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Mr Antonio TAJANI
President of the European Parliament
60 Rue Wiertz
1047 Brussels

12.07.2017

14 -07- 2017

Dear President,

Thank you for your letter of 29 June 2017 relating to the issue of the documents requested from the Council by the PANA Committee of Inquiry.

Both the Parliament and the Council are committed to fighting tax fraud, evasion, avoidance and money-laundering and continue to see this as a priority. As far as the Council is concerned, this has translated recently in several achievements in legislative terms.

Concerning the documents that have been requested by letter of 29 November 2016 from the PANA Committee, I would like to note the following: the Annex that lists the documents requested is drafted in extremely broad, unspecific, terms. For example, one paragraph out of the 11 paragraphs listing the documents requested, covers all meeting Minutes from all the Working Parties in the area of taxation, anti-money laundering and company law since 1995.

In the reply to that letter, the President of the General Affairs Council asked the PANA Committee on 1 March 2017 to specify more precisely which of the requested documents would be relevant for establishing cases of contraventions or maladministration in the application of EU law by the Member States. Any request for documents should identify, in sufficiently clear, precise and unequivocal terms, the factual and legal elements forming the object of the inquiry. Without this, the Council cannot be in a position to determine which documents should be given or assess whether exemptions are applicable. In addition, the subject matter of the inquiry should concern alleged contraventions or maladministration in the implementation of EU law, and not the legislative negotiations leading to the adoption of EU legislation.



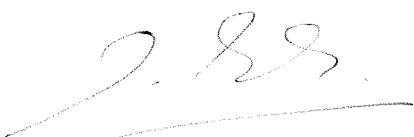
Since then, the Council has not received any specification or precision other than the reply according to which the EP claims that the request is sufficiently clear, precise and unequivocal.

I would like to reiterate that the Council is willing to cooperate with the Committee, in line with the principle of sincere cooperation enshrined in the Treaties. It has to be noted however that this principle implies that "each institution acts within the limits of the powers conferred on it in the Treaties, and in conformity with the procedures, conditions and objectives set out in them". This implies that the subject of the inquiry should be precisely justified and a detailed statement of grounds should be included.

As regards the Code of Conduct documents, I wish to mention that the documents held by the Council have been the subject matter of an extensive transparency review in 2016, following which an extensive part of the documents has been released. The documents you mention in your letter are actually Commission's internal reports of meetings held in the Council. When those Commission reports contain Member States individual positions, the Commission has consulted those Member States on an individual basis.

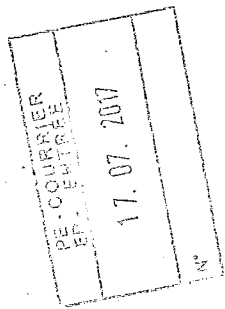
I trust that the above clarifies the state of play on the matter, and explains the action taken so far.

Yours sincerely,



Matti MAASILTA
President of the General Affairs Council





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