



ЕВРОПЕЙСКИ ПАРЛАМЕНТ PARLAMENTO EUROPEO EVROPSKÝ PARLAMENT EUROPA-PARLAMENTET
EURORÄISCHES PARLAMENT EUROOPA PARLAMENT ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT
PARLEMENT EUROPÉEN PARLAIMINT NA HEORPA PARLAMENTO EUROPEO EIROPAS PARLAMENTS
EUROPOS PARLAMENTAS EURÓPAI PARLAMENT IL-PARLAMENT EWROPEW EUROPEES PARLEMENT
PARLAMENT EUROPEJSKI PARLAMENTO EUROPEU PARLAMENTUL EUROPEAN
EURÓPSKY PARLAMENT EVROPSKI PARLAMENT EUROOPAN PARLAMENTTI EUROPAPARLAMENTET

Special Committee Taxe
Tax Rulings and Other Measures Similar in Nature or Effect
The Chair

D(2015) 42230

314786 16.09.2015

Mr Martin Schulz
President of the European Parliament

Dear President,

**Subject: Sanctions against Multinational corporations who did not cooperate with the
TAXE special committee**

I am writing to you concerning possible sanctions to be considered toward various multinational corporations (MNCs) which have declined the invitations of the TAXE Committee to attend its public hearings and/or meetings. In total 18 MNCs (see the attached list) were invited, but only four of them have agreed to participate to the meetings of the TAXE Committee. The TAXE Coordinators consider that this non-cooperative attitude has hindered the work of the Special Committee to fulfil its mandate.


As a result, in paragraph 75 of the TAXE draft Report, to be voted in plenary in November II, it is stated that the Parliament “regrets the fact that, despite repeated invitations, several MNCs did not take the opportunity to discuss international tax planning matters with the committee; recommends, therefore, that serious consideration be given to banning these firms from the Transparency register”.

Following an exchange of letters with the Vice-President Sylvie Guillaume, (see copies attached), TAXE Coordinators have decided to explore the possibilities offered by the Transparency Register due to a potential non-compliance with the Code of Conduct (notably article f) that stipulates *‘in general, respect, and void any obstruction to the implementation and application of, all rules, codes and good governance practices established by EU institutions)* but it appears that this option would not be satisfactory.

Hence, during their meeting of 14 September, a broad majority of TAXE Coordinators has decided to request directly to the relevant EP political authorities the suspension/restriction of the access to European Parliament premises of all representatives of the concerned MNCs.

Therefore, I would be very grateful if you could consider this suggestion.

Yours faithfully,



Alain Lamassoure

Copy: Ms Sylvie GUILLAUME, Vice-President of EP in charge of Transparency Register for groups and organisations representing specific interests at EU level
Mr Jerzy BUZEK, Chair of ITRE, Chair of CCC
Mr Elmar BROK, Chair of AFET
Ms Elena VALENCIANO, Chair of DROI
Ms Anna Elzbieta FOTYGA, Chair of SEDE
Ms Linda MCAVAN, Chair of DEVE
Mr Bernd LANGE, Chair of INTA
Mr Jean ARTHUIS, Chair of BUDG
Mr Ingeborg GRÄSSLE, Chair of CONT
Mr Roberto GUALTIERI, Chair of ECON
Mr Thomas HÄNDEL, Chair of EMPL
Mr Giovanni LA VIA, Chair of ENVI
Ms Vicky FORD, Chair of IMCO
Mr Michael CRAMER, Chair of TRAN
Ms Iska MIHAYOVA, Chair of REGI
Mr Czesław Adam SIEKIERSKI, Chair of AGRI
Mr Alain CADEC, Chair of PECH
Ms Silvia COSTA, Chair of CULT
Mr Pavel SVOBODA, Chair of JURI
Mr Claude MORAES, Chair of LIBE
Ms Danuta Maria HÜBNER, Chair of AFCO
Ms Iratxe GARCÍA PÉREZ, Chair of FEMM
Ms Cecilia WIKSTRÖM, Chair of PETI

Annexes: A list multinational corporations invited to TAXE hearings and/or meetings
Letter of Sylvie Guillaume, Vice-President of EP of 16 July 2015
A background document

**Multinational corporations invited to TAXE Special Committee's
hearings/meetings**

Name	Invited/Representatives	Situation (02/09/2015)
Airbus	Guillaume de La Villeguerin, Vice President Tax & Customs	Participated - 02.07.2015
BNP Paribas	Christian Comolet-Tirman, Director, Fiscal Affairs	Participated - 23.06.2015
SSE plc	Martin McEwen, Head of Tax	Participated - 23.06.2015
Total S.A.	Nathalie Moggetti, Chief Tax Officer	Participated - 23.06.2015
Amazon.co.uk Ltd	Christopher Corson North, Managing Director	Declined, due to ongoing investigation
Amazon EU S.à r.l.	Xavier Garambois, General Director	Declined, due to ongoing investigation
Anheuser-Busch InBev	Stuart MacFarlane, President, Europe Zone	Declined, due to ongoing investigation
Barclays Bank Group	Antony Jenkins, Group Chief Executive	Declined, but remains open to reply to any specific written questions
Coca-Cola Company	James Quincey, President, Coca-Cola Europe Group	Declined, but met Co-Rapporteurs
Facebook	Marc Zuckerberg, Chief Executive Officer	Declined
Fiat Chrysler Automobiles	Sergio Marchionne, Chief Executive Officer	Declined, due to ongoing investigation
Google	Eric E. Schmidt, Executive Chairman	Declined, but ready to send "position on the tax issues"
HSBC Bank plc	Alan M Keir, Chief Executive, EMEA	Declined, due to ongoing investigation
IKEA Services BV	Peter Agnefjäll, Chief Executive Officer	Declined, but invited Members for a discussion and sent Ikea Group Yearly Summary report (2014)
McDonald's Europe	Douglas Goare, President Europe	Declined, due to coinciding with major company initiative and a possible Commission enquiry
Philip Morris International	Kristof Doms, Vice President, European Affairs	Declined
Walmart	Shelley Broader, President and Chief Executive Officer, EMEA region	Declined
The Walt Disney Company	Robert A. Iger, Chief Executive Officer	Declined, but offered to meet with representatives of the Committee to hear their views

V/Réf. : IPOL-A-TAXE-D (2015) 33611
N/Réf. : SG/LB/15-11

Monsieur Alain LAMASSOURE
Président de la commission TAXE
ASP 13E105

Bruxelles, le 16 Juillet 2015

Monsieur le Président,

J'ai bien pris connaissance de votre courrier en date du 8 juillet dernier et vous en remercie.

Je tiens tout d'abord à saluer vos efforts de transparence concernant la publication de la liste des entreprises ayant refusé d'être auditionnées par la commission TAXE, ainsi que celle des réponses qui vous ont été adressées.

Pour faire suite à votre demande conjointe avec celle des coordinateurs de la commission TAXE, concernant une réaction à envisager de la part de notre Institution face à cette attitude non-coopérative, je souhaite vous suggérer la chose suivante : en tant que Vice-présidente en charge du Registre de Transparence, j'estime qu'une action possible -et intéressante- serait que la commission TAXE dépose une plainte auprès du Registre de Transparence, via son site Internet, pour suspicion de non-respect du code de conduite par une (ou plusieurs) entité(s) enregistrée(s).

Cette plainte pourrait viser le non-respect de l'article f du Code de conduite :

Dans leurs relations avec les institutions de l'Union ainsi qu'avec les membres, fonctionnaires et autres agents de celles-ci, les représentants d'intérêts:

(...)

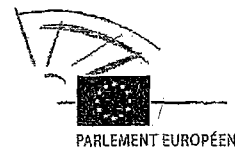
(f) d'une manière générale, respectent toutes les règles, tous les codes et toutes les pratiques de bonne gouvernance établis par les institutions de l'Union et s'abstiennent de toute obstruction à la mise en œuvre et à l'application de ces règles, codes et pratiques;

Le secrétariat conjoint à la Commission et au Parlement européen instruira la plainte selon la procédure applicable au traitement des plaintes (annexe IV de l'accord interinstitutionnel sur le Registre de Transparence) qui, étant donnée la sensibilité du dossier, devra être renvoyée aux Secrétaires généraux des deux institutions pour décider d'une des mesures disponibles en cas de non-respect du Code de Conduite ; des sanctions liées seront le nonaccès aux Commissaires, à leurs Cabinets et Directeurs Généraux, ainsi que la suppression automatique de l'accès au PE pour les sociétés enregistrées en cas de radiation du registre. Bien évidemment cette procédure s'accompagne de possibilités de recours pour les entités concernées.

Sylvie **GUILLAUME**

www.sylvieguillaume.eu

DÉPUTÉE EUROPÉENNE
VICE-PRÉSIDENTE DU PARLEMENT EUROPÉEN



Avant l'issue même de cette procédure, je vous suggérerais également de communiquer sur cette démarche dès le dépôt de la plainte, ce qui pourrait contraindre ces entreprises à accepter enfin de répondre à votre sollicitation.

Espérant que ces éléments pourront vous être utiles, je me tiens à votre disposition pour tout renseignement complémentaire.

Dans l'attente, je vous prie d'agréer, Monsieur le Président, l'expression de ma considération distinguée.

Sylvie GUILLAUME

PERMANENCE PARLEMENTAIRE
1, place Louis Pradel
F-69001 Lyon
+33 4 78 98 74 23
contact@sylvieguillaume.eu

PARLEMENT EUROPÉEN
Rue Wiertz, 60 - ASP 14G 102
B-1047 Bruxelles
+32 2 284 54 33
sylvie.guillaume@europarl.europa.eu

Background note on MNCs and Transparency register

As indicated in the Draft Report following the constitutive meeting of 26 February 2015, the Special Committee on Tax Rulings and Other Measures Similar in Nature or Effect held several meetings, during which it heard from Commissioners Vestager and Moscovici, OECD representatives, whistleblowers, investigative journalists, experts, academics, representatives of multinational enterprises (MNCs), professional associations, trade unions and non-governmental organizations, as well as Members of EU national parliaments; TAXE delegations visited Switzerland, to look into specific aspects of the third country dimension of its mandate, and the following Member States, by way of fact-finding missions: Belgium, Luxembourg, Ireland, the Netherlands and the United Kingdom.

The work of the committee was partially hindered by the fact that some Member States and the Council neither replied in due time, nor, in the end, did they transmit all the documents that had been requested. In addition, some crucial stakeholders declined the invitation to appear before the Committee; in particular, only a few MNCs accepted the invitation. The mandate of the Committee had, therefore, to be extended in order to have more time to prepare the Draft Report, which was circulated to TAXE Members on 24 July 2015.

As agreed by the TAXE Coordinators, invitations to public hearings and/or meetings were addressed to various MNCs representing different sectors and geographical areas, to explain their tax system in order to help the Members of the TAXE Committee better understand the current situation and deliver recommendations on this matter.

The following dates were among those suggested:

- TAXE Committee Hearing on the "Public Hearing on Tax rulings and harmful tax practices" on 11 May 2015;
- TAXE Committee Hearing on the "International Dimension of Tax rulings and other measures" on 1 June 2015;
- TAXE Committee meeting on 23 June 2015;
- TAXE Committee meeting on 2 July 2015;

In total 18 MNCs (see the attached list) were invited. All invited speakers, including representatives of MNCs, were reminded (in the invitation and at the start of the TAXE meetings) that the European Parliament does not accept any liability for the content of any information received and hence the provider of the information remains solely and fully liable for compliance with applicable requirements under national rules and law, as well as for the content of the information provided.

Some of the MNCs invited are under on-going state aid investigations by the Commission (DG Competition) and indicated this as the reason they declined to participate in the TAXE Committee meetings. Four of the invited 18 MNCs appeared at the TAXE Committee meetings. Several MNCs offered to provide written contributions and/or to reply to the questions from Members in writing. Other MNCs offered to meet the Chair and Co-Rapporteurs (as well as other Members) bilaterally. Hence, some MNCs have shown a measure of openness to cooperate with the TAXE Committee, while others simply declined the invitation without giving any reason. The list of all MNCs invited has been included as an annex to the TAXE Draft Report.

The Coordinators decided to explore the possibilities offered by the Transparency Register. The Inter-institutional Agreement of the Transparency Register defines activities covered by the Register (in paragraph 7), notably that of *'voluntary contributions and participation in formal consultations or hearings on envisaged EU legislative or other legal acts and other open consultations'*. All MNCs that declined to participate in TAXE Committee meetings are registered in the Transparency Registry, whose code of conduct (paragraph f) states that any organisation *'in general, respect, and avoid any obstruction to the implementation and application of all rules, codes and good governance practices established by EU Institutions'*.

This initiative should be seen in the context of the recommendations indicated in the TAXE Draft Report, which states, that *'Member States and the European institutions, which share the political responsibility for the current situation, should fully cooperate in order to eliminate - and refrain from creating further mismatches between tax systems and harmful tax measures which create the conditions for massive tax avoidance by MNCs and tax base erosion within the internal market'*. The TAXE Draft Report *'requests that the Commission assesses the possibility of introducing sanctions for firms implementing or promoting tax dodging and aggressive tax planning, in particular regarding the access to funding from the EU Budget and any advisory role in EU institutions'*.

In paragraph 75 of the draft report, in particular, it is stated that the Parliament *'regrets the fact that, despite repeated invitations, several MNCs did not take the opportunity to discuss international tax planning matters with the committee; recommends, therefore, that serious consideration be given to banning these firms from the Transparency Register;'*