

The digital levy

Fields marked with * are mandatory.

Introduction

The objective of the initiative is to introduce a measure that allows for a fairer contribution from companies that operate in the digital sector, in order to support the economic recovery and provide a more stable medium-term outlook.

The questionnaire should take about 30 minutes to complete. The questionnaire is accessible in English in a first instance, but will be made available in all official EU languages shortly. You can submit your reply in any of the official EU languages.

Some of the questions are conditional on the type of respondent you represent, so you might not see all the questions and the numbering will seem interrupted. This is normal.

In addition to the introduction, the consultation is structured as follows:

- The 2nd section presents some general background information on the digital economy.
- The 3rd part of the questionnaire asks for some background information about you, the respondent. This is in order to better understand your perspective.
- The 4th part covers the current international taxation framework and its shortcomings.
- The 5th part covers possible solutions to address those shortcomings.
- The final section allows you to upload a position paper or any kind of document that you think is relevant to better explain your views.

Context

The European Commission has set out strategic objectives on how to shape Europe's digital future and to help ensure that Europe is fit for the Digital Age. Technological advancements and digitalisation are profoundly changing the way we work, do business, how people travel, communicate and relate. These changes give rise to innovation, growth, and new business models, but also to important challenges. The COVID crisis has been a catalyst and accelerator of change, hastening the transition towards a more digital world and triggering important changes in behaviour that could have lasting effects.

Against this backdrop, the EU needs a modern, stable regulatory and tax framework to appropriately address the developments and challenges of the digital economy. Recently, the Commission adopted the [Digital Services Act package](#), which aims at better protecting consumers and their fundamental rights online, and at promoting fairer and more open digital markets for everyone. This new proposal covers digital

services, including social media, online market places, and other online platforms that operate in the EU. While digitalisation can increase productivity and consumer welfare, and should thus be fostered and nurtured, it is also of paramount importance to ensure that digital companies contribute their fair share to society, since a prolonged unequal distribution of rights and responsibilities undermines the social contract.

Work is ongoing at the G20 and OECD level to find a global solution that can support a reform of the international corporate tax framework in order to address some of the challenges related to the digitalisation of the economy. A number of elements remain to be agreed, but there are indications that the OECD agreement will focus on large, multinational enterprise groups and a limited number of pre-defined activities linked to digitalisation. In the absence of a global agreement, some Member States have in the meantime introduced certain temporary tax measures affecting businesses that are part of the digital economy.

In its conclusions of 21 July 2020, and in view of a need to support the EU's borrowing and repayment capacity, the European Council tasked the Commission with putting forward proposals for additional own resources. The digital levy is one of them. The new initiative will help address the issue of fair taxation related to the digitalisation of the economy but will not interfere with the ongoing work at G20 and OECD level on a reform of the international corporate tax framework.

The main objective of the initiative is to come forward with a measure that allows for a fairer contribution from the companies that operate in the digital sphere for the purposes of the recovery and to support a more stable medium-term outlook. Modernising tax rules to better fit current circumstances and the expected increase in digitalisation should ensure that the measure fits the reality of the digital economy better and addresses future developments head on, limiting the risk of short-term solutions and distortions across businesses of different types and origins.

The initiative will be designed in a way that is consistent with the Digital Services Act package and the Commission's digital strategy for ensuring a fair and competitive digital economy, as announced in the [Communication 'Shaping Europe's digital future'](#).

About you

* 1 Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German

- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

* 2 I am giving my contribution as

- ☐ Academic/research institution
- ☒ Business association
- ☐ Company/business organisation
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority
- ☐ Trade union
- ☐ Other

* 3 First name

Gaia

* 4 Surname

Penteriani

* 5 Email (this won't be published)

* 9 Organisation name

255 character(s) maximum

GSMA

* 10 Organisation size

- ☐ Micro (1 to 9 employees)
- ☐ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☒ Large (250 or more)

14 Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

* 15 Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|--------------------------------------|--|-------------------------------------|--|
| ☐ Afghanistan | ☐ Djibouti | ☐ Libya | ☐ Saint Martin |
| ☐ Åland Islands | ☐ Dominica | ☐ Liechtenstein | ☐ Saint Pierre and Miquelon |
| ☐ Albania | ☐ Dominican Republic | ☐ Lithuania | ☐ Saint Vincent and the Grenadines |
| ☐ Algeria | ☐ Ecuador | ☐ Luxembourg | ☐ Samoa |
| ☐ American Samoa | ☐ Egypt | ☐ Macau | ☐ San Marino |
| ☐ Andorra | ☐ El Salvador | ☐ Madagascar | ☐ São Tomé and Príncipe |
| ☐ Angola | ☐ Equatorial Guinea | ☐ Malawi | ☐ Saudi Arabia |
| ☐ Anguilla | ☐ Eritrea | ☐ Malaysia | ☐ Senegal |
| ☐ Antarctica | ☐ Estonia | ☐ Maldives | ☐ Serbia |

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|------------------------------------|---------------------------------------|--------------------|--|
| ⦿ Antigua and Barbuda | ⦿ Eswatini | ⦿ Mali | ⦿ Seychelles |
| ⦿ Argentina | ⦿ Ethiopia | ⦿ Malta | ⦿ Sierra Leone |
| ⦿ Armenia | ⦿ Falkland Islands | ⦿ Marshall Islands | ⦿ Singapore |
| ⦿ Aruba | ⦿ Faroe Islands | ⦿ Martinique | ⦿ Sint Maarten |
| ⦿ Australia | ⦿ Fiji | ⦿ Mauritania | ⦿ Slovakia |
| ⦿ Austria | ⦿ Finland | ⦿ Mauritius | ⦿ Slovenia |
| ⦿ Azerbaijan | ⦿ France | ⦿ Mayotte | ⦿ Solomon Islands |
| ⦿ Bahamas | ⦿ French Guiana | ⦿ Mexico | ⦿ Somalia |
| ⦿ Bahrain | ⦿ French Polynesia | ⦿ Micronesia | ⦿ South Africa |
| ⦿ Bangladesh | ⦿ French Southern and Antarctic Lands | ⦿ Moldova | ⦿ South Georgia and the South Sandwich Islands |
| ⦿ Barbados | ⦿ Gabon | ⦿ Monaco | ⦿ South Korea |
| ⦿ Belarus | ⦿ Georgia | ⦿ Mongolia | ⦿ South Sudan |
| ⦿ Belgium | ⦿ Germany | ⦿ Montenegro | ⦿ Spain |
| ⦿ Belize | ⦿ Ghana | ⦿ Montserrat | ⦿ Sri Lanka |
| ⦿ Benin | ⦿ Gibraltar | ⦿ Morocco | ⦿ Sudan |
| ⦿ Bermuda | ⦿ Greece | ⦿ Mozambique | ⦿ Suriname |
| ⦿ Bhutan | ⦿ Greenland | ⦿ Myanmar /Burma | ⦿ Svalbard and Jan Mayen |
| ⦿ Bolivia | ⦿ Grenada | ⦿ Namibia | ⦿ Sweden |
| ⦿ Bonaire Saint Eustatius and Saba | ⦿ Guadeloupe | ⦿ Nauru | ⦿ Switzerland |
| ⦿ Bosnia and Herzegovina | ⦿ Guam | ⦿ Nepal | ⦿ Syria |
| ⦿ Botswana | ⦿ Guatemala | ⦿ Netherlands | ⦿ Taiwan |
| ⦿ Bouvet Island | ⦿ Guernsey | ⦿ New Caledonia | ⦿ Tajikistan |
| ⦿ Brazil | ⦿ Guinea | ⦿ New Zealand | ⦿ Tanzania |

☐ British Indian Ocean Territory	☐ Guinea-Bissau	☐ Nicaragua	☐ Thailand
☐ British Virgin Islands	☐ Guyana	☐ Niger	☐ The Gambia
☐ Brunei	☐ Haiti	☐ Nigeria	☐ Timor-Leste
☐ Bulgaria	☐ Heard Island and McDonald Islands	☐ Niue	☐ Togo
☐ Burkina Faso	☐ Honduras	☐ Norfolk Island	☐ Tokelau
☐ Burundi	☐ Hong Kong	☐ Northern Mariana Islands	☐ Tonga
☐ Cambodia	☐ Hungary	☐ North Korea	☐ Trinidad and Tobago
☐ Cameroon	☐ Iceland	☐ North Macedonia	☐ Tunisia
☐ Canada	☐ India	☐ Norway	☐ Turkey
☐ Cape Verde	☐ Indonesia	☐ Oman	☐ Turkmenistan
☐ Cayman Islands	☐ Iran	☐ Pakistan	☐ Turks and Caicos Islands
☐ Central African Republic	☐ Iraq	☐ Palau	☐ Tuvalu
☐ Chad	☐ Ireland	☐ Palestine	☐ Uganda
☐ Chile	☐ Isle of Man	☐ Panama	☐ Ukraine
☐ China	☐ Israel	☐ Papua New Guinea	☐ United Arab Emirates
☐ Christmas Island	☐ Italy	☐ Paraguay	☒ United Kingdom
☐ Clipperton	☐ Jamaica	☐ Peru	☐ United States
☐ Cocos (Keeling) Islands	☐ Japan	☐ Philippines	☐ United States Minor Outlying Islands
☐ Colombia	☐ Jersey	☐ Pitcairn Islands	☐ Uruguay
☐ Comoros	☐ Jordan	☐ Poland	☐ US Virgin Islands
☐ Congo	☐ Kazakhstan	☐ Portugal	☐ Uzbekistan

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|--|----------------------------------|---|---|
| ☐ Cook Islands | ☐ Kenya | ☐ Puerto Rico | ☐ Vanuatu |
| ☐ Costa Rica | ☐ Kiribati | ☐ Qatar | ☐ Vatican City |
| ☐ Côte d'Ivoire | ☐ Kosovo | ☐ Réunion | ☐ Venezuela |
| ☐ Croatia | ☐ Kuwait | ☐ Romania | ☐ Vietnam |
| ☐ Cuba | ☐ Kyrgyzstan | ☐ Russia | ☐ Wallis and Futuna |
| ☐ Curaçao | ☐ Laos | ☐ Rwanda | ☐ Western Sahara |
| ☐ Cyprus | ☐ Latvia | ☐ Saint Barthélemy | ☐ Yemen |
| ☐ Czechia | ☐ Lebanon | ☐ Saint Helena Ascension and Tristan da Cunha | ☐ Zambia |
| ☐ Democratic Republic of the Congo | ☐ Lesotho | ☐ Saint Kitts and Nevis | ☐ Zimbabwe |
| ☐ Denmark | ☐ Liberia | ☐ Saint Lucia | |

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* 17 Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☐ Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

☒ **Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☒ I agree with the [personal data protection provisions](#)

Current problems

18 To what extent are the tax systems in the EU adapted to the challenges of a global and digital economy?

- ☐ To a great extent
- ☒ To some extent
- ☐ To a little extent
- ☐ Not at all
- ☐ Don't know

19 To what extent do you agree with the following statements on digital companies:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	I don't know
Digital companies have created useful innovations and it is justified that they make large profits.	☐	☐	☒	☐	☐	☐
Users participate in the creation of value of digital companies, e.g. by sharing their data.	☐	☒	☐	☐	☐	☐
Many digital companies are emerging from the Covid-19 health crisis more profitable and with larger market shares.	☐	☐	☐	☐	☐	☒
Digital companies benefit from the EU single market.	☐	☐	☒	☐	☐	☐
Digital companies are treated differently by governments than non-digital companies of similar size.	☐	☐	☒	☐	☐	☐

20 To what extent do you agree with the following statements regarding taxation in the digital economy:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	I don't know
In the digital economy some digital activities are taxed less than non-digital economic activities.	☐	☐	☒	☐	☐	☐
The sale of user data by digital companies should be taxed.	☐	☒	☐	☐	☐	☐
Many digital companies do not pay their fair share of taxes.	☐	☐	☒	☐	☐	☐
Tax authorities are not able to appropriately collect taxes on digital activities.	☐	☐	☒	☐	☐	☐

21 What are the most important taxation challenges that digitalisation brings **for businesses?**

Please rank from 1 to 5 (1 being the most important challenge)

	1 (most important)	2	3	4	5 (least important)
Disadvantage for traditional businesses compared to digital competitors because of a different tax treatment.	☐	☐	☐	☐	☒
Uncertainty related to tax obligations when operating in different countries.	☒	☐	☐	☐	☐
Uncertainty related to future taxation solutions for new business models.	☐	☒	☐	☐	☐
Difficulties in identifying profits for different digital activities.	☐	☐	☒	☐	☐
Other (please specify)	☐	☐	☐	☒	☐

22 Please specify:

For businesses, it will be key to avoid double taxation, to ensure clear and fair rules on taxation on losses and on tax reliefs.

23 What are the most important taxation challenges that digitalisation brings **for national tax systems?**

Please rank from 1 to 5 (1 being the most important challenge)

	1 (most important)	2	3	4	5 (least important)
Companies can easily service customers across various markets, without being located or resident in those market jurisdictions.	☒	☐	☐	☐	☐
Businesses acquire new sources of revenue (e.g. through gathering/exploitation of data, cloud computing, hosting, etc.) that are not properly taxed.	☐	☒	☐	☐	☐
Unfair advantage of companies operating cross-border over local companies, due to increased tax-planning opportunities.	☐	☐	☐	☒	☐
Difficulties to establish the tax liability of a company due to the complex value chain.	☐	☐	☒	☐	☐
Other (please specify)	☐	☐	☐	☐	☒

24 Please specify:

It will be important to ensure fair taxation on local companies, and on payments to other jurisdictions.

25 There are several national approaches now to taxing digital companies. Are you aware of such measures?

- ☒ Yes
☐ No
☐ Don't know

26 For which EU countries are you aware of national approaches to the taxation of digital companies?

(Multiple choices possible)

- ☐ Austria
☐ Belgium
☐ Bulgaria
☐ Croatia
☐ Cyprus
☐ Czechia
☐ Denmark
☐ Estonia
☐ Finland
☐ France

- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

27 Which measures taken by EU countries at national level to tax the digital economy do you consider are most effective, and why?

1000 character(s) maximum

28 How do you view the effort by individual EU countries to tax the digital economy?

To what extent do you agree with the following statement:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	I don't know
EU countries face a specific, domestic context when it comes to digital activities on their territory and should be addressing these issues at national level.	☐	☐	☐	☐	☒	☐
EU countries' policies would be more effective if coordinated on an EU level.	☐	☒	☐	☐	☐	☐

A divergence between national policies risks fragmenting the European single digital market, and making these policies less effective.	☐	☐	☒	☐	☐	☐
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Possible solutions

29 On what level do you think the problem of taxation of the digital economy is best solved?

Please respond by ranking options in the order of importance/appropriateness (1 being the most important/appropriate)

	1 (most important)	2	3	4	5 (least important)
Subnational level	☐	☐	☐	☒	☐
National level	☐	☐	☒	☐	☐
EU Level	☐	☒	☐	☐	☐
Multilateral agreement involving countries beyond the EU	☒	☐	☐	☐	☐
A combination of the above	☐	☐	☐	☐	☒

30 Work is ongoing at the OECD and G20 to find a global consensus-based solution to the tax challenges arising from the digitalisation of the economy. One part of this discussion (Pillar 1) focuses on the reallocation of profits by expanding the taxing rights of market jurisdictions to compensate the digital activities performed remotely and directed at those market jurisdictions.

To what extent do you see the objectives of these negotiations on Pillar 1 as complementary to the objectives of the digital levy?

- ☐ Strong complementarity
- ☐ Limited complementarity
- ☒ No complementarity
- ☐ Don't know

31 To what extent do you think the following approaches would be useful as complementary actions to meet the objectives of this initiative?

	Very useful	Useful	Not useful	Don't know
An increase in the current corporate income tax (top-up) for all companies conducting certain digital activities in the EU.	☐	☐	☒	☐
A new tax on revenues created by certain digital activities conducted in the EU.	☐	☐	☒	☐
A new tax on all digital business-to-business transactions conducted in the EU.	☐	☐	☒	☐

32 How important do you consider the following objectives of the digital levy proposal?

	Very important	Important	Not important	Don't know
To increase legal certainty for companies.	☐	☒	☐	☐
To ensure equal treatment among digital companies – both foreign and EU-based – operating in the EU.	☐	☒	☐	☐
To level the playing field between traditional companies and digital companies operating in the EU.	☐	☒	☐	☐

33 Please select from the following list the activities which you think should be considered as digital activities in the context of a legislative measure:

- ☒ Online social networking services financed by advertisement or sale of user data
- ☒ Online social networking services financed by subscription fees
- ☒ Online search engines
- ☒ Online advertising services
- ☐ Number-independent interpersonal communication services
- ☒ Online gaming financed by advertisement or sale of user data
- ☒ Online gaming financed by subscription fees
- ☒ Standardised online teaching financed by advertisement or sale of user data
- ☒ Standardised online teaching financed by subscription fees
- ☒ Online intermediation services
- ☒ Online intermediation platforms for accommodation
- ☒ Online intermediation platforms for mobility
- ☒ Online intermediation platforms for utilities and communication (price comparison platforms for gas, electricity, phone etc.)

- ☒ Streaming of content (music and/or video) financed by subscription fees
- ☒ Streaming of content (music and/or video) financed by advertisement
- ☒ Online news outlets financed by subscription fees
- ☒ Online news outlets financed by advertisement
- ☐ Online sale of physical goods
- ☐ Online sale of physical services (plane ticket, hotel room, cleaning lady etc.)
- ☐ Online sale of software
- ☐ Cloud computing services
- ☒ Sale of user data
- ☒ Other (please specify):

34 Please specify:

In particular regarding online intermediation services, we wish to highlight the need for deduction in case these services are locally submitted to taxation.

35 How important do you see the following issues in the design of the taxation measure under consideration?

	Very important	Somewhat important	Not important	I don't know
The definition of digital activities or digital companies, which are subject to the tax.	☒	☐	☐	☐
The type of tax envisaged (e.g. whether it would be a tax on specific activities, transactions, turnover or profits).	☒	☐	☐	☐
The ability of the tax to cover companies with residency inside and outside of the EU.	☒	☐	☐	☐
Fairness considerations, taking into account the possible impact on small and medium-sized enterprises (SMEs), digital companies with a dominant versus weak market position, or consumers.	☒	☐	☐	☐
Potential behavioural reactions to avoid the payment of the new tax.	☒	☐	☐	☐
Potential additional tax reporting requirements on companies.	☒	☐	☐	☐
Additional administrative requirements for relevant tax authorities.	☐	☒	☐	☐

36 The accelerated development of the Digital Union will be characterised by the creation of fast growing companies albeit often accompanied by multiple failures. Against this background please indicate how you consider that Small and Medium Sized Enterprises (SMEs) should be treated by the current digital levy proposal.

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	I don't know)
SMEs should be excluded from the scope of the tax.	☐	☒	☐	☐	☐	☐
SMEs should benefit from an exemption.	☐	☐	☒	☐	☐	☐
SMEs should face a lower tax burden (e.g. through an allowance) than larger companies.	☐	☐	☒	☐	☐	☐
SMEs should not be treated differently than larger companies.	☐	☐	☐	☒	☐	☐

37 What would you consider the minimal economic activity (in terms of revenue) a digital company should have in the EU in order to be liable to the digital levy?

- ☐ EUR 500 thousand
- ☐ EUR 1 million
- ☐ EUR 5 million
- ☐ EUR 10 million
- ☐ EUR 20 million
- ☒ Other, please specify
- ☐ Don't know

38 Please specify:

The threshold should be set at EUR 750 million, consistent with the OECD proposal.

39 In order to identify where the revenues/profits are generated and how to determine the place of taxation, which of the following options do you consider the most appropriate.

- ☐ IP address of the user
- ☐ One method of geolocation, to be chosen by the taxable person
- ☒ One method of geolocation chosen by the taxable person from a pre-established list

- ☐ Two methods of geolocation chosen by the taxable person
- ☐ Two methods of geolocation chosen by the taxable person from a pre-established list
- ☐ Don't know

Final remarks

Please feel free to upload a concise document, such as a position paper or study that could support or details your position. The maximal file size is 1MB.

Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation. The document is an optional complement and serves as additional background reading to better understand your position.

In case you have chosen to remain anonymous, please make sure you remove any personal identification data from the document.

40 Please upload your file

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

48c84a22-fa71-450c-ad71-fb49d5042312/ETNO-

GSMA_response_to_EU_Levy_Consultation_position_paper.pdf

Contact

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