



Commission Work

ICC Engagement in the Mandated OECD/BEPS Project

ICC was actively engaged in the OECD Base Erosion and Profit Shifting (BEPS) project. ICC launched an informal working group to take stock of BEPS measures being implemented at the country level, developing a tracking tool that is updated by the ICC Secretariat with the support of internal processes at PwC. ICC also welcomed the conclusion of the OECD multilateral convention, reiterating the need for the rules to be implemented in a coherent and coordinated manner, including non-OECD countries, to ensure a consistent international tax landscape.

OECD Post-BEPS Project Public Consultations

The Commission on Taxation provided business input into the OECD's post-BEPS Public Consultation, responding to five consultations in 2016. The comments submitted were the result of remarkable teamwork and the collaborative effort of Commission members and kept to the 1-2 page format of high-level comments.

ICC Responses to Measures Beyond the Scope of BEPS

ICC also responded to measures that went beyond the scope of the OECD/BEPS Project, including the EU Anti-Tax Avoidance Directive, which had National Committee engagement from Belgium, France, Germany, Netherlands, Spain and the UK. In a separate article ICC also urged governments to consider broader implications of their tax policies when implementing BEPS recommendations and, in addition, responded to the EU ruling of the Apple Case, expressing concern about the broader implications the ruling may have. ICC reiterates the need to ensure integrity and legal certainty of the tax system. ICC also welcomed a French Constitutional Court ruling that the public disclosure of country-by-country reporting (CbCR) is a disproportionate violation of entrepreneurial freedom, thus reaffirming its views on the public disclosure of tax data.

Joint Working Group on Tax Dispute Resolution

A UN Subcommittee was established in anticipation of an expected 'tsunami' of tax disputes due to the BEPS processes and evolutions in BRICS. A Joint Working Group with members from the Commissions on Taxation and Arbitration was established to contribute expertise to demonstrate how tax disputes could be addressed in a responsible manner. ICC, represented by Taxation Commission Vice-Chair Cym Lowell, has the opportunity to feed input to the work of the Subcommittee as this develops.

ICC Guideline on Responsible Tax Principles for MNEs

ICC is close to finalizing a Guideline on Responsible Tax Principles for MNEs which is intended to serve as guidance in the formulation of the tax policies of multinational businesses and as an indication to revenue authorities of the principles sought by multinational businesses in their interactions with them. Following the third circulation to members and ICC National Committees, it is envisaged that the Guidelines will be finalized and submitted for adoption by the ICC Executive Board in early 2017.

ICC Policy Statement on Substance Requirements for Transfer Pricing

The ICC Policy Statement provides an overview of the problems and obstacles generated by the OECD/BEPS Project and highlights the need for a consistent and well-balanced doctrine for tax and transfer pricing purposes. After three rounds of consultation with Commission members and ICC National Committees, the ICC Commission on Taxation has submitted this statement to the ICC Executive Board for adoption.

Looking Ahead

Some of the key projects for the Commission in 2017 include:

- Develop an ICC position on indirect taxes;
- Establish opportunities to support the endorsement of cooperative compliance by global tax authorities in order to enhance administrative efficiency;
- Develop a Charter of fiscal rights for international investors, notably on the basis of the ICC Guidelines for International Investment.

Spring 2017 Commission Meeting

- The next meeting of the Commission on Taxation will be held on 6 April 2017 in New Delhi, India, followed by a conference the next day. It will be held back-to-back with the Commission on Digital Economy meeting, from 4-6 April, also in New Delhi.