

Brussels, 22 September 2016

Dear Chairman,

Further to my letter of 15 September 2016 in which I mentioned that it will be necessary for us to agree on an arrangement between the Commission and the PANA Committee for disclosure of non-classified confidential information, in line with the Framework Agreement between our institutions, please find attached the Commission's proposal for such an arrangement.

This follows closely the arrangement which was agreed for the purpose of the Committee of inquiry into Emission Measurements in the Automotive Sector (the EMIS Committee).

If you can agree with the proposed arrangement, I invite you to confirm so in writing on behalf of the PANA Committee.

Moreover, in line with the commitment taken by Parliament in the context of the EMIS Committee, the Commission would like to ask for your written commitment that also for the PANA Committee, all persons consulting the confidential documents will be reminded orally and in writing, before consultation of documents, of their obligations resulting from the Decision of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry¹ (95/167/EC, Euratom, ECSC), in particular Article 4, and Parliament's internal Decision of 15 April 2013 concerning the rules governing the treatment of confidential information by the European Parliament (Decision of the Bureau of the European Parliament 2014/C 96/01²).

In parallel, and in accordance with Article 3(6) of Decision 95/167, the Commission is informing Member States of its intention to disclose to the PANA Committee the documents previously provided to the TAXE and TAX2 Special Committees under the conditions of the arrangement to be concluded between the Commission and the PANA Committee. In that context, Member States are also invited to inform the Commission, within a short deadline, whether they consider that any specific documents fall under the conditions set out in Article 3(5) of Decision 95/167.

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¹ OJ L 113/2 of 19.5.1995

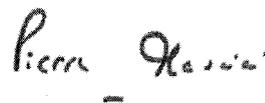
² OJ C 96/1 of 1.4.2014

Upon completion of this process and formal confirmation of the arrangement for disclosure of confidential information, the Commission will provide the PANA Committee with the documents provided to the TAXE and TAX2 Special Committees as follows:

- Non-confidential documents will be made available in electronic form via the secured CIRCABC platform. These will be accessible to all PANA Committee Members and authorised staff according to the arrangement.
- Confidential non-classified documents will be handed over physically to the PANA Committee Secretariat for consultation in a secure reading room under the terms of the arrangement.

Finally, I would like to clarify that the release of the requested documents to the PANA Committee is without prejudice to the Commission's position on the scope of the mandate of that Committee.

Yours sincerely,



Pierre Moscovici

Annex

Arrangement for the examination of non-classified confidential documents (Other confidential information – OCI) by the Committee of Inquiry into Money Laundering, Tax Avoidance and Tax Evasion (PANA Committee)

In accordance with the Framework Agreement on relations between the European Parliament and the European Commission of 20 October 2010, it is hereby agreed that Members of the PANA Committee and EP staff as specified below are authorised to examine non-classified confidential documents (OCI) in a secure reading room under the following conditions:

1. Documents concerned

Non-classified confidential documents transmitted by the European Commission for the purpose of consultation by the PANA Committee.

2. Persons entitled to examine the documents

The PANA Committee Members, 3 authorised representatives per political group and all the staff of the Secretariat of the PANA Committee who have a need to know will have the possibility to examine the documents insofar as they have been informed, before the consultation, of their responsibilities regarding the protection of the information contained in these documents.

3. Conditions for the consultation of the documents

The Secretariat of the European Parliament will organise the consultation, in a secure reading room, with the arrangements laid down under point 3.2.3 of the Framework Agreement on relations between the European Parliament and the Commission, on the premises of the European Parliament.

It will imply that any personal electronic device (such as smartphones, cameras, camcorders, etc) which enables reproduction or making available a document to a third party, will have to be handed over to the staff in charge of the organisation of the consultation, before the beginning of the consultation.

It will not be allowed to copy the documents. Taking notes during the consultation and taking these notes out of the secure reading room will only be allowed in exceptional cases in line with point 3.2 of the Framework Agreement.

Two sets of the documents mentioned under point 1 will be provided by the Commission for the purpose of consultation by the PANA Committee in the secure reading room.

4. Time for the consultation of documents

The documents made available to the PANA Committee by the Commission for consultation in a secure reading room will remain at the disposal of the PANA Committee until the date of the adoption of the PANA Committee report in the EP plenary. Following that date, the Commission will take back all documents.