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Tax Governance Statement – published 30th November 2019

Liebherr Group is publishing this tax governance statement with regard to its United Kingdom (“UK”) affiliates’ approach to tax risk management, tax governance, tax compliance and attitude towards tax planning in the UK. The UK companies within the Liebherr Group consist of:

- Liebherr-Great Britain Limited
- Liebherr-Rental Limited
- Liebherr Sunderland Works Limited

This statement has been prepared for the year ending 31 December 2019, and the Liebherr Group regards the publication of the information set out below as complying with the duty under the UK’s Finance Act 2016, Schedule 19, para 16 (duty to publish a tax strategy) in the current financial year.

In accordance with Liebherr Group’s continued commitment to transparency and UK legal requirements, this document is underpinned by the following policies:

- Our approach to risk management, governance and compliance with UK tax laws,
- Our attitude to tax planning in respect of UK taxation,
- Our view on acceptable levels of risk in relation to UK taxation, and
- Our approach towards dealings with HM Revenue and Customs (“HMRC”).

Risk Management, Governance and Compliance with UK Tax Laws

Our Code of Conduct clearly sets out standards every employee is required to meet, including meeting statutory regulations in the jurisdiction within which he or she is operating. This applies also on tax matters.

The UK companies therefore are mindful of continuing local changes in legislation and the need to ensure that training, internal policies, and procedures are continually reviewed and fit for purpose to ensure that key tax issues are identified and managed. They will regularly review their systems and controls and work closely with reputable independent advisors to ensure that these maintain pace with changes in tax legislation so that key tax risks are managed. In addition, locally acting companies strive to ensure that all deadlines are met through their internal and external reviews, systems and controls.

The UK companies support the government’s policy objective of tackling tax evasion. They, as with all companies within the Liebherr group have no tolerance towards tax evasion and seek to continually improve their control environment such that they have robust procedures in place to prevent an offence being committed under the Corporate Criminal Offence of Failure to Prevent the Facilitation of Tax Evasion.

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As part of a multinational enterprise one of the key tax risks facing the UK companies is compliance in respect of intra-group transactions across multiple jurisdictions; due to the many taxes involved, the varying treatments in different countries, and the evolving face of international taxation. These transactions can significantly impact the profits in a jurisdiction and therefore follow the “arm’s length” principle.

The UK companies will seek internal or external tax advice from advisors and HMRC on unusual transactions or significant transactions in order to ensure that it is operating in line with the tax legislation and any policy guidance in respect of all taxes, and in all jurisdictions.

The Managing Director and Senior Accounting Officer has ultimate responsibility for tax within the UK companies and ensuring compliance with group policy.

Our Attitude to Tax Planning

The Liebherr Group as a whole, including the UK companies, are eager to ensure that its affairs are dealt with in a fully compliant manner in all jurisdictions. The group is not interested in pursuing aggressive tax avoidance and actively seeks to ensure it acts in strict compliance with national tax legislation in all jurisdictions, as well as in accordance with international tax guidelines, in word and in spirit.

The Liebherr Group does not use abnormal tax structures that have no commercial or operational substance and that would be aimed for tax avoidance. In this continuously evolving international tax environment, we aim to meet the spirit of the law in all jurisdictions in which the Liebherr Group is active. The Liebherr Group aligns its transfer pricing policy with OECD guidelines and the guidelines of each jurisdiction in which it operates; applying the arm’s length standard.

Our tax departments are based in Germany, Austria and Switzerland, and they act as support to the group operating companies under the direct responsibility of a Managing Director of Liebherr-International AG.

Within the UK, tax compliance and advisory services are provided by local external advisors. External advisors are utilized to help monitor, manage and comply with existing requirements and changes within UK tax legislation, to mitigate associated costs and risks.

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Acceptable level of risk

It is in the Liebherr Group's interest to manage its tax risk in a conservative manner and to ensure compliance with legal requirements in a manner which ensures payment of the right amount of tax. Locally acting companies endorse a large part of the responsibility in managing these risks. While the priority clearly is to ensure compliance with national tax legislations, the Group expects that intragroup transactions be considered by all its constituent companies first and foremost from an operational perspective. The group has no interest in artificial transactions, such as those, which seek to shift profits away from the jurisdiction in which the economic activity takes place to one with a lower tax rate.

Our Approach towards Dealings with HMRC

It is expected from the Liebherr Group that UK companies have an open and honest relationship on the basis of full disclosure in dealing with HMRC; both in routine compliance matters and in respect of more significant events. Significant tax events will be cleared and openly discussed with HMRC where appropriate, and suitable disclosure made.

The UK companies are mindful of HMRC's interpretation of the law and the guidance provided by HMRC. They will therefore seek to agree the position with HMRC on any points of doubt having given due consideration to legislation and case law with the assistance of external advisors where appropriate.

Although the rapidly evolving international tax framework creates uncertainty in the treatment of specific tax matters, the Liebherr Group is committed to uphold the highest integrity standards and to respect applicable national laws, as well as international standards. This is binding on all employees of the Liebherr Group of companies.

The information here is published by the Liebherr Group for the purposes of meeting its duty to publish information on its tax strategy. It is therefore our belief that this document complies with the UK tax strategy publishing requirements.