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COMMISSION DECISION

of 22.10.2013

setting up the Commission Expert Group on Taxation of the Digital Economy

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) Article 113 and 115 of the Treaty assigned the European Union and the Member States the task of ensuring the establishment and functioning of the internal market.
- (2) With a view to developing a comprehensive Union position on tax issues in the digital economy, the Commission may need to call upon the expertise of specialists in an advisory body.
- (3) It is therefore necessary to set up a group of experts in the field of taxation of the digital economy and to define its tasks and its structure.
- (4) The expert group should help to develop a comprehensive Union position on tax issues in the digital economy by analysing the issues at stake and providing the Commission with a range of solutions to address these issues.
- (5) The expert group should be relatively small to allow for rapid progress and results. It should be composed of individuals with an in-depth understanding of and practical experience in the digital economy, of individuals with an academic background in taxation or economics or in both and of individuals with a specialised taxation background and, preferably, practical experience in taxing the digital economy. To demonstrate the authority of the group and to ensure its independence, the group should be chaired by a member with significant political experience.
- (6) Rules on the disclosure of information by members of the expert group should be laid down.
- (7) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council¹.
- (8) It is appropriate to fix a period for the application of this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The Expert Group on Taxation of the Digital Economy, hereinafter referred to as 'the expert group', is hereby set up.

¹ OJ L 8, 12.1.2011, p. 1

Article 2

Tasks

1. The tasks of the expert group shall be:
 - (a) to assist the Commission in the preparation of legislative proposals or other policy initiatives;
 - (b) to monitor the evolution of taxation policy related to the digital economy;
 - (c) to bring about an exchange of experience and good practice in the field of taxing the digital economy;
 - (d) to contribute ideas for the taxation of the digital economy and review possible alternative bases for taxation to those currently in place, taking into account the specifics of the EU, but also taking into account developing global policy responses;
 - (e) to provide a comprehensive analysis of the relation between the operations of companies active in the digital economy within the EU and their direct or indirect contribution to the tax revenues of Member States, and of any deficiencies in the adaptation of current international tax rules to the digital economy;
 - (f) to provide the Commission with a range of possible solutions to address the most important issues identified during the analysis referred to in point (e) stating the risks, possible consequences and economic and financial impact for the EU of each of the solutions.
2. The expert group shall provide the Commission with a report on its work before 1 July 2014.

Article 3

Consultation

The Commission may consult the expert group on any matter relating to taxation of the digital economy.

Article 4

Membership - appointment

1. The expert group shall be composed of a minimum of six and a maximum of seven members:
 - (a) one member appointed in a personal capacity, having a general economic, legal or financial background and a high political profile;
 - (b) one or two members appointed in a personal capacity, having an in-depth understanding of and practical experience in the digital economy;
 - (c) one or two members appointed in a personal capacity, having a primarily academic profile in taxation or economics or in both;
 - (d) one or two members appointed in a personal capacity, having a specialised taxation background, preferably with practical experience in taxing the digital economy.

2. The member referred to in point (a) of paragraph 1 shall be appointed by the Commissioner responsible for Taxation and Customs Union. The members referred to in points (b), (c) and (d) of paragraph 1 shall be appointed by the Director-General for Taxation and Customs Union from specialists with competence in the areas referred to in Articles 2 and 3 who have responded to the call for applications.
3. Members are appointed for the period until 1 July 2014. They shall remain in office until the end of their term of office unless they are excluded or replaced.
4. Members who are no longer capable of contributing effectively to the group's deliberations, who resign or who do not comply with the conditions set out in the second subparagraph of paragraph 2 of this Article, or Article 399 of the Treaty, may be excluded or replaced for the remainder of their term of office.
5. The members shall act independently and in the public interest.
6. The names of the members shall be published in the Register of Commission expert groups and other similar entities ("the Register").
7. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Article 5

Operation

1. The expert group shall be chaired by the member referred to in Article 4(1)(a).
2. The Commissioner responsible for Taxation and Customs Union shall nominate a Commission's representative who may invite experts from outside the expert group with specific competence in a subject on the agenda to participate in the work of the group on an ad hoc basis.
3. Members of the expert group, as well as invited experts, shall comply with the obligations of professional secrecy laid down by the Treaties and their implementing rules, as well as with the Commission's rules on security regarding the protection of EU classified information, laid down in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom². Should they fail to respect these obligations, the Commission may take all appropriate measures.
4. The meetings of the expert group shall be held on Commission premises unless the expert group decides otherwise, subject to approval of the Commission's representative. The Commission shall provide secretarial services. Other Commission officials with an interest in the proceedings may attend meetings of the expert group.
5. The expert group shall adopt its rules of procedure on the basis of the standard rules of procedure for expert groups.
6. The Commission shall make available all relevant documents, such as the agendas and minutes of the group and its participants' submissions, either on the Register or via a link from the Register to a dedicated webpage where information can be found. Documents shall not be made available where their disclosure would undermine the

² Commission Decision of 29 November 2001 amending its internal Rules of Procedure (OJ L 317, 3.12.2001, p. 1).

protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001.

Article 6

Meeting expenses

1. Participants in the activities of the expert group shall not be remunerated for the services they render.
2. Travel and subsistence expenses incurred by participants in the activities of the expert group shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.
3. The expenses referred to in paragraph 2 shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

Article 7

Applicability

This Decision shall apply until 1 July 2014.

Done at Brussels, 22.10.2013

For the Commission
Algirdas ŠEMETA
Member of the Commission