

CONCURRENCE FISCALE DOMMAGEABLE

UNE FRUGALITÉ DÉLOYALE À COMBATTRE



■ EDGARD RIVOLI

Pseudonyme d'un
haut-fonctionnaire

Résumé ■

La concurrence fiscale dommageable n'est ni récente ni limitée à l'espace européen. Favorisée par la mondialisation et la révolution numérique, elle fait l'objet de préoccupations depuis les années 1990. On aurait pu penser que le projet européen, et en particulier le marché unique, aurait permis de mettre les États membres à l'abri de ces pratiques déloyales. Mais l'incapacité de l'Union européenne à harmoniser la fiscalité des entreprises, à quelques exceptions près, a ouvert la porte à un développement de la concurrence fiscale dommageable.

Ce sujet ne fait pas consensus. Les États bénéficiaires de cette concurrence sont attachés à leur souveraineté fiscale qui leur permet de disposer d'avantages compétitifs et d'une attractivité fiscale pour les investissements étrangers. Les autres, partisans d'un démantèlement des régimes fiscaux dommageables, se heurtent à la règle de l'unanimité imposée par les Traités aux décisions du conseil en matière fiscale.

Mais la multiplication des scandales fiscaux (*Lux leaks*, *Panama papers*, *Paradise papers*...) ont mis en évidence l'ampleur du phénomène et relancé les initiatives en faveur d'une lutte contre une concurrence fiscale déloyale révélatrice d'une rupture de solidarité entre les États de l'Union européenne.

La Concurrence Fiscale Dommageable

Xavier Oberson



La Concurrence Fiscale Dommageable:

La concurrence fiscale dommageable Selçuk Altindag, 2009-11-01 La concurrence fiscale est un phénomène pour lequel une coopération a été initiée par l'Union européenne en 1996 et par l'OCDE en 1998. L'OCDE a concentré ses efforts sur la désignation des pays non coopérateurs et la mise en œuvre d'actions coercitives leur encontre. Lutte contre l'évasion et la fraude fiscale internationales. Répression de la fraude fiscale en matière pénale. Pour l'Union européenne la structure de coopération ad hoc n'est prévue ni par les Traités ni en droit communautaire. Il y a donc la contrainte est très faible.

Concurrence fiscale dommageable Un problème mondial OECD, 1998-05-19 La mondialisation a eu des effets positifs sur le développement des systèmes fiscaux et a encouragé les pays à engager des réformes fiscales destinées à élargir leurs bases d'imposition et à réduire leurs taux d'imposition. Cependant elle a aussi...

La concurrence fiscale dommageable Lionel Noguera, 2000 , **Projet de l'OCDE sur les pratiques fiscales dommageables Rapport d'étape 2001** OECD, 2002-01-18 Ce rapport dresse les progrès réalisés dans l'identification des pratiques fiscales dommageables à l'intérieur et en dehors de la zone de l'OCDE ainsi que dans la lutte contre ces pratiques. Il rend compte des travaux effectués au sujet des Concurrence fiscale dommageable, 1998. La mondialisation a eu des effets positifs sur le développement des systèmes fiscaux et a encouragé les pays à engager des réformes fiscales destinées à élargir leurs bases d'imposition et à réduire leurs taux d'imposition. Cependant elle a aussi créé un...

Courage de réformer (Le) Claude Bébéar, 2002-05 Le courage de réformer consiste à apporter des réponses concrètes aux questions que légitimement les citoyens se posent. Que faire pour dynamiser l'emploi pour libérer les initiatives dans les entreprises pour ajuster la fiscalité. Que faire pour rendre les institutions plus représentatives et moderniser le fonctionnement des administrations. Que faire pour améliorer le service de santé. Rétablir l'égalité des chances dans l'éducation et renforcer la compétitivité de notre enseignement supérieur. Que faire pour les retraites. Que faire pour l'intégration et la sécurité. Que faire pour nous doter d'une justice plus équitable et plus efficace. Que faire pour que la France joue un rôle moteur dans l'Europe et pour revigorer l'idéalisme de citoyenneté. Pour relever tous ces défis pour être un acteur influent de la mondialisation notre pays doit s'engager résolument dans la voie de la réforme. Cela exige de ses dirigeants vision et courage.

Président du conseil de surveillance du Groupe AXA numéro un mondial de l'assurance Claude Bébéar a écrit en 2001 l'Institut Montaigne espace de réflexion indépendant qui travaille sur chacun des thèmes abordés dans ce livre. Avec André Babeau Nacima Baron Yellès Jacques Bichot Malek Boutih Guy Carcassonne Patrick de Fréminet Marie Anne Frison Roche Michel Godet Armand Laferrère Daniel Laurent Jacques Lesourne André Levy Lang Alain Mérieux Thierry de Montbrial Michel Pibereau Claude Le Pen-tienne Perrot Jean Rannou Alain Garrard Slama Ezra Suleiman Claude Vimont

La lutte contre la concurrence fiscale dommageable Philippe Montagné, 2008 La mondialisation des échanges a créé au niveau fiscal des distorsions entre les États. Certains utilisent ce domaine afin d'attirer des capitaux. Ce phénomène de concurrence fiscale dommageable est au cœur des débats au sein de l'OCDE et de l'Union européenne. Afin de lutter contre cette dérive ces

institutions ont tabli des modes d'identification et de gel des pratiques existantes. Ayant chacune un objectif propre, il apparaît un nombre de convergences mais également de différences dans la mise en œuvre de la lutte. Les institutions ne disposent que de moyens juridiquement limités pour faire appliquer leurs décisions. Ces organisations inter-tatiques devant faire face aux pratiques de leurs propres membres doivent sensibiliser les États. Ce problème. Dans ce cadre et pour éviter une ingérence, chaque État doit accepter les règles internationales tout autant qu'il condamne ses voisins. Le travail des organisations est de faire coopérer les États avec elles et entre eux.

Finances Publiques - 4e éd. - IEP-Concours administratif Frédéric Brigaud, Vincent Uher, Robin Degron, 2019-09-18. Ce manuel s'adresse aux candidats qui préparent les concours administratifs de catégorie A et A aux étudiants des instituts d'études politiques et des facultés de droit. Il intéressera également les praticiens professionnels ou les étudiants de mieux comprendre le fonctionnement des finances publiques. Synthétique et pratique, il se compose de neuf parties. Le cadre économique des finances publiques. Le cadre institutionnel et constitutionnel des finances publiques. Le budget de l'État. Les règles comptables et le contrôle des finances publiques. Les finances locales. Les finances sociales. Les finances de l'Union européenne. Les prélèvements obligatoires. Les autres ressources publiques. Les nombreux exemples concrets, graphiques, tableaux et encadrés permettent au lecteur de comprendre et d'assimiler les principes et mécanismes qui régissent les finances publiques. Entirement actualisée, cette 4e édition comporte un sujet type concours ENA inédit et son corrigé.

Précis de droit fiscal international Xavier Oberson, 2022-02-03. La cinquième édition du Précis de droit fiscal international tient compte de l'ampleur des réformes intervenues ces dernières années, notamment depuis 2014. Cette période a vu le développement sans précédent de normes visant à lutter contre la double non-imposition, la concurrence fiscale, le dommageable à la planification fiscale agressive et l'utilisation d'instruments hybrides dans le cadre du programme BEPS qui a démarré en 2013, programme ayant engendré de nombreuses modifications du droit fiscal international et du droit interne. Un instrument spécifique, l'instrument multilatéral, a par ailleurs été ratifié par plusieurs États, dont la Suisse, afin de permettre la mise en œuvre des règles du programme BEPS qui modifient les conventions de double imposition et ont élargi le domaine de l'arbitrage international. En outre, l'assistance internationale en matière fiscale, depuis le fameux big bang de 2009, s'est tendue. L'échange automatique de renseignements financiers, l'échange spontané sur les rulings fiscaux et la remise de déclaration pays par pays. Enfin, la taxation des entreprises multinationales a continué de faire l'objet de discussions et a débouché sur de nouvelles propositions en matière d'imposition des entreprises multinationales dans le cadre de ce que l'on appelle les piliers 1 et 2 de l'OCDE. Ce précis analyse tous ces développements et reproduit la structure classique de l'ouvrage en six parties, savoir : i) Généralités ; ii) Règles unilatérales du droit fiscal international de la Suisse ; iii) CDI conclues par la Suisse en matière d'impôts sur le revenu et la fortune ; iv) Les CDI en matière d'impôts sur les successions ; v) Aspects de procédure y compris l'échange de renseignements ; et vi) Les accords bilatéraux entre l'Union européenne et la Suisse. Une septième partie consacre la taxation des entreprises multinationales et aux deux piliers de l'OCDE, à laquelle sont ajoutés :

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