

2013 No. 420

CORPORATION TAX

The Profits from Patents (EEA Rights) Order 2013

<i>Made</i>	- - - -	<i>26th February 2013</i>
<i>Laid before the House of Commons</i>		<i>27th February 2013</i>
<i>Coming into force</i>	- -	<i>1st April 2013</i>

The Treasury make this Order under the power conferred by section 357BB(1)(c) and (7) of the Corporation Tax Act 2010(a):

Citation and commencement

- 1.—(1) This Order may be cited as the Profits from Patents (EEA Rights) Order 2013.
- (2) This Order comes into force on 1st April 2013.

Rights to which Part 8A of CTA 2010 applies

2.—(1) A right corresponding to a right within section 357BB(1)(a) or (b) of the Corporation Tax Act 2010 which is granted under the law of a qualifying EEA state under the standard process applicable in the state is a right to which Part 8A of that Act applies.

(2) The following are qualifying EEA states—

Austria
Bulgaria
Czech Republic
Denmark
Estonia
Finland
Germany
Hungary
Poland
Portugal
Romania
Slovakia
Sweden.

(3) A right is taken to be granted under the standard process applicable in a state in any case unless—

(a) 2010 c.4. Section 357BB was inserted by paragraph 1(1) of Schedule 2 to the Finance Act 2012 (c.14).

- (a) there is more than one process for determining applications for the right under the law of the state, and
 - (b) the right in question is granted under a process which is less rigorous than another process.
- (4) A process is less rigorous than another if it requires—
- (a) a less rigorous examination of the application than the other, or
 - (b) fewer conditions to be met than the other.

Mark Lancaster
David Evennett

26th February 2013

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies rights to which Part 8A of the Corporation Tax Act 2010 applies (profits arising from the exploitation of patents etc). Article 2 lists the EEA states which can grant such rights and describes the rights by reference to the process under which they are granted.

A Tax Information and Impact Note covering this instrument was published on 21 March 2012 alongside legislation on profits arising from the exploitation of patents etc. and is available on the HMRC website at <http://www.hmrc.gov.uk/budget2012/tiin-0726.htm>. It remains an accurate summary of the impacts that apply to this instrument.

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