
SKATTEKONTROL AF
UREVIDEREDE SELSKABER

18. januar 2006

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1. Indledning

I forbindelse med behandlingen af Økonomi- og Erhvervsministerens lovforslag vedrørende lempelse af revisionspligten for små virksomheder, lovforslag nr. 50 af 16. november 2005, har Erhvervs- og Selskabsstyrelsen 7. december 2005 anmodet Bech-Bruun om at gennemføre en undersøgelse af, hvorvidt der i andre lande er forskel på skattekontrollen for selskaber, der lader deres regnskaber revidere (herefter Reviderede Selskaber), og for selskaber, der ikke lader deres regnskaber revidere (herefter Ureviderede Selskaber).

Til brug for undersøgelsen har vi udarbejdet et spørgeskema, vedlagt denne rapport som bilag, som efter godkendelse af Erhvervs- og Selskabsstyrelsen blev udsendt til advokater i de udvalgte lande.

For at sikre at skattekontrol (på engelsk "tax control") blev forstået ens, er skattekontrol i indledningen til spørgeskemaet defineret som den kontrol, der udføres af de relevante skattemyndigheder for at vurdere, om den af et skattepligtigt selskab indleveret selvangivelse er korrekt, herunder besøg hos det skattepligtige selskab og indkaldelse af det skattepligtige selskab til møde hos skattemyndighederne.

De pågældende advokater modtog skemaet 13. december 2005, og de sidste svar blev modtaget af os 18. januar 2006, idet det for visse af landene var nødvendigt at bede om visse uddybninger. Svarene er vedlagt denne rapport som bilag i den form, som vi har modtaget dem. Vi har ikke foretaget nogen selvstændig kontrol af rigtigheden af de indkomne svar, men har lagt dem uprøvet til grund for denne rapport.

2. Omfattede lande og selskaber

Efter aftale med Erhvervs- og Selskabsstyrelsen er følgende 7 lande omfattet af undersøgelsen:

- England,
- Tyskland,
- Frankrig,
- Nederlandene,
- Belgien,
- Italien, og
- Spanien.

Disse lande har alle lempet revisionspligten for visse selskaber.

Samtlige lande har to typer selskaber, det ene er tiltænkt mindre selskaber med få aktionærer og svarer til anpartsselskaber, og det andet er tiltænkt større selskaber med flere aktionærer og svarer til aktieselskaber. De omfattede selskabstyper er:

	Selskab svarende til aktieselskab (A/S):	Selskab svarende til anpartsselskab (ApS):
England:	Public limited company (Plc)	Limited company (Ltd)
Tyskland:	Aktiengesellschaft (AG)	Gesellschaft mit beschränkter Haftung (GmbH)
Frankrig:	Société anonyme (SA)	Société à responsabilité limitée (Sarl)
Nederlandene:	Naamloze vennootschap (NV)	Besloten vennootschap (BV)
Belgien:	Société anonyme / Naamloze vennootschap (SA/NV)	Société privée à responsabilité limitée / Besloten vennootschap med beperkte aansprakelijkheid (Sprl/Bvba)
Italien:	Società per Azioni (SpA)	Società a Responsabilità Limitata (Srl)
Spanien:	Sociedad Anónima (SA)	Sociedad de Responsabilidad Limitada (SL)

3. Forskel i skattekontrol

For samtlige omfattede lande har vi fået oplyst, at der for to selskaber, der i øvrigt er sammenlignelige, ikke vil være forskel på den skattekontrol, som de vil være underlagt, selvom det ene måtte være et Revideret Selskab og det andet et Urevideret Selskab.

Det har således ikke været relevant for de deltagende advokater at oplyse, om en eventuel forskel var baseret på lovgivning, skriftlige retningslinjer eller skattemyndighedernes praksis, samt hvor en sådan forskel måtte bestå.

De deltagende advokater har blandet givet følgende supplerende kommentarer:

I England er det et led i den engelske regerings målsætning om at lette de administrative byrder for små selskaber, at den selvangivelse, som skal indleveres af de 500.000 mindste selskaber, er blevet forkortet fra 16 til 4 sider, hvilket er vurderet at føre til besparelse af ca. 350.000 mandetimer for de omfattede virksomheder. Efter det oplyste er denne begrænsning i de oplysninger, der skal gives i selvangivelsen, gældende uafhængig af, om et selskab er et Urevideret Selskab eller ej.

I Frankrig er der regler om varigheden af skattekontrollen, hvorefter skattekontrollen af selskaber med omsætning under en vis grænse ikke kan overstige tre måneder. Denne begrænsning afhænger ikke af, om et selskab er et Urevideret Selskab eller ej.

For så vidt angår Nederlandene er det blevet oplyst, at den relevante lovgivning ikke giver grundlag for forskellig behandling af Reviderede Selskaber og Ureviderede Selskaber, og at en sådan forskel heller ikke fremgår af den seneste årlige rapport fra skattemyndighederne. Dette er også bekræftet af en medarbejder hos det nederlandske finansministerium. Derimod beslutter skattemyndighederne hvert år, hvorvidt en særlig type virksomheder i det år skal underkastes nærmere kontrol (i 2004 entreprenørvirksomheder), og det kan føre til skærpet kontrol af Ureviderede Selskaber i det pågældende år. Under samtalen med medarbejderen hos det nederlandske finansministerium blev det i øvrigt oplyst, at det nederlandske finansministerium i øjeblikket undersøger

mulighederne for at begrænse skattekontrollen for Reviderede Selskaber, men regler eller retningslinjer herfor findes ikke på nuværende tidspunkt.

For så vidt angår Italien findes der i lovgivningen nedskrevne kriterier for, hvilke selskaber der skal udtages til nærmere kontrol. Hvorvidt et selskab er et Urevideret Selskab eller ej, indgår ikke som et kriterium.

I Spanien er såkaldte Væsentlige Selskaber (selskaber med en årlig omsætning over EUR 6,010,121) underlagt mere omfattende skattekontrol end andre selskaber. Spanien har tillige et såkaldt Nationalt Inspektions-Kontor (Oficina Nacional de Inspección), der har de bedste og fleste ressourcer til at udføre skattekontrol, og Væsentlige Selskaber, der for eksempel driver forretning over hele Spanien, har en væsentlig position i en sektor eller udøver forretning med særlig betydning eller kompleksitet, vil være underlagt kontrol af dette kontor. Der udarbejdes desuden årligt en kontrolplan, der afgør, hvilke øvrige selskaber der skal undergives skattekontrol. Den spanske advokats konklusion er, at Reviderede Selskaber, der tillige er at betragte som Væsentlige Selskaber, vil være underlagt mere skattekontrol end Ureviderede Selskaber.

Det bemærkes i øvrigt for Spanien, at ved kontrol af et Revideret Selskab vil skattemyndighederne normalt lægge ikke ubetydelig vægt på indholdet af revisionspåtegningen.

4. Hyppighed af kontrol

For samtlige lande har vi fået oplyst, at der ikke er forskel i hyppigheden af skattekontrol for Reviderede Selskaber og for Ureviderede Selskaber. For Tyskland er det specifikt anført, at hyppigheden afhænger af størrelsen af selskabet.

5. Betydning af ekstern bistand til udarbejdelse af regnskaber

Efter det for os oplyste spiller det ikke i nogen af de omfattede lande nogen rolle for skattekontrollen, om et Urevideret Selskab har modtaget ekstern bistand til udarbejdelse af årsregnskab og/eller skatteregnskab eller ej.

6. Konsekvens af lempelse af revisionspligten for ressourcer til skattekontrol

For samtlige lande har vi fået oplyst, at der ikke i forbindelse med lempelsen af revisionspligten for visse selskaber blev tilført yderligere ressourcer til skattekontrollen.

7. Analyse af konsekvenser af lempelse af revisionspligten

Efter det oplyste er det kun i Nederlandene, at der er blevet lavet en analyse af, hvorvidt lempelsen af revisionspligten har haft konsekvenser for skattekontrollen og skattebetalingerne, såsom for fejl i selvangivelserne, omfanget af skatteunddragelse, behovet for mere omfattende skattekontrol m.v. Den nederlandske analyse, der er foretaget af det nederlandske finansministerium er imidlertid ikke offentligt tilgængelig.

8. Metodik

Det forekommer, at de deltagende advokater generelt har udarbejdet besvarelsenerne på baggrund af deres egen viden og erfaring, samt gennemgang af offentligt tilgængelige kilder, såsom gældende skattelovgivning, forarbejder, skattemyndighedernes retningslinjer osv. For så vidt angår Nederlandene er oplysningerne dog verificeret af en ansat i det relevante ministerium. Vedrørende Italien er det beskrevet, hvorledes skattekontrollen gennemføres af et særligt "skattepoliti", der ikke er offentligt tilgængeligt. Tilsvarende vanskeligheder kan have været til stede i andre af de omfattede lande. Det kan således ikke udelukkes, at der ved henvendelse til de relevante myndigheder kunne være fremskaffet mere uddybende og nuancerede informationer, men det forekommer at have været vurderingen, at det ikke var nødvendigt eller muligt at foretage sådanne undersøgelser.

Det bemærkes dog, at der ikke for noget lands vedkommende har været nogen tvivl om hovedkonklusionen, nemlig at det ikke spiller nogen rolle for skattekontrollen, om et selskab er et Revideret Selskab eller et Urevideret Selskab. I nogle lande er det endog således, at Ureviderede Selskaber i praksis vil være underlagt mindre skattekontrol end Reviderede Selskaber, idet små selskaber, der ofte vil være Ureviderede Selskaber, kontrolleres mindre end større selskaber, der ofte vil være Reviderede Selskaber.

9. Deltagende advokater

Som nævnt indledningsvis er rapporten lavet på baggrund af informationer indhentet fra advokater i de omfattede lande, og vi har ikke taget skridt til at kontrollere, om de modtagne oplysninger er korrekte.

De advokater, der har bistået med besvarelse af spørgeskemaet, er de følgende:

England: Linklaters
Tyskland: Linklaters Oppenhoff & Rädler
Frankrig: Linklaters
Nederlandene: Norton Rose Advocaten & Solicitors

Belgien: Linklaters de Bandt
Italien: Gianni, Origoni, Grippo & Partners
Spanien: Linklaters

København, 18. januar 2005

Mikkel Baaring Lerche

Ulrik Spliid

**QUESTIONNAIRE – TAX CONTROL FOR COMPANIES
EXEMPT FROM AUDIT**

13 December 2005

Introduction

In most of the member states of the European Union it has been decided to make use of the possibility set out in Article 51 of the Fourth Council Directive 78/660/EEC, the so called Accounts Directive, to relieve certain (smaller) companies of the obligation to have their annual accounts audited by authorized auditors. In Denmark this possibility has not been used meaning that all Danish public and private companies limited by shares must have their annual accounts audited by auditors authorized by national law to audit accounts.

On 16 November 2005, the Danish Ministry of Economic and Business Affairs presented a bill to the Danish parliament that, if passed, will relieve certain smaller public and private companies limited by shares from the obligation to have their annual accounts audited by authorized auditors.

The bill is currently under consideration by the Danish parliament. In this connection questions has arisen as to the effect that an exemption of small companies from the duty to have their annual accounts audited is likely to have on the actual tax control carried out by the tax authorities.

Bech-Bruun has been asked by the Danish Commerce and Companies Agency on behalf of the Ministry of Economic and Business Affairs to prepare a survey of differences, if any, between the tax control of companies the accounts of which must be audited and the tax control of companies which are relieved from audit. This survey shall cover eight European countries where certain companies are already relieved from the duty to prepare annual accounts. The relevant countries are United Kingdom, Germany, France, The Netherlands, Belgium, Italy, Spain and Ireland. For this use we have made the questionnaire set out below and ask you to complete it for your jurisdiction.

Included entities

In many countries two forms of companies limited by shares are regularly used with one of these companies normally being used for larger corporations such as the German AG and the UK plc and others for smaller corporations such as the German GmbH and the UK Ltd. The survey is to cover both kinds of companies. To the extent the answer to the questions would be different for the two kinds of companies this should be reflected in the completion of the questionnaire.

Tax control

All the questions in the questionnaire concern tax control. When using the expression 'tax control' we refer to the tax audit carried out by the relevant tax authorities to assess if the tax returns prepared by the taxable entities are correct, including visits to the premises of the taxable entities or call-ins or interviews conducted by the tax authorities in connection thereto.

Methodology

We assume that it will not be possible to complete the questionnaire exclusively by investigating the relevant statutory rules and the legislative material in your jurisdiction but you also may have to e.g. interview the tax authorities in your country. When approaching tax authorities or other relevant external sources you are free to refer to the Danish Commerce and Companies Agency and the Danish Ministry of Economic and Business Affairs as your clients. In general, when obtaining information from external sources you should use central authorities that will be able to provide information reflecting the situation in your entire jurisdiction, such as the central tax authorities, e.g. the ministry of taxation, rather than local tax authorities.

Please note also that it is imperative that your different sources of information are explicitly mentioned in the questionnaire. If the source of some information is the experience of you and your firm then this should be indicated as the source. If information derives from an interview with a representative of for instance your ministry of taxation then this should be indicated, if possible with a name and the date of the conversation.

It is the experience in Denmark that persons in different positions will often have very different outlooks on tax control and on the significance of preparing audited accounts. An auditor might think that the fact that accounts are audited decreases mistakes in tax returns and tax evasion significantly for which reason businesses that do not prepare audited accounts should be and are subject to much more rigorous tax control. On the other hand an employee of the tax authorities directly involved in tax control could be of the view that it does not make any difference for the tax control needed whether a business prepare audited accounts or not. This should be kept in mind when making the investigations necessary to complete the questionnaire and is also one of the reasons why the source for all information should be provided.

Completion of the questionnaire

To the extent possible the questionnaire has been prepared in such a way that the questions can be answered with a "yes" or a "no". In many cases, however, a question will have to be answered by providing a longer explanation. Although you are encouraged to provide relatively brief answers, providing only the main points of the answer, you should not, however, feel restricted by the space provided in the questionnaire.

To the extent that a question is not applicable, please indicate this in the questionnaire by writing "N/A".

Timing and fee

The completed questionnaires must be received by Bech-Bruun before 9 a.m. Monday 9 January 2006. The completed questionnaires should be forwarded in the word format and sent by email to Mikkel Baaring Lerche, mbl@bechbruun.com, and Ulrik Spliid, usp@bechbruun.com. Questions should also be addressed to Mikkel Baaring Lerche, +45 72 27 34 33 or Ulrik Spliid, + 45 72 27 34 35.

Please confirm before the end of business Friday 16 December 2005 that you will be able to observe this deadline. At the same time please supply us with a fee quote. As requested by the Commerce and Companies Agency this fee quote should be firm.

The work should be invoiced to Bech-Bruun.

Thank you for your kind cooperation.

Mikkel Baaring Lerche

Ulrik Spliid

[Please insert name of your jurisdiction]

Questionnaire:

Please note that all questions must be answered for both public companies, meaning companies of the AG (in Germany) or SA (in France) kind, and private companies, meaning companies of the GmbH (in Germany) or Sarl (in France) kind.

Companies that prepare audited accounts will in the following be referred to as "Audited Companies" whereas companies what do not prepare audited accounts will be referred to as "Non-Audited Companies".

1) Difference in tax control

1.a	Will two companies that are otherwise similar be subject to different tax control if one of these companies is an Audited Company and the other is a Non-Audited Company?	Yes / No
1.b	If question 1.a is replied in the affirmative, is such different treatment based on legislation or other binding rules?	Yes / No
1.c	Or is such different treatment based on written guidelines?	Yes / No
1.d	Or is such different treatment simply part of the practice of the tax authorities?	Yes / No
1.e	Please indicate the source of the information provided:	

2) Nature of difference (to be replied only if question 1.a has been answered in the affirmative)

2.a	If there is a difference in the tax control, cf. question 1.a., how is this reflected in the use of resources by the tax authorities?	
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2.b	And how is this reflected in the content and intensity of the control?	
2.c	Please indicate the source of the information provided:	

3) Frequency of control

3.a	Is a Non-Audited Company normally subject to more frequent control by the tax authorities than an Audited Company?	Yes / No
3.b	If question 3.a has been replied in the affirmative, please give an account of such difference in frequency.	
3.c	Please indicate the source of the information provided:	

4) Importance of external assistance in preparing accounts

4.a	When a Non-Audited Company is subject to tax control, does it make any difference for the control if such Non-	
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	Audited Company has received assistance from an external advisor, be it an auditor, an other person skilled in accounts, a tax advisor or similar, when preparing the annual account and the tax accounts?	Yes / No
4.b	If question 4.a has been replied in the affirmative, please give an account of such difference in the use of resources by the tax authorities.	
4.c	And of such difference in the contents and intensity of the control.	
4.d	Please indicate the source of the information provided:	

5) Consequences for the tax control of relieving companies from the duty to prepare audited accounts

5.a	When were rules introduced, relieving some companies of the duty to prepare audited accounts?	Year:
5.b	The rules mentioned in question 5.a led to how many companies being relieved of the duty to prepare audited accounts?	
5.c	Did the relief of companies from the duty to prepare audited accounts mentioned in question 5.b lead to more resources being made available for tax control?	Yes / No
5.d	If question 5.c is replied in the affirmative, how many more full time employed were employed by the tax authorities in this connection, if any?	
5.e	Have the rules relieving some companies of the duty to prepare audited accounts been altered since they were introduced in such a way that more companies were relieved from this duty?	Yes / No

5.f	If question 5.e has been replied in the affirmative, please provide replies to the questions contained in 5.a-5.d for such later alterations.	
5.g	Please indicate the source of the information provided:	

6) Evaluation of consequences of relieving companies of the duty to prepare audited accounts

6.a	Has an analysis ever been made as to the consequences (e.g. with respect to mistakes in the tax returns, the extent of tax evasion, the need for more tax control etc.) of relieving companies of the duty to prepare audited accounts?	Yes / No
6.b	If question 6.a was replied in the affirmative, when was such analysis made and what was the main conclusions?	
6.c	Please indicate the source of the information provided:	

Bilag: Information fra medvirkende advokater

1. England (Linklaters)

Questionnaire:

Please note that all questions must be answered for both public companies, meaning companies of the AG (in Germany) or SA (in France) kind, and private companies, meaning companies of the GmbH (in Germany) or Sarl (in France) kind.

Companies that prepare audited accounts will in the following be referred to as "Audited Companies" whereas companies what do not prepare audited accounts will be referred to as "Non-Audited Companies".

1) Difference in tax control

1.a	Will two companies that are otherwise similar be subject to different tax control if one of these companies is an Audited Company and the other is a Non-Audited Company?	No
1.b	If question 1.a is replied in the affirmative, is such different treatment based on legislation or other binding rules?	N/A
1.c	Or is such different treatment based on written guidelines?	N/A
1.d	Or is such different treatment simply part of the practice of the tax authorities?	N/A
1.e	Please indicate the source of the information provided:	N/A
	HMRC website	

Please note that the government has a general policy of reducing the administrative burden on small companies. For example, since April 2005, the tax return for 500,000 of the smallest businesses has been cut from 16 to 4 pages, which will save them an estimated £5 million in compliance costs, including 350,000 hours saved. The UK tax authorities consulted in March 2005 on their priorities for reducing the administrative burden of the tax system on small businesses. The results of this consultation do not appear to be available yet.

2) Nature of difference (to be replied only if question 1.a has been answered in the affirmative)

2.a	If there is a difference in the tax control, cf. question 1.a., how is this reflected in the use of resources by the tax authorities?	
	Please see note above	N/A
2.b	And how is this reflected in the content and intensity of the control?	
		N/A
2.c	Please indicate the source of the information provided:	
		N/A

3) Frequency of control

3.a	Is a Non-Audited Company normally subject to more frequent control by the tax authorities than an Audited Company?	No
3.b	If question 3.a has been replied in the affirmative, please give an account of such difference in frequency.	
		N/A
3.c	Please indicate the source of the information provided:	
		N/A

4) Importance of external assistance in preparing accounts

4.a	When a Non-Audited Company is subject to tax control, does it make any difference for the control if such Non-Audited Company has received assistance from an external advisor, be it an auditor, an other person skilled in accounts, a tax advisor or similar, when preparing the annual account and the tax accounts?	Not so far as we are aware
4.b	If question 4.a has been replied in the affirmative, please give an account of such difference in the use of resources by the tax authorities.	
		N/A
4.c	And of such difference in the contents and intensity of the control.	
		N/A
4.d	Please indicate the source of the information provided:	
		N/A

5) Consequences for the tax control of relieving companies from the duty to prepare audited accounts

5.a	When were rules introduced, relieving some companies of the duty to prepare audited accounts?	Year: 1994, 2000
5.b	The rules mentioned in question 5.a led to how many companies being relieved of the duty to prepare audited accounts?	Broadly, the exemption includes private companies with (a) a turnover in a particular year of not more than £5.6m (or £90,000 gross income for charities) (b) a balance sheet total of less

		than £2.8m and (c) not more than 50 employees. A partial exemption exists for charities which have (a) a gross income of £90,000 - £250,000 (b) a balance sheet total of not more than £1.4m and (c) not more than 50 employees. Public companies, banking or insurance companies and authorised financial service providers are all excluded from the exemption.
5.c	Did the relief of companies from the duty to prepare audited accounts mentioned in question 5.b lead to more resources being made available for tax control?	Not so far as we are aware
5.d	If question 5.c is replied in the affirmative, how many more full time employed were employed by the tax authorities in this connection, if any?	N/A
5.e	Have the rules relieving some companies of the duty to prepare audited accounts been altered since they were introduced in such a way that more companies were relieved from this duty?	Yes - extended to include dormant companies in 2000.
5.f	If question 5.e has been replied in the affirmative, please provide replies to the questions contained in 5.a-5.d for such later alterations.	
5.g	Please indicate the source of the information provided:	
	Ss246, 247, 249A and 249AA Companies Act 1985; Tolley's Company Law - Butterworths Direct Online Service	

6) Evaluation of consequences of relieving companies of the duty to prepare audited accounts

6.a	Has an analysis ever been made as to the consequences (e.g. with respect to mistakes in the tax returns, the extent of tax evasion, the need for more tax control etc.) of relieving companies of the duty to prepare audited accounts?	Not so far as we are aware
6.b	If question 6.a was replied in the affirmative, when was such analysis made and what was the main conclusions?	
		N/A
6.c	Please indicate the source of the information provided:	
		N/A

2. Tyskland (Linklaters Oppenhoff & Rädler)

Questionnaire:

Please note that all questions must be answered for both public companies, meaning companies of the AG (in Germany) or SA (in France) kind, and private companies, meaning companies of the GmbH (in Germany) or Sarl (in France) kind.

Companies that prepare audited accounts will in the following be referred to as "Audited Companies" whereas companies what do not prepare audited accounts will be referred to as "Non-Audited Companies".

1) Difference in tax control

1.a	Will two companies that are otherwise similar be subject to different tax control if one of these companies is an Audited Company and the other is a Non-Audited Company?	No
1.b	If question 1.a is replied in the affirmative, is such different treatment based on legislation or other binding rules?	n/a
1.c	Or is such different treatment based on written guidelines?	n/a
1.d	Or is such different treatment simply part of the practice of the tax authorities?	n/a
1.e	Please indicate the source of the information provided:	n/a

2) Nature of difference (to be replied only if question 1.a has been answered in the affirmative)

2.a	If there is a difference in the tax control, cf. question 1.a., how is this reflected in the use of resources by the tax authorities?	n/a

2.b	And how is this reflected in the content and intensity of the control?	n/a
2.c	Please indicate the source of the information provided:	n/a

3) Frequency of control

3.a	Is a Non-Audited Company normally subject to more frequent control by the tax authorities than an Audited Company?	No (Frequency of control mainly dependent on magnitude of enterprise)
3.b	If question 3.a has been replied in the affirmative, please give an account of such difference in frequency.	n/a
3.c	Please indicate the source of the information provided:	n/a

4) Importance of external assistance in preparing accounts

4.a	When a Non-Audited Company is subject to tax control, does it make any difference for the control if such Non-Audited Company has received assistance from an external advisor, be it an auditor, an other person skilled in ac-	No
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	counts, a tax advisor or similar, when preparing the annual account and the tax accounts?	
4.b	If question 4.a has been replied in the affirmative, please give an account of such difference in the use of resources by the tax authorities.	n/a
4.c	And of such difference in the contents and intensity of the control.	n/a
4.d	Please indicate the source of the information provided:	n/a

5) Consequences for the tax control of relieving companies from the duty to prepare audited accounts

5.a	When were rules introduced, relieving some companies of the duty to prepare audited accounts?	Since 1985 Limited Liability companies (AG and GmbH) are not required to be audited if they qualify as "Small" being defined in §267 (1) German commercial code (HGB). Companies that are listed or use public capital markets are always
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		<p>considered “Large” and therefore need to be audited, see §267 (3) HGB.</p> <p>Before 1985, all German AGs were required to be audited based on German stock corporation law. Only large GmbHs were required to be audited before 1985, therefore audit requirements for GmbH has not been relieved.</p>
5.b	The rules mentioned in question 5.a led to how many companies being relieved of the duty to prepare audited accounts?	Information not available to us.
5.c	Did the relief of companies from the duty to prepare audited accounts mentioned in question 5.b lead to more resources being made available for tax control?	No
5.d	If question 5.c is replied in the affirmative, how many more full time employed were employed by the tax authorities in this connection, if any?	n/a
5.e	Have the rules relieving some companies of the duty to prepare audited accounts been altered since they were introduced in such a way that more companies were relieved from this duty?	After 1985 the size criteria for the definition of “Small” in §267 HGB have been increased several times with respect to annual

		revenues and total assets. This is done to avert the decrease of the number of relieved companies due to inflation.
5.f	If question 5.e has been replied in the affirmative, please provide replies to the questions contained in 5.a-5.d for such later alterations.	Answers unchanged.
5.g	Please indicate the source of the information provided:	n/a

6) Evaluation of consequences of relieving companies of the duty to prepare audited accounts

6.a	Has an analysis ever been made as to the consequences (e.g. with respect to mistakes in the tax returns, the extent of tax evasion, the need for more tax control etc.) of relieving companies of the duty to prepare audited accounts?	As far as we can assess: No.
6.b	If question 6.a was replied in the affirmative, when was such analysis made and what was the main conclusions?	n/a
6.c	Please indicate the source of the information provided:	n/a

3. Frankrig (Linklaters)

Questionnaire:

Please note that all questions must be answered for both public companies, meaning companies of the AG (in Germany) or SA (in France) kind, and private companies, meaning companies of the GmbH (in Germany) or Sarl (in France) kind.

Companies that prepare audited accounts will in the following be referred to as "Audited Companies" whereas companies what do not prepare audited accounts will be referred to as "Non-Audited Companies".

1) Difference in tax control

1.a	Will two companies that are otherwise similar be subject to different tax control if one of these companies is an Audited Company and the other is a Non-Audited Company?	No
1.b	If question 1.a is replied in the affirmative, is such different treatment based on legislation or other binding rules?	N/A
1.c	Or is such different treatment based on written guidelines?	N/A
1.d	Or is such different treatment simply part of the practice of the tax authorities?	N/A
1.e	Please indicate the source of the information provided:	
	There is no specific rule.	

2) Nature of difference (to be replied only if question 1.a has been answered in the affirmative)

2.a	If there is a difference in the tax control, cf. question 1.a., how is this reflected in the use of resources by the tax authorities?	
		N/A

2.b	And how is this reflected in the content and intensity of the control?	
		N/A
2.c	Please indicate the source of the information provided:	
		N/A

3) Frequency of control

3.a	Is a Non-Audited Company normally subject to more frequent control by the tax authorities than an Audited Company?	No
3.b	If question 3.a has been replied in the affirmative, please give an account of such difference in frequency.	
		N/A
3.c	Please indicate the source of the information provided:	
		N/A

4) Importance of external assistance in preparing accounts

4.a	When a Non-Audited Company is subject to tax control, does it make any difference for the control if such Non-Audited Company has received assistance from an external advisor, be it an auditor, an other person skilled in accounts, a tax advisor or similar, when preparing the annual account and the tax accounts?	No
4.b	If question 4.a has been replied in the affirmative, please give an account of such difference in the use of resources	

	by the tax authorities.	
		N/A
4.c	And of such difference in the contents and intensity of the control.	
		N/A
4.d	Please indicate the source of the information provided:	
	There is no specific rule.	N/A

5) Consequences for the tax control of relieving companies from the duty to prepare audited accounts

5.a	When were rules introduced, relieving some companies of the duty to prepare audited accounts?	Year: 1966
5.b	The rules mentioned in question 5.a led to how many companies being relieved of the duty to prepare audited accounts?	N/A
5.c	Did the relief of companies from the duty to prepare audited accounts mentioned in question 5.b lead to more resources being made available for tax control?	N/A
5.d	If question 5.c is replied in the affirmative, how many more full time employed were employed by the tax authorities in this connection, if any?	N/A
5.e	Have the rules relieving some companies of the duty to prepare audited accounts been altered since they were introduced in such a way that more companies were relieved from this duty?	No
5.f	If question 5.e has been replied in the affirmative, please provide replies to the questions contained in 5.a-5.d for such later alterations.	N/A

5.g	Please indicate the source of the information provided:	
	<ul style="list-style-type: none"> - Article.64 of the Law n°66-537 dated 24 July 1966 / Article L.223-35 of the Commercial Code (“Code de Commerce”), - Articles 12 and 43 of the Decree n°67-236 dated 23 March 1967, - Article 17 of the Decree n°83-1020 dated 29 November 1983. 	

6) Evaluation of consequences of relieving companies of the duty to prepare audited accounts

6.a	Has an analysis ever been made as to the consequences (e.g. with respect to mistakes in the tax returns, the extent of tax evasion, the need for more tax control etc.) of relieving companies of the duty to prepare audited accounts?	Not that we are aware of
6.b	If question 6.a was replied in the affirmative, when was such analysis made and what was the main conclusions?	
6.c	Please indicate the source of the information provided:	

Supplerende kommentar i email af 9. januar 2006:

As regards tax control in France, it makes no difference whether the company is an audited or a non-audited company. The only specific point arising from the completed study is that the length of a tax control cannot exceed three months provided that the taxpayer's annual turnover is below a certain amount (which depends on the nature of the activity performed by the taxpayer); but this particular point does not come as a consequence of the company being an audited or a non-audited company.

4. Nederlandene (Norton Rose Advocaten & Solicitors)

Questionnaire:

The below questions are answered for both Dutch companies limited by shares (*naamloze vennootschap* or *N.V.*), and Dutch private companies with limited liability (*besloten vennootschap* or *B.V.*).

Companies that prepare audited accounts will in the following be referred to as "Audited Companies" whereas companies what do not prepare audited accounts will be referred to as "Non-Audited Companies".

1) Difference in tax control

1.a	Will two companies that are otherwise similar be subject to different tax control if one of these companies is an Audited Company and the other is a Non-Audited Company?	No
1.b	If question 1.a is replied in the affirmative, is such different treatment based on legislation or other binding rules?	N/A
1.c	Or is such different treatment based on written guidelines?	N/A
1.d	Or is such different treatment simply part of the practice of the tax authorities?	N/A
1.e	Please indicate the source of the information provided:	
	<p>Dutch statutory (tax) law does not provide for a difference in Tax Control in respect of Audited and Non-Audited Companies. In addition, the Dutch tax authorities do not mention a difference in Tax Control in the latest annual report dated March 2005 (<i>Beheersverslag Belastingdienst 2004</i>).</p> <p>The Dutch tax authorities annually identify certain spearheads in their Tax Control (for corporate income tax purposes, for the year 2004, construction companies were for example more closely monitored), which under certain circumstances may in effect lead to more extensive Tax Control for Non-Audited Companies in a certain year. This is however not a general rule. The yearly spearheads are based on a risk analysis of (groups of) taxpayers and may vary from year to year. As of the tax year 2005 companies are obliged to file their corporate income tax returns electronically.</p>	

	During a telephone conversation on 5 January 2006, Mr. Wijntje, policy official at the Compliance Team (<i>Team Handhavingsbeleid</i>) of the Dutch Ministry of Finance, has confirmed that there is no difference in the Tax Control for Audited and Non-Audited Companies. He also indicated that the Dutch Ministry of Finance is currently looking to further relief Audited Companies from Tax Control, ie, performing less tax audits in respect of Audited Companies if the accounts have been approved by a certified accountant. There is no formal investigation or policy available in this respect, but the Ministry of Finance is investigating the possibilities to further relief companies from Tax Control.	
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2) Nature of difference (to be replied only if question 1.a has been answered in the affirmative)

2.a	If there is a difference in the tax control, cf. question 1.a., how is this reflected in the use of resources by the tax authorities?	N/A
2.b	And how is this reflected in the content and intensity of the control?	N/A
2.c	Please indicate the source of the information provided:	N/A

3) Frequency of control

3.a	Is a Non-Audited Company normally subject to more frequent control by the tax authorities than an Audited Com-	No
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	pany?	
3.b	If question 3.a has been replied in the affirmative, please give an account of such difference in frequency.	N/A
3.c	Please indicate the source of the information provided:	
	Dutch statutory (tax) law does not provide for a difference in Tax Control in respect of Audited and Non-Audited Companies. Please also be referred to the confirmation by Mr. Wijntje, policy official at the Compliance Team (<i>Team Handhavingsbeleid</i>) of the Dutch Ministry of Finance (see above under question 1 e.).	

4) Importance of external assistance in preparing accounts

4.a	When a Non-Audited Company is subject to tax control, does it make any difference for the control if such Non-Audited Company has received assistance from an external advisor, be it an auditor, an other person skilled in accounts, a tax advisor or similar, when preparing the annual account and the tax accounts?	No
4.b	If question 4.a has been replied in the affirmative, please give an account of such difference in the use of resources by the tax authorities.	N/A
4.c	And of such difference in the contents and intensity of the control.	N/A
4.d	Please indicate the source of the information provided:	
	For Dutch tax purposes a separate tax balance sheet has to be provided to the Dutch tax authorities. Although the	

	<p>commercial accounts serve as a basis for the tax balance sheet, they are not conclusive. The Dutch tax authorities apply separate tax accounting rules and use the commercial accounts as an indication and for fact finding purposes.</p> <p>Mr. Wijntje, policy official at the Compliance Team (<i>Team Handhavingsbeleid</i>) of the Dutch Ministry of Finance, has in a telephone conversation on 5 January 2006 indicated, however, that the Dutch Ministry of Finance is currently looking at relaxing the Tax Control in respect of Audited Companies (please be referred to question 1 e.).</p>	
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5) Consequences for the tax control of relieving companies from the duty to prepare audited accounts

5.a	When were rules introduced, relieving some companies of the duty to prepare audited accounts?	Year: 1983
5.b	The rules mentioned in question 5.a led to how many companies being relieved of the duty to prepare audited accounts?	N/A
5.c	Did the relief of companies from the duty to prepare audited accounts mentioned in question 5.b lead to more resources being made available for tax control?	No
5.d	If question 5.c is replied in the affirmative, how many more full time employed were employed by the tax authorities in this connection, if any?	N/A
5.e	Have the rules relieving some companies of the duty to prepare audited accounts been altered since they were introduced in such a way that more companies were relieved from this duty?	Yes
5.f	If question 5.e has been replied in the affirmative, please provide replies to the questions contained in 5.a-5.d for such later alterations.	
	<p>5.b There are no exact numbers available as to how many companies are relieved from preparing audited accounts. Since 1983 the relief from audited accounts has been extended a few times, mainly to further relieve smaller and midsized companies from their administrative burden. In the legislative history of the original Bill no guidance can be found in this respect. A publication by Whinney Murray Ernst & Ernst on the implementation of the Fourth Directive¹</p>	

¹ Whinney Murray Ernst & Ernst, *The Fourth Directive (De Vierde Richtlijn)*, Kluwer: Deventer, 1978.

	<p>in the Netherlands also indicates that no figures were available at the time of introduction of the Fourth Directive as to the number of companies that have been relieved from preparing audited accounts.</p> <p>5 c. No</p> <p>5 d. N/A</p>	
5.g	Please indicate the source of the information provided:	
	See above under question 1.d and 5.f.	

6) Evaluation of consequences of relieving companies of the duty to prepare audited accounts

6.a	Has an analysis ever been made as to the consequences (e.g. with respect to mistakes in the tax returns, the extent of tax evasion, the need for more tax control etc.) of relieving companies of the duty to prepare audited accounts?	Yes
6.b	If question 6.a was replied in the affirmative, when was such analysis made and what was the main conclusions?	
	There is no information in this respect in the public domain, we understand that the Dutch Ministry of Finance has internally analysed the consequences. In the parliamentary discussion in relation to the Bill implementing the Fourth Directive this was not analysed or discussed.	
6.c	Please indicate the source of the information provided:	
	<p>The above has been confirmed in a telephone conversation on 5 January 2006 by Mr. Wijntje, policy official at the Compliance Team (<i>Team Handhavingsbeleid</i>) of the Dutch Ministry of Finance.</p> <p>In their annual report the Dutch tax authorities do normally not provide further specification in this respect.</p>	

5. Belgien (Linklaters)

Questionnaire:

Please note that all questions must be answered for both public companies, meaning companies of the AG (in Germany) or SA (in France) kind, and private companies, meaning companies of the GmbH (in Germany) or Sarl (in France) kind.

Companies that prepare audited accounts will in the following be referred to as "Audited Companies" whereas companies what do not prepare audited accounts will be referred to as "Non-Audited Companies".

1) Difference in tax control

1.a	Will two companies that are otherwise similar be subject to different tax control if one of these companies is an Audited Company and the other is a Non-Audited Company?	No
1.b	If question 1.a is replied in the affirmative, is such different treatment based on legislation or other binding rules?	N/A
1.c	Or is such different treatment based on written guidelines?	N/A
1.d	Or is such different treatment simply part of the practice of the tax authorities?	N/A
1.e	Please indicate the source of the information provided:	

2) Nature of difference (to be replied only if question 1.a has been answered in the affirmative)

2.a	If there is a difference in the tax control, cf. question 1.a., how is this reflected in the use of resources by the tax authorities?	N/A

2.b	And how is this reflected in the content and intensity of the control?	N/A
2.c	Please indicate the source of the information provided:	N/A

3) Frequency of control

3.a	Is a Non-Audited Company normally subject to more frequent control by the tax authorities than an Audited Company?	No
3.b	If question 3.a has been replied in the affirmative, please give an account of such difference in frequency.	N/A
3.c	Please indicate the source of the information provided:	

4) Importance of external assistance in preparing accounts

4.a	When a Non-Audited Company is subject to tax control, does it make any difference for the control if such Non-Audited Company has received assistance from an external advisor, be it an auditor, an other person skilled in accounts, a tax advisor or similar, when preparing the annual account and the tax accounts?	No
4.b	If question 4.a has been replied in the affirmative, please give an account of such difference in the use of resources	N/A

	by the tax authorities.	
4.c	And of such difference in the contents and intensity of the control.	N/A
4.d	Please indicate the source of the information provided:	

5) Consequences for the tax control of relieving companies from the duty to prepare audited accounts

5.a	When were rules introduced, relieving some companies of the duty to prepare audited accounts?	Year: 1985
5.b	The rules mentioned in question 5.a led to how many companies being relieved of the duty to prepare audited accounts?	
5.c	Did the relief of companies from the duty to prepare audited accounts mentioned in question 5.b lead to more resources being made available for tax control?	No
5.d	If question 5.c is replied in the affirmative, how many more full time employed were employed by the tax authorities in this connection, if any?	N/A
5.e	Have the rules relieving some companies of the duty to prepare audited accounts been altered since they were introduced in such a way that more companies were relieved from this duty?	Yes, in 1995, 2001 and 2005
5.f	If question 5.e has been replied in the affirmative, please provide replies to the questions contained in 5.a-5.d for such later alterations.	These alterations did not lead to more

		resources being made available for tax control.
5.g	Please indicate the source of the information provided:	

6) Evaluation of consequences of relieving companies of the duty to prepare audited accounts

6.a	Has an analysis ever been made as to the consequences (e.g. with respect to mistakes in the tax returns, the extent of tax evasion, the need for more tax control etc.) of relieving companies of the duty to prepare audited accounts?	No
6.b	If question 6.a was replied in the affirmative, when was such analysis made and what was the main conclusions?	N/A
6.c	Please indicate the source of the information provided:	

6. Italien (Gianni, Origoni, Grippo & Partners)

Questionnaire:

Please note that all questions must be answered for both public companies, meaning companies of the AG (in Germany) or SA (in France) kind, and private companies, meaning companies of the GmbH (in Germany) or Sarl (in France) kind.

Companies that prepare audited accounts will in the following be referred to as "Audited Companies" whereas companies what do not prepare audited accounts will be referred to as "Non-Audited Companies".

1) Difference in tax control

1.a	Will two companies that are otherwise similar be subject to different tax control if one of these companies is an Audited Company and the other is a Non-Audited Company?	No
1.b	If question 1.a is replied in the affirmative, is such different treatment based on legislation or other binding rules?	N/A
1.c	Or is such different treatment based on written guidelines?	N/A
1.d	Or is such different treatment simply part of the practice of the tax authorities?	N/A
1.e	Please indicate the source of the information provided:	
	The tax assessment activity is ruled by Article 33 of the Presidential Decree no. 600, of September 29, 1973 (for income tax purposes) and by Article 52 of the Presidential Decree no. 633, of October 26, 1972 (for VAT purposes). In either rules no mention is made to a different assessment approach in case of Non-Audited Companies. Further to these rules – which are applicable for all the companies, without any distinction – ministerial guidelines for the assessment activity are issued by the Ministry of Finance at the beginning of each fiscal years. The guidelines indicate the selection criteria that shall be adopted by Tax Authorities in	

	<p>choosing the companies to verify. None of these guidelines mentioned, as selection criterion, the fact that a company were a Non-Audited Company. Finally, the practical approach during the tax audits is determined by the Tax Police, which is the Institution entitled to physically conduct the tax audit. The practice adopted by Tax Police is not public, but in our experience we never saw a different practical approach in the tax assessment activity carried out on Non-Audited Companies.</p> <p>Please note, that, in Italy it is not possible to conduct an interview on such matters, since there is no public access to Tax Police Office. Due to the fact that the assessment strategies are defined at central level by the Ministry of Finance, it is a little bit complicated to obtain an interview with the office of Ministry of Finance. Should you necessarily need us to make an interview, please let us know and we will try to contact the Ministry of Finance Office in Rome, in order to ask for a meeting. However, we do not assure you a favourable response.</p>	
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2) Nature of difference (to be replied only if question 1.a has been answered in the affirmative)

2.a	If there is a difference in the tax control, cf. question 1.a., how is this reflected in the use of resources by the tax authorities?	<i>N/A</i>
2.b	And how is this reflected in the content and intensity of the control?	<i>N/A</i>
2.c	Please indicate the source of the information provided:	<i>N/A</i>

	See 1.e) above	
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3) Frequency of control

3.a	Is a Non-Audited Company normally subject to more frequent control by the tax authorities than an Audited Company?	No
3.b	If question 3.a has been replied in the affirmative, please give an account of such difference in frequency.	N/A
3.c	Please indicate the source of the information provided:	
	As indicated above under 1.e), in the selection criteria yearly indicated in the Ministry of Finance's guidelines it is never adopted a selection criterion based on whether the company is Audited or Non-Audited.	

4) Importance of external assistance in preparing accounts

4.a	When a Non-Audited Company is subject to tax control, does it make any difference for the control if such Non-Audited Company has received assistance from an external advisor, be it an auditor, an other person skilled in accounts, a tax advisor or similar, when preparing the annual account and the tax accounts?	No
4.b	If question 4.a has been replied in the affirmative, please give an account of such difference in the use of resources by the tax authorities.	N/A

4.c	And of such difference in the contents and intensity of the control.	N/A
4.d	Please indicate the source of the information provided:	
	Both in the rules mentioned under 1.e) above and in the Ministry of Finance's guidelines it is not indicated a different assessment procedure in case the Non-Audited Company has received external tax advice. Also in our experience we never saw a different practical approach by Tax Police in audits of Non-Audited Companies which has received external tax advice.	

5) Consequences for the tax control of relieving companies from the duty to prepare audited accounts

5.a	When were rules introduced, relieving some companies of the duty to prepare audited accounts?	Year: 1991
5.b	The rules mentioned in question 5.a led to how many companies being relieved of the duty to prepare audited accounts?	<i>There is no official data on such matter. Please note, however, that the exemption regime does apply only to small companies, so that such re-</i>

		<i>gime relates to a not very significant sample</i>
5.c	Did the relief of companies from the duty to prepare audited accounts mentioned in question 5.b lead to more resources being made available for tax control?	No
5.d	If question 5.c is replied in the affirmative, how many more full time employed were employed by the tax authorities in this connection, if any?	N/A
5.e	Have the rules relieving some companies of the duty to prepare audited accounts been altered since they were introduced in such a way that more companies were relieved from this duty?	No, the exemption regime has not been altered.
5.f	If question 5.e has been replied in the affirmative, please provide replies to the questions contained in 5.a-5.d for such later alterations.	N/A
5.g	Please indicate the source of the information provided:	
	The rule which relieves some companies of the duty to prepare audited accounts is contained in the Legislative Decree no. 127, of April 9, 1991, which ratified Article 51 of Fourth Council Directive no. 78/660/EEC.	

6) Evaluation of consequences of relieving companies of the duty to prepare audited accounts

6.a	Has an analysis ever been made as to the consequences (e.g. with respect to mistakes in the tax returns, the extent of tax evasion, the need for more tax control etc.) of relieving companies of the duty to prepare audited accounts?	No
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6.b	If question 6.a was replied in the affirmative, when was such analysis made and what was the main conclusions?	N/A
6.c	Please indicate the source of the information provided:	
	We made a research in the Ministerial guidelines and in the Parliamentary Acts and we did not find any analysis like this.	

7. Spanien (Linklaters)

Questionnaire:

Please note that all questions must be answered for both public companies, meaning companies of the AG (in Germany) or SA (in France) kind, and private companies, meaning companies of the GmbH (in Germany) or Sarl (in France) kind.

Companies that prepare audited accounts will in the following be referred to as "Audited Companies" whereas companies what do not prepare audited accounts will be referred to as "Non-Audited Companies".

1) Difference in tax control

1.a	Will two companies that are otherwise similar be subject to different tax control if one of these companies is an Audited Company and the other is a Non-Audited Company? ²	Yes
1.b	If question 1.a is replied in the affirmative, is such different treatment based on legislation or other binding rules?	No
1.c	Or is such different treatment based on written guidelines?	Yes
1.d	Or is such different treatment simply part of the practice of the tax authorities?	Yes

² Please note that few companies are exempt from the obligation of preparing audited accounts. In this regard, the companies which are not obliged to prepare audited accounts are those which comply with at least two of the following three requirements: (i) the value of their assets does not exceed 2,373,997.81€, (ii) their turnover does not exceed 4,747,995.63€, and (iii) the average number of employees in a year does not exceed 50.

The major difference in tax control of Spanish companies does not depend on whether or not they are audited companies but on whether or not they are major companies (major companies are those whose turnover exceeds 6,010,121€), specially those major companies whose inspection corresponds to the National Inspection Office ("*Oficina Nacional de Inspección*"). Please note that the National Inspection Office is the inspection body which has more resources and which carries out inspections on a more regular basis. The companies to be inspected by this inspection body can be the following: (i) those which carry out business activities in the whole Spanish territory, (ii) those which have a significant position in a specific economic sector, (iii) tax groups, (iv) those which carry out transactions with a significant importance or complexity in the Spanish territory, or (v) those which are related to other companies inspected by this department.

In the rest of the cases, the fact that a company may or may not be inspected depends on whether or not it is included in an inspection plan (which are approved annually by the Spanish Tax Authorities).

1.e	Please indicate the source of the information provided:	
	“Audited Companies” which are major companies are, in practice, subject to more tax control than “Non-Audited Companies”.	Practice and guidelines

2) Nature of difference (to be replied only if question 1.a has been answered in the affirmative)

2.a	If there is a difference in the tax control, cf. question 1.a., how is this reflected in the use of resources by the tax authorities?	
	Inspection bodies in charge of major companies have more resources for carrying out tax inspections.	
2.b	And how is this reflected in the content and intensity of the control?	
	The control for “Audited Companies” inspected by the National Inspection Office is more frequent and intense than for “Non-Audited Companies”. In particular, please note that the National Inspection Office usually carries out an inspection every 4 years so that the statute of limitations period does not elapse. On the other hand, as regards the content of the control of Audited Companies, please note that the opinion of the auditors is usually carefully reviewed by the Spanish Tax Authorities in the course of an inspection (i.e. whether or not any exceptions are included in the opinion).	
2.c	Please indicate the source of the information provided:	
	This information is based on practice.	

3) Frequency of control

3.a	Is a Non-Audited Company normally subject to more frequent control by the tax authorities than an Audited Company?	No
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3.b	If question 3.a has been replied in the affirmative, please give an account of such difference in frequency.	
		N/A
3.c	Please indicate the source of the information provided:	
		N/A

4) Importance of external assistance in preparing accounts

4.a	When a Non-Audited Company is subject to tax control, does it make any difference for the control if such Non-Audited Company has received assistance from an external advisor, be it an auditor, an other person skilled in accounts, a tax advisor or similar, when preparing the annual account and the tax accounts?	No
4.b	If question 4.a has been replied in the affirmative, please give an account of such difference in the use of resources by the tax authorities.	
		N/A
4.c	And of such difference in the contents and intensity of the control.	
		N/A
4.d	Please indicate the source of the information provided:	
		N/A

5) Consequences for the tax control of relieving companies from the duty to prepare audited accounts

5.a	When were rules introduced, relieving some companies of the duty to prepare audited accounts? ³	Year: 1988
5.b	The rules mentioned in question 5.a led to how many companies being relieved of the duty to prepare audited accounts?	Unknown
5.c	Did the relief of companies from the duty to prepare audited accounts mentioned in question 5.b lead to more resources being made available for tax control?	No
5.d	If question 5.c is replied in the affirmative, how many more full time employed were employed by the tax authorities in this connection, if any?	N/A
5.e	Have the rules relieving some companies of the duty to prepare audited accounts been altered since they were introduced in such a way that more companies were relieved from this duty?	Yes
5.f	If question 5.e has been replied in the affirmative, please provide replies to the questions contained in 5.a-5.d for such later alterations.	
	We believe that the relief of more companies to prepare audited accounts did not lead to more resources being made available for tax control.	
5.g	Please indicate the source of the information provided:	
	Spanish corporate legislation.	

³ Please note that in Spain the process has been the other way round, that is, Spanish companies were not obliged to prepare audited accounts prior to 1988. In such year, the Accounting Law was approved and, later, in the year 1989, a new Corporations Law was enacted. As a result, all Spanish companies are now obliged to prepare audited accounts except those which comply with certain requirements (although thresholds established in such requirements have been increased throughout time, thus relieving more companies from the obligation to prepare audited accounts).

6) Evaluation of consequences of relieving companies of the duty to prepare audited accounts

6.a	Has an analysis ever been made as to the consequences (e.g. with respect to mistakes in the tax returns, the extent of tax evasion, the need for more tax control etc.) of relieving companies of the duty to prepare audited accounts?	No
6.b	If question 6.a was replied in the affirmative, when was such analysis made and what was the main conclusions?	
		N/A
6.c	Please indicate the source of the information provided:	
		N/A