



Declassified<sup>1</sup>

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## Committee on Social Affairs, Health and Sustainable Development

### Minutes

**of the hearing on “The concern about fiscal, social justice and public trust in our democratic system / Effectively combating the adverse consequences of dirty money” held in Strasbourg on Thursday, 23 June 2016, 8.30 – 10 am**

*For the minutes relating to other items on the Committee agenda, please refer to PV05.*

**The concern about fiscal, social justice and public trust in our democratic system / Effectively combating the adverse consequences of dirty money**

Rapporteur: Mr Stefan Schennach, Austria, SOC

[AS/Soc (2016) 27]

At the opening of the hearing, **Ms Stella Kyriakides, the Chairperson** reminded members that at its meeting held on 2 June 2016 in Paris, the Committee had decided to merge the motions for a resolution on “The concern about fiscal, social justice and public trust in our democratic system” with “Effectively combating the adverse consequences of dirty money” and confirmed Mr Stefan Schennach as Rapporteur. An introductory memorandum combining these two issues was submitted to the Committee at the present meeting. **The Chairperson** then welcomed the expert, **Mr Boudewijn Van Looij**, Tax Policy Analyst at the Organisation for Economic Co-operation and Development (OECD), who had made himself available at very short notice.

**Mr Van Looij** focused his presentation on the “Global Forum on Transparency and Exchange of Information for Tax Purposes” (Global Forum hereafter) which included 135 member jurisdictions (including 43 Council of Europe member States) and was meant to ensure a rapid and effective global implementation of the international mechanisms for Exchange of Information on Request (EOIR) and Automatic Exchange of Information (AEOI) through in-depth monitoring and peer review. In this process, the Global Forum assisted its members, especially those in lower capacity jurisdictions, to effectively implement and benefit from the standards. In the framework of the new arrangement AEOI, 101 jurisdictions had now committed to the Common Reporting Standard (CRS) developed in response to the G20 request and approved by the OECD Council on 15 July 2014, calling on jurisdictions to obtain information from their financial institutions and automatically exchange that information with other jurisdictions on an annual basis. In addition to these mechanisms, the Convention on Mutual Administrative Assistance in Tax Matters, developed jointly by the OECD and the Council of Europe in 1988 (with an Amending Protocol of 2010), was an important instrument for implementing the standards mentioned.

<sup>1</sup> Minutes approved and declassified by the Committee on Social Affairs, Health and Sustainable Development at its meeting on 21 September 2016 in Paris.

More specifically, the EOIR was an instrument aimed at helping members of the Global Forum to effectively identify, through a peer review process undertaken in two phases (referring respectively to the legal framework and practical implementation measures), areas of legal or practical implementation of transparency standards that required improvement. Panama had undergone a Phase 1 peer review in 2010, during which significant shortcomings had been identified. In particular, major deficiencies had been identified related to the existence of bearer shares companies (which led to the impossibility of identifying the owners), the absence of requirements for companies to keep accounting records, and the lack of treaties enabling the exchange of information.

After two supplementary reviews to assess changes in 2014 and 2015, the Phase 2 peer review was now ongoing and the publication of results expected for October 2016. Under the AEOI, Panama had committed to the CRS in May 2016 to ensure first automatic exchanges by 2018 based on bilateral agreements. Like other countries, it had to prepare for the CRS through four “building blocks”: (1) domestic legislation, (2) administrative and IT capacity, (3) international agreements and (4) confidentiality and data safeguards. At the political level, the G20 Ministers of Finance, meeting in Washington on 14-15 April 2016, had called on all relevant countries (including financial centres and jurisdictions) to commit to the AEOI standard with exchanges beginning in 2017 and 2018, to sign the multilateral Convention and to upgrade their Global Forum “rating” to a satisfactory level by the G20 summit to be held in July 2017. In this context, the Global Forum and the Financial Action Task Force on Money Laundering (FATF) were to make proposals on ways of improving the implementation of international transparency standards (including the availability, accessibility and exchangeability of beneficial ownership information), and the OECD, cooperating with G20 countries, was expected to establish objective criteria to identify non-cooperative jurisdictions. In this respect, G20 countries would have to consider defensive measures if progress as assessed by the Global Forum was not made.

For further information on the Global Forum, see: <http://www.oecd.org/tax/transparency/about-the-global-forum/>.

**Mr Schennach** thanked the expert for this impressive presentation. Fiscal paradises were still characterised by a lack of transparency due to insufficient legal frameworks. Whilst the most wealthy were shifting around their money totally legally in a “tax-sparing” manner, fiscal resources were lacking for pension systems and other areas of social security important for social cohesion. The total sum withdrawn from the tax system every year could indeed cover the debts of all EU member States together. European countries were now taking their own measures: Germany was known to have bought data illegally, Switzerland and Liechtenstein were observing financial players, etc. In addition, obliging countries known as fiscal paradises, like Panama, to not only verbally commit to but to implement international standards was crucial. Tax evasion was not a “gentlemen’s offence” but a pathway through which even international companies withdrew from their tax obligations in a legal manner, but which was highly questionable from a moral point of view: was it acceptable or legal to save banks through tax money which was then invested in Panama? And why were multinational groups like Amazon or Starbucks not paying taxes? Such questions, as well as aspects of tax evasion and money laundering, would be examined in his report. The contribution made by the Global Forum just presented by the expert was crucial in this respect.

**Mr Davies** agreed that European countries would need a unified approach, even and, in particular, at a time when the United Kingdom might leave the EU. Offshore companies which had only been created for the purpose of tax evasion should be questioned as such. The issue was also closely linked to the TTIP (Transatlantic Trade and Investment Partnership) which would once again facilitate shifting round money by powerful companies. One should therefore not only speak about the possible disclosure of the “Panama papers” and others but about their overall legality.

**Ms Dalloz** also hoped for some visible progress in the European legislation ensuring more transparency in financial transactions, even more so as many banks were supported by public money. Some countries were known for not playing along the rules of transparency; the list should be updated every year and violations of standards should be closely monitored.

**Ms Alqawasmi** from Palestine, as a “partner of democracy” to the Assembly, called for a globalisation of fiscal information; international supervision should not end at certain borders.

**Mr Melkumyan** believed that many countries already had experience in dealing with these kinds of situations. Every central bank had the means of countering a lack of transparency and much information was available about respective legislation and means of implementation. He therefore wondered whether better results could be achieved over the next two years.

**Mr Van Looij** reiterated the fact that the G20 Ministers of Finance had put pressure on member States to move forward and made it more difficult for them to stay out of the “circle of transparency”. Some concrete improvements had already been achieved, in particular in terms of changes in legislation. Coordination between jurisdictions remained of utmost importance, and fiscal information, including individual ownership, was expected to be exchanged in an increasingly automatic manner under multilateral international agreements. Legislation in this field had to be comprehensive, touch upon banks and fiscal systems, and needed to cover all relevant information on the processes concerned, including the time periods for keeping data and the quality of data to be registered. The expert was personally optimistic that visible progress would be achieved in two years given that legislative changes were closely monitored and assistance provided to any country asking for it.

**Mr Schennach** also believed that progress was possible within very short timeframes. Without international networks (such as the “Tax Justice Network”), NGOs and investigative journalists, the G20 would not have recognised the need for swift action. In his report, Panama was being looked at as an example; other important fiscal paradises or “tax havens” were, for example, the British Virgin Islands, as well as the Cayman Islands or Jersey, and amongst the countries Luxembourg, Singapore, Bahrain and the United Arab Emirates also required increased attention. Finally, the so-called “Delaware papers” also represented a big challenge.

At the end of the discussion, **the Chairperson** drew attention to the fact that Mr Schennach wanted to suggest a change to the title of his report which was based on two merged motions, thus two distinct titles as pointed out at the beginning of the meeting. Following proposals made by **Mr Davies**, the Committee **approved** a new title “The need for fiscal and social justice, and public trust in our democratic, financial and tax system”. The meeting was closed by **the Chairperson**.

### List of decisions

**The Committee on Social Affairs, Health and Sustainable Development**, meeting in Strasbourg:

- **Thursday, 23 June 2016, at 8.30 am** with Ms Stella Kyriakides (Cyprus, EPP/CD), Chairperson, in the chair, as regards:
  - **The concern about fiscal, social justice and public trust in our democratic system / Effectively combating the adverse consequences of dirty money** (*Rapporteur: Mr Stefan Schennach, Austria, SOC*): considered an introductory memorandum, changed the title to “The need for fiscal and social justice, and public trust in our democratic, financial and tax system”, and held a hearing with the participation of Mr Boudewijn Van Looij, Tax Policy Analyst, Organisation for Economic Co-operation and Development (OECD);

Tanja Kleinsorge, Maren Lambrecht-Feigl, Raul Mallaina, Alina Beliaeva, Sylvie Elter

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cc: Secretary General of the Assembly  
Director General, Director and all staff of the Secretariat of the Assembly  
Secretaries of National Delegations and of Political Groups of the Assembly  
Secretaries of observer and partner for democracy delegations  
Secretary General of the Congress  
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**Committee on Social Affairs, Health and Sustainable Development**  
**Commission des questions sociales, de la santé et du développement durable**

**List of presence / Liste de présence**

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Ms Stella KYRIAKIDES		Cyprus / Chypre
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 ..... Child prostitution and child pornography /  
 ..... Rapporteur spécial sur la vente d'enfants, la prostitution des enfants  
 ..... et la pornographie mettant en scène des enfants, Nations Unies  
 Mr / M. Boudewijn Van LOOIJ ..... Tax Policy Analyst, Organisation for  
 ..... Economic Co-operation and Development (OECD) /  
 ..... Analyste de politique fiscale,  
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Ms / Mme Brigitte LE GOUIS.....	European Centre of the International Council of Women <i>Centre Européen du Conseil International des Femmes</i>
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