



THE ALL-PARTY PARLIAMENTARY GROUP

# Responsible Tax

## **A more responsible global tax system or a 'sticking plaster'?**

**An examination of the OECD's Base Erosion and Profit Shifting (BEPS) process and recommendations.**

**August 2016**

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## **1 Summary, conclusions and recommendations**

The OECD has done well to build international consensus on the development of new global tax rules and has made major progress in gaining cross-country agreement on sharing tax information. However, we believe that the BEPS Action Plan will fall short of creating the fair and transparent global system that is needed to tackle global tax avoidance.

### ***Sweeping away tax secrecy***

The BEPS proposals do not deliver the level of transparency needed to restore public confidence in the fairness and integrity of our tax system.

### ***Public country-by-country reporting***

By failing to secure *public* country-by-country reporting the OECD has missed a real opportunity to open up the tax system. Transparency is the best way to restore people's trust and simply providing more information to tax authorities is not enough. We need to open companies' affairs to proper public account. Only when we know the activity that companies undertake in every country, the revenues they earn in every country and the profits they make from those revenues, will we be able to see if the tax they pay is fair. Corporate entities have a different legal status to private individuals, so while confidentiality can be defended for individual citizens, different standards are appropriate for corporate entities, especially if they are publicly listed companies.

Public registers would especially help developing countries where their enforcement agencies are weaker and less well-resourced and therefore less able to identify avoidance and evasion.

**Recommendation: The UK Government should take the lead and legislate to introduce public country-by-country reporting for UK publicly quoted companies whilst pressing the case for public country-by-country reporting on a multilateral basis.**

### ***Tax havens***

The issue of tax havens has not been comprehensively confronted and tackled by the UK Government.

We need *public* registers of beneficial ownership for all jurisdictions if we are to effectively prevent profits being shifted to low tax jurisdictions.

The UK Government has led the way by introducing a public register of beneficial ownership for the UK but its efforts will be undermined if the Overseas Territories and Crown Dependencies, which include a high number of well-known tax havens, fail to introduce public registers.

**Recommendation: The UK Government should use its statutory powers to compel the Overseas Territories and Crown Dependencies to adopt public registers of beneficial ownership.**

***The UK Government needs to stop facing both ways***

The UK Government has been a 'difficult friend' of the process. In public the Government has strongly supported the OECD's process but behind closed doors the Government has undermined some of the OECD's efforts.

**Recommendation: HM Treasury should provide an annual assessment of the international spillovers from UK tax, explaining how changes in corporate tax policy or new tax incentives impact on the G20's ambitions and concerns in relation to global tax avoidance.**

***New opportunities for avoidance***

The OECD proposals are likely to add to an already complicated global tax system. The new complex rules could provide opportunities for new loopholes to be identified by accountancy firms, banks, lawyers and advisers remains.

**Recommendation: National governments should consider acting collectively to prevent companies exploiting new tax loopholes. For example, jurisdictions could require companies to seek prior approvals through tax rulings before they use new tax avoidance measures. In addition, the publication of tax rulings would prevent the type of abuses revealed in 'LuxLeaks'.**

### ***Implementation***

The success of the BEPS process lies in its full and consistent implementation across all participating jurisdictions. Although it is still too early to tell how effective the implementation process will be the OECD is working to secure international co-operation by designing new multilateral instruments and encouraging countries to sign up to exchange information protocols. They face some difficult challenges in securing co-operation. There are also concerns about the capacity and capability of developing countries to take advantage of the new protocols. Monitoring proper implementation of these changes will be vital if we are to enjoy a fairer and more responsible international tax system.

**Recommendation: The OECD needs to monitor strictly the implementation process of BEPS year-on-year to ensure that its recommendations are being fully implemented and that developing countries are given the tools to successfully implement proposals and challenge multinational companies who shift profits out of their jurisdiction. Their monitoring data should be publicly available. This will involve implementing the commitment in BEPS Action 11 to establish and track the scale of profit-shifting by country and over time. This is ultimately only possible through the use of comprehensive country-by-country reporting data (see Recommendation 1).**

### ***Beyond BEPS: A sticking plaster on a system not fit for the twenty-first century***

The OECD's proposals will reform existing rules and give tax authorities better tools to crack down on tax avoidance. However, these proposals are a 'sticking plaster' on a global tax system that is struggling to remain fit for purpose with the growth of multinational companies operating in a digital environment. The BEPS process should represent the first step in a longer process of radical reform.

Some experts have argued that we should stop trying to tax the profits of global companies. We disagree. Governments need a range of taxes to fund public services and corporate profits form one part of that range. But achieving that will require new levels of international co-operation that have yet to be accepted.

***Where next for corporation tax?***

We held a seminar with academics and other stakeholders to look at taxing corporate profits in the long term. There was broad support for a unitary based tax system with formula apportionment overseen by a global body such as the OECD or the United Nations whereby each company would submit one report of consolidated accounts for the global group. The report would specify the group's assets, the size of the workforce and sales. The overall profits would be then divided up among jurisdictions according to an agreed formula based on these factors. This would reflect the reality that subsidiaries of companies are not separate entities that trade with one another, but are actually all parts of one global company.

Some commentators have argued that the introduction of country-by-country reporting, where companies now have to report on all of their group activities, could provide the data needed for a unitary taxation system.

Assessing the most effective long-term alternative should be a priority and this proposal should be considered alongside other alternatives.

**Recommendations:**

- **The G20 countries should work with the OECD to conduct a root and branch review of the corporate tax system and its alternatives.**
- **A mechanism for involving developing countries in this review should be identified and implemented.**

## 2 What is Base Erosion Profit Shifting (BEPS)?

Base Erosion and Profit Shifting (BEPS) refers to tax planning strategies adopted by companies that exploit gaps and mismatches in tax rules to artificially shift profits from where they are earned to low or no tax locations where there is little or no economic activity, resulting in little or no overall tax being paid.<sup>1</sup>

The OECD conservatively estimate that every year between \$100 and \$240 billion or anywhere from 4%-10% of global revenues from corporate income tax is lost in tax revenues because companies shift their profits. This particularly disadvantages developing countries due to their heavy reliance on corporate tax income.

### ***What is the OECD's BEPS project?***

The OECD Base Erosion Profit Shifting (BEPS) project was agreed by the G20 in 2013 when the OECD was tasked with examining how the international tax system could be reformed to ensure that global companies pay tax in the country where value is created.

The BEPS Action plan, agreed by the G20 finance ministers in 2015, identified 15 key areas to be addressed. The plan was developed and agreed in just two years and involved the G20 and OECD countries as well as more than 80 developing countries and non-OECD/non G20 economies. It also involved civil society groups, academics and accountancy firms.

The OECD plan was structured around three fundamental pillars:<sup>2</sup>

- Introducing coherence in the domestic rules that affect cross-border activities
- Reinforcing substance requirements in the existing international standards to ensure alignment of taxation with the location of economic activity and value creation
- Improving transparency, as well as certainty for businesses and governments

The measures aimed to provide governments with solutions to close the gaps in the international tax rules that allow profit shifting. The OECD has now moved into the implementation phase of the process.

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<sup>1</sup>OECD, 'About BEPS and the inclusive framework', <http://www.oecd.org/ctp/beps-about.htm>

<sup>2</sup> OECD, 'OECD presents outputs of OECD/G20 BEPS Project for discussion at G20 Finance Ministers meeting' <https://www.oecd.org/g20/topics/taxation/oecd-presents-outputs-of-oecd-g20-beps-project-for-discussion-at-g20-finance-ministers-meeting.htm>

***Global reforms, national impact***

The APPG heard about the impact that tax avoidance by multinational companies has on British businesses. According to The Booksellers Association of the UK & Ireland Ltd, as a result of Amazon's aggressive tax avoidance strategies, Amazon has undermined the viability of traditional bookshops and has come to dominate the book trade. This has resulted in the closure of bookshops across the country and a lack of choice for consumers. Stamping out corporate tax avoidance is essential to the future of small and medium businesses who keep our economies functioning.

The APPG also heard that the 'digital economy' companies favour a 'wait and see' approach when it comes to seeing the impact of the BEPS Action Plan on their businesses.<sup>3</sup>

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<sup>3</sup> Paul Morton, speaking to APPG on Responsible Tax 14 June 2016

### **3 Does the BEPS process adequately address global challenges?**

The corporate tax system that was created nearly a century ago is no longer fit for purpose.

The OECD did not explore or challenge the principles at the heart of the international tax system, it merely attempted to counteract its immediate harmful consequences. As a result, while it may improve existing rules in the short term, in the long term it will fail to stamp out corporate tax avoidance.

#### ***Country-by-Country reporting***

The introduction of country-by-country reporting is commendable. Finally, tax authorities will have information about the revenue companies are making and the tax being paid across different countries where the company operates. However, there are obstacles to the success of this new requirement.

By failing to make the resulting data public the tax system is denied the transparency it requires. This would be particularly beneficial in developing countries where the revenue agencies may not have the capacity to ask for and use the relevant data they need to secure tax revenues from global companies. Public transparency rather than the sharing of information between relevant authorities is a vital prerequisite for ensuring confidence in the fairness of the tax system.

Arguments that transparency will harm competitiveness are unproven. Since 2015 banks established in the EU have had to publish country-by-country reports and there has been no negative impact on the industry.<sup>4</sup>

Furthermore, the threshold for disclosures is too high to be effective, with the consolidated global group revenue having to be £586m or more.<sup>5</sup> The OECD's own estimates show that this will exclude 85-90% of multinational enterprises.

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<sup>4</sup> European Commission, 'European Commission assesses economic consequences of country-by-country reporting requirements set out in Capital Requirements Directive ', [http://europa.eu/rapid/press-release\\_IP-14-1229\\_en.htm](http://europa.eu/rapid/press-release_IP-14-1229_en.htm)

<sup>5</sup> Oxfam, evidence to APPG on Responsible Tax

### ***Digital economy***

The aim of the tax system should be to ensure that tax is paid where value is created. But the globalisation of business and changes created by digitalisation make it difficult to determine where value is created and which country should obtain the tax revenue.

The OECD decided not to treat the 'digital economy' as separate from the rest of the economy and will continue its work in this area over the next five years. However, some countries have already started to implement certain ideas unilaterally. For example, India has implemented a 6% equalisation levy. We heard that these measures will almost certainly result in double taxation.<sup>6</sup> The absence of agreement in this area is leading to further uncertainty.

The international tax rules are built on the idea that subsidiaries and branches of a company are separate legal entities that trade with each other and are not part of one company. Today, more than a third of all international trade is intra-company trade.<sup>7</sup> This means that money and profits can easily be moved around within big companies, often to tax havens, so that tax is minimized and avoided.

The OECD did not question the basic concepts of residence and source, the principles that determine where profits are earned. The current rules underpinning the allocation rights for tax between 'source' (where the income is earned) and 'resident' (where the person who earned it is based) needs to be revisited in a digital world.

The current system, established in the 1920s and currently enshrined in the OECD model treaty, on which many bilateral tax treaties are based, gave source countries primary taxing rights to the active income of the business if the permanent establishment threshold is met. Resident countries got the primary taxing rights to passive income, such as dividends, royalty and interest.

However, multinational companies have shareholders located across the world, and a parent company operating in one country can have subsidiaries that can work on sales, research and development, production, finances and marketing located all across the globe. And consumers, of course, live in many countries. Almost every jurisdiction has a legitimate claim to tax part of the company's profit and a lot of countries could be considered 'source' countries. Yet the present rules do not define residence and source in

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<sup>6</sup> Paul Morton, speaking to APPG on Responsible Tax 14 June 2016

<sup>7</sup> ActionAid, evidence to APPG on Responsible Tax

a way that allows profits to be fairly taxed where value is genuinely added. Saint-Amans admitted to us that the balance between source and residence remains an unresolved issue.

### **Double Taxation**

The new definitions on what is meant by a permanent establishment, and hence a taxable presence in a country, are too vague and may actually provide an opportunity for countries that want to tax more of the activities going on in their countries than they have been previously able to, leading to double taxation.<sup>8</sup>

There are also concerns that the new rules on transfer pricing will be complicated to implement and interpret in practice.<sup>9</sup> Consultation respondents voiced concerns that some of these proposals could also lead to double taxation and create greater uncertainty for businesses.<sup>10</sup>

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<sup>8</sup> ICEAW, evidence to APPG on Responsible Tax

<sup>9</sup> ICEAW, evidence to APPG on Responsible Tax

<sup>10</sup> Grant Thornton, evidence to APPG on Responsible Tax

#### **4 Will implementation be consistent?**

The OECD has done well to secure consensus on some principles that will underpin new international tax rules and on sharing information across tax jurisdictions. But for the BEPS process to be considered a success there must be globally consistent implementation of the proposals.

The OECD's proposals are not legally binding but there is an expectation that participating countries will implement them. Implementation must take place in three ways: countries have to amend domestic law, sign up to multilateral arrangements to amend tax treaties and adopt the OECD's new transfer pricing guidelines.<sup>11</sup> These are the rules on the value on cross-border transactions between related parties (entities within the same multinational group).

Where consensus could not be reached, the OECD adopted 'best practice' and 'common approach' guidelines that could be ignored or could be adopted on a 'lowest common denominator' basis, thus limiting their effectiveness. This is a weak alternative to binding rules.

The OECD must clearly monitor the implementation process and persuade countries to implement the proposals in the spirit in which they were created. Monitoring reports should be regularly published so that civil society remains informed on progress.

However, the ability to monitor progress is limited by the nature of the proposals. For example, the OECD itself does not have access to taxpayers' information and so no way of monitoring the nature of disclosures to fiscal authorities.<sup>12</sup> This is another reason why country-by-country reporting data should be made publicly available.

#### ***Positive progress***

94 countries are currently working together on the development of the multilateral instruments that will incorporate the tax treaty-related BEPS measures into the existing network of bilateral treaties.<sup>13</sup> This is a very positive and welcome development.

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<sup>11</sup> Deloitte LLP, evidence to APPG on Responsible Tax

<sup>12</sup> Pascal Saint Amans to APPG on Responsible Tax, June 2016

<sup>13</sup> OECD, 'Multilateral instrument for BEPS tax treaty measures: the Ad hoc Group', <http://www.oecd.org/tax/treaties/multilateral-instrument-for-beps-tax-treaty-measures-the-ad-hoc-group.htm>

We also recognise the progress in getting 39 countries to sign up bilaterally to automatic exchange of country-by-country reports. Saint-Amans told us that the 'Panama papers' scandal has created a reaction from the G20, G7 and others, and as a result many of the jurisdictions that committed to automatic information exchange have signed up more quickly and enthusiastically than they might otherwise have done.

However, key participating countries like the United States and secret jurisdictions like the British Virgin Islands have yet to sign up.<sup>14</sup> Their participation is critical. Although he described their current relationship as 'constructive', Saint-Amans called the implementation of the measures on beneficial ownership by the British Virgin Islands as a key challenge.

In addition, the inclusion of developing countries in the process is relatively limited – so that what should have been a transparency measure to reduce the inequality in countries' ability to exercise their taxing rights, might actually exacerbate the inequality facing the poorest countries.

A key challenge for the BEPS project is the need to ensure that the United States implements the agreed proposals, particularly as they have been one of the more sceptical participants of the process. As the resident country of many of the digitally-based multinational companies who have received a lot of public scrutiny, the scepticism in the US comes from the view that the BEPS project originated in part as a means for foreign governments to capture more tax revenue from US-based multinationals.<sup>15</sup>

The US is fiercely protective of their global companies and their corporate tax revenue. There are fears that in the wake of the BEPS Action Plan multinational companies will be tempted to move their businesses away from the US with their high corporation tax rate to Europe with its low corporate tax rates. Or that aggressive EU countries will lay claim to tax revenues that should belong to the US.<sup>16</sup> The evidence, however, indicates that

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<sup>14</sup> OECD, 'Signatories of the Multilateral Competent Authority Agreement on the Exchange of Country-By-Country Reports', <https://www.oecd.org/tax/automatic-exchange/about-automatic-exchange/CbC-MCAA-Signatories.pdf>

<sup>15</sup> Karl Kellar and Lori Hellkamp, 'The US response to the final BEPS report', *Tax Journal* (October 2015), <http://www.taxjournal.com/tj/articles/us-response-final-beps-report-29102015>

<sup>16</sup> Michael Mandel, 'The BEPS Effect: New International Tax Rules Could Kill US Jobs', *Progressive Policy Institute* (June 2015) [http://www.progressivepolicy.org/wp-content/uploads/2015/06/2015.06-Mandel\\_The-BEPS-Effect\\_New-International-Tax-Rules-Could-Kill-US-Jobs.pdf](http://www.progressivepolicy.org/wp-content/uploads/2015/06/2015.06-Mandel_The-BEPS-Effect_New-International-Tax-Rules-Could-Kill-US-Jobs.pdf)

the US itself is by far the biggest loser of revenues due to the avoidance of US multinationals.<sup>17</sup>

In January 2016 the European Commission proposed a coordinated EU wide response to corporate tax avoidance, dubbed the 'EU BEPS Directive'. The proposed rules include an Anti-Tax Avoidance Directive which the European Commission says 'will block the most common methods used by companies to avoid tax'<sup>18</sup> and a new EU process for blacklisting countries which abuse international tax rules. Although there are concerns that such a blacklist might not be based on objectively verifiable measures, and therefore open to political manipulation that would undermine its effectiveness from the outset.<sup>19</sup>

There are also proposed measures on transparency that go further than the OECD's BEPS Action Plan. The Commission's proposals for country-by-country reporting for multinationals operating within the EU, if accepted, would require any multinational company with an annual consolidated group revenue of €750 million to report publicly its economic activity, profits made and taxes paid, on a country-by-country basis within the EU. These proposals however are limited in that they do not require European headquartered companies to disclose more specific information on activity, taxes and profits outside the EU.

Some respondents to our consultation also urged the UK government to support the EU in its efforts to develop a Common Consolidated Corporate Tax Base (CCCTB). (Our consultation took place before the Brexit vote in the referendum in the UK). The CCCTB is a single set of rules that companies in the EU would use to calculate their taxable profits. This would mean that companies operating within the EU would have to comply with just one EU-wide unitary system, rather than different rules in each Member State. This is clearly a controversial proposal in the UK where the Government have said that they will not sign up to the EU proposals.

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<sup>17</sup> Alex Cobham and Petr Janský, 'Measuring Misalignment: the Location of US Multinationals' Economic Activity Versus the Location of their Profits', *International Centre for Tax and Development* (November 2015) [www.ictd.ac/index.php/ju-download/2-working-papers/91-measuring-misalignment-the-location-of-us-multinationals-economic-activity-versus-the-location-of-their-profits](http://www.ictd.ac/index.php/ju-download/2-working-papers/91-measuring-misalignment-the-location-of-us-multinationals-economic-activity-versus-the-location-of-their-profits)

<sup>18</sup> European Commission, 'Fair Taxation: Commission presents new measures against corporate tax avoidance', [http://europa.eu/rapid/press-release\\_IP-16-159\\_en.htm](http://europa.eu/rapid/press-release_IP-16-159_en.htm)

<sup>19</sup> Interview with Markus Meinzer and Andres Knobel, 'EU tax haven blacklist--a misguided approach?', *Lexis PSL* (September 2015), <http://www.taxjustice.net/wp-content/uploads/2015/09/EU-tax-haven-blacklist-a-misguided-approach.pdf>

### ***Implementation in developing countries***

Developing economies are more dependent on corporate tax revenue than developed countries. The IMF assessed that nations currently lose \$200bn a year through tax avoidance.<sup>20</sup> While only a third of the estimated global total is lost to developing countries, the impact on them is greater with an implied loss of 6-13% of current tax revenues – compared to just 2-3% of tax revenues estimated to be lost by the OECD countries that have controlled the BEPS process.<sup>21</sup> However, whilst BEPs provides useful tools for these countries the proposals are too complex and resource intensive (such as the transfer pricing recommendations) making it difficult for these countries with relatively weak tax authorities to implement them effectively. As a result, it could even exacerbate the gaps between developed and developing countries in successfully taxing multinational companies.<sup>22</sup>

We are still at the early stage in the process. However, there are concerns that as a result of lobbying by certain countries, including the UK, some of the final recommendations are too weak.

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<sup>20</sup> Ernesto Crivelli et al, 'Base Erosion, Profit Shifting and Developing Countries', *IMF* (May 2015), <https://www.imf.org/external/pubs/cat/longres.aspx?sk=42973>

<sup>21</sup> Alex Cobham and Like Gibson, 'Ending the Era of Tax Havens: Why the UK government must lead the way', *Oxfam* (March 2016), <http://policy-practice.oxfam.org.uk/publications/ending-the-era-of-tax-havens-why-the-uk-government-must-lead-the-way-601121>

<sup>22</sup> Christian Aid, evidence to APPG on Responsible Tax

## **5 The UK Government- a difficult friend**

The UK Government has been a driver and supporter of the BEPS project from the outset and has been at the forefront of adopting of the OECD's proposals. However, the Government has been facing both ways, leading on the international tax reform agenda in public, whilst limiting its effectiveness by some national actions. The UK has demonstrated, in Saint-Amans's words, an 'aggressive' stance on tax competition.

### ***Implementation***

The UK were one of the first countries to implement the OECD country-by-country reporting template. The Chancellor announced a series of measures in the March 2016 Budget that will bring many of the OECD's proposals into UK law.

### **Beneficial ownership register**

The UK launched a public register of the beneficial owners of companies in June 2016. We are one of the first countries to enact this provision and transparency of this nature should be welcomed. This is particularly to be commended in an international atmosphere where structures such as those in Delaware, USA have meant that single member limited liability companies do not have to disclose their legal owner let alone their beneficial owner.<sup>23</sup>

### ***UK Government negotiations behind the scenes***

Despite the UK Government's positive rhetoric, its role in the negotiations has undermined parts of the process. For instance, a US Treasury official Robert Stacks was so frustrated that he publicly criticised the UK's behaviour during negotiations saying that "[the UK] appear to think they are entitled to more than the income from the assets, functions and risks actually in their jurisdiction". An OECD source alleged that some of the UK's moves had been "unhelpful" and that UK diplomats had "pushed back" against initiatives such as strengthening controlled foreign company rules. The UK's commitment to tax competition has influenced this approach as they have, for instance, defended tax reliefs which facilitate profits shifting in the name of tax competition. The

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<sup>23</sup> Pascal Saint-Amans, OECD, speaking to APPG on Responsible Tax 14 June 2016

UK is not alone in pushing back on some key measures, with Japan and the USA being described as key opponents to country-by-country reporting.<sup>24</sup>

### ***Patent Box***

The UK Patent Box tax relief is one example of the UK Government facing both ways. It is a relief for Intellectual Property revenues which allows companies to pay a corporation tax rate of just 10% on profits derived from the implementation and use of patented inventions. It was described as a harmful tax practice by the OECD. The UK government has since modified the UK Patent Box regime in response. While the UK wanted to use this tax relief to encourage tax competition one outcome from this has been that other countries, including Ireland, have brought in their own patent box reliefs, demonstrating how actions in the name of competition can lead to a race to the bottom on tax.

### ***Controlled Foreign Company Rules***

In 2012 the UK Government weakened its Controlled Foreign Company rules to offer a tax advantage to companies who locate their headquarters in the UK. A source at the OECD has claimed that greater progress on stronger Controlled Foreign Company rules that could not be exploited to shift profits and avoid tax was not possible because “[t]here was a lot of push back on the issue of CFC [Controlled Foreign Company rules] from the UK.”

### ***Diverted Profits Tax (Google tax)***

The UK jumped the gun on the OECD process and introduced the Diverted Profits Tax half way through negotiations. At a time when they were working internationally to tackle tax avoidance they decided to act unilaterally and implement this policy. This caused some critics to question their commitment to the process and there were concerns that it would erode co-operation by encouraging other jurisdictions to implement their own legislation. Indeed, Saint-Amans described the tax as ‘not helpful’.

### ***Network of tax havens***

The UK Government’s record in implementing transparency in its Overseas Territories and Crown Dependences is disappointing. The Overseas Territories and Crown

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<sup>24</sup> Pascal Saint-Amans, OECD, speaking to APPG on Responsible Tax 14 June 2016

Dependencies are some of the world's most secret jurisdictions. The recent Panama leaks revealed the scale of this industry and of the 214,000 corporate entities exposed in the leaks, over half were registered in the British Virgin Islands. Indeed, there were approximately 850,000 companies incorporated in the British Virgin Islands – slightly more than the number of residents.<sup>25</sup>

Former Prime Minister David Cameron promised to crack down on tax havens and ensure that the Overseas Territories and Crown Dependencies introduce public registers of beneficial ownership. But they are resisting his demands. The Prime Minister has the power to compel them to act but he refused to use this power. It now looks like the government will row back from David Cameron's commitment entirely and this will inevitably undermine the effectiveness of the BEPS project.

The evidence suggests that while the UK has played an important role in driving international co-operation it has resisted important proposals which could have more effectively avoided profit shifting by global corporations.

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<sup>25</sup> Pascal Saint-Amans, OECD, speaking to APPG on Responsible Tax 14 June 2016

## **ANNEX A**

### **Consultation Terms of Reference**

After the APPG received feedback on the draft terms of reference, they were finalised as follows:

- The effectiveness of the OECD's current BEPS proposals in responding to the globalisation of businesses, the growth of the digital economy and other challenges.
- The impact of these proposals on the UK, the EU and other developed economies and developing countries. This includes how developing countries raise revenues and fight poverty.
- The UK government's role in contributing to, supporting and implementing the OECD's BEPS proposals.
- The role of other stakeholders in contributing to, supporting and implementing the OECD's BEPS proposals.
- The scale and distributional impact of BEPS, and the ability of the OECD or others effectively to track progress over time.
- An assessment of the existing and proposed tax changes in the UK which might impact on the effectiveness of the OECD's proposals.
- The role of non-OECD and non-G20 governments and other international institutions in the agreement of global tax rules.
- The longer term challenges which cannot be addressed by the current proposals. Including the actions the UK government could take in its tax policies, including tax treaties, to ensure that UK companies do not make use of tax havens for tax minimising purposes.
- Principles which could be considered over time as effective mechanisms for dealing with the changing global economy, including the fair and effective taxation of multinational companies.

## **ANNEX B**

### **Consultation Submissions**

The Booksellers Association <http://www.appgresponsibletax.org.uk/the-booksellers-association/>

Maya Forstater, individual response <http://www.appgresponsibletax.org.uk/maya-forstater-individual-response/>

Martin Hearson, individual response <http://www.appgresponsibletax.org.uk/martin-hearson-individual-response/>

ACCA <http://www.appgresponsibletax.org.uk/acca/>

Professor Michael P Devereux and Associate Professor John Vella <http://www.appgresponsibletax.org.uk/professor-michael-p-devereux-and-associate-professor-john-vella/>

Tax Justice Network <http://www.appgresponsibletax.org.uk/tax-justice-network/>

BEPS Monitoring Group <http://www.appgresponsibletax.org.uk/beps-monitoring-group/>

CBI <http://www.appgresponsibletax.org.uk/confederation-of-british-industry-cbi/>

Oxfam UK <http://www.appgresponsibletax.org.uk/oxfam-gb/>

KPMG UK <http://www.appgresponsibletax.org.uk/kpmg-uk/>

Action Aid UK <http://www.appgresponsibletax.org.uk/actionaid-uk/>

Peter Chadwick, individual response <http://www.appgresponsibletax.org.uk/peter-chadwick-private-individual/>

Jonathan Riley, Grant Thornton UK LLP <http://www.appgresponsibletax.org.uk/jonathan-riley-grant-thornton-uk-llp/>

Chartered Institute of Taxation <http://www.appgresponsibletax.org.uk/chartered-institute-of-taxation-ciot/>

ICAS <http://www.appgresponsibletax.org.uk/icas/>

Richard Murphy, City University <http://www.appgresponsibletax.org.uk/richard-murphy-city-university/>

Christian Aid <http://www.appgresponsibletax.org.uk/christian-aid/>

ICAEW <http://www.appgresponsibletax.org.uk/icaew/>

Bill Dodwell, Deloitte LLP <http://www.appgresponsibletax.org.uk/bill-dodwell-deloitte-llp/>

Kerry Stephens, individual response <http://www.appgresponsibletax.org.uk/kerry-stephens-individual-response/>