

January 2005

Response to
QUESTIONNAIRE ON TAX REVENUE

This questionnaire is first sent to the members of working team C (Tax and tax credit) in preparation of the TFHPSA meeting to be held on 3-4-5 March 2005 in Paris. The intention is to reach an agreement on the basic orientation and wording of this section in the future chapter dedicated to the public sector in the updated SNA.

The questionnaire is divided in 3 parts, corresponding to the three major identified issues: 1. Definition of tax revenue 2. Accrual recording of taxes 3. Recording of tax credits. The part 3 will be sent a little later.

Warning: the case of social contributions is not considered as such in this questionnaire. However, provisions in part 2 "Accrual recording of taxes" are relevant also for the recording of social contributions.

PART 1: DEFINITION OF TAX REVENUE

1. General presentation of the section

Question 1: *Do you agree* that the presentation should include: X Yes No
- the definition (1§, see below), immediately followed by the list of main tax categories (as an illustration of the definition)
- additional provisions on the borderline with other fees and transactions (taxes and sale of services, taxes and sale of assets)

But make sure the language is clear. "Tax categories" is meant to refer to the "classification of taxes" provided below?.

2. The definition

The following definition modifies slightly and completes the present one (see SNA93, §7.48 and 8.43). The main changes are related to:

- the specific character of taxes, as "compulsory" and "unrequited" payments ("nothing in return" being replaced by "nothing directly in exchange"), and as resulting of the "sovereign powers" of government (IPSAS)
- an illustration of the definition through the list of main tax categories

"Taxes are compulsory, unrequited payments, in cash or in kind, made by institutional units to government units, exercising their sovereign powers. In most cases, the compulsory payment of taxes is conditioned by another economic event (not compulsory by nature): earning of income, ownership or use of an asset, or purchase of good or service. Taxes are usually described as unrequited because, in most cases, the government provides nothing directly in exchange to the individual unit making the payment, although governments use the funds raised in taxes to provide goods and services to other units, either individually or collectively, or to the community as a whole.

However, in certain cases, the tax payment may also correspond to the acquisition of a permit or authorisation (see below "Borderline with other fees and transactions").

Classification of taxes (unchanged):

D.2: Taxes on production and imports

D.21: Taxes on products

D.29: Other taxes on production

D.5: Current taxes on income and wealth

D.51: Taxes on income

D.59: Other current taxes

D.91: Capital taxes”

Question 2: Do you agree with the above definition:

Yes

No

We have a number of suggestions to improve this further:

- **This wording might be better “...ownership of or permission to use an asset...”**
- **We struggle still with the attempt to define unrequited as being equivalent to nothing directly in exchange. This could be considered as not adding anything, nor going far enough. For lots of taxes the payer does get something. The phrase “not fully required” seems better to us and would be easier to understand.**
- **Insert a word “...government may use the funds....”**
- **Near the end you don’t “acquire” a permit. A permit is evidence of a permission which is granted not acquired.**

Question 3: The new definition uses the expression “nothing directly in exchange”. Would you refer more explicitly in the definition to the IPSAS concept of “non-exchange transaction”?

Yes

No

Question 4: Would you agree to show in annex of the chapter on the public sector in the updated SNA the detailed list of tax, according the SNA classification, which is the subject of table 0900 (disseminated by Eurostat and OECD)?

Yes

No

Not unless it were heavily qualified. Arrangements vary from country to country. What qualifies as a tax in one country isn’t necessarily one in another.

Other possible amendment to the definition:

4. The borderline with other fees and transactions

- Not all compulsory or unrequited payments are taxes. Some payments having these characteristics are to be recorded as other current transfers (D.7, e.g. fines and penalties).

- Moreover, the borderline between taxes and payments to government for services rendered or for acquiring an asset is not always clear cut in practice. The rationale developed in SNA93, §7.55 and 8.45 “Taxes versus fees”, is relevant and should be confirmed. Its implementation requires the following guidance:

a) The case of licences and permits delivered by the government.

- **Record as tax:** If a licence or a permit is granted automatically to all applicants on payment of the amount due, involving little or no work on the part of the government, it should be recorded as a tax. Example: licences to own or use vehicles, boats or aircrafts, and licences to hunt, shoot or fish

- **Record as purchase of a service:** If the issuance of the licence or permit implies a proper regulatory function of the government (exercising control on the activity, checking competence or qualifications of the persons concerned etc.), the payment should be recorded as the purchase of a service produced by the government, unless the payment is clearly out of proportion to the costs of providing the service;

Example: driving or pilot licences, firearm licences

- **Record as purchase of an asset:** If the licence or permit meets a few conditions and characteristics of an economic asset (see SNA93, §13.12), making it a “store of value”:

. over which ownership rights are enforced by institutional units

. from which economic benefits (in the form of income or holding gains) may be derived by the owner over a period of time,

and, as a consequence, the licence being tradable on the market, the payment should be recorded as the purchase of an asset.

Example: licence for taxi company, licence for telephone company (in particular UMTS licences)

Question 5: Do you agree with this orientation?:

Yes

No

The examples quoted are helpful provided that they are suitably qualified as noted above. The situation relating to taxes in different countries can vary. We therefore need to avoid the implication that the examples mentioned must be in that category when different attributes point to a different category being applicable.

The second purchase of a service category includes the unsatisfactory phrase “out of proportion” which is not defined. In taking this forward one has to consider whether it is appropriate that changing the level of a fee should be allowed to change the definition of the fee. Thus under the current draft the payments might be treated as a payment for a service one year but a sharp rise in the level charged the next year would lead them to being treated as a tax. Is it right that the level of the payments determines what they are classified as? And even if one accepted this what is the threshold which determines the result?

A possible alternative approach would be as follows: “Payments would be considered a service charge if and only if a quasi-corporation undertaking market activity could be identified, together with a separate set of accounts, and a legal basis allowing it to operative in a ring-fenced manner, as a public corporation.”

It will be rather more likely that payments should be treated as purchase of a service when there are other suppliers and rather less likely when government is a monopoly supplier.

A further aspect of the definition as written is whether “out of proportion” applies to each “purchaser” of the service or to all purchasers together. A degree of cross subsidisation between “customers” is inevitable in the provision of any service but this shouldn’t be more extreme than that which might occur in the private sector. We might consider whether an addition is needed on the lines of my earlier suggestion adding the following to the end of the current text “for all or any of the entities benefiting from the services”.

ONS has more serious concerns about the final category defining when payments should be treated as for the purchase of an asset. This may be beyond the scope of TFHPSA as one first needs to determine when a licence or permit meets the conditions and characteristics of an economic asset. Government in general should not be able to create new assets and increase the balance sheet of the country. In general such payments should be taxes, or perhaps payment to use a public asset. Our arguments are set out more fully on [our website](http://www.statistics.gov.uk/about/Methodology_by_theme/Public_sector_accounts/downloads/GOVERNMENT_RECEIPTS_from_SPECTRUM.pdf) http://www.statistics.gov.uk/about/Methodology_by_theme/Public_sector_accounts/downloads/GOVERNMENT_RECEIPTS_from_SPECTRUM.pdf

Following on from this point we have the following comments:

- Licences / permits do not hold value, it is what they enable the holder to do that is the potential store of value, in certain circumstances.
- Economic benefits derived by the owners implies that any business tax or rights to trade would be a sale of an asset.
- UMTS licences are not really equivalent to “licences for telephone companies”. “licences to operate a telephone network” might work as a replacement

b) The case of certain fees

In all cases where fees are directly linked to a service - the service is provided in return to the fee - the payment is to be recorded as a purchase of a service (consistently with SNA93, §7.55 and 8.45: “Taxes versus Fees”). A few examples are:

- Museum or library admission fees: they are a typical case of payments made by households (at a price which is not economically significant) for a service provided by a government unit. They are not tax but payments for a non-market service. Other payments for non-market output may be: Admissions to public universities, to public hospitals etc.

- Waste collection and garbage disposal: as a consequence of the above recalled definition (SNA93, §7.55 and 8.45) fees collected by the government for assuming this task (whether or not this task is then sub-contracted to a corporation) should be analysed as a purchase of a service to the extent that:

- . they are mainly assessed on the value of the work to be carried out and not to the value of the property as such**
- . it is possible to identify the value of the fees**

- Television and radio fees: payments for the public service of radio-television are to be recorded as the purchase of a service (to the government or to a public corporation according to the sector classification of the public unit providing the service)

- Road tolls: they are normally to be recorded as the purchase of a service (the use of a road).

Question 6: Do you agree with this orientation?:

Yes No

Possible amendment:

Two points here. Under museum etc fees we suggest saying “at prices which may not be economically significant”. The point is that the fees charged may be significant to those visiting – fees in the UK reduced visitors to museums etc significantly – without covering the costs of the museums. (Of course if they did cover more than 50% of the costs then under ESA ther museums would not be part of government.)

Secondly we would like to see television and radio fees deleted as an example. In the UK the BBC is the main public sector TV/radio organisation, which is funded from a general tax on ownership of TV equipment. The payments made are not for the service of receiving access to the BBC. .

PART 2: THE ACCRUAL RECORDING OF TAXES

Question 7: Do you agree that in the updated SNA, SNA 9, §7.59-60 and 8.49-50 should be replaced by the following wording, exposed in the three new paragraphs below:

XYes No

Paragraph.1: Like most transactions in the SNA, taxes (and social contributions) are to be recorded on an accrual basis (see also SNA chapters 2 and 3). Accrual recording means that flows are recorded when economic value is created, transformed, exchanged or extinguished and not when cash payments are made. If this principle would be understood as requiring to record *due amounts* of taxes (as the consequence of the underlying economic event, and under the existing tax law), this should not in any case lead to the recording of uncollectible taxes.

The implementation of this general recommendation for taxes (and for social contributions) leads to consider successively the two questions:

- the time of recording
- the amounts to be recorded

Question 8 a: Do you agree with the draft paragraph 1?:

XYes No

Possible amendment:

Paragraph.2: Time of recording:

This is when the activities, transactions or other events occur which create the liability to pay taxes - in other words, when the taxable events occur - and not when the payments are actually made. In the case of taxes (and social contributions), this usually means when income is paid or when a transaction (purchase of goods and services etc.) generating the liability is made, to the extent that the tax liability can reliably be measured.

Question 8 b: Do you agree with this principle (in paragraph 2)?

XYes No

Some flexibility is permitted in two cases where this assessment cannot be done in a reliable way before the time of assessment:

- **Parallel economy:** some activities, transactions or events escape the attention of the tax authorities¹. It is then difficult to put in relation the liability to pay taxes and the taxable economic event. The amounts to be recorded can be determined only when some tax assessment is made. If it cannot be the time of the taxable economic event itself, the relevant time of recording may be then the time of the tax assessment.

- **Taxes on income:** taxes on income may be paid 1/ in the same time as the revenue (pay-as-you-earn type) or 2/ at a later point in time, depending on the tax system (set-up of a roll or other form of tax assessment). In the first case, the link between the tax liability and the taxable event is clear and the accrual recording straightforward (except for the final settlement). In the second case, the liability to pay income taxes is determined in a later accounting period than that in which the income accrues and becomes taxable. The moment of the tax assessment is the time when the tax liability is measured and known in a reliable way, taking into account possible changes to the tax rates and the final settlements.

Therefore, in these two cases, the relevant time of recording the taxes may be not the time when the economic event generated the obligation to pay taxes, but the time when the taxes were assessed as due with sufficient certainty. This is not necessarily similar to the accounting period of the payment. In the specific case of prepaid taxes on income, the accounting period of the payment may be considered as the relevant one.

*Question 9: Do you agree with the drafting on flexibility in paragraph 2?*²

Yes No

ONS would like to see this drafting softened slightly on the lines already suggested by the UK Treasury. Whenever possible the taxes should be accrued to the time when the liability to pay taxes was created. Recording taxes when the amounts can be determined accurately should be considered an approximation for this and not the recommended approach in SNA.

Question 10 (with IPSAS): is the tax gap equivalent to the amount of uncollectible taxes?. Should this be clarified?

Yes No

Possible amendment:

The ONS supports the case advanced by Denmark that taxes which are paid by taxpayers but not paid over to government because of bankruptcy should be properly accounted for. It may be that they are de minimis for some countries but the principles should still be clearly stated.

Paragraph.3: Amounts to be recorded

Accrued taxes may be understood as due amounts of taxes (or amounts of taxes due to be paid), especially when they are made available as such by tax assessments. However, recording accrued amounts of taxes (and social contributions) - at the time they are due or generated - should not lead to recording amounts that are known to be uncollectible, or unlikely to be collected. The balancing items of the general government should not be artificially improved by the recording of amounts of taxes which are not collected.

¹ Parallel economy is a major factor explaining the difference between what the government is entitled to collect under the tax law and what is really collectible. This difference is often referred to as the “tax gap”.

² This is a redrafting but not a change brought to SNA93 (see §8.49 and following, and in particular 8.52)

There are two basic methods of valuing accrued amounts of taxes:

1. The time-adjusted cash method: available amounts are amounts actually paid. Nevertheless, these cashed amounts of taxes should be recorded at, or shifted to, the time the tax liability was accruing.

2. Methods based on assessments of due taxes: there are two statistical methods which may eliminate the effect of uncollectible taxes on these assessments:

- amounts assessed as due are to be adjusted by a coefficient reflecting the assessments never collected in the recent past. Thus, the amounts of accrued tax are written down according to this adjustment, in such a way that uncollectible taxes are not recorded as government revenue.

- amounts assessed as due are entirely recorded as taxes (and social contributions). But the discrepancy between this theoretical amount and the actual cash receipts shall be treated as a capital transfer in favour of defaulting payers.

A combination of methods is possible, according to the different types of taxes (and social contributions). In principle, statistical methods used to achieve accrual recording of tax should ensure that, in the long-term, cumulative tax revenues are equal, whether compiled on the basis of cashed amounts or on the basis of assessed amounts. However, the shifting of recording tax backwards over time may have the consequence that cumulative tax revenue is higher on an accruals basis than on a pure cash basis, as a result of the general economic growth (in volume and in price).

Question 11: Do you agree with the draft paragraph 3?

X Yes No

Question 12 a: should it be considered that “An adjustment on the revenue side of the general government is preferable to an adjustment on the expenditure side”?

X Yes No

Other comment:

This response is provisional until we have seen the proposed wording.

Appendix:

International comparisons are currently made on the tax burden, or rate of compulsory levies to gross domestic product. These assessments are more and more based on national accounts data.

Question 12 b: Should the notion of compulsory levies be defined in the updated SNA?

Yes X No

Not a definite view but having a second term in SNA may be confusing.

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