

Brussels, 21.12.2016

Dear Chairman, *(Ch. Werner Langen)*

I would like to thank you again for the opportunity to exchange views with the PANA Committee on 7 December 2016.

Further to my letter of 7 December 2016 I would like to complement my reply to your letter of 24 November 2016 and the issues raised therein.

I am pleased that you accepted, on behalf of Parliament's Committee of inquiry into money laundering, tax avoidance and tax evasion (PANA Committee) the Arrangement for the examination of non-classified confidential documents (the Arrangement) which I sent to you in my letter of 22 September 2016. In this respect, please provide us with a signed and dated version of the Arrangement. Once countersigned by me, on behalf of the Commission, the practical arrangements for the provision of the documents will be promptly undertaken by the competent Commission services in coordination with the PANA Committee Secretariat.

As regards the distinction between confidential non-classified documents and non-confidential documents, the Commission will apply the definition of the Framework Agreement on relations between the European Parliament and the European Commission<sup>1</sup> (the Framework Agreement), considering that the term "confidential non-classified documents" in the Arrangement and the "other confidential information" as defined in Annex II, point 1.2.3. of the Framework Agreement refer to the same category of documents. According to this definition, the term "other confidential information" means "any other confidential information, including information covered by the obligation of professional secrecy, requested by Parliament and/or forwarded by the Commission."

*Mr Werner Langen*  
*Chairman*  
*European Parliament*  
*Rue Wiertz 60*  
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<sup>1</sup> L 304/47, 20.11.2010

As indicated in my letter of 22 September 2016, the confidential non-classified documents will be handed over physically to the PANA Committee Secretariat for consultation under the precise terms of the Arrangement that the PANA Committee consented to, including the persons having access to the confidential documents. After due consideration, the Commission cannot agree to granting access under the Arrangement also for accredited assistants of the full PANA Committee members. Accredited assistants cannot be considered to qualify as personnel who have a "need to know", in the context of the mandate of the PANA Committee, as regards the confidential content of the documents provided to the PANA Committee in the secure reading room. This has already been recognised by our institutions in the context of the identical confidentiality arrangement established for the EMIS Committee. It was on this basis that the Commission consulted Member States on their consent for providing confidential information to the PANA Committee. Any deviation from the proposed Arrangement would require a new decision by the Commission and a re-consultation with Member States which would significantly further delay the provision of the documents.

As for the non-confidential documents, in order to facilitate the access, these will be provided via a restricted on-line platform (CIRCABC). These documents can indeed be made available outside the secure reading room to persons who have a need to know for the purposes of the PANA Committee. Even though they are not confidential within the meaning of the Framework Agreement, some may contain sensitive information and free dissemination of the documents must be avoided.

In order to provide access to the CIRCABC platform for all the persons you consider necessary, I would be grateful if you could send us a list with their names and their e-mail addresses. These persons will subsequently receive an invitation to access the CIRCABC platform, where they can read the documents, print them and/or download them.

In closure, I look forward to receiving the signed and dated version of the Arrangement so that we may proceed with providing the PANA Committee with the documents requested.

I would also like to use the occasion to wish you personally as well as all the Members of the PANA Committee all the very best for the Holiday Season and a very successful and prosperous New Year.

Yours sincerely, *omirdebt,*



Pierre Moscovici