Tax Policy: a powerful tool to increase transparency or a "tick the box" exercise?

Stora Skattedagen
Stockholm, November 9th, 2016



## The approach to tax is changing



Attitudes & approaches to tax are fundamentally changing – no longer just an expense to be managed



Expectations of transparency are increasing



Tax & the issue of paying your fair share is one of the most prominent areas being scrutinized by governments, the general public & to a great extent, the media



Tax systems have not kept up with changes in business models & practices



# The latest developments on tax policy and tax transparency

### In her ten-point program against tax avoidance ...

... Magdalena Andersson has clearly indicated that tax should be a board level question.

#### The Swedish Tax Agency ...

... has started to ask questions on tax policies and governance during tax audits.

### In April, the European Commission presented a draft EU directive ...

... on public country-by-country reporting, which is a further development of earlier directives on reporting to tax authorities. The draft is expected to pass the European Parliament.

#### The Ministry of Finance has ...

... asked the Swedish Tax Agency to describe the work they are doing to encourage companies and their boards to develop tax policies. The results were published on October 31st.

### The UK have introduced legislation on tax policies ...

... and Australia is in the process of doing the same. Both legal frameworks are focused on tax risks, governance structures and compliance.



# The STA proposes measures linking tax policies and sustainability



Uppdrag till Skatteverket om att uppmuntra att skattepolicyfrågor diskuteras i företagens ledning

#### Sammanfattning

genom dels mer och fler attitydpåverkande åtgärder och dels mer och fler stödjande åtgärder. Skatteverket föreslår även att regeringen genomför vissa åtgärder för att främja att

#### Inledning och bakgrund

upplever att såväl andra människor som företag och myndigheter gör rätt för sig.

företag förhåller sig till skatteplanering och skatteupplägg. En diskussion om vad som gäller år som en följd av bland annat uppmärksamhet i media kring företag som inte uppfattas göra rätt för sig. Med skatteplanering avses i dessa sammanhang åtgärder inom lagens ram och med skatteupplägg avses åtgärder där det inledningsvis är oklart om åtgärderna ligger

Skatteverkets övergripande mål är att säkerställa finansieringen av den offentliga sektom och

möjligt. Skatteverkets vision anger hur detta ska göras. Det handlar om att bidra till ett

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#### **Linking tax & sustainability**

- Risk level, including approach to tax structures and tax planning as well as suppliers' approach to tax
- Potential **board responsibility** and public disclosure

#### Focus on voluntary measures

- No requirements proposed, except for stateowned companies
- Clearly indicated that tax policy will not impact STA's risk assessment

#### **Proposes supporting measures**

- Easier access to suppliers' tax information
- Suggested models for tax policies, depending on level of ambition



# Most recommendations were expected but questions around "the right tax" arise

#### "The right tax"

- STA's goal is that the "right" tax is paid
- Linking tax and sustainability will increase the desire to be "correct"

#### Requirements on tax advisors

- STA re-iterates previous proposal to introduce reporting requirement for tax advisors
- STA suggests requirement to also cover company developed structures

#### Increased stakeholder expectations

- The report confirms tax and sustainability link
- Likely that focus on and questions about tax policy and tax transparency will continue to increase



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Regeringskansliet Finansdepartementet

Uppdrag till Skatteverket om att uppmuntra att skattepolicyfrågor diskuteras i företagens ledning

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#### Sammanfattning

Skatteverket ska uppmuntra att skatt i högre grad ses som en hållbarhetsfråga av företagen genom dels mer och fler attirydpåverkande åtgärder och dels mer och fler stödjande åtgärder. Skatteverket föreslik även att regeringen genomför vissa åtgärder för att främja at skatt i hörer erad ses som en hålbarhetsfråra av företasen.

#### 2 Inledning och bakgrund

Skattevedæt har filt i uppdang av regeningen att beskurv det arbete myndigheten bedrære i dag för att uppmuntar företag till att utarbete ne skattepoliey samt lämna förelag på konkret åtgarder för hur detta arbete kan förstärkas. Bakgrunden är bland annat att tilltrom mellan medborgare och ett brett stöd för våra samhällisnstitutioner bygger på att människor upplever att såvid anden människo tos om företag och myndighetes gör att för sig.

Ofta talas om CSR eller Corporate social essponsibility viller handlar om företagens ansvar för hur de påvednar samhället. Det omfattar miljömässiga, sociala och ekonomiska perspektiv. Begreppet "hillbarhet" används ofta som ett svenistt begrapp. Slatter kan ocksi vara en del av företagens hillbarhetsarbete. Mer specifikt handlar det då oftast om hur företag förshliter ig till skatteplanening och skattepopligg. En disknission om vad som gillen når företaget följer lagens bokstav men kanske inte dess anda förefaller ha tilltagit på senare år som en följd av bland annat uppmärksamhet i media kning företag som inte uppfattas görn rätt för sig. Med skatteplanening avses i dessa sammanhang dägsder imom lagens ram och med skatterspolägg avses åtgärder där det inledningsvas år okkatt om åtgärderna ligger imom eller utom lagens cam

Skatteverkets övergripande mål är att säkerställa finansieringen av den offentliga sektom och bidra till ett väl fungerande samhälle för medborgare och näringsliv samt motverka brottslichet

Millet innebit bland annat att skattefelet ska van så litet som möjligt och att kontradena fö att administresa skattesystenet (ödde statens och i aktatebetklarna) sik var så låga som möjligt. Skatteverkets vision angez hru detta ska göras. Det handlar om att bidra till ett sambälle där alla vill göra sätt för sig. Väjan att göra sätt så alltså av central betydelse. Väjan att göra sitt prövekså si sim tra vå bland annat sociala normer vället omfattar andra.

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# UK and Australia have introduced tax policy requirements

#### **UK legislation focuses on four key aspects**

Risk management & governance

Approach to tax planning

Acceptable risk levels

Approach to tax authority

#### Australia focuses on board responsibility for tax governance

Tax governance guide Board responsibility for internal controls

Board guidance on roles and responsibilities

Board understanding of tax risks



# Investors are starting to request increasing transparency on tax strategies



"A total lack of tax planning is bad for investors and evasion is illegal, but we know companies operate in grey areas. The key thing for investors is to understand where a company sits on this spectrum: how light or dark grey its tax practices are."

Kate Elliot, Rathbone Brothers PLC

"Lack of transparency on tax seems to be a good proxy for more aggressive practices. Therefore, to ask companies for more transparency about their tax practices is a reasonable first step for engagement."

Matthias Muller, RobecoSAM





"Tax is an important consideration for universal owners, and yet, the lack of disclosure does not allow for appropriate assessment of risks for investors. We need to promote better governance and disclosure from companies."

Meryam Omi, Legal & General Investment Management



## Questions investors have started to ask

Have you considered **publishing a tax policy/principles** to indicate your approach towards taxation?

Is tax formally a part of the risk oversight mandate of the board? How often and for what reason is tax discussed at board/committee level?

How do you **define and manage tax-related risks?**What are your top three
tax-related risks?



What drives the gap between your effective tax rate and your weighted average statutory rate based on your geographic sales mix?

To what extent does your profit after tax rely on your presence in tax havens or incentives and structures that enable very low taxation (e.g. <15%) of profits?

How are you preparing for **Country by Country Reporting** (CbCR)?



# Developing tax policies and strategies require looking at tax through different perspectives

#### Governance and Risk



- Governance required to direct the tax function
- Enabling culture (behaviours/values) required to deliver
- Key tax risks, identified mitigating factors and tax control framework
- Influencing stakeholders

### Process and Responsibility



- Key processes required to deliver the tax operating model:
- Ownership and governance
- Operational responsibility
- Policies
- Efficiency of practice, cost and service level drivers

#### Organizational Model



- Tax organisation structure, including headcount sizing, roles, reporting lines, spans and layers
- End to end sourcing and location strategy, including tax activity delivery model, location of assets and sourcing model

### Data and Information



- Governance of data and information ownership and quality
- Effectiveness and efficiency of delivery of data and information to the business
- Use of information to support decision making

### People and Capability



- Required employee profile to deliver tax operating model:
- Skills, capabilities, development needs and training
- Strategy to retain and engage key talent
- Succession planning

### Systems and Technology



- Core financial and other systems that provide the required data and information to deliver tax processes
- Dedicated tax technology that enables tax processes
- Infrastructure architecture and support model

#### Performance Management



Key
 performance
 metrics used to
 measure, track
 and reward
 performance of
 the tax function
 (financial,
 operational and
 people metrics)



# Three perspectives constitute a good starting point for a tax policy



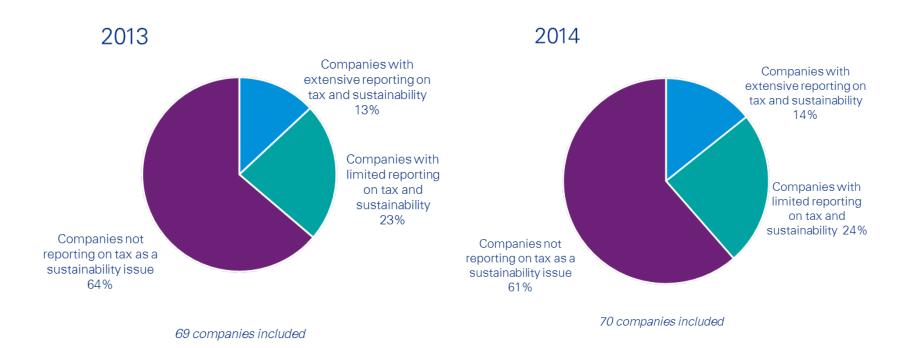






## Study: reporting on tax as a sustainability issue

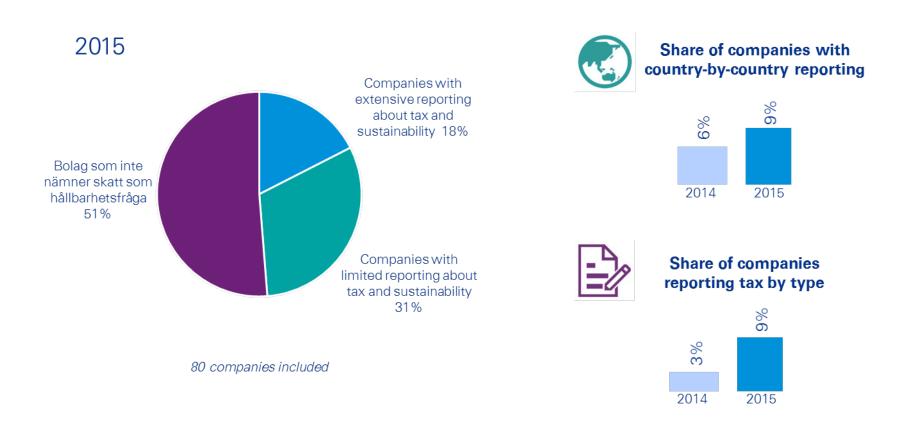
## KPMG's study on large, listed companies and their practices with regards to reporting on tax and sustainability in Annual and Sustainability Reports





## Study: reporting on tax as a sustainability issue

The share of companies reporting on tax as a sustainability issue increased from 36% 2013 to 49% 2015. 14% of companies have a public tax policy.





# Where and how should the tax policy be made public?

Internal or external document?

**Quantitative information** beyond legal requirements?



Stand-alone or integrated in other document?

Short version for external publication?

Approach to tax or tax policy?

Website section, existing report or separate policy document?



## Swedish examples of tax transparency

### Approach to tax or tax policy available online ...



... or as part of other documents such as Code of Conduct or Sustainability Policy



## Quantitative reporting as part of the sustainability reporting ...



### ... or as part of the narrative to the broader story of societal value creation

#### Wider economic impact

The tax footprint above shows Stora Enso's direct contributions through tax payments to governments around the world. However, Stora Enso's business also generates much more extensive economic benefits for society.

As an example, in connection with our transformation from a traditional paper and board producer to a global renewable materials growth company, we have converted our fine paper machine in Varkaus, Finland, to produce kraftliner. This machine conversion enabled us to respond to two current market trends: declining global demand for paper, and an increasing global market for renewable packaging board. After this EUR 110 million investment (for which Stora Enso received EUR 7 million investment subsidies), Stora Enso will be able to continue offering approximately direct 300 jobs. It also means that Stora Enso will continue to make payments related to employment – payroll taxes and social security charges –amounting to approximately EUR 12 million every year, as well as annual operational tax payments of approximately EUR 11 million.



# What are the benefits for companies to develop and publish a tax policy?



Internal agreement on tax risk appetite och external clarity on risk level



Management of reputational and non-financial risks through transparency



Internal agreement on governance and escalation processes can help manage tax related risks



Strengthening and clarifying the position and responsibilities of the Head of Tax



## Five key take aways on tax policies

The approach **STA clearly Increasing** 14 % of the Tax policies can help mitigate to tax is links tax and stakeholder **largest Swedish** changing & sustainability requirements financial and companies companies on tax policies have a public reputational need to adapt policy risks





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# Thank you!



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