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Eurochambres position on the simplification of the Directive on Global Minimum Tax (Pillar Two)

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Position

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European companies are disproportionately burdened by the Global Minimum Tax Directive (Pillar Two) at a time when major competing economies have not adopted equivalent rules.

Eurochambres calls on the European Commission and member states to act with urgency: the EU must fundamentally simplify and, where necessary, suspend the application of Directive 2022/2523 until a genuinely level international playing field is restored. Doing so is essential to protect the competitiveness of European business, reduce compliance costs, and deliver on the EU's own commitment to cut administrative burdens.

1. Executive summary

In March 2025, the ECOFIN approved a tax decluttering agenda calling on the European Commission to evaluate, improve and streamline the existing EU legal framework in the field of taxation, and recognised that this requires close cooperation between the Commission, national authorities, and stakeholders.

Eurochambres welcomes this initiative and urges the Commission to treat the Global Minimum Tax Directive (Council Directive (EU) 2022/2523) as a priority target for reform.

Pillar Two is imposing substantial compliance costs on European companies at a time when the United States, China and India – three of the world's largest economies – have not adopted equivalent rules. This asymmetry distorts competition and undermines the competitiveness of EU-based multinationals. With the Commission's commitment to reducing administrative burdens, the Minimum Tax Directive is precisely the kind of regulation that must be addressed.

Eurochambres calls on the Commission and member states to:

- suspend the Directive until a genuinely level international playing field is restored;
- immediately transform temporary safe harbours into permanent exceptions;
- raise the revenue threshold;
- and eliminate the most burdensome and redundant compliance requirements.

The concrete proposals outlined in this paper offer a practical roadmap to do so.

2. Urgent need for action on the Global Minimum Tax

With respect to the existing Directive on the Global Minimum Tax (Council Directive (EU) 2022/2523), Eurochambres sees an urgent need for legislative and regulatory amendments to the current provisions.

The implementation of the highly complex Pillar Two rules entails a very significant administrative and financial burden for the companies concerned. The data required for

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compliance purposes is not available in the necessary level of granularity within existing IT systems, meaning that extensive and costly IT solutions must be developed and subsequently integrated into companies' operational system landscapes. Despite all efforts, it is not always possible to determine the required data reliably.

These burdens do not affect only large multinational enterprise groups (MNEs); they fall disproportionately on medium-sized enterprises. In light of the current challenging economic situation and the deteriorating framework conditions for European companies, the Commission should therefore develop the broadest possible relief measures. This is all the more important given that these burdens may constitute a competitive disadvantage compared with multinational enterprises not required to comply with the Pillar Two rules.

Against this background, Eurochambres considers it appropriate to suspend the application of the Global Minimum Tax within the EU until all major jurisdictions participate in the global tax system, and to introduce far-reaching simplifications, in particular regarding the safe harbour provisions. This has become all the more pressing in light of the US legislative proposals of May 2025 regarding retaliatory measures against countries that have implemented OECD Pillar Two into their national law, raising the stakes for European businesses.

3. Background: history and status of Pillar 2 legislation

The 2015 BEPS Action Report 1, "Addressing the Tax Challenges of the Digital Economy", was the starting point for both the Pillar One and Pillar Two initiatives. In October 2021, 135 (now 147) jurisdictions of the OECD/G20 Inclusive Framework (IF) on BEPS reached agreement on the GloBE Rules, with the aim of ensuring an effective minimum tax rate of 15%. While adoption of the GloBE Rules is not mandatory for IF members, the rules form the basis of a "common approach":

- Inclusive Framework (IF) members are not required to adopt the GloBE rules. However, if they do, they commit to implementing and administering those rules in a manner consistent with the agreed outcomes under Pillar Two, including the model rules and guidance developed by the IF.
- Members that adopt the GloBE rules also agree to accept their application by other IF members, including the agreed rule order and any applicable safe harbours.[1]

In this sense, the GloBE Rules operate as a coordinated policy framework rather than a legally binding instrument: they function as authoritative recommendations that members are expected to follow consistently if they opt in.

3.1. State of Play

On 14 December 2022, the EU published Directive 2022/2523, transposing the OECD model rules into a binding instrument for all EU member states. On 20 January 2025, the new US administration notified the OECD that its prior commitments under the Inclusive Framework carry no domestic legal force absent Congressional action, effectively suspending US engagement with the framework without formally withdrawing from it.[2]

On 5 January 2026, the OECD announced that 147 IF members had agreed to a new package of administrative guidance – the "Side-by-Side Package" – including: a permanent

[1] Statement on a Two-Pillar Solution to Address the Tax Challenges Arising from the Digitalisation of the Economy – 8 October 2021, page 3.
[2] Executive Order of 20 January 2025; US notification to the OECD Inclusive Framework.

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simplified Effective Tax Rate (ETR) safe harbour; a one-year extension of the transitional CbCR safe harbour; a substance-based tax incentive safe harbour; a Side-by-Side (SbS) safe harbour; and a UPE safe harbour for eligible countries. On 12 January 2026, the European Commission confirmed the application of the OECD IF Agreement on Safe Harbours in the context of the Pillar Two Directive via Commission Notice C/2026/253.

The current status of global Pillar Two adoption is set out in the table below (last updated: 30 April 2026):

Status	Africa	Europe	Americas	Asia Pacific	Eurasia	Middle East	Total
Laws in force	5	33	5	10	1	6	60
Law in draft/public	0	5	1	0	0	0	6
Announcement only	2	0	2	0	0	0	4
No announcement	14	7	25	5	7	2	60
Total							**130**

Source: PWC Pillar Two Country tracker

Three very important economies – China, India and the United States – do not intend to implement the OECD GloBE rules. The failure to adopt the rules in these economically significant jurisdictions has raised serious questions regarding the competitive position of MNEs based in countries with an obligation to apply Pillar Two, compared to those without such an obligation. The recently agreed Side-by-Side Package does not yet address all the problems arising from this asymmetry; on the contrary, it is likely to maintain compliance costs and reporting complexities for affected companies.

3.2. Impacts on European companies

The partial adoption of the global minimum tax, predominantly in European countries and a limited number of jurisdictions in Asia and the Americas, has distorted competition. MNEs obliged to apply the Pillar Two rules incur a high administrative burden in addition to higher taxes compared to competitors who face no equivalent Income Inclusion Rule (IIR) or Undertaxed Profits Rule (UTPR) obligations. To illustrate: the GloBE Information Return published in January 2025 runs to 100 pages of data points; the corresponding XML schema technical document counts 168 pages of complex data structures.

In parallel, existing national tax rules of member states continue to apply alongside the newly adopted Pillar Two provisions. These include a substantial number of BEPS rules that appear redundant in the light of Pillar Two – including CFC rules, limitations on the deductibility of low-taxed passive income, and approaches to aggressive tax planning – creating an additional layer of compliance burden.

The Draghi Report criticised the rising weight of regulation on European companies and recommended a 25% cut in reporting obligations. The current Commission has tasked a dedicated Member explicitly with the issue of administrative burden. This agenda must now translate into concrete action at EU level with respect to the Minimum Tax Directive.

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3.3. High compliance costs for EU companies

A recently published study demonstrates that compliance costs for EU companies within the scope of the Minimum Tax Directive have been particularly high. The study covers 2,195 corporate groups based in the EU27 that are affected by Pillar Two and exceeded the EUR 750 million revenue threshold in 2024.[3]

Based on meaningful samples from EU jurisdictions where Pillar Two rules have already taken effect, the total one-off implementation costs for affected corporate groups based in the EU amount to at least EUR 1.2 billion – largely for external consulting, new technical solutions and internal re-engineering. Total ongoing annual costs for the same group of companies amount to approximately EUR 517 million per year, representing an average of EUR 255,000 per company.[4]

Due to the Side-by-Side solution with the US, compliance costs for affected companies may increase further. The study concludes that tax revenues generated in the EU are not proportionate to the compliance costs imposed by the Minimum Tax Directive.[5]

In addition, the successive publications issued by the OECD in relation to Pillar Two create both legal uncertainty and additional compliance costs insofar as they establish an evolving regulatory framework whose interpretation and implementation modalities are regularly clarified or modified. This dynamic requires groups to continuously reassess their tax positions, calculation models, and reporting systems, with a risk that treatments initially considered compliant may be challenged retrospectively. Furthermore, the gradual and sometimes uneven alignment of jurisdictions with this guidance increases divergences in application across countries, thereby reinforcing uncertainty. From an operational perspective, this instability translates into recurring costs linked to updates of IT systems, tax data production, documentation, and audit processes, as well as increased reliance on internal and external resources to ensure compliance, ultimately transforming Pillar Two into a continuous compliance framework.

4. Safe Harbour rules: background and assessment

The OECD introduced two types of safe harbour rules from the outset, in the separate document "Safe Harbours and Penalty Relief: Global Anti-Base Erosion Rules (Pillar Two)": permanent and temporary safe harbours. The call for simplified rules emerged from public consultations with various stakeholders.

4.1. Permanent Safe Harbour

The most important permanent safe harbour is the QDMTT Safe Harbour, introduced in the administrative guidance published in July 2023. The basic principle is that jurisdictions that implement national law in line with the OECD model rules are treated as safe harbours:

[3]Working Paper, OECD pillar two compliance costs: A quantitative assessment for EU-headquartered groups, ZEW - Leibniz Centre for European Economic Research, University of Mannheim.
[4]Total one-off implementation costs: at least EUR 1.2 billion; total ongoing annual costs: approximately EUR 517 million (average EUR 255,000 per company).
[5] In the particular case of Austria the same conclusion can be drawn as the expected revenue form the global minimum tax seems to be much lower than originally brought forward by proponents of the global minimum tax. Compare Wolf, M., Kronberger, R. (2018), Welches zusätzliches Steueraufkommen bringt die globale Mindeststeuer wirklich?, in: Hohenwarter, D., Kirchmayr, S., Kronberger, R., Mayr, G. (Hrsg.) (2023), 'Handbuch zur globalen Steuerreform', 167 – 184.

constituent entities are not required to apply the IIR or UTPR in relation to those jurisdictions, as the top-up tax amount is deemed to be zero.

It should be noted that the QDMTT Safe Harbour does not, in itself, reduce the administrative burden within an MNE group. It allows jurisdictions to impose a local top-up tax rather than ceding collection to the parent jurisdiction. Member states that have introduced equivalent elective domestic mechanisms should, however, achieve the same economic outcome of retaining top-up tax revenue within the jurisdiction where economic activity takes place.

4.2. Temporary Safe Harbour

Temporary safe harbours were introduced from the beginning to relieve MNEs from the full Pillar Two calculation in the initial years for low-risk jurisdictions, provided that certain tests are met. The three tests are primarily based on country-by-country report (CbCR) data and certain accounting data:

Test	Routine Profits Test	De-Minimis Test	Effective Tax Rate Test
Condition	Profit < Substance-based income exclusion (% of material assets and payroll)	Revenue < EUR 10m AND Profit < EUR 1m	ETR ≥ threshold
ETR Threshold	—	—	15% (2024) 16% (2025) 17% (2026)

In practice, the ETR Test has proved most useful for MNEs, as the underlying data is largely available in existing Country-by-Country Reporting. The Transitional CbCR Safe Harbour (TCSH) currently applies to fiscal years beginning before 31 December 2025 and ending before 31 December 2026. This exception will soon expire, creating a particular problem in relation to third countries that have not implemented Pillar Two, above all, the United States.

Box: Impacts of the Safe Harbour Rules in Austria as an example

Austrian companies – both ultimate parent companies and local entities within scope – are subject to the Austrian Minimum Taxation Act (Mindestbesteuerungsgesetz) and local enactments in the countries of operation enforced in line with the EU Directive. The safe harbour regulation has been technically implemented. In almost all countries of operation, the 15% safe harbour rate is reached. Only in certain Balkan countries with specific tax incentives designed to attract investment does the rate fall below the threshold. With the exception of North Macedonia, the top-up tax remains in the country of the ultimate parent company rather than supporting the local economy. Tax incentives in smaller economies designed to attract investment are thereby effectively "sanctioned" in the country of the ultimate parent.

Furthermore, individual distortions may arise owing to a lack of adjustment in the Country-by-Country Report, meaning that even high-tax countries may not reach the 15% effective rate – for example where high dividends from an at-equity investment are, since they do not originate from other business units, neither excluded from earnings before income tax nor eligible for the national income tax exemption. Similarly, tax incentives such as the Austrian research grant, which is tax-exempt, are penalised because their inclusion in net qualifying

income and reduces the effective tax rate and has negative consequences for research-intensive companies. This could, however, be addressed through the Tax Incentive Safe Harbour proposed by the OECD in January 2026.

More broadly, any simplification of the Directive must ensure that national tax incentives designed to attract investment and stimulate research and development, including investment aid schemes and R&D tax credits provided by member states, are not penalised through their inclusion in net qualifying income or their treatment as reducing the effective tax rate for Pillar Two purposes. Such incentives serve legitimate industrial policy objectives and should be explicitly ring-fenced or reclassified as Qualified Refundable Tax Credits (QRTCs) under Article 11 of Directive 2022/2523 where they meet the requisite conditions, so as not to inadvertently trigger a top-up tax liability in the jurisdiction of the ultimate parent entity.

4.3. The simplified ETR safe harbour

The Side-by-Side Package includes a major element, which is the simplified ETR safe-harbour. **It** foresees that the top-up tax for a jurisdiction is deemed to be zero if the MNE shows a simplified ETR of at least 15%. The simplified ETR is calculated as follows: Simplified Taxes / Simplified Income.

However, numerous adjustments and exceptions apply in accordance with OECD guidelines and MNEs still have to document the calculation, retain accounting records and demonstrate eligibility. Therefore, this safe-harbour strikes a balance between the CbCR safe-harbour and the full GloBE calculation, which adds to the complexity, even though the original goal was precisely to simplify the process.

5. Eurochambres simplification proposals

The EU's Competitiveness Compass has set a clear goal of cutting companies' administrative burden. If the EU is to deliver on this commitment to restore its competitiveness, a fundamental rethinking of the EU's rules on the global minimum tax is urgently needed. Eurochambres sets out the following concrete proposals to achieve this goal:

5.1. Postponement of the EU Minimum Tax Directive

Eurochambres supports the call for suspension of the EU Minimum Tax Directive. The OECD GloBE model rules (Global Anti-Base Erosion Model Rules (Pillar Two), OECD/G20 Inclusive Framework on BEPS) are intended to ensure global minimum taxation for multinational corporate groups. However, the concept only makes sense if the most important global players also participate. This is currently not the case: companies based in the US, China and India are not subject to the applicable rules.

Owing to the Side-by-Side solution with the US Net CFC Tested Income (NCTI) model, the combined effect of the Side-by-Side Package and US international tax provisions arguably

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places EU-parented MNE Groups at a significant competitive disadvantage.[6]

A solution is needed that ensures competitive neutrality for multinational corporations; otherwise, jobs and investments in the EU will continue to be at risk. As long as significant uncertainty persists at the international level, it would be appropriate to suspend the applicability of the EU Minimum Tax Directive.

Any suspension mechanism must include an explicit safeguard ensuring that member states which have already enacted domestic minimum tax measures – whether a QDMTT or a functionally equivalent elective regime – continue to collect and retain domestic top-up tax revenues during the suspension period. This ensures that revenue is not reallocated to third-country parent jurisdictions and that member states that have proactively aligned with the 15% threshold are not penalised.

5.2. Immediate transformation of temporary Safe Harbour rules into permanent exceptions

MNEs have already made significant efforts to implement the three safe harbour tests in their systems. CbCR data has undergone substantial analysis and quality checking, given its central importance to these tests. Eurochambres proposes transforming temporary safe harbours, including the CbCR Safe Harbour, into a permanent "gateway" system after 2027. This would preserve the substantial investment companies have already made in compliance infrastructure while providing long-term certainty.

5.3. Significant simplification of Safe Harbour rules

Based on the new safe harbour rules agreed at OECD level in January 2026, three calculation systems will be introduced: one for the temporary (until 31 December 2027) CbCR Safe Harbour; one for the new ETR Safe Harbour (from 1 January 2027); and one for the full calculation without safe harbour. In addition, the new Side-by-Side and UPE Safe Harbour rules will create further compliance efforts for the European companies affected. The US solution supports the economic interests of EU member states, but the burden is borne entirely by the companies subject to minimum taxation. Finally, the new Side-by-Side package raises consistency questions, in particular: what is the rationale for US subsidiaries of non-US MNEs being within Pillar Two while out for US MNEs.

5.4. Usability of Reporting Packages

The full computation rules require, as a starting point, a de facto standalone financial statement prepared in accordance with the group accounting standard (often IFRS). In practice, such standalone financial statements are frequently unavailable. Instead, corporate groups prepare reporting packages for individual business units as part of their consolidation processes. While these reporting packages are based on the group accounting standard, they may include pre-consolidation adjustments – such as simplified treatment of intra-group leasing arrangements – that fall short of the stringent requirements for standalone financial statements.

[6]Net CFC Tested Income (NCTI) model under the US international tax framework; see OECD IF Side-by-Side Package, January 2026.

In IFRS reporting packages, these are often presented in a simplified manner and in deviation from the accounting requirements set out in IFRS 16. This does not pose an issue for proper financial reporting, as it has no impact due to the subsequent consolidation process. However, such pre-consolidation adjustments do not meet the stringent requirements applicable to stand-alone financial statements and may therefore also fail to meet the requirements ("net profit … before consolidation adjustments and elimination of intercompany results"). The OECD's Simplified ETR Safe Harbour does not provide for any simplifications in this respect either.

In order to ensure that accounting data can be used for minimum tax calculations and for the Simplified ETR Safe Harbour with as little administrative burden as possible, the requirements applicable to the underlying data should be lowered and commonly applied pre-consolidation adjustments should be accepted. The European Commission should advocate for this position within the OECD.

5.5. Utilisation of loss carryforwards

It should be possible to include active deferred taxes from loss carryforwards in the safe harbour calculation, even where they have not been capitalised for accounting purposes. This measure would prevent companies from falling out of safe harbours solely due to the utilisation of loss carryforwards and thus being required to perform a complete Pillar Two calculation.

5.6. Abolition of hybrid mismatch provisions for the banking sector

The special provisions for hybrid mismatches in the CbCR Safe Harbour should be abolished for the banking sector, where their application creates disproportionate complexity relative to the underlying risk.

5.7. Abolition of the secondary top-up tax (UTPR)

Consideration should be given to abolishing the secondary top-up tax (UTPR, Undertaxed Profits Rule) under Article 12 of Directive 2022/2523. The UTPR applies subsidiarily to the primary top-up tax (IIR) and serves as a catch-all provision for situations arising in relation to third countries that have not implemented the minimum tax. The special impact in relation to US companies was partly addressed by the OECD's UPE Safe Harbour from 1 January 2026; however, in relation to all other jurisdictions that have not implemented Pillar Two, the competitive distortions remain.[7]

Any abolition or suspension of the UTPR under Article 12 of Directive 2022/2523 must be conditional on the existence of a robust alternative mechanism ensuring that EU-based entities are not exposed to unfair competitive disadvantage vis-à-vis companies operating in jurisdictions that impose no minimum tax whatsoever.

5.8. Exclusion of non-material constituent entities (NMCEs)

Non-material constituent entities (NMCEs), as defined in Article 3(a) of Directive 2022/2523, are currently within the scope of the calculations. As their designation implies, these entities

[7]OECD IF Side-by-Side Package, 5 January 2026: UPE Safe Harbour applicable from 1 January 2026 to address the US situation specifically.

are not fully consolidated owing to their limited impact on the group's overall consolidated figures. Data for NMCEs is not typically collected in a structured way, as it is not required for consolidation purposes, and must therefore be gathered manually, creating substantial administrative burden without any meaningful influence on reported figures. Non-materiality is approved by the appointed auditor and determined in accordance with IAS 8.

Eurochambres therefore proposes:

- Full exclusion of non-material entities from the scope of both Pillar Two and Country-by-Country Reporting; or, alternatively,
- Exclusion of non-material entities from the Pillar Two regime only.

5.9. Pragmatic data source for immaterial entities

In the absence of a full exclusion from the scope of Pillar Two, pragmatic solutions should be found for non-material entities.

For purposes of the Simplified ETR Safe Harbour, reporting packages are in principle required even for immaterial entities. In practice, such reporting packages are typically unavailable, as immaterial entities are generally not included in the consolidation scope. From a practical perspective, it would be preferable to rely on existing CbCR data: the Profit (Loss) before Income Tax reported in the CbCR could be used as Simplified Income, and Income Tax Accrued as Simplified Taxes. For immaterial entities, it should therefore be permissible to use data reported for CbCR purposes as the basis for the Simplified ETR Safe Harbour calculation.

5.10. Calculation of top-up tax as the difference between the effective tax rate test and 15%

The tax rate of 15% should be maintained, as there is no economic foundation for increasing it. Eurochambres proposes that the potential top-up tax be calculated as the difference between the effective tax rate (as determined under the safe harbour test) and 15%, including qualified tax credits (i.e., Qualified Refundable Tax Credits – QRTCs – and Qualified Marketable Transferable Tax Credits – QMTTCs) in such calculations. This approach would preserve the principle of the full Pillar Two rules in low-risk countries whilst significantly easing administrative burden.

5.11. Use of Existing Data Sources

Any changes aimed at simplifying the calculation of the Routine Profits Test would be viewed positively. The use of existing data from CbCR or IFRS consolidated financial statements could contribute materially to this simplification without compromising the integrity of the tax assessment.

5.12. Upward adjustment of the group turnover threshold

The EUR 750 million group turnover threshold has remained unchanged since its introduction and no longer reflects current economic conditions, as cumulative inflation has substantially eroded its real value. As a result, Eurochambres urges the European Commission to support, at OECD level, an inflation-based adjustment of the threshold together with a mechanism for its regular indexation, ensuring the rules remain focused on the very largest companies without the need for repeated ad hoc revisions.

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5.13. Simplification of compliance and reporting requirements

Country-by-Country Reporting is submitted in the country of residence of the parent company and exchanged between tax authorities via multilateral competent authority agreements (MCAAs). CbCR therefore entails no significant reporting or registration requirements in individual countries. By contrast, Pillar Two imposes extensive reporting and registration obligations in each country of operation, creating considerable administrative effort. An approach analogous to that of CbCR would be highly desirable. To achieve this, member states would need to agree on a uniform calculation method. This alignment is of particular importance for smaller member state economies where the compliance costs of Pillar Two reporting are disproportionate relative to the top-up tax revenues generated.

5.14. QDMTT based on UPE financial accounting standard

Significant cost savings are anticipated if a constituent entity's QDMTT is computed based on the ultimate parent entity's (UPE's) financial accounting standard rather than local GAAP. This approach would simplify the required QDMTT adjustments and standardise processes considerably. However, an absolute prerequisite is that reporting package data can be used as a starting point; otherwise, the expected cost savings are significantly reduced.

In certain circumstances, for example in the context of M&A activities with new constituent entities joining the group, a QDMTT calculation based on local accounting standards may prove more cost-efficient. Eurochambres therefore proposes offering the taxpayer the choice between a QDMTT calculation based on local accounts or on the UPE's accounting standard, binding for a period of five years.

Furthermore, the current tiebreaker rules determining whether the UPE's or the local accounting standard shall be used for QDMTT calculations leave room for interpretation, particularly in jurisdictions where both IFRS and local GAAP may be used. Further guidance from the Commission and the OECD in this respect would be welcomed.

5.15. Immediate review of redundant existing rules

Despite the implementation of Pillar Two, national CFC regimes and limitations on the deductibility of interest continue to exist at member state level. MNEs are required to fulfil multiple reporting requirements covering the same problem of low-taxed income. The parallel existence of very similar, but not identical, regulations should be avoided. Eurochambres calls on the Commission to carry out a review of existing BEPS-related rules that have been rendered redundant by Pillar Two and to repeal or consolidate them as part of the tax omnibus initiative.

5.16. Simplification of XML Reporting

The volume of data required under the current XML (GloBE Information Return) reporting framework is disproportionate and does not reflect the general need for simplification. The corresponding XML schema technical document runs to 168 pages. Eurochambres proposes a thorough simplification of the XML reporting requirements, reducing data points to those strictly necessary for the assessment of minimum tax liability.

Eurochambres – the association of European chambers of commerce and industry – represents more than 20 million businesses through its members and a network of 1700 regional and local chambers across Europe. Eurochambres is the leading voice for the broad business community at EU level, building on chambers' strong connections with the grass roots economy and their hands-on support to entrepreneurs. Chambers' member businesses – over 93% of which are SMEs – employ over 120 million people.

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