Procedure file

Basic information

CNS - Consultation procedure Decision	2013/0308(CNS)	Awaiting final decision
Convention (1990) on the elimination of double taxation in connection with the adjustment of profits of associated enterprises: accession of Croatia Subject 3.45.04 Company taxation Geographical area Croatia		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	ECON Economic and Monetary Affairs		19/11/2013
		PPE NITRAS Sławomir	
		Shadow rapporteur	
		S&D LUDVIGSSON Olle	
		ALDE TREMOSA I BALCELLS Ramon	
		Verts/ALE LAMBERTS Philippe	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Taxation and Customs Union	ŠEMETA Algirdas	

Key events

13/08/2013	Legislative proposal published	COM(2013)0586	Summary
18/11/2013	Committee referral announced in Parliament		
18/03/2014	Vote in committee		
21/03/2014	Committee report tabled for plenary, 1st reading/single reading	A7-0214/2014	Summary
15/04/2014	Results of vote in Parliament		
15/04/2014	Decision by Parliament	T7-0346/2014	Summary

Technical information

Procedure reference	2013/0308(CNS)

Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Awaiting final decision
Committee dossier	ECON/7/14494

Documentation gateway

Legislative proposal		COM(2013)0586	13/08/2013	EC	Summary
Committee draft report		PE528.026	28/01/2014	EP	
Amendments tabled in committee		PE529.832	27/02/2014	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0214/2014	21/03/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0346/2014	15/04/2014	EP	Summary
Commission response to text adopted in plenary		SP(2014)471	09/07/2014	EC	

Additional information

European Commission	EUR-Lex

Convention (1990) on the elimination of double taxation in connection with the adjustment of profits of associated enterprises: accession of Croatia

PURPOSE: to enable Croatia to accede to the Convention of 23 July 1990 on the elimination of double taxation in connection with the adjustment of profits of associated enterprises

PROPOSED ACT: Council Decision.

BACKGROUND: according to Article 3(5) of the Act of Accession the Council, acting unanimously on a recommendation by the Commission and after consulting the European Parliament, shall decide to make all adjustments required by reason of the accession of Croatia to these conventions and protocols and to publish the adapted texts in the Official Journal of the European Union.

The list of conventions and protocols include :

Convention 90/436/EEC of 23 July 1990 on the elimination of double taxation in connection with the adjustment of profits of associated enterprises (Arbitration Convention),

the Convention of 21 December 1995 on the accession of Austria, Finland and Sweden to the Arbitration Convention,

the Protocol of 25 May 1999 amending the Arbitration Convention,

the Convention of 8 December 2004 on the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the Arbitration Convention.

The Arbitration Convention was amended by the Protocol of 25 May 1999 and the Conventions of 21 December 1995 and of 8 December 2004.

Bulgaria and Romania acceded to the Arbitration Convention by virtue of the Act of Accession of 2005. Decision 2008/492/EC made the adjustments required by reason of the accession of Bulgaria and Romania to the Arbitration Convention and determined the date of its entry into force, as amended, with relation to Bulgaria and Romania.

CONTENT: this proposed Commission Recommendation for a Council Decision is intended to make the adjustments required by reason of the accession of Croatia to the Arbitration Convention and to determine the date of its entry into force, as amended, with relation to Croatia, in accordance with the Act of Accession of 2011.

Convention (1990) on the elimination of double taxation in connection with the adjustment of profits of associated enterprises: accession of Croatia

The Committee on Economic and Monetary Affairs unanimously adopted, in the framework of a special legislative procedure (Parliament consultation), the report by S?awomir NITRAS (EPP, PL) on the recommendation for a Council decision concerning the accession of Croatia to the Convention of 23 July 1990 on the elimination of double taxation in connection with the adjustment of profits of associated enterprises.

Members called on the Council, when deciding on the date of application of the Convention of 23 July 1990 on the elimination of double taxation in connection with the adjustment of profits of associated enterprises, to take into account Parliament's concerns regarding the need to minimise the tax burden on tax payers.

Members made one amendment as regards the date of entry into force of the amending Arbitrage Convention. The proposed text suggested that the date of entry into force should be specified in this Decision.

Taking into account the experience with the previous decisions amending The Arbitration Convention and in order to remove any doubts regarding the possible retroactive effect, Members proposed that the date of entry into force of the Arbitration Convention be set on the day following that of the publication of this Decision in the Official Journal of the European Union.

Convention (1990) on the elimination of double taxation in connection with the adjustment of profits of associated enterprises: accession of Croatia

The European Parliament adopted by 649 votes to 4, with 21 abstentions, in the framework of a special legislative procedure (consultation), a legislative resolution on the recommendation for a Council decision concerning the accession of Croatia to the Convention of 23 July 1990 on the elimination of double taxation in connection with the adjustment of profits of associated enterprises.

Parliament approved the Commission recommendation with one amendment stipulating that that the date of entry into force of the Arbitration Convention, as amended, as well as the decision should be the day following that of the publication of this Decision in the Official Journal of the European Union.

The resolution called on the Council, when deciding on the date of application of the Convention of 23 July 1990 on the elimination of double taxation in connection with the adjustment of profits of associated enterprises, to take into account Parliament's concerns regarding the need to minimise the tax burden on tax payers.