

EPSU's NEA statement in support of Antoine Deltour, LuxLeaks tax source

(Brussels, 18 March 2015) Following their meeting of 17 March, EPSU's affiliated trade unions in government and EU administration express their solidarity with Antoine Deltour who accomplished an ethical duty in passing on to a journalist secret rulings on tax breaks signed by the tax authorities of Luxembourg.

This follows on from an exchange of views with Mr Deltour as part of EPSU's regular reports on progress with advancing a fair and progressive tax system in Europe.

It is our strong belief that these rulings disclosures were in the public interest, helping to expose the industrial scale of aggressive tax-avoidance schemes by hundreds of large profitable companies and banks, draining billions of Euros from EU public coffers to the detriment of citizens. We deplore the decision by Luxembourg to bring criminal charges against Mr Deltour, who discovered, whilst working at one of the largest accountancy and tax advising firms, PWC, a system of aggressive tax avoidance approved for many years by the Grand Duchy and tolerated by the rest of the EU.

Mr Deltour told the EPSU's NEA Committee meeting: "{I did not seek to stigmatise my former employer or Luxembourg but to denounce systemic unfair tax practices in the EU. My actions were not driven by profit but by a desire to bring those practices in the public eye}".

As of today none of the Luxleaks companies have been subject to legal charges. In contrast, Mr Deltour risks 5 years of imprisonment and a fine of € 1 250 000. Yet his brave actions and subsequent media revelations last November have largely contributed to reignite the need to end tax dumping in Europe.

They prompted the French, German and Italian finance Ministers to call upon the European Commission for urgent action against unfair tax competition between member states. Luxembourg finally agreed to disclose to the Commission the criteria by which it offered businesses confidential tax-minimising rulings.

The Commission has decided to extend an ongoing investigation on rulings to all member states to ensure that they do not constitute illegal state aid. Today, it has submitted a draft directive that obliges member states to automatically exchange information on tax rulings, which is a step forward. The European Parliament has established a special Tax rulings committee. Whilst not as strong as an investigation committee, as called for by EPSU and 200 MEPs, it is however expected to publicly scrutinise compliance of national corporate tax practices with EU competition and tax law and to make recommendations.

These significant developments are the direct result of the LuxLeaks scandal. We believe in a democratic, just, transparent rule-based system that serves the public interest. In our view there is no public interest nor proportionality in prosecuting an individual who should be praised and protected, not charged, for bringing the LuxLeaks papers to the public. It is yet another compelling reason why we need, as a matter of urgency, EU-wide legal protection for whistleblowers.

We also strongly believe that there is sufficient ground and public interest for national and EU tax and competition authorities, in a spirit of good administrative cooperation, to investigate Luxleaks companies as well as other corporate tax minimizers such as Mc Donald's as recently reported by an international coalition of trade unions and NGOs.

Further information:

- [Petition in support of Antoine Deltour, in English and French](#)
- [Unhappy meal, €1bn of tax avoidance on the menu of Mac Donald's, a report by EPSU/EFFAT/SEIU/War on Want, Feb. 2015](#)
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