COUNCIL OF
THE EUROPEAN UNION

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LIMITE

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"IA" ITEM NOTE

from: General Secretariat of the Council
to: Coreper/Council
Subject: Taxation of savings (Directive 2003/48/CE) operational procedures, roles and responsibilities for implementing the revised version of the standard format for the exchange of information and "List of statistics – Disclosure of statistics"
= Draft Council Conclusions

1. On 12 December 2005 the Council agreed:
   – to a revised version of the standard format for the exchange of information under Directive 2003/48/EC (hereinafter "standard format"), to be used from 2008 onwards and invited the Commission to start phase II of development without delay;
   – to the use of CCN-Mail 2 as the channel for the exchange of information between Member States in 2006 and 2007 (doc. 15306/05 FISC 154).

2. On 25 June 2007 the Council agreed on the functional and technical specifications, for implementing the agreed standard format, contained, respectively, in docs. 9786/07 FISC 80 and 9785/07 FISC 79 as prepared with the help of experts from Member States who met regularly within the framework of the Commission's Working Group on Administrative Cooperation in the field of direct taxation (development phase II).
3. On 23 April 2008 the Commission issued the operational procedures, roles and responsibilities, for completing the implementation of the agreed standard format (doc. 8751/08 FISC 43) as prepared with the help of experts from Member States who met regularly within the framework of the Commission's Working Group on Administrative Cooperation in the field of direct taxation (development phase II) and on 25 April 2008 it issued the list of statistics that Member States should provide to allow the Commission to prepare the presentation of the first formal report on the implementation of the Taxation of Savings Directive (doc. 8864/08 FISC 45).

4. The information contained in the second paragraph under 2.1.1 could be provided on an optional basis by the Member States concerned. As regards item 2.1.3 Member States having opted for the withholding tax mechanism may not be able to report the number of beneficial owners for which the withholding tax has been levied.

5. At the 5 May 2008 Working Party on Tax Questions – Direct Taxation, Member States agreed:
   a) the operational procedures, roles and responsibilities for completing the implementation of the standard format, from 2008 onwards (doc. 8751/08 FISC 43);
   b) the "List of Statistics - Disclosure of statistics" as contained in doc 8864/08 FISC 45 and to complete the tables based on that list for the fiscal years of 2005 and 2006, before 31 May 2008;
   c) to annually provide to the Commission their statistical data concerning:
      - the exchange of information/withholding tax for all statistics except treated/corrected records at the latest within 18 months following the end of the fiscal year to which the information relates;
      - the exchange of information/withholding tax for the treated/corrected records at the latest within 30 months following the end of the fiscal year to which the information relates;
   d) subject to reciprocity, the disclosure of the statistics referred to in b) and c) to Third Countries and Dependent and Associated Territories, which signed taxation of savings Agreements with the European Community or its Member States.
   e) the use by the Commission services of the above referred statistics to assess the efficiency and effectiveness of the Savings Directive and to quote figures in its report under Article 18 of that Directive, if it deems necessary for such an assessment.
6. The Permanent Representatives Committee could therefore suggest that the Council confirm, as an “A” item on the agenda of one of its forthcoming meetings:
- the agreement on the points listed in the above paragraph, concerning operational procedures, roles and responsibilities and the list of statistics and related questions;
- the adoption of the draft Council Conclusions as set out in Annex.

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Draft Council Conclusions

on the operational procedures, roles and responsibilities for completing the implementation of the revised version of the Taxation of Savings' standard format for the exchange of information under Directive 2003/48/EC and on the list of statistics, their timely transmission and their disclosure

The Council confirms its agreement on the operational procedures, roles and responsibilities for completing the implementation of the revised standard format, from 2008 onwards, and on the list of statistics and related questions, as contained respectively in docs. 8751/08 FISC 43 and 8864/08 FISC 45.

The operational procedures, roles and responsibilities aim at completing the implementation of the revised version of the standard format for the exchange of information from 2008 onwards, thus facilitating the Taxation of Savings exchange of information.

The list of statistics, the principle of their disclosure and the commitment to provide these statistics in a timely manner (i.e. within 18 months following the end of the fiscal year of the exchange of information/withholding tax) aim at ensuring a proper assessment of the Directive 2003/48/EC.