

**MEETING BETWEEN THE BELGIAN AND SPANISH
BRANCHES OF IFA.**

**“CURRENT INTERNATIONAL HOT TOPICS WITH A
BILATERAL IMPACT”.**

MADRID, 30th/31st May, 2014, Madrid.

**DAY ONE-SECOND PANEL DISCUSSION-“TAX RULING
PRACTICE/TAX PLANNING BY ENTREPRISES”.**

CHAIRPERSON: MR. DOMINGO CARBAJO VASCO

SPANISH TAX OFFICER.

KEY NOTES ON THE SECOND PANEL DISCUSSION,

CHAIRPERSON,

Mr. Domingo Carbajo Vasco.

Economist.

Lawyer.

Political Sciences.

ITP Program, Harvard University.

Tax Auditor, Spanish Tax Agency (AEAT), Large Taxpayers' Office (DCGC).

-Presentation of the Panel:

a) Speakers- Short Curricula of the Speakers.

b) Main Matters of the Discussion:

1. ON THE TAX PLANNING FRAMEWORK.

-Tax Planning---an outstanding international problem within the realm of the International fiscal system—see BEPS, UE Recommendation, problems of the so-called “tax gap”. Only for enterprises?.

A very complex and bordeless issue. An evolving idea too.

Not a legal/unique/clear definition.

There is not yet a consensus regarding the meaning/scope/effects of such words.

-Is there a solution?. Several proposals---

a) More coordination on the international tax arena.

b) More cooperation amongst Tax Administrations.

c) Implementing a cooperative approach between Tax Administrations/enterprises (only multinationals?). The role of fiscal intermediaries, cooperative Administration,etc.

d) Making legal-clear cut distinctions between “legal” tax planning/ illicit tax planning—countervailing “aggressive tax planning”.

e) Disclosures of tax planning schemes (Previous Tax Administration Controls?)---Tax Rulings to set up borderline issues between “legal tax planning” and “aggressive” (or abusive?) tax planning.

f) General and specific anti-abuse measures (See UE Commission Recommendation on aggressive tax planning of 6.11.2012), etc.

IS THERE A SOLUTION WITHOUT IN ADVANCE CLARIFYING THE MEANING OF THE WORDS “TAX PLANNING”?,

COULD THE TAX ADMINISTRATION HOLD A SIMILAR VIEW ON TAX PLANNING AS TAX PROFESSIONALS AND TAXPAYERS?.

2. ON THE TAX RULING SIDE:

1. What exactly a tax ruling is?.
2. What are the main purposes of the tax ruling policies?---
 - a.) Cooperation between taxpayers and Tax Administration,
 - b) Solution of difficult legal problems,
 - c) Underpinning Tax Policy decisions,
 - d) Information and assistance of taxpayers,
 - e) Information and assistance of the own tax officers,
 - f)Solution to the tax planning conundrum, etc.

DO YOU CONSIDER THE ISSUE OF TAX RULINGS AS A VERY USEFUL TOOL TO COUNTERACT TAX PLANNING STRATEGIES?.

3. Restrictions on the issuance of tax rulings, such as the principle of legality and the UE visions on tax competition,

---**SPEAKERS TERM/**

.Belgian Tax Practitioner.

.Spanish Tax Practitioner.

.Belgian Tax Officer.

---**CONCLUSIONS.**