 GTAP Declaration Signature Ceremony in Helsinki



Erik Kemmeren



New Tax Professionals Committee Meeting in Helsinki



Philippe Vanclooster & Aleksandar Ivanovski



Welcome Reception in Helsinki



Zoran Janković



Virpi Pasanen & Piergiorgio Valente



Lotta Manu, Alexiina Ahonkivi & Heidi Vaha



Welcome Reception in Helsinki



Welcome Reception in Helsinki



Gala Dinner in Helsinki



Welcome Reception in Helsinki



Henk Koller





Jiří Nekovář



Welcome Reception in Helsinki



Gala Dinner in Helsinki



Mateusz Stańczyk & Anne Gunnell



Gala Dinner in Helsinki



Gala Dinner in Helsinki



Salvatore Regalbuto, Piergiorgio Valente & Elbano de Nuccio



Welcome Reception in Helsinki



General Assembly Meeting in Brussels



Jeremy Choi & Piergiorgio Valente



Karima Baakil & Alexiina Ahonkivi



Piergiorgio Valente



Jane Mellor, Ellen Milner, Alistair Cliff, Paul Aplin & Helen Whiteman



Piergiorgio Valente & Krister Andersson



Brodie McIntosh, Piergiorgio Valente, Karima Baakil, Martin Phelan, Aleksandar Ivanovski & Anna Manitarà



Brodie McIntosh, Martin Phelan, Piergiorgio Valente, Karima Baakil & Aleksandar Ivanovski



Ian Hayes



General Assembly in Helsinki



Virpi Pasanen & Timo Matikkala



Gala Dinner in Helsinki



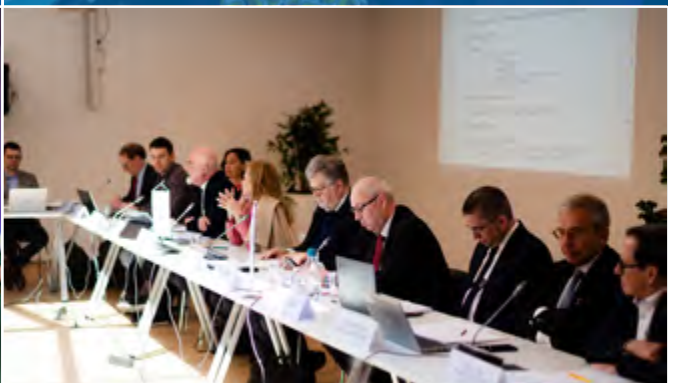
Karima Baakil & Brodie McIntosh



Welcome Reception in Helsinki



Welcome reception in Helsinki



General Assembly Meeting in Brussels



## CFE PUBLICATIONS

### Opinion Statements – Policy and Technical position papers published in 2023 by CFE Tax Advisers Europe

#### Fiscal Committee:

In 2023, the Fiscal Committee of CFE Tax Advisers Europe published 9 Opinion Statements:

- **Opinion Statement FC 1/2023** on the European Commission Public Consultation on the Introduction a New Corporate Taxation System in Europe (BEFIT).
- **Opinion Statement FC 2/2023** on the VAT Treatment of Compensation Payments.
- **Opinion Statement FC 3/2023** on VAT Groups.
- **Opinion Statement FC 4/2023** on the EU Commission VAT in the Digital Age Legislative Proposal Package.
- **Opinion Statement FC 5/2023** on Official Ruling 57:2023 of the Italian Central Tax Office on Intervening Fixed Establishments in a VAT Context.
- **Opinion Statement FC 6/2023** on Further CFE Comments on the EU Commission's ViDA Proposals.
- **Opinion Statement FC 7/2023** on the EU Commission FASTER Withholding Tax Proposal.
- **Opinion Statement FC 8/2023** on the EU Commission BEFIT & Transfer Pricing Proposals.
- **Opinion Statement FC 9/2023** on the EU Commission Proposal on establishing a Head Office Tax system for micro, small and medium sized enterprises and amending Directive 2011/16/EU.

#### Professional Affairs Committee:

In 2023, the Professional Affairs Committee of CFE Tax Advisers Europe published 1 Opinion Statement:

- **Opinion Statement PAC 1/2023** on the European Parliament Report on Lessons Learned from the Pandora Papers.

#### ECJ Task Force:

In 2023, the ECJ Task Force published 4 Opinion Statements:

- **Opinion Statement ECJ-TF 1/2023** on Case C-707/20, Gallaher Limited, on the taxation of capital gains in intra-group transfers.
- **Opinion Statement ECJ-TF 2/2023** on Case C-83/21, Airbnb Ireland and Airbnb Payments UK on accessory tax obligations imposed on digital service providers.
- **Opinion Statement ECJ-TF 3/2023** on Case C-322/22:

Right to be paid interest on overpayment of taxes in breach of EU Law.

- **Opinion Statement ECJ-TF 4/2023** on EFTA Court Case E-11/22, RS: Compatibility with fundamental freedoms of a municipal surcharge distinguishing between residents and non-residents for the purposes of the applicable rate.

### External & Electronic Publications

#### European Taxation Tax Journal

The leading European tax law journal *European Taxation*, edited by IBFD, regularly publishes articles on CFE conferences and selected Opinion Statements of particular relevance. *European Taxation* is the official journal of the CFE Tax Advisers Europe.



#### Tax Top 5

The "Tax Top 5" is a weekly e-publication containing the most relevant tax news and tax policy developments from the EU institutions, EU courts and OECD from the previous week. The weekly updates are a great success and the Tax Top 5 is now perceived as one of the most reliable and cohesive tax policy update e-publications in Brussels.



#### Global Tax Top 10

The Global Tax Top 10 is a monthly publication containing a round-up of international tax policy news of wider relevance for tax advisers. The publication was developed in response to the great success of the Tax Top 5, with a view to provide a succinct report on the most impactful tax policy and legislative developments that have taken place around the globe each month.

The publication builds on a long-standing tax technical and policy cooperation between CFE, AOTCA (Asia-Oceania Tax Consultants Association) and WAUTI (West African Union of Tax Institutes), which are the leading tax professionals' organisations of the Asian- Oceanic and West African regions.

#### Living CFE

"Living CFE" is a bi-annual publication which details the key events and meetings attended or organised by CFE Tax Advisers Europe, as well as technical work published or submitted to international organisations, as well as forthcoming CFE events.

#### EU Tax Policy Report

The EU Tax Policy Report is a journal style publication, issued bi-annually, that provides a detailed analysis of significant primary law and tax policy developments at both EU and international level which have taken place in the previous six months.

It also includes an overview of selected CJEU case-law and relevant European Commission decisions.

### EUROPEAN REGISTER OF TAX ADVISERS

The European Register of Tax Advisers is an online platform which forms part of the CFE Tax Advisers Europe website, and provides the opportunity for qualified tax advisers to increase their online presence and widen their professional network.

The register allows tax advisers to network through attending events organised and promoted by CFE, and provides means for the users to engage with potential clients through advertising their areas of expertise and contact details on the Register.

Below are some of the benefits of registering with the European Register of Tax Advisers:

- **Visibility:** Enhanced opportunities to increase a tax adviser's online profile and come into contact with potential clients.
- **Network:** Opportunity to contact and collaborate with other tax experts in Europe on international taxation issues.
- **Pool of Experts:** Access to an easily searchable and centralised database of experts in various fields of taxation law and practice.
- **Sharing of Expertise:** Provides opportunities and the means to exchange knowledge with other professionals in a chosen area of taxation practice.
- **Events:** Invitations to specialised events with high profile speakers, attended by respected practitioners and representatives from European institutions.
- **Technical Updates:** Access to the latest news and publications regarding significant developments in taxation matters.

The Register platform is managed collaboratively by CFE Tax Advisers Europe and CFE's Member Organisations. CFE takes care of the technical aspects of the Register, and Member Organisations determine whether or not to approve the registration of the users.

CFE completely redeveloped the European Register of Tax Advisers in recent years. The register now contains more specific information on registered advisers and their area of expertise. This allows for enhanced visibility for tax advisers, in a modern and updated format that is far more searchable for members of the public. Any tax adviser affiliated with one of the CFE's Member Organisations and qualified to work under European law requirements can register on the platform. Tax advisers who are not registered should consider signing up to benefit from the widening of their professional network.



General Assembly Meeting in Brussels



General Assembly Meeting in Brussels



Miriám Galandová, Nataša Todorović & Ivan Simič



General Assembly Meeting in Brussels



General Assembly Meeting in Brussels



General Assembly Meeting in Brussels

## CFE GOVERNANCE

### General Assembly

The General Assembly is the governing body of CFE Tax Advisers Europe, at which each Member Organisation is able to be represented. The primary responsibilities of the General Assembly are to decide on the acceptance of members and observers, to approve amendments to the governing statutes, to adopt the business report of the Executive Board and to approve the accounts and budget for the CFE. In 2023, the General Assembly met twice, as required under the CFE Statutes: in April in Brussels and in September in Helsinki.

### Meetings

In 2023, the CFE Executive Board and CFE Brussels Office were delighted to hold two General Assembly meetings, one in Brussels on 21 April and on 22 September in Helsinki.

At the April meeting in Brussels, President Ian Hayes presented his strategic direction, which focussed on the role of a tax adviser in 2030, the transition of the profession. He informed the General Assembly that the General Assembly format would be amended to expand on the GA consultation groups piloted over the last 2 years and that there would be a curated consultation designed to elicit members views on key issues such as digitalisation of tax and Artificial Intelligence and how tax practice is changing.

Informed with these views, the Board would formulate proposals to be brought to the General Assembly setting out objectives, strategy and a route for CFE Tax Advisers Europe to achieve those objectives in the period up to 2030. The intent is that a key annual part of the General Assembly will be an interactive consultation devoted to discussion about CFE strategy going forward.



General Assembly Meeting in Brussels



Helen Whiteman &amp; Nick Parker



Henk Koller &amp; Dick Barmantlo



General Assembly Meeting in Brussels



Executive Board at the General Assembly Meeting in Brussels



General Assembly Meeting in Brussels

At the Spring General Assembly, Bruno Gouthière, Chair of the Fiscal Committee, also updated the General Assembly on the success and interesting discussions of the CFE Forum “Towards a More Cohesive European Fiscal Union? Minimum Tax & VAT in the Digital Age” that took place in Brussels on 19 April 2023.

At the Fall meeting, held in Helsinki, Finland, on 22 September 2023, the General Assembly Consultation took place, discussing how CFE sees its role in shaping the tax advisory profession in the years up to 2030. Prof. Dr. Georg Kofler, LL.M., Professor of Tax Law at Vienna University of Economics and Chair of the CFE ECJ Task Force gave a very informative presentation to start the discussions on “The Impact of Data and Deep Learning, AI on Tax Law - Risks and Opportunities”.

A set of 5 questions, tailored from a broad range of discussions currently being held by policymakers, and narrowed down to

topics which the Executive Board believe are those most relevant for the future of the tax advisory profession, were put to discussion groups. The discussions topics covered disruption brought by tech, AI, and regulatory developments necessitates a thorough and in-depth consultation on the way forward for our profession. Views of the General Assembly delegates were gathered as an extension of tailored meetings held between the CFE Board and Member Organisations’ representatives in the past two years.

The outcome of the consultation process will be set out in a strategy document that will set out a direction for CFE and the profession going forward, prepared before, and discussed during the 2024 General Assemblies in Brussels and Ljubljana.



Anneke Haasnoot, Branislav Kováč & Markus Ehgartner



Gian Luca Belluzzi



Piergiorgio Valente & Bruno Gouthière



General Assembly Consultation in Helsinki



Franc Derganc



Llorenç Maristany



Radek Neužil & Erik Berk



General Assembly Consultation in Helsinki





Georg Kofler



Jeremy Choi & Piergiorgio Valente



Aleksandar Ivanovski, Marcellus Wong & Daniela Mina



Sylvester Schenk



Helen Whiteman



Francisco de Sousa da Câmara



General Assembly Meeting in Helsinki



General Assembly Meeting in Helsinki



General Assembly meeting in Helsinki



General Assembly Consultation in Helsinki



Branislav Kováč



General Assembly Consultation in Helsinki



General Assembly Consultation in Helsinki



Marloes Lammers



General Assembly Consultation in Helsinki



Helen Whiteman



Wim Gohres



General Assembly Consultation in Helsinki



General Assembly Consultation in Helsinki



Anna Misiak, Ian Hayes & Trudy Perié



General Assembly Consultation in Helsinki



Timo Matikkala



Daniela Mina



General Assembly Meeting in Helsinki

## ORGANISATIONAL STRUCTURE

The **General Assembly** is the governing body of CFE Tax Advisers Europe, at which each CFE Member Organisation is able to be represented. The primary responsibilities of the General Assembly are to decide on the acceptance of members and observers, to approve amendments to the governing statutes, to adopt the business report of the Executive Board and to approve the accounts and budget for the CFE.

### DELEGATES OF THE GENERAL ASSEMBLY IN 2023











<b>AT</b>	Peter Bartos, Herbert Houf, Klaus Hübner, Philippe Rath, Friedrich Rödler, Franz Schmalzl
<b>BE</b>	Christine Cloquet, Philippe Vanclooster, Bart Van Coile
<b>CH</b>	Massimo Bianchi, Christiana Leuker
<b>CZ</b>	Jiří Nekovář, Radek Neužil, Petra Pospíšilová, Jana Skálová, Petr Toman
<b>ES</b>	Stella Raventós-Calvo, Agustín Fernández Pérez
<b>FI</b>	Timo Matikkala
<b>FR</b>	Frédéric Teper, Charles Menard
<b>HR</b>	Damir Brajković, Bojan Huzanić
<b>IE</b>	Marie Bradley, Martin Lambe
<b>IT</b>	Elbano de Nuccio, Gaetano Ragucci, Salvatore Regalbuto, Giorgio Monasterolo, Paola Marongiu, Giovanni Moschetti, Marco Boidi, Noemi Di Segni, Piergiorgio Valente
<b>LU</b>	Manfred Schneider
<b>LV</b>	Ainis Dābols, Inga Kursīte-Priedīte, Marina Kuzenko, Daiga Zēna-Zēmane
<b>ME</b>	Rade Ščekić
<b>MT</b>	Conrad Cassar Torregiani
<b>NL</b>	Dick Barmantlo, Henk Koller, Paul Kraan, Sylvester Schenk, Edwin Visser, Roelof Vos
<b>PT</b>	Francisco de Sousa da Câmara
<b>PL</b>	Mateusz Stańczyk, Joanna Krzemińska, Michał Laskowski, Tomasz Gawron
<b>RO</b>	Dan Manolescu
<b>RS</b>	Ivan Simič
<b>SI</b>	Franc Derganc, Ivan Simič
<b>SK</b>	Miriám Galandova
<b>SM</b>	Daniela Mina
<b>UK</b>	Gary Ashford, Ian Hayes, Nick Parker, Helen Whiteman
<b>UZ</b>	Radmila Karimova, Bahodir Nabijonov

## EXECUTIVE BOARD

The **Executive Board** is in charge of the day to day work of CFE Tax Advisers Europe and reports to the General Assembly. The Board monitors developments in taxation law and the profession within Europe, and devises and manages CFE's work streams arising from these issues. Work is managed through three committees, the Fiscal Committee, the Professional Affairs Committee, and the Tax Technology Committee, as well as through the Ad Hoc New Tax Professionals Committee, which are each chaired by a member of the Board.

The Executive Board is composed of 10 people, i.e. the President, three Vice-Presidents, the Secretary General, the Treasurer, the Chair of the Fiscal Committee, the Chair of the Professional Affairs Committee, the Chair of the Tax Technology Committee and one Executive Board Member.

### EXECUTIVE BOARD 2023

	President <b>Ian Hayes</b>		Vice-President <b>Stella Raventós-Calvo</b>
	Vice-President <b>Anna Misiak</b>		Vice-President <b>Trudy Perié</b>
	Secretary General <b>Martin Phelan</b>		Treasurer <b>Branislav Kováč</b>
	Chair of the Fiscal Committee <b>Bruno Gouthière</b>		Chair of the Professional Affairs Committee <b>Philippe Vanclooster</b>
	Chair of the Tax Technology Committee <b>Piergiorgio Valente</b>		Executive Board Member <b>Matěj Nešleha</b>

ADVISERS TO THE EXECUTIVE BOARD 2023



Jiří Nekovář



Christine Cloquet



Wim Gohres



Friedrich Roedler

## FISCAL COMMITTEE

**Delegates of the Fiscal Committee 2023**

Fiscal Committee Chair: Bruno Gouthière

**Direct Taxes Sub-Committee**

Chair: Jos Goubert

<b>AT</b>	Georg Kofler, Christine Jasch, Friedrich Rödler
<b>BE</b>	Jos Goubert, Isabelle Richelle (expert)
<b>CH</b>	Pietro Sansonetti, Pascal Hinny
<b>CZ</b>	Luděk Vacík, Lucie Wadurová, Lenka Nováková
<b>ES</b>	Victor Viana
<b>FI</b>	Visa Kananoja
<b>FR</b>	Olivier Dauchez
<b>HR</b>	Darko Augustinović, Bojan Huzanić
<b>IE</b>	Anne Gunnell
<b>IT</b>	Raffaele Rizzardi, Nicola Vecchietti Massacci, Giampiero Guarnerio, Giovanni Moschetti
<b>LU</b>	Christian Schlessler
<b>LV</b>	Ruta Tereško
<b>ME</b>	Jelena Stojović
<b>MT</b>	John Ellul Sullivan
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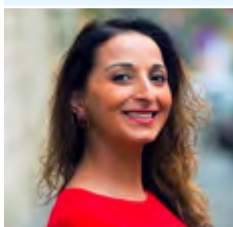
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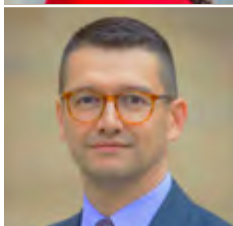
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The CFE Tax Advisers Europe office in Brussels was set up in 2000 in order to maintain relationships with the European institutions. Since the re-establishment of the CFE as an international association under Belgian law in 2011, the Brussels office is the seat and the head office of the organisation.



**Karima Baakil**  
Office Manager  
**E-mail:** kbaakil@taxadviserseurope.org



**Aleksandar Ivanovski**  
Director of Tax Policy  
**E-mail:** aivanovski@taxadviserseurope.org



**Brodie McIntosh**  
Tax Policy Analyst  
**E-mail:** bmcintosh@taxadviserseurope.org

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CFE Tax Advisers Europe  
Avenue de Broqueville 12,  
1150 Brussels  
Belgium

**Email** info@taxadviserseurope.org

**Twitter** @cfe\_brussels

**Website** www.taxadviserseurope.org

**Content and Editorial**

Brodie McIntosh

**Design and Printing**

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#### CFE OFFICE

Avenue de Broqueville 12,  
1150 Brussels  
Belgium

**Email** [info@taxadviserseurope.org](mailto:info@taxadviserseurope.org)

**Twitter** [@cfe\\_brussels](https://twitter.com/cfe_brussels)

**Website** [www.taxadviserseurope.org](http://www.taxadviserseurope.org)