

Il Presidente

Mr Louis Grech
President in office, General Affairs Council
Council of the European Union
Rue de la Loi 175
B-1048 Bruxelles
Belgique

D 310601 29.06.2017

Dear President,

As you will be aware, the European Parliament has set up a Committee of inquiry to investigate alleged contraventions and maladministration in the application of union law in relation to money laundering, tax avoidance and tax evasion (PANA) on 8 June 2016 following the revelations known as the 'Panama Papers'.

In order to fulfil their tasks in the best possible way the PANA-Coordinators decided to request the Council on 29 November 2016, in accordance with Article 3(4) of Decision 95/167/EC, Euratom/ECSC¹, to provide access to some (other confidential) documents.

The European Parliament received your reply on the 1 March 2017, but until now did not receive any documents from the Council. This is why the PANA Committee sent another letter on 15 March 2017 in which it reiterated its request for access to documents as outlined in the Annex of the 29 November 2016 letter. The PANA Committee also expressed its concern about some of the documents received from the Code of Conduct group on business taxation received through the Commission services to our Secure Reading Room where a substantial amount of text has been redacted. I trust that you will understand that this makes the work of the PANA Committee very difficult.

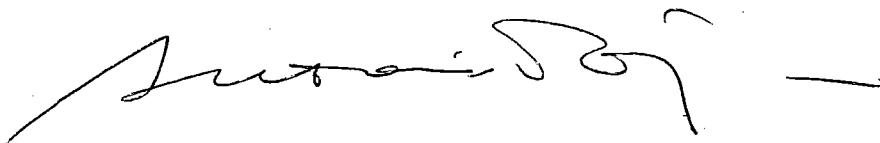
The PANA Committee had also invited the new chair of the Code of Conduct group on business taxation, Ms Lapecorella, to a hearing on 30 May 2017. Unfortunately this request was declined on the basis that this was too early in view of the screening process ongoing by the Code of Conduct group to conduct and oversee the analysis on the establishment of an EU list of non-cooperative jurisdictions for tax purposes.

¹ Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1994, on the detailed provisions governing the exercise of the European Parliament's right of inquiry, OJ L 113, 19.5.1995, p.1.
B-1047 Brussels - Tel +32 2 28 42532

Both Parliament and Council are committed to enhance transparency in the area of tax evasion, tax avoidance and anti-money laundering and attach great importance to a real cooperation also in view of the key constitutional principle of sincere cooperation between our institutions.

I therefore count on your support for a swift solution of this issue and that the PANA Committee is granted access to the documents requested without further delay.

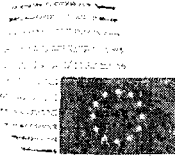
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Antonio Tajani', with a horizontal line extending to the right.

Antonio Tajani

cc: Mr Jeppe Tranholm-Mikkelsen, Secretary-General of the European Council

Encl.



General Secretariat of the Council
Chair of the Code of Conduct Group (Business Taxation)

Dr. Werner Langen
Chair of the Committee of Inquiry into
money laundering, tax avoidance and tax
evasion (PANA)
European Parliament
Rue Wiertz 60
B 1047 Brussels
Belgium

Rome, 19 April 2017

Dear Dr. Langen,

I refer to your letter of 16 March 2017 whereby you invite me to attend the hearing of the PANA Committee on 30 May, to discuss the work of the Code of Conduct Group, notably with regard to the PANA Committee's mandate.

I would like to thank you for your wishes as regards my appointment as Chair of the Code of Conduct Group, which is a mandate that I indeed consider important given the global challenges that lie ahead of us. In that respect, we all have a very important role to play in our respective fields of action.

The Code of Conduct (Business taxation) was established by a resolution of the Council and of the representatives of the Governments of Member States, with a view to providing for a forum for assessing harmful national tax measures that do not fall within the sphere of Union competence. As such, the Code of Conduct is not a legally binding instrument but a political inter-governmental commitment that does not concern the implementation of Union law.

According to Article 226 TFEU, EP committees of inquiry are tasked to investigate alleged contraventions or maladministration in the implementation of Union law. The mandate setting up the PANA Committee lists therefore a series of EU instruments.

Since it is not within the mandate of the Code of Conduct Group to deal with the implementation of those EU instruments by Member States, our respective fields of action do not seem to meet in this respect.

On the other hand, the PANA committee is mandated to "assess latest developments of the EU External strategy for effective taxation and assess the links between the legal framework of the Union and Member States and the tax systems of third countries".

The Code of Conduct Group has just started work in the area of the EU external strategy as adopted by the Council.

On 8 November 2016 the Council adopted conclusions on the criteria for and process leading to the establishment of the EU list of non-cooperative jurisdictions for tax purposes and mandated the Code of Conduct Group, supported by the General Secretariat of the Council of the European Union, to conduct and oversee the analysis (the screening process).

The screening process is underway and, according to the timetable set by the ECOFIN conclusions, the process will lead to the first results by the end of 2017; these results will be part of the Code of Conduct Group report to the Council in December.

In the light of the above I believe that it is too early to say at this stage what the outcome of the screening process will be, since Ministers will only assess the results and take decisions in December. On the other hand, I would like to reassure you that The European Parliament will be kept informed on progress made in the Council on this important issue.

Yours sincerely,



Mrs. Fabrizia LAPECORELLA
Chair of the Code of Conduct Group

c.c. Dr. Andreas Strub, General Secretariat of the Council
Head of Unit DG G 2B - Tax Policy, Export Credits and Regional Policy



Committee of Inquiry into Money Laundering, Tax Avoidance and Tax Evasion
The Chair

Ms. Fabrizia Lapecorella
Chair of the Code of Conduct Group
Council of Ministers of the European Union
Rue de la Loi 175
B-1048 Brussels

D 304262 16.03.2017

Subject: Invitation to a hearing with the PANA Committee on Tuesday 30 May, 17h30-18h30 (time slot to be confirmed)

Dear Ms. Lapecorella,

First of all I would like to take the opportunity to congratulate you on your appointment as Chair of the Code of Conduct Group as of February this year, and to wish you all the best in this important function.

I very much look forward to working with you in your new capacity, and I wish you luck in particular with regard to the upcoming reform of the Code of Conduct Group.

On behalf of the PANA Committee, I would like to invite you to a hearing with the PANA Committee on **Tuesday 30 May, 17h30-18h30 (time slot to be confirmed)**.

Commission President Juncker has also confirmed his presence for this meeting, possibly from 15h-16h30, and we are also inviting the Maltese Presidency (Minister Edward Scicluna) to this meeting, possibly for 16h30-17h30.

The purpose of this hearing is to discuss the work of the Code of Conduct Group, notably with regard to the PANA committee's mandate.

I hope you will be able to accept our invitation, and to engage in a dialogue with our committee members on this important matter.

The PANA committee secretariat (Mr. Marcus Scheuren, marcus.scheuren@ep.europa.eu, Tel. +32-2-2844810) will liaise with your services for the practical arrangement of our invitation.

I remain at your disposal for further discussions on this matter.

Yours sincerely,

Dr. Werner LANGEN

cc: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the European Council