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*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*

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**2017/2013(INI)**

7.9.2017

# **AMENDMENTS**

## **1 - 313**

**Draft report**  
**Petr Ježek, Jeppe Kofod**  
(PE604.514v01-00)

Report on the inquiry into Money Laundering, Tax Avoidance and Tax  
Evasion  
(2017/2013(INI))



**Amendment 1**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Citation 1 a (new)**

*Motion for a resolution*

*Amendment*

- *having regard to Article 116 of the Treaty on the Functioning of the European Union (TFEU),*

Or. en

**Amendment 2**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Citation 3 a (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the revelations of the International Consortium of Investigative Journalists (ICIJ), on the use of offshore companies, which have become known as the ‘Panama Papers’,*

Or. en

**Amendment 3**

**Miguel Viegas, Miguel Urbán Crespo, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Citation 3 b (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the resolution adopted by the United Nations General Assembly on 27 July 2015 on the Addis Ababa Action Agenda,*

Or. en

**Amendment 4**

**Monica Macovei, Traian Ungureanu, Pirkko Ruohonen-Lerner, Maite Pagazaurtundúa Ruiz, Sven Giegold**

**Motion for a resolution**

**Citation 5 a (new)**

*Motion for a resolution*

*Amendment*

- *having regard the European Agenda on Security of April 2015*

Or. en

**Amendment 5**

**Monica Macovei, Traian Ungureanu, Pirkko Ruohonen-Lerner, Maite Pagazaurtundúa Ruiz, Sven Giegold**

**Motion for a resolution**

**Citation 5 b (new)**

*Motion for a resolution*

*Amendment*

- *having regard the Commission's Action Plan to strengthen the fight against terrorist financing of February 2016*

Or. en

**Amendment 6**

**Pervenche Berès, Emmanuel Maurel, Sergio Gaetano Cofferati, Tibor Szanyi, Hugues Bayet, Evelyn Regner, Peter Simon**

**Motion for a resolution**

**Citation 15 a (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the European Parliament resolutions 2015/2066(INI) of 25 November 2015 and 2016/2038(INI) of 6 July 2016 on tax rulings and other measures similar in nature or effect,*

Or. en

**Amendment 7**

**Petras Auštrevičius**

**Motion for a resolution**

**Citation 15 a (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the European Parliament's recommendation to the Council of 2 April 2014 on establishing common visa restrictions for Russian officials involved in the Sergey Magnitsky's case.*

Or. en

**Amendment 8**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Citation 15 a (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the EU FIU Platform mapping exercise and gap analysis on EU FIUs' powers and obstacles for obtaining and exchanging information (15 December 2016),*

**Amendment 9**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Citation 15 b (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the European Parliament reports of the Special Committees TAXE1 and TAXE2 on “Tax rulings and other measures similar in nature or effect”*

**Amendment 10**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Citation 15 c (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the European Parliament report on “Bringing transparency, coordination and convergence to corporate tax policies in the Union”*

**Amendment 11**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Citation 15 d (new)**

*Motion for a resolution*

*Amendment*

- *Having regard to the Council of Europe Warsaw Convention (16 May 2005);*

Or. en

**Amendment 12**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**  
**Citation 16 a (new)**

*Motion for a resolution*

*Amendment*

- *having regarded to the Report (A8-0056/2017) of 7 March 2017 on the proposal for a directive of the European Parliament and of the Council amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and amending Directive 2009/101/EC (COM(2016)0450 – C8 0265/2016 – 2016/0208(COD)) of the Committee on Economic and Monetary Affairs, and the Committee on Civil Liberties, Justice and Home Affairs;*

Or. en

**Amendment 13**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Marina Albiol Guzmán**

**Motion for a resolution**  
**Citation 16 b (new)**

*Motion for a resolution*

*Amendment*

- ***having regarded to the Report (A8-0004/2017) on the role of whistle-blowers in the protection of EU's financial interests (2016/2055(INI)) by the Committee on Budgetary Control;***

Or. en

**Amendment 14**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Citation 16 c (new)**

*Motion for a resolution*

*Amendment*

- ***having regarded to the Mapping exercise and gap analysis on FIUs' powers and obstacles for obtaining and exchanging information Report adopted by the EU FIUs' Platform on 15 December 2016;***

Or. en

**Amendment 15**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Citation 16 d (new)**

*Motion for a resolution*

*Amendment*

- ***having regarded to the OECD report "Improving Co-operation between Tax and Anti-Money Laundering Authorities: Access by tax administrations to information held by financial intelligence units for criminal and civil purposes" published on 18 September***



2015;

Or. en

**Amendment 16**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Marina Albiol Guzmán, Matt Carthy, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Citation 16 e (new)**

*Motion for a resolution*

*Amendment*

- **having regarded to the ‘ECOLEF’ Project on The Economic and Legal Effectiveness of Anti-Money Laundering and Combating Terrorist Financing, funded by the European Commission DG Affairs JLS/2009/ISEC/087 of February 2013;**

Or. en

**Amendment 17**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Citation 16 f (new)**

*Motion for a resolution*

*Amendment*

- **having regarded to Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 ‘on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC’ (CbCR proposal),**

**Amendment 18**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Citation 16 g (new)**

*Motion for a resolution*

*Amendment*

- *having regarded to the European Commission proposal for a Council Directive amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements COM(2017) 335,*

**Amendment 19**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Citation 16 h (new)**

*Motion for a resolution*

*Amendment*

- *having regarded to the European Commission proposal for a Council Directive on a Common Corporate Tax Base COM(2016) 685,*

**Amendment 20**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Citation 16 i (new)**

*Motion for a resolution*

*Amendment*

- ***having regarded to the European Commission proposal for a Council Directive on a Common Consolidated Corporate Tax Base (CCCTB) 2016/0336 (CNS),***

Or. en

**Amendment 21**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Citation 16 j (new)**

*Motion for a resolution*

*Amendment*

- ***having regarded to the OECD's 'Multilateral Convention to Implement Tax Treaty Related Measures to Prevent BEPS' of June 2017;***

Or. en

**Amendment 22**

**Marina Albiol Guzmán, Fabio De Masi, Matt Carthy, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

**Motion for a resolution**

**Citation 16 k (new)**

*Motion for a resolution*

*Amendment*

- ***having regarded to the UN 'Final study on illicit financial flows, human rights and the 2030 Agenda for Sustainable Development' of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human***

*rights, particularly economic, social and cultural rights, of 15 January 2015;*

Or. en

**Amendment 23**

**Marina Albiol Guzmán, Fabio De Masi, Matt Carthy, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

**Motion for a resolution**

**Citation 16 l (new)**

*Motion for a resolution*

*Amendment*

- *having regarded to the UN 'Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona', of 22 May 2014.*

Or. en

**Amendment 24**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Recital C**

*Motion for a resolution*

*Amendment*

C. whereas maladministration means poor or failed administration that occurs, for instance, if an institution fails to respect the principles of good administration, and whereas examples of maladministration include administrative irregularities and omissions, abuse of power, unfairness, malfunction or incompetence, discrimination, avoidable delays, refusal of information, negligence, and other shortcomings that reflect a malfunctioning in the application of Union law in any area

C. whereas maladministration means poor or failed administration that occurs, for instance, if an institution fails to respect the principles of good administration, and whereas examples of maladministration include administrative irregularities and omissions, abuse of power, unfairness, ***unlawful procedures***, malfunction or incompetence, discrimination, avoidable delays, ***lack or*** refusal of information, negligence, and other shortcomings that reflect a malfunctioning in the application

covered by this law;

of Union law in any area covered by this law;

Or. en

## **Amendment 25**

**Emilian Pavel, Emmanuel Maurel, Ana Gomes, Peter Simon**

### **Motion for a resolution**

#### **Recital C**

##### *Motion for a resolution*

C. whereas maladministration means poor or failed administration that occurs, for instance, if an institution fails to respect the principles of good administration, and whereas examples of maladministration include administrative irregularities and omissions, abuse of power, unfairness, malfunction or incompetence, discrimination, avoidable delays, refusal of information, negligence, and other shortcomings that reflect a malfunctioning in the application of Union law in any area covered by this law;

##### *Amendment*

C. whereas maladministration means poor or failed administration that occurs, for instance, if an institution fails to respect the principles of good administration, and whereas examples of maladministration include administrative irregularities and omissions, abuse of power, ***giving and receiving bribe***, unfairness, malfunction or incompetence, discrimination, avoidable delays, refusal of information, negligence, and other shortcomings that reflect a malfunctioning in the application of Union law in any area covered by this law;

Or. en

## **Amendment 26**

**Emmanuel Maurel, Elly Schlein, Hugues Bayet, Evelyn Regner, Peter Simon**

### **Motion for a resolution**

#### **Recital C a (new)**

##### *Motion for a resolution*

##### *Amendment*

***Ca. Whereas it follows from the case-law of the Court of Justice of the European Union that the principle of "sincere cooperation" enshrined in Article 4.3 of the TEU imposes an obligation on the Member States to achieve results, as well as an obligation of***

*means ;*

Or. en

#### **Amendment 27**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

#### **Motion for a resolution**

##### **Recital D**

##### *Motion for a resolution*

D. whereas money laundering involves concealing illicit money to disguise the identity of illegally obtained proceeds so that they appear to have originated from legitimate sources; whereas such offences are known as predicate offences, and, under the Financial Action Task Force (FATF) 2012 Recommendations and the 4th Anti-Money Laundering Directive (AMLD), applicable as of 26 June 2017, include tax crime;

##### *Amendment*

D. whereas money laundering involves concealing illicit money to disguise the identity of illegally obtained proceeds so that they appear to have originated from legitimate sources ***and re-enter the legal economy***; whereas such offences are known as predicate offences, and, under the Financial Action Task Force (FATF) 2012 Recommendations and the 4th Anti-Money Laundering Directive (AMLD), applicable as of 26 June 2017, include tax crime, ***and the proposal for a directive of the European Parliament and of the Council amending the 4th AMLD resulted in tax offences being considered predicate offences for money laundering under all circumstances, independently of how heavily they are punished at Member State level***;

Or. en

#### **Amendment 28**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

#### **Motion for a resolution**

##### **Recital D**

*Motion for a resolution*

D. whereas money laundering involves concealing illicit money to disguise the identity of illegally obtained proceeds so that they appear to have originated from legitimate sources; whereas such offences are known as predicate offences, and, under the Financial Action Task Force (FATF) 2012 Recommendations and the 4th Anti-Money Laundering Directive (AMLD), applicable as of 26 June 2017, include tax **crime**;

*Amendment*

D. whereas money laundering involves concealing illicit money to disguise the identity of illegally obtained proceeds so that they appear to have originated from legitimate sources; whereas such offences are known as predicate offences, and, under the Financial Action Task Force (FATF) 2012 Recommendations and the 4th Anti-Money Laundering Directive (AMLD), applicable as of 26 June 2017, include tax **crimes**;

Or. en

**Amendment 29**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Recital D a (new)**

*Motion for a resolution*

*Amendment*

***Da. whereas international criminal networks use legal business structures to conceal the source of their profits, so action is required in order to address the problems this creates in the licit economy;***

Or. en

**Amendment 30**

**Petras Auštrevičius**

**Motion for a resolution**

**Recital D a (new)**

*Motion for a resolution*

*Amendment*

***Da. whereas money laundering is connected to corruption and abuse of human rights, people who report and***

*investigate money laundering perform a public service, however, are at risk to get retaliated against.*

Or. en

**Amendment 31**

**Monica Macovei, Traian Ungureanu, Pirkko Ruohonen-Lerner, Maite Pagazaurtundúa Ruiz**

**Motion for a resolution**

**Recital D a (new)**

*Motion for a resolution*

*Amendment*

*Da. whereas international criminal networks use legal business structures to conceal the source of their profits, so action needs to address the infiltration of the licit economy by organised crime;*

Or. en

**Amendment 32**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Recital D b (new)**

*Motion for a resolution*

*Amendment*

*Db. whereas tax avoidance is the legal act – unless deemed illegal by the tax authorities or, ultimately, by the courts – of using tax regimes to one's own advantage to reduce one's tax burden; and tax evasion is defined as the illegal act of evading taxes by concealing income, earned either legally or illegally, from detection and collection by the tax authorities<sup>1a</sup>;*

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*<sup>1a</sup> ‘Member States’ capacity to fight tax crimes, Ex-post impact assessment’, Elodie Thirion and Amandine Scherrer, European Parliamentary Research Service, July 2017.*

Or. en

**Amendment 33**

**Monica Macovei, Traian Ungureanu, Pirkko Ruohonen-Lerner, Maite Pagazaurtundúa Ruiz, Sven Giegold**

**Motion for a resolution**

**Recital D b (new)**

*Motion for a resolution*

*Amendment*

*Db. whereas the European Agenda on Security of April 2015 highlighted the need to tackle the nexus between terrorism and organized crime, underlining that organised crime feeds terrorism through different channels, inter alia the supply of weapons, financing through drug smuggling, and the infiltration of financial markets;*

Or. en

**Amendment 34**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Recital D c (new)**

*Motion for a resolution*

*Amendment*

*Dc. whereas the EU economic architecture enhances tax competition, as an investment attraction formula, eroding tax resources; whereas factors contributing to internal EU tax competition include free movement of*

*capital, an EU budget incapable of offsetting the growing economic divergences between Member States, and a growing pressure on Member States to compete through wage moderation and tax collection restrictions, all of which benefit those who gain their incomes from profits and wealth, and puts the pressure on workers and the majority of citizens;*

Or. en

### **Amendment 35**

**Lud k Niedermayer, Dariusz Rosati**

#### **Motion for a resolution**

##### **Recital E**

##### *Motion for a resolution*

E. whereas this Committee was set up after the publication of the Panama Papers; whereas the *revelations were the result of thorough investigative work by journalists from 107 media organisations in 80 countries, united in the International Consortium of Investigative Journalists (ICIJ), who analysed documents detailing the operations of Mossack Fonseca using state-of-the-art software to process the huge amount of leaked data;*

##### *Amendment*

E. whereas this Committee was set up after the publication of the *so-called* ‘Panama Papers’, whereas the *Panama Papers constitute the biggest leak of information thus far; whereas the 2.6 terabytes of confidential information leaked from the law firm and licensed trust company Mossack Fonseca contained 11.5 million documents and represent more data than Wikileaks (2010), Offshore Leaks (2013), Luxleaks (2014) and Swissleaks (2015) combined;*

Or. en

### **Amendment 36**

**Lud k Niedermayer, Dariusz Rosati**

#### **Motion for a resolution**

##### **Recital E a (new)**

##### *Motion for a resolution*

##### *Amendment*

*Ea. [new recital following recital E]*

*whereas the publication was the result of thorough investigative work by journalists from 107 media organisations in 80 countries, united in the International Consortium of Investigative Journalists (ICIJ), who analysed documents detailing the operations of Mossack Fonseca using state-of-the-art software to process the large amount of leaked data;*

Or. en

**Amendment 37**  
**Dariusz Rosati**

**Motion for a resolution**  
**Recital E a (new)**

*Motion for a resolution*

*Amendment*

*Ea. Whereas the Panama Papers have uncovered various cases of using offshore entities with an aim to purposefully avoid or evade tax or launder money;*

Or. en

**Amendment 38**  
**Enrique Calvet Chambon**

**Motion for a resolution**  
**Recital F**

*Motion for a resolution*

*Amendment*

F. whereas the Panama Papers illustrate the importance of free media and investigative journalism, which Parliament wholeheartedly embraces as an indispensable factor in functioning democracies;

F. whereas the Panama Papers illustrate the importance of free media and investigative journalism, which Parliament wholeheartedly embraces as an indispensable factor in functioning democracies *alongside impartial and effective action by the State administration to investigate the facts that may constitute a crime or administrative*

*offence;*

Or. es

#### **Amendment 39**

**Sergio Gaetano Cofferati, Ana Gomes, Evelyn Regner, Emmanuel Maurel, Marju Lauristin, Elly Schlein, Tibor Szanyi, Hugues Bayet, Virginie Rozière, Peter Simon, Nessa Childers**

#### **Motion for a resolution**

##### **Recital F**

##### *Motion for a resolution*

F. whereas the Panama Papers illustrate the importance of free media *and investigative journalism*, which Parliament wholeheartedly embraces as an indispensable factor in functioning democracies;

##### *Amendment*

F. whereas the Panama Papers illustrate the importance of free media, *investigative journalism and the important work of whistle-blowers in shedding light on hidden malpractices and illegal behaviours*, which *the European* Parliament wholeheartedly embraces as an indispensable factor in functioning democracies;

Or. en

#### **Amendment 40**

**Takis Hadjigeorgiou, Miguel Viegas, Matt Carthy, Fabio De Masi, Marina Albiol Guzmán, Stelios Kouloglou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo**

#### **Motion for a resolution**

##### **Recital F**

##### *Motion for a resolution*

F. whereas the Panama Papers illustrate the *importance* of free media and investigative journalism, which Parliament *wholeheartedly* embraces as an indispensable factor in functioning democracies;

##### *Amendment*

F. whereas the Panama Papers illustrate the *catalytic role* of free media and investigative journalism, which Parliament *whole heartedly* embraces as *a prerequisite and* an indispensable factor in *the development of democracies, in promoting transparency, and in strengthening existing* functioning democracies;

**Amendment 41**

**Stelios Kouloglou, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

**Motion for a resolution**

**Recital F a (new)**

*Motion for a resolution*

*Amendment*

*Fa. Whereas whistle-blowing is linked to freedom of the press and is essential in bringing to light illegal activities or activities which evidently harm or threaten the public interest; whereas the protection of whistle-blowers has been recognised by all major international instruments concerning corruption and whistleblowing standards have been set out by the UN Convention against Corruption (UNCAC), Council of Europe Recommendation CM/Rec(2014)7 and the 2009 OECD Anti-Bribery Recommendation; whereas most EU Member States have ratified the UN Convention against Corruption, which makes it obligatory to provide appropriate and effective protection to whistle-blowers;*

Or. en

**Amendment 42**

**Stelios Kouloglou, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

**Motion for a resolution**

**Recital F b (new)**

*Motion for a resolution*

*Amendment*

*Fb. Whereas whistle-blowing relating to financial interests of the Union is the disclosure or reporting of wrongdoing, including, but not limited to, corruption, fraud, conflicts of interest, tax evasion and tax avoidance, money laundering, infiltration by organised crime and acts to cover up any of these;*

Or. en

**Amendment 43**

**Stelios Kouloglou, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

**Motion for a resolution**

**Recital F c (new)**

*Motion for a resolution*

*Amendment*

*Fc. Whereas reporting by whistle-blowers of information on practises that could threaten or harm the public interests is conducted on the basis of their freedom of expression and information, both enshrined in the EU Charter of Fundamental Rights, and with a strong sense of responsibility and civic morality; whereas whistle-blowers often risk their personal safety which is protected under Article 6 of the Charter of Fundamental Rights*

Or. en

**Amendment 44**

**Stelios Kouloglou, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

**Motion for a resolution**

**Recital F d (new)**

*Motion for a resolution*

*Amendment*

***Fd.    whereas it is vital for a horizontal legal framework to be established as a matter of urgency, which by laying down rights and obligations, protects whistle-blowers throughout the EU, as well as in the EU institutions***

Or. en

**Amendment 45**

**Stelios Kouloglou, Fabio De Masi, Miguel Viegas, Miguel Urbán Crespo, Marina Albiol Guzmán, Patrick Le Hyaric, Matt Carthy, Curzio Maltese, Takis Hadjigeorgiou**

**Motion for a resolution**

**Recital F e (new)**

*Motion for a resolution*

*Amendment*

***Fe.    whereas it is essential to ensure that any kind of retaliation against whistle-blowers will be suitably punished, as according to the OECD more than one third of organisations with reporting mechanism do not have or do not know of, a written policy on protecting those who report from reprisals;***

Or. en

**Amendment 46**

**Stelios Kouloglou, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

**Motion for a resolution**

**Recital F f (new)**

*Motion for a resolution*

*Amendment*

***Ff.    whereas the Commission stated, for instance, in its communication of 5 July 2016, that the protection of whistle-***

*blowers, in both the public and private sectors, helps to address mismanagement and irregularities, including cross-border corruption, which deprives European tax authorities of legitimate tax revenue;*

Or. en

**Amendment 47**

**Lud k Niedermayer, Dariusz Rosati**

**Motion for a resolution**

**Recital G**

*Motion for a resolution*

*Amendment*

**G.** *whereas the Panama Papers constitute the biggest leak of information thus far; whereas the 2.6 terabytes of confidential information leaked from the law firm and licensed trust company Mossack Fonseca contained 11.5 million documents and represent more data than Wikileaks (2010), Offshore Leaks (2013), Luxleaks (2014) and Swissleaks (2015) combined;*

*deleted*

Or. en

**Amendment 48**

**Luis de Grandes Pascual, Gabriel Mato**

**Motion for a resolution**

**Recital G**

*Motion for a resolution*

*Amendment*

**G.** *whereas the Panama Papers constitute the biggest leak of information thus far; whereas the 2.6 terabytes of confidential information leaked from the law firm and licensed trust company Mossack Fonseca contained 11.5 million documents and represent more data than*

**G.** *whereas the Panama Papers constitute the biggest leak of information **on money laundering and tax avoidance and evasion** thus far; whereas the 2.6 terabytes of confidential information leaked from the law firm and licensed trust company Mossack Fonseca contained 11.5*



Wikileaks (2010), Offshore Leaks (2013), Luxleaks (2014) and Swissleaks (2015) combined;

million documents and represent more data than Wikileaks (2010), Offshore Leaks (2013), Luxleaks (2014) and Swissleaks (2015) combined;

Or. es

#### **Amendment 49**

**Luděk Niedermayer, Dariusz Rosati**

#### **Motion for a resolution**

##### **Recital G a (new)**

*Motion for a resolution*

*Amendment*

**Ga. [recital G(new)]**

***Whereas the Panama Papers cover a vast amount of data since the 1970s, without providing an overview of the number of cases from different years; whereas it is therefore difficult to draw extensive conclusions on to what extent current EU-legislation have been breached;***

Or. en

#### **Amendment 50**

**Monica Macovei, Pirkko Ruohonen-Lerner, Maite Pagazaurtundúa Ruiz, Miguel Urbán Crespo**

#### **Motion for a resolution**

##### **Recital G a (new)**

*Motion for a resolution*

*Amendment*

***Ga. Whereas investigative journalism and whistle-blowing proved to be to a highly valuable source of information in the fight against money laundering through which illicit money from tax evasion and tax avoidance, organized crime or corruption are laundered;***

Or. en

**Amendment 51**

**Monica Macovei, Pirkko Ruohonen-Lerner, Maite Pagazaurtundúa Ruiz, Fabio De Masi, Ana Gomes, Miguel Urbán Crespo**

**Motion for a resolution**

**Recital G b (new)**

*Motion for a resolution*

*Amendment*

***Gb. Whereas no horizontal EU legislation on the protection of investigative journalists and whistle-blowers is in place to protect them against different forms of reprisals, inter alia, dismissal, criminal or civil proceedings against them, threats to their physical integrity, boycotts and even detention in some countries***

Or. en

**Amendment 52**

**Luděk Niedermayer, Dariusz Rosati**

**Motion for a resolution**

**Recital G b (new)**

*Motion for a resolution*

*Amendment*

***Gb. [new recital following previous new recital]***

***whereas many of the cases in the Panama Papers reveal old practices, whereas the EU legislation has been considerably improved during the last years, but deficiencies in the implementation of the legislation and loopholes remains.***

Or. en

**Amendment 53**

**Luděk Niedermayer, Dariusz Rosati**

**Motion for a resolution**  
**Recital G c (new)**

*Motion for a resolution*

*Amendment*

**Gc.** *[new recital following previous new recitals]*

*Whereas it is important to underline that most companies and private persons abide by the law; whereas it is therefore crucial that illegal activities are revealed and loopholes closed without creating unnecessary burden for the law abiding taxpayers;*

Or. en

**Amendment 54**  
**Enrique Calvet Chambon, Petras Auštrevičius**

**Motion for a resolution**  
**Recital H a (new)**

*Motion for a resolution*

*Amendment*

**Ha.** *whereas one fourth of the world's FDI stocks in two Member States, the Netherlands and Luxembourg<sup>1a</sup>; whereas, according to the available statistics, the Netherlands is the Member State with the highest number of letterbox companies in the EU;*

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<sup>1a</sup> *Eurodad; Fifty shades of tax dogging, p.19; October 2015*

Or. en

**Amendment 55**  
**Marco Valli**

**Motion for a resolution**

## Recital I

### *Motion for a resolution*

I. whereas Mossack Fonseca is not the largest firm in the offshore secrecy business, which indicates that the Panama Papers can be construed as only the tip of an iceberg; whereas the company had a share of approximately 5 % to 10 % of this market and incorporated entities across 21 jurisdictions<sup>15</sup>;

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<sup>15</sup>‘Role of advisors and intermediaries in the schemes revealed in the Panama Papers’, Willem Pieter de Groen, Centre for European Policy Studies, April 2017.

### *Amendment*

I. whereas Mossack Fonseca is not the largest firm in the offshore secrecy business, which indicates that the Panama Papers can be construed as only the tip of an iceberg; whereas the company had a share of approximately 5 % to 10 % of this market and incorporated entities across 21 jurisdictions<sup>15</sup>; ***whereas Europol estimates that the Panama Papers account for only 0.6% of the total number of money laundering cases recorded annually;***

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<sup>15</sup>‘Role of advisors and intermediaries in the schemes revealed in the Panama Papers’, Willem Pieter de Groen, Centre for European Policy Studies, April 2017.

Or. it

## Amendment 56

Lud k Niedermayer, Dariusz Rosati

### Motion for a resolution

#### Recital I

### *Motion for a resolution*

I. whereas Mossack Fonseca is not the largest firm in the offshore secrecy business, which indicates that the Panama Papers can be construed as only the tip of an iceberg; ***whereas the company had a share of approximately 5 % to 10 % of this market and incorporated entities across 21 jurisdictions<sup>15</sup>;***

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<sup>15</sup> ‘Role of advisors and intermediaries in the schemes revealed in the Panama Papers’, Willem Pieter de Groen, Centre for European Policy Studies, April 2017.

### *Amendment*

I. whereas ***with a share of approximately 5 % to 10 % of the offshore secrecy market and incorporated entities across 21 jurisdictions<sup>15</sup>*** Mossack Fonseca is not the largest firm in the offshore secrecy business, which indicates that the Panama Papers can be construed as only the tip of an iceberg;

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<sup>15</sup> ‘Role of advisors and intermediaries in the schemes revealed in the Panama Papers’, Willem Pieter de Groen, Centre for European Policy Studies, April 2017.

## Amendment 57

Ana Gomes

### Motion for a resolution

#### Recital J

##### *Motion for a resolution*

J. whereas PANA convened meetings, conducted fact-finding missions and commissioned studies in order to further investigate beyond the practices documented in the Panama Papers – for a complete list of activities, including the names of speakers, see part II of this report;

##### *Amendment*

J. whereas PANA convened meetings, conducted fact-finding missions and commissioned studies in order to further investigate beyond the practices documented in the Panama Papers – for a complete list of activities, including the names of speakers, see part II of this report, ***which includes reports of the delegations sent to Cyprus, Portugal, Malta, the United States, the United Kingdom, Luxembourg and Switzerland;***

## Amendment 58

Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé  
on behalf of the Verts/ALE Group

### Motion for a resolution

#### Recital K

##### *Motion for a resolution*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other hand, tax avoidance is the legal but improper utilisation of the tax regime to reduce or avoid tax liabilities, and aggressive tax ***planning*** consists in taking advantage of the technicalities of a tax system, or of mismatches between two or more tax systems, for the purpose of

##### *Amendment*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other hand, tax avoidance is the legal but improper utilisation of the tax regime to reduce or avoid tax liabilities, and aggressive tax ***avoidance*** consists in taking advantage of the technicalities of a tax system, or of mismatches between two or more tax systems, for the purpose of reducing tax liability; ***whereas the Panama***

reducing tax liability;

*papers demonstrated that the scope of offshore companies registered by Mossack Fonseca exceeded privacy concerns and tax fraud attempts to also include cases of VAT carousel fraud, drug trafficking, illegal immigration, cybercrimes or terrorism financing;*

Or. en

## **Amendment 59**

**Werner Langen, Sven Schulze**

### **Motion for a resolution**

#### **Recital K**

##### *Motion for a resolution*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other hand, ***tax avoidance*** is the legal ***but improper*** utilisation of the tax regime to reduce or avoid tax liabilities, ***and aggressive tax planning consists in taking advantage of the technicalities of a tax system, or of mismatches between two or more tax systems, for the purpose of reducing tax liability;***

##### *Amendment*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other hand, **‘tax avoidance’** is the legal utilisation of the tax regime to reduce or avoid tax liabilities;

Or. de

## **Amendment 60**

**Evelyn Regner, Emmanuel Maurel, Tibor Szanyi, Hugues Bayet, Ana Gomes, Peter Simon**

### **Motion for a resolution**

#### **Recital K**

##### *Motion for a resolution*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other

##### *Amendment*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other

hand, tax avoidance is the legal but improper utilisation of the tax regime to reduce or avoid tax liabilities, and aggressive tax planning consists in taking advantage of the technicalities of a tax system, or of mismatches between two or more tax systems, for the purpose of reducing tax liability;

hand, tax avoidance is the legal but improper utilisation of the tax regime to reduce or avoid tax liabilities, and aggressive tax planning consists in taking advantage of the technicalities of a tax system, or of mismatches between two or more tax systems, for the purpose of reducing tax liability; ***whereas there is a grey zone between illegal tax evasion and legal tax avoidance which is being exploited by tax evaders;***

Or. en

### **Amendment 61**

**Pirkko Ruohonen-Lerner, Monica Macovei**

#### **Motion for a resolution**

##### **Recital K**

##### *Motion for a resolution*

K. whereas tax fraud and tax evasion constitute ***illegal activities*** involving evading tax liabilities, while, on the other hand, ***tax avoidance*** is the ***legal but*** improper utilisation of the tax regime to reduce or avoid ***tax liabilities***, and aggressive tax planning consists in taking advantage of the ***technicalities of*** a tax system, or of mismatches between two or more tax systems, for ***the purpose*** of reducing tax liability;

##### *Amendment*

K. whereas tax fraud and tax evasion constitute ***illegal activities*** involving evading tax liabilities, while, on the other hand, ***tax avoidance*** is the improper utilisation of the tax regime to reduce or avoid ***tax liabilities while often violating at least the intent of the law it purports to follow*** <sup>1a</sup> and aggressive tax planning consists in taking advantage of the ***technicalities of*** a tax system, or of mismatches between two or more tax systems, for ***the purpose*** of reducing tax liability;

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<sup>1a</sup> ***OECD (2017). Glossary of Tax Terms. Paris: OECD***

Or. en

### **Amendment 62**

**Dariusz Rosati**

## Motion for a resolution

### Recital K

#### *Motion for a resolution*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other hand, tax avoidance is the **legal** but improper utilisation of the tax regime to reduce or avoid tax liabilities, and aggressive tax planning consists in taking advantage of the technicalities of a tax system, or of mismatches between two or more tax systems, for the purpose of reducing tax liability;

#### *Amendment*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other hand, tax avoidance is the **not illegal** but improper utilisation of the tax regime to reduce or avoid tax liabilities, and aggressive tax planning consists in taking advantage of the technicalities of a tax system, or of mismatches between two or more tax systems, for the purpose of reducing tax liability;

Or. en

## Amendment 63

Lud k Niedermayer, Dariusz Rosati

## Motion for a resolution

### Recital K

#### *Motion for a resolution*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other hand, tax avoidance is the legal but **improper** utilisation of the tax regime to reduce or avoid tax liabilities, and aggressive tax planning consists in taking advantage of the technicalities of a tax system, or of mismatches between two or more tax systems, for the purpose of reducing tax liability;

#### *Amendment*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other hand, tax avoidance is the legal but **questionable** utilisation of the tax regime to reduce or avoid tax liabilities, and aggressive tax planning consists in taking advantage of the technicalities of a tax system, or of mismatches between two or more tax systems, for the purpose of reducing tax liability;

Or. en

## Amendment 64

Ana Gomes



## Motion for a resolution

### Recital K

#### *Motion for a resolution*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other hand, tax avoidance is the legal but improper utilisation of *the tax regime* to reduce or avoid tax liabilities, and aggressive tax planning consists in taking advantage of the technicalities of a tax system, or of mismatches between two or more tax systems, for the purpose of reducing tax liability;

#### *Amendment*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other hand, tax avoidance is the legal but improper utilisation of *tax regimes* to reduce or avoid tax liabilities, and aggressive tax planning consists in taking advantage of the technicalities of a tax system, or of mismatches between two or more tax systems, for the purpose of reducing tax liability;

Or. en

## Amendment 65

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

## Motion for a resolution

### Recital K

#### *Motion for a resolution*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other hand, tax avoidance is the *legal but improper* utilisation of the tax regime to reduce or avoid tax liabilities, and aggressive tax planning consists in taking advantage of the technicalities of a tax system, or of mismatches between two or more tax systems, for the purpose of reducing tax liability;

#### *Amendment*

K. whereas tax fraud and tax evasion constitute illegal activities involving evading tax liabilities, while, on the other hand, tax avoidance is the utilisation of the tax regime to reduce or avoid tax liabilities, and aggressive tax planning consists in *illicitly* taking advantage of the technicalities of a tax system, or of mismatches between two or more tax systems, for the purpose of reducing tax liability;

Or. en

## Amendment 66

**Pirkko Ruohonen-Lerner, Monica Macovei**

**Motion for a resolution**

**Recital K a (new)**

*Motion for a resolution*

*Amendment*

***Ka. Whereas in practice, there is a considerable grey area between tax avoidance and tax evasion, not least because tax avoidance cases rarely end up in courts, and even when they do, many countries do not disclose the names of the involved companies in the court resolutions***

Or. en

**Amendment 67**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Recital L**

*Motion for a resolution*

*Amendment*

L. whereas as a result of data leaks in recent years the awareness of money laundering, tax evasion, tax fraud schemes and corruption has increased considerably and these issues have become a major focus of international political concern;

L. whereas as a result of data leaks in recent years the awareness of money laundering, tax evasion, tax fraud schemes and corruption has increased considerably and these issues have become a major focus of international political concern ***as well as raised concern of EU citizens;***

Or. en

**Amendment 68**

**Pirkko Ruohonen-Lerner, Monica Macovei**

**Motion for a resolution**

**Recital L a (new)**

***La.    whereas efficient resolution of these problems requires more policy coherence between tax policies and other forms of economic governance, such as trade policies and investment arbitration treaties;***

Or. en

**Amendment 69**  
**Marco Valli**

**Motion for a resolution**  
**Recital M**

*Motion for a resolution*

M.    whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States; whereas massive tax avoidance by high net worth individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also threatens good governance, macroeconomic stability and social cohesion;

*Amendment*

M.    whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; whereas ***revenue loss due to tax avoidance schemes deprives the community of the resources needed for investment and public services such as health, education and income and employment support measures; whereas it is therefore one of the main causes of economic and social inequalities; whereas it also creates an unacceptable form of unfair competition by multinational companies to the detriment of small entrepreneurs and their businesses who are forced to pay ever higher taxes;*** whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States; whereas massive tax avoidance by high net worth individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also threatens good governance, macroeconomic stability and social cohesion;

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<sup>16</sup>ECB hearing.

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<sup>16</sup>ECB hearing.

Or. it

## **Amendment 70**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

### **Motion for a resolution**

#### **Recital M**

##### *Motion for a resolution*

M. whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States; whereas massive tax avoidance by high net worth individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also threatens good governance, macroeconomic stability and social cohesion;

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<sup>16</sup> ECB hearing.

##### *Amendment*

M. whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States; whereas massive tax avoidance by high net worth individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also threatens good governance, macroeconomic stability and social cohesion; ***whereas as tax evasion rises sharply with wealth, it increases inequality<sup>16a</sup>; whereas tax evasion, and tax avoidance impact on gender inequality by limiting the available resources for policies aimed at reducing the gender gap and increasing equality at the national and international level<sup>1c</sup>; whereas money laundering impacts on gender inequality by concealing the origin of assets obtained from human trafficking<sup>16b</sup>;***

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<sup>16</sup> ECB hearing.

<sup>16a</sup> **Annette Alstadster, Niels Johannesen, Gabriel Zucman, ‘Tax Evasion and Inequality’, 2017.**

<sup>16b</sup> *Veronica Grondona, Nicole Bidegain Ponte, Corina Rodriguez Enriquez, 'Illicit Financial Flows Undermining Gender Justice', 2016.*

<sup>1c</sup> *UN 'Final study on illicit financial flows, human rights and the 2030 Agenda for Sustainable Development' of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, of 15 January 2015.*

Or. en

#### Amendment 71

**Ramón Jáuregui Atondo, Juan Fernando López Aguilar, Emmanuel Maurel, Hugues Bayet, Evelyn Regner, Ana Gomes**

#### Motion for a resolution

##### Recital M

##### *Motion for a resolution*

M. whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States; whereas massive tax avoidance by high net worth individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also threatens good governance, macroeconomic stability and social cohesion;

##### *Amendment*

M. whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; whereas ***weak regulation in tax havens has contributed to the development and worldwide dispersion of opaque and risky financial products (derivatives, hedge funds, swaps...) and made it more difficult to assess the healthiness of financial institutions with activities and assets in this offshore centres***; whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States; whereas massive tax avoidance by high net worth individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also threatens good governance, macroeconomic stability and social

cohesion;

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<sup>16</sup> ECB hearing.

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<sup>16</sup> ECB hearing.

Or. en

## Amendment 72

Ramón Jáuregui Atondo, Juan Fernando López Aguilar

### Motion for a resolution

#### Recital M

##### *Motion for a resolution*

M. whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States; whereas massive tax avoidance by high net worth individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also threatens good governance, macroeconomic stability and social cohesion;

---

<sup>16</sup> ECB hearing.

##### *Amendment*

M. whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; ***whereas weak regulation in tax havens has contributed to the development and worldwide dispersion of opaque and risky financial products (derivatives, hedge funds, swaps...) and made it more difficult to assess the healthiness of financial institutions with activities and assets in this offshore centres*** whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States; whereas massive tax avoidance by high net worth individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also threatens good governance, macroeconomic stability and social cohesion;

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<sup>16</sup> ECB hearing.

Or. en

## Amendment 73

Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé  
on behalf of the Verts/ALE Group

## Motion for a resolution

### Recital M

#### *Motion for a resolution*

M. whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States; whereas massive tax avoidance by high net worth individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also threatens good governance, macroeconomic stability and social cohesion;

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<sup>16</sup> *ECB hearing.*

#### *Amendment*

M. whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; whereas ***tax evasion and tax avoidance creates unfair competition, especially towards small and medium enterprises and large companies not using complex structures to go against the spirit or letter of the law***; whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States; whereas massive tax avoidance by high net worth individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also threatens good governance, macroeconomic stability and ***security, social cohesion and public trust in the institutions***;

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<sup>16</sup> *See for example Anna Meyendorff - Designing financial systems in transition economies : strategies for reform in Central and Eastern Europe, S. 102" giving an example for Russia; or "Tax evasion, the underground economy and financial development": <http://www.sciencedirect.com/science/article/pii/S016726811200128X>*

Or. en

## Amendment 74

Ana Gomes

## Motion for a resolution

### Recital M

#### *Motion for a resolution*

M. whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States; whereas massive tax avoidance by high net worth individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also threatens good governance, macroeconomic stability and social cohesion;

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<sup>16</sup> ECB hearing.

#### *Amendment*

M. whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States, ***fuel tax dumping and therefore distort competition in the internal market***; whereas massive tax avoidance by high net worth individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also threatens good governance, macroeconomic stability and social cohesion ***by aggravating inequalities and thus dangerously undermining democracy***;

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<sup>16</sup> ECB hearing.

Or. en

## Amendment 75

### Raymond Finch

## Motion for a resolution

### Recital M

#### *Motion for a resolution*

M. whereas ***unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>***; whereas money laundering, tax avoidance and tax evasion ***undermine the fair distribution of tax contributions in the EU Member States***; whereas massive tax avoidance by high net worth individuals and enterprises not only

#### *Amendment*

M. whereas ***money laundering, tax avoidance and tax evasion undermine the ability of the Member States to tax and spend in a proportional manner***; whereas massive tax avoidance by high net worth individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also threatens good governance,



penalises ordinary taxpayers, public finances and social spending, but also threatens good governance, macroeconomic stability and social cohesion;

macroeconomic stability and social cohesion;

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<sup>16</sup> ECB hearing.

Or. en

## **Amendment 76** **Werner Langen, Sven Schulze**

### **Motion for a resolution** **Recital M**

#### *Motion for a resolution*

M. whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States; whereas *massive* tax avoidance by *high net worth* individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but also *threatens* good governance, macroeconomic stability and social cohesion;

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<sup>16</sup>ECB hearing.

#### *Amendment*

M. whereas unreported and untaxed income is reducing national tax revenues and is a threat to the stability of the financial system<sup>16</sup>; whereas money laundering, tax avoidance and tax evasion undermine the fair distribution of tax contributions in the EU Member States; whereas tax avoidance by individuals and enterprises not only penalises ordinary taxpayers, public finances and social spending, but *may* also *threaten* good governance, macroeconomic stability and social cohesion;

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<sup>16</sup>ECB hearing.

Or. de

## **Amendment 77** **Marina Albiol Guzmán, Fabio De Masi, Matt Carthy, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

**Motion for a resolution**  
**Recital M a (new)**

*Motion for a resolution*

*Amendment*

**Ma.** *whereas when a state's ability to collect revenues and control illicit financial flows is more restricted, revenue loss tends to be compensated through higher taxes on compliant taxpayers, such as small and medium-sized companies and individuals or by relying more heavily on indirect taxation; whereas women are overrepresented in small and medium enterprises and lie at the bottom of the income ladder, a state's ability to collect revenues and control illicit financial flows impacts more heavily on women<sup>1a</sup>;*

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<sup>1a</sup> *UN 'Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona', of 22 May 2014.*

Or. en

**Amendment 78**

**Paul Tang, Emmanuel Maurel, Elly Schlein, Sergio Gaetano Cofferati, Tibor Szanyi, Hugues Bayet, Evelyn Regner, Ana Gomes, Peter Simon**

**Motion for a resolution**  
**Recital M a (new)**

*Motion for a resolution*

*Amendment*

**Ma.** *Whereas the creation of specially designed preferential tax systems threatens the solidarity between Member States and reduces the aggregate tax revenues of all Member States as a result of the competition between the national tax regulations and arrangements within the Union.*

Or. en

**Amendment 79**

**Maite Pagazaurtundúa Ruiz, Petras Auštrevičius**

**Motion for a resolution**

**Recital M a (new)**

*Motion for a resolution*

*Amendment*

***Ma. Whereas the Value Added Tax (VAT) is one of the main sources of revenues in the Member States and according to the available data the overall difference between the estimated VAT revenue and the amount actually collected, the 'VAT gap', amounts to EUR 159.5 billion.***

Or. en

**Amendment 80**

**Maite Pagazaurtundúa Ruiz, Petras Auštrevičius**

**Motion for a resolution**

**Recital M b (new)**

*Motion for a resolution*

*Amendment*

***Mb. Whereas 1.5 million jobs could have been supported across Europe with the money that was lost to national authorities because of the tax loss associated to the Panama Papers<sup>1a</sup>.***

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***<sup>1a</sup> Study for the PANA committee "The Impact of Schemes revealed by the Panama Papers on the Economy and Finances of a Sample of Member States".***

Or. en

**Amendment 81**

**Luděk Niedermayer, Dariusz Rosati**

## Motion for a resolution

### Recital N

#### *Motion for a resolution*

N. whereas public authorities are responsible for the regulatory and supervisory framework, as well as for taxation; whereas public authorities, via regulation, company registers, tax law and supervision, play an important role in the existence of tax havens and offshore financial centres; ***whereas, in fact, these centres can only exist when governments create the necessary conditions;***

#### *Amendment*

N. whereas public authorities are responsible for the regulatory and supervisory framework, as well as for taxation; whereas public authorities, via regulation, company registers, tax law and supervision, play an important role in the existence of tax havens and offshore financial centres;

Or. en

## Amendment 82

Ana Gomes

## Motion for a resolution

### Recital N

#### *Motion for a resolution*

N. whereas public authorities are responsible for the regulatory and supervisory framework, as well as for taxation; whereas public authorities, via regulation, company registers, tax law and supervision, play an important role in the existence of tax havens and offshore financial centres; whereas, in fact, these centres can only ***exist*** when governments create the necessary conditions;

#### *Amendment*

N. whereas public authorities are responsible for the regulatory and supervisory framework, as well as for taxation; whereas public authorities, via regulation, company registers, tax law and supervision, play an important role in the existence of tax havens and offshore financial centres; whereas, in fact, these centres can only ***operate*** when governments create the necessary conditions;

Or. en

## Amendment 83

Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo

**Motion for a resolution**  
**Recital N a (new)**

*Motion for a resolution*

*Amendment*

***Na. whereas auditors play a crucial role regarding the creation of a framework of public confidence, providing credibility to corporate income statements and balance sheets, and bear a responsibility as providers of consultancy services concerning tax optimization plans; whereas the large auditing and accounting firms act as globally integrated firms but present themselves as numerous separate legal entities that are not under common ownership but which are bound by contractual arrangements to operate common standards under a common name, in order to dilute responsibility, reduce their regulatory cost and risk, ring-fence their legal risk, and protect their clients from regulatory enquiries; whereas the context of this problem is the absence of harmonized global regulations and in conflicts of interests between the audit companies and their clients;***

Or. en

**Amendment 84**  
**Ana Gomes**

**Motion for a resolution**  
**Recital O**

*Motion for a resolution*

*Amendment*

**O. whereas offshore structures offering preferential regimes could not exist without the intervention of enablers and intermediaries such as banks, accounting firms, tax advisers, wealth managers and lawyers;**

**O. whereas offshore structures offering preferential regimes could not exist without the intervention of enablers and intermediaries such as banks, accounting firms, tax advisers, wealth managers and lawyers; *whereas governments and***

*parliaments, when creating and perpetuating such preferential tax regimes, are actually fostering unfair competition within the EU and seriously undermining the single market;*

Or. en

#### **Amendment 85**

**Pirkko Ruohonen-Lerner, Monica Macovei**

#### **Motion for a resolution**

##### **Recital O**

##### *Motion for a resolution*

O. whereas offshore structures offering preferential regimes could not exist without the intervention of enablers and intermediaries such as banks, accounting firms, tax advisers, wealth managers and lawyers;

##### *Amendment*

O. whereas offshore structures offering preferential regimes could not exist without the intervention of enablers and intermediaries such as banks, accounting firms, tax advisers, wealth managers and lawyers, ***both in tax havens and in other jurisdictions;***

Or. en

#### **Amendment 86**

**Werner Langen, Sven Schulze**

#### **Motion for a resolution**

##### **Recital O**

##### *Motion for a resolution*

O. whereas offshore structures offering preferential regimes could not ***exist without the intervention of enablers and*** intermediaries such as banks, accounting firms, tax advisers, wealth managers and lawyers;

##### *Amendment*

O. whereas offshore structures offering ***legal*** preferential regimes could not ***be realised without*** intermediaries such as banks, accounting firms, tax advisers, wealth managers and lawyers;

Or. de

**Amendment 87**  
**Ana Gomes**

**Motion for a resolution**  
**Recital P**

*Motion for a resolution*

P. whereas some governments and jurisdictions have specialised in creating extremely preferential tax regimes to the benefit of multinational companies and high net worth individuals, who do not in fact have a real **presence** within these jurisdictions but are merely represented by shell companies;

*Amendment*

P. whereas some governments and jurisdictions, **including Member States**, have specialised in creating extremely preferential tax regimes to the benefit of multinational companies and high net worth individuals, who do not in fact have a real **economic activity** within these jurisdictions but are merely represented by shell companies; **whereas shell companies, trusts, foundations, “freeports”, bearer shares, among others, are useful tools for all sorts of criminals to park and launder the proceeds of crime;**

Or. en

**Amendment 88**  
**Marco Valli**

**Motion for a resolution**  
**Recital P**

*Motion for a resolution*

P. whereas some governments and jurisdictions have specialised in creating extremely preferential tax regimes to the benefit of multinational companies and high net worth individuals, who do not in fact have a real presence within these jurisdictions but are merely represented by shell companies;

*Amendment*

P. whereas some governments and jurisdictions, **even in the European Union**, have specialised in creating extremely preferential tax regimes to the benefit of multinational companies and high net worth individuals, who do not in fact have a real presence within these jurisdictions but are merely represented by shell companies;

Or. it

#### **Amendment 89**

**Sergio Gaetano Cofferati, Ana Gomes, Emmanuel Maurel, Juan Fernando López Aguilar, Hugues Bayet, Evelyn Regner, Paul Tang, Peter Simon, Nessa Childers**

#### **Motion for a resolution**

##### **Recital P**

##### *Motion for a resolution*

P. whereas some governments and jurisdictions have specialised in creating extremely preferential tax regimes to the benefit of multinational companies and high net worth individuals, who do not in fact have a real presence within these jurisdictions but are merely represented by shell companies;

##### *Amendment*

P. whereas some governments and jurisdictions, ***including in the European Union Member States***, have specialised ***or engaged*** in creating extremely preferential tax regimes to the benefit of multinational companies and high net worth individuals, who do not in fact have a real presence within these jurisdictions but are merely represented by shell companies;

Or. en

#### **Amendment 90**

**Brian Hayes, Seán Kelly**

#### **Motion for a resolution**

##### **Recital P**

##### *Motion for a resolution*

P. whereas some governments and jurisdictions have specialised in creating extremely preferential tax regimes to the benefit of multinational companies and high net worth individuals, who do not in fact have a real presence within these jurisdictions but are merely represented by shell companies;

##### *Amendment*

P. whereas some governments and jurisdictions ***outside the EU*** have specialised in creating extremely preferential tax regimes to the benefit of multinational companies and high net worth individuals, who do not in fact have a real presence within these jurisdictions but are merely represented by shell companies;

Or. en

#### **Amendment 91**

**Werner Langen, Sven Schulze**



**Motion for a resolution**  
**Recital P**

*Motion for a resolution*

P. whereas some governments and jurisdictions have specialised in creating ***extremely*** preferential tax regimes to the benefit of multinational companies and ***high net worth*** individuals, who do not in fact have a real presence within these jurisdictions but are merely represented by shell companies;

*Amendment*

P. whereas some governments and jurisdictions have specialised in creating preferential tax regimes ***which distort competition*** to the benefit of multinational companies and individuals, who do not in fact have a real presence within these jurisdictions but are merely represented by shell companies;

Or. de

**Amendment 92**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Recital P**

*Motion for a resolution*

P. whereas some governments and jurisdictions have specialised in creating extremely preferential tax regimes to the benefit of multinational companies and ***high net worth*** individuals, who do not in fact have ***a real presence*** within these jurisdictions but are merely represented by shell companies;

*Amendment*

P. whereas some governments and jurisdictions have specialised in creating extremely preferential tax regimes to the benefit of multinational companies and ***rich*** individuals, who do not in fact have ***economic substance*** within these jurisdictions but are merely represented by shell companies;

Or. en

**Amendment 93**

**Lud k Niedermayer, Dariusz Rosati**

**Motion for a resolution**  
**Recital P a (new)**

*Motion for a resolution*

*Amendment*

*Pa. [new recital following recital P]  
whereas unlike in case of LuxLeaks, the  
alleged involvement of Politically Exposed  
Persons in possibly illegal activities  
uncovered in Panama Papers may lead to  
situation where some governments are not  
willing to properly investigate such  
cases. Whereas in some non-EU countries  
that tolerate low level of transparency and  
where suspicion about corruption of  
government officials exist, there is no  
interest in taking any measures in  
response to information uncovered in  
Panama papers;*

Or. en

**Amendment 94**

**Emmanuel Maurel, Elly Schlein, Hugues Bayet, Evelyn Regner, Ana Gomes, Sergio  
Gaetano Cofferati, Peter Simon**

**Motion for a resolution**

**Recital P a (new)**

*Motion for a resolution*

*Amendment*

*Pa. Whereas the downward trend in  
corporate tax rates, in almost all EU  
Member States, whether legal rates or  
effective rates, installs in the long run a  
worrying taxation race-to-the-bottom;*

Or. en

**Amendment 95**

**Raymond Finch**

**Motion for a resolution**

**Recital Q**

*Motion for a resolution*

*Amendment*

*Q. whereas the European  
Commission has cited previous estimates*

*deleted*

*according to which the annual revenue losses owing to tax evasion and tax fraud amount to at least EUR 1 trillion within the European Union alone;*

Or. en

**Amendment 96**  
**Marco Valli**

**Motion for a resolution**  
**Recital Q**

*Motion for a resolution*

Q. whereas the European Commission has cited previous estimates according to which the annual revenue losses owing to tax evasion and tax fraud amount to at least EUR 1 trillion within the European Union alone;

*Amendment*

Q. whereas the European Commission has cited previous estimates according to which the annual revenue losses owing to tax evasion and tax fraud amount to at least EUR 1 trillion within the European Union alone; *whereas a study produced by the European Parliament estimates that the loss of revenue due solely to the tax schemes revealed by the Panama Papers amounts to up to EUR 237 billion for the 28 Member States;*

Or. it

**Amendment 97**  
**Ana Gomes**

**Motion for a resolution**  
**Recital Q**

*Motion for a resolution*

Q. whereas the European Commission has cited previous estimates according to which the annual revenue losses owing to tax evasion and tax fraud amount to at least EUR 1 trillion within the European Union alone;

*Amendment*

Q. whereas the European Commission has cited previous estimates according to which the annual revenue losses owing to tax evasion and tax fraud amount to at least EUR 1 trillion within the European Union alone; *whereas tax competition among EU Member States makes some of them*

*become, in practice, tax havens for holdings of companies of other Member States;*

Or. en

**Amendment 98**

**Pervenche Berès, Emmanuel Maurel, Sergio Gaetano Cofferati, Tibor Szanyi, Hugues Bayet, Virginie Rozière, Evelyn Regner, Ana Gomes, Paul Tang, Peter Simon**

**Motion for a resolution**

**Recital Q**

*Motion for a resolution*

Q. whereas the European Commission has cited previous estimates according to which the annual revenue losses owing to tax evasion and tax fraud amount to at least EUR 1 trillion within the European Union alone;

*Amendment*

Q. whereas the European Commission has cited previous estimates according to which the annual revenue losses owing to tax evasion and tax fraud amount to at least EUR 1 trillion within the European Union alone; *whereas it directly affects national and EU budgets;*

Or. en

**Amendment 99**

**Evelyn Regner, Emmanuel Maurel, Elly Schlein, Tibor Szanyi, Hugues Bayet, Peter Simon**

**Motion for a resolution**

**Recital Q**

*Motion for a resolution*

Q. whereas the European Commission has cited previous estimates according to which the annual revenue losses owing to tax evasion *and tax fraud* amount to at least EUR 1 trillion within the European Union alone;

*Amendment*

Q. whereas the European Commission has cited previous estimates according to which the annual revenue losses owing to tax evasion, *tax fraud, tax avoidance and aggressive tax planning* amount to at least EUR 1 trillion within the European Union alone;

Or. en

#### **Amendment 100**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

#### **Motion for a resolution**

##### **Recital Q**

##### *Motion for a resolution*

Q. whereas the European Commission has cited previous estimates according to which the annual revenue losses owing to tax evasion and tax fraud amount to at least EUR 1 trillion within the European Union alone;

##### *Amendment*

Q. whereas the European Commission has cited previous estimates according to which the annual revenue losses owing to tax evasion and tax fraud amount to at least EUR 1 trillion within the European Union alone <sup>1a</sup>;

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*1a*

***[https://ec.europa.eu/taxation\\_customs/fig-ht-against-tax-fraud-tax-evasion/a-huge-problem\\_en](https://ec.europa.eu/taxation_customs/fig-ht-against-tax-fraud-tax-evasion/a-huge-problem_en)***

Or. en

#### **Amendment 101**

**Werner Langen, Sven Schulze**

#### **Motion for a resolution**

##### **Recital Q**

##### *Motion for a resolution*

Q. whereas the European Commission has cited **previous** estimates according to which the annual revenue losses owing to tax evasion and tax fraud amount to at least EUR 1 trillion within the European Union alone;

##### *Amendment*

Q. whereas the European Commission has cited estimates according to which the annual revenue losses owing to tax evasion and tax fraud amount to at least EUR 1 trillion within the European Union alone;

Or. de

#### **Amendment 102**

**Elly Schlein, Emmanuel Maurel, Sergio Gaetano Cofferati, Hugues Bayet, Evelyn Regner, Ana Gomes, Peter Simon, Linda McAvan**

**Motion for a resolution**  
**Recital Q a (new)**

*Motion for a resolution*

*Amendment*

***Qa. whereas the Panama Papers clearly displayed the disastrous consequences of tax avoidance and evasion on developing countries, showing how multinational companies create complex financial structures eroding the revenue base of these countries and depriving them of essential resources to fund the most basic services, putting at risk the achievement of the 2030 Agenda for Sustainable Development;***

Or. en

**Amendment 103**  
**Enrico Gasbarra**

**Motion for a resolution**  
**Recital Q a (new)**

*Motion for a resolution*

*Amendment*

***Qa. whereas the total ‘development finance loss’ in developing countries (i.e. the lost tax revenues and the reinvested earnings that are lost as profits) amounts to around 250 billion euros per year<sup>1a</sup>***

<http://unctad.org/en/pages/PublicationWebflyer.aspx?publicationid=1245>

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*1a*

***<http://unctad.org/en/pages/PublicationWebflyer.aspx?publicationid=1245>***

Or. en

#### **Amendment 104**

**Enrico Gasbarra, Emmanuel Maurel, Tibor Szanyi, Hugues Bayet, Evelyn Regner, Peter Simon**

#### **Motion for a resolution**

##### **Recital Q b (new)**

*Motion for a resolution*

*Amendment*

***Qb. whereas the total ‘development finance loss’ in developing countries (i.e. the lost tax revenues and the reinvested earnings that are lost as profits) amounts to around 250 billion euros per year***

Or. en

#### **Amendment 105**

**Werner Langen, Sven Schulze**

#### **Motion for a resolution**

##### **Recital R**

*Motion for a resolution*

*Amendment*

**R. whereas as of 2014, at least 7.6 trillion of the world’s total financial private wealth of USD 95.5 trillion was *unaccounted for*; whereas worldwide, 8 % of financial private wealth is held offshore, leading to global tax revenue losses of USD 190 billion; whereas an estimated USD 2.6 trillion of financial private wealth in Europe is held offshore, leading to tax revenue losses of USD 78 billion annually<sup>17</sup>;**

**R. whereas worldwide, 8 % of financial private wealth is held offshore, leading to global tax revenue losses of USD 190 billion; whereas an estimated USD 2.6 trillion of financial private wealth in Europe is held offshore, leading to tax revenue losses of USD 78 billion annually<sup>17</sup>;**

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<sup>17</sup> Gabriel Zucman, ‘The Hidden Wealth of Nations – The Scourge of Tax Havens’, University of California, 2015.

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<sup>17</sup> Gabriel Zucman, ‘The Hidden Wealth of Nations – The Scourge of Tax Havens’, University of California, 2015.

Or. de

## **Amendment 106**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

### **Motion for a resolution**

#### **Recital R**

##### *Motion for a resolution*

R. whereas as of 2014, at least 7.6 trillion of the world's total financial private wealth of USD 95.5 trillion was unaccounted for; whereas worldwide, 8 % of financial private wealth is held offshore, leading to global tax revenue losses of USD 190 billion; whereas an estimated USD 2.6 trillion of financial private wealth in Europe is held offshore, leading to tax revenue losses of USD 78 billion annually<sup>17</sup> ;

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<sup>17</sup> Gabriel Zucman, 'The Hidden Wealth of Nations – The Scourge of Tax Havens', University of California, 2015.

##### *Amendment*

R. whereas as of 2014, at least **USD** 7.6 trillion of the world's total financial private wealth of USD 95.5 trillion was unaccounted for; whereas worldwide, 8 % of financial private wealth is held offshore, leading to global tax revenue losses of USD 190 billion; whereas an estimated USD 2.6 trillion of financial private wealth in Europe is held offshore, leading to tax revenue losses of USD 78 billion annually<sup>17</sup> ;

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<sup>17</sup> Gabriel Zucman, 'The Hidden Wealth of Nations – The Scourge of Tax Havens', University of California, 2015.

Or. en

## **Amendment 107**

**Raymond Finch**

### **Motion for a resolution**

#### **Recital S**

##### *Motion for a resolution*

***S. whereas in 2011 an estimated USD 3.1 trillion globally were lost each year via tax evasion and tax avoidance of large companies owing to secrecy<sup>18</sup> ;***

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<sup>18</sup> *Tax Justice Network, November 2011.*

##### *Amendment*

***deleted***

Or. en



## **Amendment 108**

**Werner Langen, Sven Schulze**

### **Motion for a resolution**

#### **Recital S**

##### *Motion for a resolution*

S. whereas in 2011 an estimated USD 3.1 trillion globally were lost each year via tax evasion and tax avoidance of large companies owing to secrecy<sup>18</sup>;

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<sup>18</sup> Tax Justice Network, November 2011.

##### *Amendment*

S. whereas in 2011 an estimated USD 3.1 trillion globally were lost each year via ***illegal*** tax evasion and ***legal*** tax avoidance of large ***international*** companies owing to secrecy<sup>18</sup> ;

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<sup>18</sup> Tax Justice Network, November 2011.

Or. de

## **Amendment 109**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

### **Motion for a resolution**

#### **Recital S**

##### *Motion for a resolution*

S. whereas in 2011 an estimated USD 3.1 trillion globally were lost each year via tax evasion and tax avoidance of large companies ***owing to secrecy***<sup>18</sup> ;

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<sup>18</sup> Tax Justice Network, November 2011.

##### *Amendment*

S. whereas in 2011 an estimated USD 3.1 trillion globally were lost each year via tax evasion and tax avoidance of large companies <sup>18</sup> ;

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<sup>18</sup> Tax Justice Network, November 2011.

Or. en

## **Amendment 110**

**Petras Auštrevičius**

### **Motion for a resolution**

**Recital S a (new)**

*Motion for a resolution*

*Amendment*

***Sa. whereas a high profile case of transnational money laundering linked to Panama Papers was exposed by the Russian lawyer Sergei Magnitsky, and has been the subject of money laundering investigations in EU member states and around the world.***

Or. en

**Amendment 111**

**Petras Auštrevičius**

**Motion for a resolution**

**Recital S b (new)**

*Motion for a resolution*

*Amendment*

***Sb. whereas the Parliamentary Assembly of the Council of Europe called for improving international cooperation in investigating the “money trail” of the funds originating in the fraudulent tax reimbursements denounced by Mr Magnitsky; while the perpetrators and beneficiaries both of the crime committed against Sergei Magnitsky and that exposed by him have not been brought to justice.***

Or. en

**Amendment 112**

**Raymond Finch**

**Motion for a resolution**

**Recital T**

*Motion for a resolution*

*Amendment*

**T.        *whereas money laundering amounts to an estimated 2 %-5 % of GDP worldwide;***

*deleted*

Or. en

### **Amendment 113**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

### **Motion for a resolution**

#### **Recital T**

#### *Motion for a resolution*

**T.        *whereas money laundering amounts to an estimated 2 %-5 % of GDP worldwide;***

#### *Amendment*

**T.        *whereas the United Nations estimated the total amount of criminal proceeds in 2009 at approximately USD 2.1 trillion, equivalent to 3.6% of global GDP <sup>1a</sup>; whereas money laundering cases are increasing according to Eurojust statistics <sup>1b</sup> and necessitates a coordinated response across multiple jurisdictions to fight such transnational offences;***

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<sup>1a</sup> [http://europa.eu/rapid/press-release\\_MEMO-16-4452\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-4452_en.htm)

<sup>1b</sup> *148 money laundering cases in 2012, 202 cases in 2013, 221 cases in 2014, and 285 cases in 2015*

Or. en

### **Amendment 114**

**Ana Gomes**

### **Motion for a resolution**

#### **Recital T**

#### *Motion for a resolution*

**T.        *whereas money laundering amounts***

#### *Amendment*

**T.        *whereas money laundering amounts***

to an estimated 2 %-5 % of GDP worldwide;

to an estimated 2 %-5 % of GDP worldwide; *whereas, by failing to properly legislate and enforce anti-money laundering controls, EU Member States and the Commission maybe allowing organised crime, including terrorism, to explore loopholes within the EU and globally;*

Or. en

#### **Amendment 115**

**Werner Langen, Sven Schulze**

#### **Motion for a resolution**

##### **Recital T**

##### *Motion for a resolution*

T. whereas money laundering amounts to an estimated 2 %-5 % of GDP worldwide;

##### *Amendment*

T. whereas *the scale of international* money laundering amounts to an estimated *share of* 2 %-5 % of GDP worldwide;

Or. de

#### **Amendment 116**

**Sergio Gaetano Cofferati, Emmanuel Maurel, Elly Schlein, Juan Fernando López Aguilar, Hugues Bayet, Evelyn Regner, Ana Gomes, Paul Tang, Peter Simon, Nessa Childers**

#### **Motion for a resolution**

##### **Recital U**

##### *Motion for a resolution*

U. whereas several EU Member States and overseas countries and territories (OCTs) feature in the top 100 most secretive countries<sup>19</sup> ;

##### *Amendment*

U. whereas several EU Member States and overseas countries and territories (OCTs) feature in the top 100 most secretive countries, *whereas Germany, Luxembourg and the United Kingdom feature in the top 15 and if UK were assessed together with its overseas territories and crown dependencies it would be at the top of such list<sup>19</sup>; whereas*

*several Member States, i.e. Netherlands, Ireland, Luxembourg and Cyprus, and European OCTs, i.e. Bermuda, Cayman Islands, Curacao, Jersey and the British Virgin Islands, feature in the top 15 corporate tax havens according to Oxfam<sup>19a</sup>;*

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<sup>19</sup> Financial Secrecy Index 2015, Tax Justice Network.

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<sup>19</sup> Financial Secrecy Index 2015, Tax Justice Network.

<sup>19a</sup> *Tax Battles, 2016, Oxfam.*

Or. en

#### **Amendment 117**

**Marco Valli**

#### **Motion for a resolution**

##### **Recital U**

##### *Motion for a resolution*

U. whereas several EU Member States and overseas countries and territories (OCTs) feature in the top 100 most secretive countries<sup>19</sup>;

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<sup>19</sup> Financial Secrecy Index 2015, Tax Justice Network

##### *Amendment*

U. whereas several EU Member States and overseas countries and territories (OCTs) feature in the top 100 most secretive countries<sup>19</sup>; ***whereas Luxembourg and Germany are ranked 6th and 8th, respectively;***

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<sup>19</sup> Financial Secrecy Index 2015, Tax Justice Network

Or. it

#### **Amendment 118**

**Werner Langen, Sven Schulze**

#### **Motion for a resolution**

##### **Recital U**

##### *Motion for a resolution*

##### *Amendment*

U. whereas several EU Member States and overseas countries and territories (OCTs) feature in the top 100 most secretive countries<sup>19</sup>;

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<sup>19</sup> Financial Secrecy Index 2015, Tax Justice Network.

U. whereas several EU Member States and overseas countries and territories (OCTs) *so far* feature in the top 100 most secretive countries<sup>19</sup>;

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<sup>19</sup> Financial Secrecy Index 2015, Tax Justice Network.

Or. de

### **Amendment 119**

**Paul Tang, Emmanuel Maurel, Hugues Bayet, Evelyn Regner, Ana Gomes, Peter Simon**

#### **Motion for a resolution**

##### **Recital V**

###### *Motion for a resolution*

V. whereas the Panama Papers documented a systematic use of illegal practices such as backdating documents and revealed a blatant disregard of basic due diligence on the part of lawyers, wealth managers and other intermediaries, as documented by, for example, maintaining business relations with companies whose nominee director had been dead for several years;

###### *Amendment*

V. whereas the Panama Papers documented a systematic use of illegal practices such as backdating documents and revealed a blatant disregard of basic due diligence on the part of lawyers, wealth managers and other intermediaries, as documented by, for example, maintaining business relations with companies whose nominee director had been dead for several years, *often caused by the passing on or out-sourcing of the due diligence obligation to another entity in the chain of the tax scheme* ;

Or. en

### **Amendment 120**

**Werner Langen, Sven Schulze**

#### **Motion for a resolution**

##### **Recital V**

###### *Motion for a resolution*

V. whereas the Panama Papers

###### *Amendment*

V. whereas the Panama Papers *made*

***documented*** a systematic use of illegal practices such as backdating documents and revealed a blatant disregard of basic due diligence on the part of lawyers, wealth managers and other intermediaries, as documented by, for example, maintaining business relations with companies whose nominee ***director*** had been dead for several years;

***public*** a systematic use of illegal practices such as backdating documents and revealed a blatant disregard of basic due diligence on the part of ***the*** lawyers, wealth managers and other intermediaries ***concerned***, as documented by, for example, maintaining business relations with companies whose nominee ***directors represented up to 1 000 letterbox companies or*** had been dead for several years;

Or. de

## **Amendment 121 Raymond Finch**

### **Motion for a resolution Recital V**

#### *Motion for a resolution*

V. whereas the Panama Papers documented a systematic use of illegal practices ***such as backdating documents*** and revealed a blatant disregard of basic due diligence on the part of lawyers, wealth managers and other intermediaries, as documented by, for example, maintaining business relations with companies whose nominee director had been dead for several years;

#### *Amendment*

V. whereas the Panama Papers documented a systematic use of illegal practices and revealed a blatant disregard of basic due diligence on the part of lawyers, wealth managers and other intermediaries, as documented by, for example, maintaining business relations with companies whose nominee director had been dead for several years;

Or. en

## **Amendment 122 Ana Gomes**

### **Motion for a resolution Recital V a (new)**

#### *Motion for a resolution*

#### *Amendment*

***Va. whereas the Panama Papers also***

*reveal a glaring disregard by governments, parliaments and national and European authorities for legislating and enforcing anti-money laundering and tax controls, thereby facilitating financial crimes;*

Or. en

#### **Amendment 123**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

#### **Motion for a resolution**

##### **Recital W**

##### *Motion for a resolution*

W. whereas 79 countries so far, or one-third of all nations, have announced a total of 150 inquiries, audits or investigations by police, customs, financial crime and mafia prosecutors, judges and courts, tax authorities and parliaments, and by means of corporate reviews, according to global media reports and official statements; whereas *thousands of* taxpayers and companies *are under investigation*; whereas over the past eight months this has led to national authorities having already recovered tens of millions of dollars in taxes on previously undeclared funds<sup>20</sup> ;

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<sup>20</sup> ICIJ 2017, 'Where Are They Now? A Year Later, Mixed Fortunes For Panama Papers Line-Up'.

##### *Amendment*

W. whereas 79 countries so far, or one-third of all nations, have announced a total of 150 inquiries, audits or investigations by police, customs, financial crime and mafia prosecutors, judges and courts, tax authorities and parliaments, and by means of corporate reviews, according to global media reports and official statements; whereas *Member States identified more than 3000 EU-based* taxpayers and companies *linked to the Panama papers*; *whereas Member States have collectively launched at least 1300 inquiries, audits and investigations into Panama Papers revelations*; whereas over the past eight months this has led to national authorities having already recovered tens of millions of dollars in taxes on previously undeclared funds<sup>20</sup> ;

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<sup>20</sup> ICIJ 2017, 'Where Are They Now? A Year Later, Mixed Fortunes For Panama Papers Line-Up'.

Or. en



## Amendment 124

Werner Langen, Sven Schulze

### Motion for a resolution

#### Recital W

##### *Motion for a resolution*

W. whereas 79 countries so far, or one-third of all nations, have announced a total of 150 inquiries, audits or investigations by police, customs, financial crime and mafia prosecutors, judges and courts, tax authorities and parliaments, and by means of corporate reviews, according to **global** media reports and official statements; whereas thousands of taxpayers and companies are under investigation; whereas over the past **eight** months this has led to national authorities having already recovered **tens of** millions of dollars in taxes on previously undeclared funds<sup>20</sup>;

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<sup>20</sup> ICIJ 2017, 'Where Are They Now? A Year Later, Mixed Fortunes For Panama Papers Line-Up'.

##### *Amendment*

W. whereas 79 countries so far, or one-third of all nations, have announced a total of 150 inquiries, audits or investigations by police, customs, financial crime and mafia prosecutors, judges and courts, tax authorities and parliaments, and by means of corporate reviews, according to media reports and official statements; whereas thousands of taxpayers and companies are under investigation; whereas over the past **twelve** months this has led to national authorities having already recovered **many** millions of dollars **or euros** in taxes on previously undeclared funds<sup>20</sup>;

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<sup>20</sup> ICIJ 2017, 'Where Are They Now? A Year Later, Mixed Fortunes For Panama Papers Line-Up'.

Or. de

## Amendment 125

Monica Macovei, Pirkko Ruohonen-Lerner, Maite Pagazaurtundúa Ruiz, Fabio De Masi, Miguel Urbán Crespo, Sven Giegold

### Motion for a resolution

#### Recital W a (new)

##### *Motion for a resolution*

##### *Amendment*

**Wa. Whereas the International Consortium of Investigative Journalists (ICIJ) included a reference in its Panama Papers report to bearer shares, describing them as one way to protect the anonymity of companies' owners, making it harder to**

*ascertain the ultimate ownership of the companies; whereas the real and ultimate ownership can be transferred from one party to another in full anonymity, without any trace and further documentation; whereas through bearer shares an individual or an entity can control a public or private company conducting in the same time businesses with public money;*

Or. en

**Amendment 126**

**Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Miguel Viegas, Miguel Urbán Crespo, Fabio De Masi, Matt Carthy, Curzio Maltese**

**Motion for a resolution**

**Recital W a (new)**

*Motion for a resolution*

*Amendment*

*Wa. Whereas the International Consortium of Investigative Journalists (ICIJ) included a reference in its Panama Papers report to bearer shares, describing them as one way to protect the anonymity of companies' owners, making it harder to ascertain the ultimate ownership of the companies; whereas the real and ultimate ownership can be transferred from one party to another in full anonymity, without any trace and further documentation; whereas through bearer shares an individual or an entity can control a public or private company conducting in the same time businesses with public money;*

Or. en

**Amendment 127**

**Markus Ferber**

**Motion for a resolution**  
**Recital W a (new)**

*Motion for a resolution*

*Amendment*

***Wa. whereas the work of the Committee of Inquiry has made it clear that there are also tax havens within the European Union; whereas the Commissioner responsible for taxation is publicly denying this;***

Or. de

**Amendment 128**

**Pervenche Berès, Ramón Jáuregui Atondo, Paul Tang, Emmanuel Maurel, Tibor Szanyi, Hugues Bayet, Evelyn Regner, Peter Simon**

**Motion for a resolution**  
**Recital W a (new)**

*Motion for a resolution*

*Amendment*

***Wa. whereas the EU is the global leader in the fight against money laundering, tax fraud, tax evasion and tax avoidance; whereas it must remain so by going further than the international standards and recommendations in these fields in order to raise the global level;***

Or. en

**Amendment 129**

**Monica Macovei, Pirkko Ruohonen-Lerner, Maite Pagazaurtundúa Ruiz, Sven Giegold**

**Motion for a resolution**  
**Recital W b (new)**

*Motion for a resolution*

*Amendment*

***Wb. Whereas many EU public or private companies have issued such bearer shares, and many have obtained public contracts of hundreds of millions***

*of euros; Whereas these companies use EU public funds for infrastructure projects or are involved in large energy businesses, metallurgical, or other kind of industries;*

Or. en

**Amendment 130**  
**Werner Langen, Sven Schulze**

**Motion for a resolution**  
**Subheading 1**

*Motion for a resolution*

Tax evasion and tax avoidance

*Amendment*

*Illegal* tax evasion and *legal* tax avoidance

Or. de

**Amendment 131**  
**Ana Gomes**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

1. Notes that various definitions exist as to what constitutes an offshore financial centre (OFC), a tax haven, a secrecy haven, a non-cooperative tax jurisdiction or a high-risk country in terms of money laundering;

*Amendment*

1. Notes that various definitions exist as to what constitutes an offshore financial centre (OFC), a tax haven, a secrecy haven, a non-cooperative tax jurisdiction or a high-risk country in terms of money laundering; *notes that “freeports” also constitute offshore storage facilities, enabling money laundering and the untaxed trade of other values, including jewellery, art, antiques and other items proceeding from organised crime, fraud, corruption and other crimes;*

Or. en

**Amendment 132**  
**Marco Valli**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

1. Notes that various definitions exist as to what constitutes an offshore financial centre (OFC), a tax haven, a secrecy haven, a non-cooperative tax jurisdiction or a high-risk country in terms of money laundering;

*Amendment*

1. Notes that various definitions exist as to what constitutes an offshore financial centre (OFC), a tax haven, a secrecy haven, a non-cooperative tax jurisdiction or a high-risk country in terms of money laundering; ***notes that the very absence of a single definition constitutes one of the main factors preventing the adoption of adequate and effective legislation to counteract tax avoidance, tax evasion and money laundering;***

Or. it

**Amendment 133**  
**Enrique Calvet Chambon, Petras Auštrevičius**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

1. Notes that various definitions exist as to what constitutes an offshore financial centre (OFC), a tax haven, a secrecy haven, a non-cooperative tax jurisdiction or a high-risk country in terms of money laundering;

*Amendment*

1. Notes that various definitions exist as to what constitutes an offshore financial centre (OFC), a tax haven, a secrecy haven, a non-cooperative tax jurisdiction or a high-risk country in terms of money laundering; ***notes the difficulties to identify and define shell companies and their link to offshore structures due to the lack of available information and the many kind of entities depending on the purpose of its economic activity;***

Or. en

#### **Amendment 134**

**Luis de Grandes Pascual, Gabriel Mato**

#### **Motion for a resolution**

##### **Paragraph 1**

##### *Motion for a resolution*

1. Notes that various definitions exist as to what constitutes an offshore financial centre (OFC), a tax haven, a secrecy haven, a non-cooperative tax jurisdiction or a high-risk country in terms of money laundering;

##### *Amendment*

1. Notes that various definitions exist as to what constitutes an offshore financial centre (OFC), a tax haven, a secrecy haven, a non-cooperative tax jurisdiction or a high-risk country in terms of money laundering; ***calls on the Commission to establish a common definition at European level;***

Or. es

#### **Amendment 135**

**Maite Pagazaurtundúa Ruiz, Petras Auštrevičius**

#### **Motion for a resolution**

##### **Paragraph 1 a (new)**

##### *Motion for a resolution*

##### *Amendment*

***1a. Recalls that depending on the definition of offshore financial centre chosen the number of volume of offshore finance vary between 1 and 21 trillion dollars <sup>1a</sup>.***

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***<sup>1a</sup> Study for the PANA committee "Offshore activities and money laundering: recent findings and challenges" by Prof. Dr. Brigitte UNGER, Utrecht University School of Economics, the Netherlands.***

Or. en

#### **Amendment 136**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Recognises that offshore financial centres generally present the following features: 1) a primary orientation of business toward non-residents; 2) *a favourable regulatory environment (low supervisory requirements and minimal information disclosure)*; 3) the existence of low (unspecified) or zero taxation schemes<sup>21</sup> ;

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<sup>21</sup> ‘Offshore activities and money laundering: recent findings and challenges’, Prof. Dr. Brigitte Unger, Utrecht University School of Economics, The Netherlands, February 2017.

*Amendment*

2. Recognises that offshore financial centres generally present the following features: 1) a primary orientation of business toward non-residents; 2) *low or moderate supervisory and financial requirements and/or minimal information disclosure*; 3) the existence of low (unspecified) or zero taxation schemes<sup>21</sup> ; *4) Financial systems with external assets and liabilities out of proportion to domestic financial intermediation; 5) the existence of very specific and restricted tax advantages or certain administrative practices that provide selective advantages for tax planners;*

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<sup>21</sup> ‘Offshore activities and money laundering: recent findings and challenges’, Prof. Dr. Brigitte Unger, Utrecht University School of Economics, The Netherlands, February 2017.

Or. en

**Amendment 137**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Recognises that offshore financial centres generally present the following features: 1) a primary orientation of

*Amendment*

2. Recognises that offshore financial centres generally present the following features: 1) a primary orientation of

business toward non-residents; 2) a favourable regulatory environment (low supervisory requirements and ***minimal information disclosure***); 3) the existence of low (unspecified) or zero taxation schemes<sup>21</sup> ;

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<sup>21</sup> ‘Offshore activities and money laundering: recent findings and challenges’, Prof. Dr. Brigitte Unger, Utrecht University School of Economics, The Netherlands, February 2017.

business toward non-residents; 2) a favourable regulatory environment (low supervisory requirements and ***secrecy and confidentiality***); 3) the existence of low (unspecified) or zero taxation schemes<sup>21</sup> ;

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<sup>21</sup> ‘Offshore activities and money laundering: recent findings and challenges’, Prof. Dr. Brigitte Unger, Utrecht University School of Economics, The Netherlands, February 2017.

Or. en

### **Amendment 138**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

### **Motion for a resolution**

#### **Paragraph 2 a (new)**

*Motion for a resolution*

*Amendment*

***2a. Notes that academic literature distinguishes between sink-OFCs - which attract and retain foreign capital - and conduit-OFCs- which are attractive intermediate destinations in the routing of international investments and enable the transfer of capital without taxation; Underlines that five countries – the Netherlands, the United Kingdom, Ireland, Singapore and Switzerland – canalize the majority of corporate offshore investment as conduit-OFCs, specialising either by geographical area or industrial sector<sup>1a</sup>***

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***<sup>1a</sup> University of Amsterdam, “Uncovering Offshore Financial Centers: Conduits and Sinks in the Global Corporate Ownership Network” 24 July 2017***



Or. en

**Amendment 139**

**Evelyn Regner, Peter Simon, Emmanuel Maurel, Elly Schlein, Sergio Gaetano Cofferati, Hugues Bayet, Ana Gomes**

**Motion for a resolution**

**Paragraph 2 a (new)**

*Motion for a resolution*

*Amendment*

**2a. Notes with great concern the numerous tax havens located in the European Union; stresses that the OECD took a critical view on freeports, namely that storage facilities of this type could be used to launder money, as they circumvent international transparency rules and that media reports suggest that freeports are being used as hiding places for looted art and antiques – including objects looted by IS;**

Or. en

**Amendment 140**

**Pirkko Ruohonen-Lerner, Monica Macovei**

**Motion for a resolution**

**Paragraph 2 a (new)**

*Motion for a resolution*

*Amendment*

**2a. Notes that while traditional tax havens that aim to attract disproportionate amounts of private wealth typically rely on high levels of secrecy, corporate tax havens may be more transparent but still very harmful in poaching the tax bases of other countries;**

## Amendment 141

Marco Valli

### Motion for a resolution

#### Paragraph 3

##### *Motion for a resolution*

3. **Welcomes** the *fact* that the **Commission is** in the process of drawing up two different lists, namely a ‘common EU tax list of uncooperative tax jurisdictions’ and an ‘EU anti-money laundering list of high-risk third countries’;

##### *Amendment*

3. **Highlights** the *risk* that the **Commission's insufficiently ambitious and neutral approach** in the process of drawing up two different lists, namely a ‘common EU tax list of uncooperative tax jurisdictions’ and an ‘EU anti-money laundering list of high-risk third countries’, **may frustrate efforts to identify the jurisdictions and countries that pose a real threat in terms of money laundering and tax avoidance and tax evasion and to take the necessary defensive countermeasures**;

## Amendment 142

Evelyn Regner, Peter Simon, Emmanuel Maurel, Sergio Gaetano Cofferati, Tibor Szanyi, Hugues Bayet

### Motion for a resolution

#### Paragraph 3

##### *Motion for a resolution*

3. Welcomes the fact that the Commission is in the process of drawing up two different lists, namely a ‘common EU tax list of uncooperative tax jurisdictions’ and an ‘EU anti-money laundering list of high-risk third countries’;

##### *Amendment*

3. Welcomes the fact that the Commission is in the process of drawing up two different lists, namely a ‘common EU tax list of uncooperative tax jurisdictions’ and an ‘EU anti-money laundering list of high-risk third countries’; **urges the European Commission and the EU Member States to agree on stricter criteria making the lists an effective tool to fight tax avoidance, tax evasion and**

*money laundering within the EU and globally;*

Or. en

#### **Amendment 143**

**Luděk Niedermayer, Dariusz Rosati**

#### **Motion for a resolution**

##### **Paragraph 3**

###### *Motion for a resolution*

3. Welcomes the fact that the Commission *is* in the process of **drawing up two different lists, namely a ‘common EU tax list of uncooperative tax jurisdictions’ and an ‘EU anti-money laundering list of high-risk third countries’**;

###### *Amendment*

3. Welcomes the fact that the Commission **and the Code of Conduct Group are** in the process of **drawing up the Common EU list of non-cooperative tax jurisdictions (the Moscovici list), and the Commission has drawn up and is regularly updating the EU list of high risk third-countries with strategic deficiencies in their AML/CFT regimes posing risk to the financial system of the Union (the Jourova list)** ;

Or. en

#### **Amendment 144**

**Ana Gomes**

#### **Motion for a resolution**

##### **Paragraph 3**

###### *Motion for a resolution*

3. Welcomes the fact that the Commission is in the process of drawing up two different lists, namely a ‘common EU tax list of uncooperative tax jurisdictions’ and an ‘EU anti-money laundering list of high-risk third countries’;

###### *Amendment*

3. Welcomes the fact that the Commission is in the process of drawing up two different lists, namely a ‘common EU tax list of uncooperative tax jurisdictions’ and an ‘EU anti-money laundering list of high-risk third countries’; **regrets however that the Commission has, so far, failed to counter EU jurisdictions that function as tax havens and**

“freeports”;

Or. en

**Amendment 145**  
**Sajjad Karim**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. **Welcomes** the fact that the Commission is in the process of drawing up two different lists, namely a ‘common EU tax list of uncooperative tax jurisdictions’ and an ‘EU anti-money laundering list of high-risk third countries’;

*Amendment*

3. **Notes** the fact that the Commission is in the process of drawing up two different lists, namely a ‘common EU tax list of uncooperative tax jurisdictions’ and an ‘EU anti-money laundering list of high-risk third countries’;

Or. en

**Amendment 146**  
**Angel Dzhambazki, Bernd Lucke**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. **Welcomes** the fact that the Commission is in the process of drawing up two different lists, namely a ‘common EU tax list of uncooperative tax jurisdictions’ and an ‘EU anti-money laundering list of high-risk third countries’;

*Amendment*

3. **Notes** the fact that the Commission is in the process of drawing up two different lists, namely a ‘common EU tax list of uncooperative tax jurisdictions’ and an ‘EU anti-money laundering list of high-risk third countries’;

Or. en

**Amendment 147**  
**Thierry Cornillet**

**Motion for a resolution**

### Paragraph 3

#### *Motion for a resolution*

3. Welcomes the fact that the **Commission** is in the process of drawing up two different lists, namely a ‘common EU tax list of uncooperative tax jurisdictions’ and an ‘EU anti-money laundering list of high-risk third countries’;

#### *Amendment*

3. Welcomes the fact that the **Union** is in the process of drawing up two different lists, namely a ‘common EU tax list of uncooperative tax jurisdictions’ and an ‘EU anti-money laundering list of high-risk third countries’;

Or. fr

### Amendment 148

Pervenche Berès, Emmanuel Maurel, Hugues Bayet, Peter Simon

#### Motion for a resolution

##### Paragraph 4

#### *Motion for a resolution*

4. **Acknowledges** that the two lists **may overlap in terms of some of the countries they feature, although they** have different objectives, different criteria, a different compilation process and different consequences; **believes, nonetheless, that the two lists should complement each other in ensuring** double protection for EU Member States’ tax bases and the proper functioning of the Single Market;

#### *Amendment*

4. **Adds** that the two lists have different objectives, different criteria, a different compilation process and different consequences **and that together they will ensure a** double protection for EU Member States’ tax bases and the proper functioning of the Single Market;

Or. en

### Amendment 149

Lud k Niedermayer, Dariusz Rosati

#### Motion for a resolution

##### Paragraph 4

#### *Motion for a resolution*

4. Acknowledges that the two lists may overlap in terms of some of the countries they feature, although they have

#### *Amendment*

4. Acknowledges that the two lists may overlap in terms of some of the countries they feature, although they have

different objectives, different criteria, a different compilation process and different consequences; believes, nonetheless, that the two lists should complement each other in ensuring **double** protection for EU Member States' tax bases and the proper functioning of the Single Market;

different objectives, different criteria, a different compilation process and different consequences; believes, nonetheless, that the two lists should complement each other in ensuring **high** protection for EU Member States' tax bases, **integrity of the EU financial system** and the proper functioning of the Single Market;

Or. en

**Amendment 150**  
**Romana Tomc**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. Acknowledges that the two lists may overlap in terms of some of the countries they feature, although they have different objectives, different criteria, a different compilation process and different consequences; believes, nonetheless, that the two lists should complement each other in ensuring **double** protection for EU Member States' tax bases and the proper functioning of the Single Market;

*Amendment*

4. Acknowledges that the two lists may overlap in terms of some of the countries they feature, although they have different objectives, different criteria, a different compilation process and different consequences; believes, nonetheless, that the two lists should complement each other in ensuring **full** protection for EU Member States' tax bases and the proper functioning of the Single Market;

Or. en

**Amendment 151**  
**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 4 a (new)**

*Motion for a resolution*

*Amendment*

**4a. Notes that projects managed by the European Investment Bank involved**

*Mossack Fonseca and that the European Commission blocked 18 projects in 2016, preventing €1billion to end up in tax havens;*

Or. en

**Amendment 152**  
**Ana Gomes**

**Motion for a resolution**  
**Paragraph 4 a (new)**

*Motion for a resolution*

*Amendment*

*4a. Regrets the fact that the Commission and Council have, so far, never inserted a “fair taxation chapter” in any trade, investment or partnership agreement between the EU and third countries;*

Or. en

**Amendment 153**  
**Enrique Calvet Chambon, Petras Auštrevičius**

**Motion for a resolution**  
**Paragraph 4 a (new)**

*Motion for a resolution*

*Amendment*

*4a. Notes with concern the high correlation between the number of shell companies and tax rulings and certain tax jurisdictions and EU Member States;*

Or. en

**Amendment 154**  
**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**

on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 4 b (new)**

*Motion for a resolution*

*Amendment*

**4b.** *Notes the jurisprudence of the Court of Justice of the European Union regarding the principle of abuse of law in relation to taxation, ruling that nationals of a Member States cannot attempt improperly or fraudulently to take advantage of provisions of EU law; Adds that several Member States apply the concept of abuse of law to taxation issues*  
*<sup>1a</sup>,*

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*<sup>1a</sup> For example: France, Italy, Poland and the Netherlands*

Or. en

**Amendment 155**  
**Lud k Niedermayer, Dariusz Rosati**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

*Amendment*

**5.** *Welcomes the fact that the Council is aiming to establish by the end of 2017 a ‘Common EU List of Non-Cooperative Tax Jurisdictions’, with the aim of addressing external risks to Member States’ tax bases posed by third countries that refuse to adhere to international tax good governance standards;*

*deleted*

Or. en

**Amendment 156**



**Marco Valli**

**Motion for a resolution  
Paragraph 5**

*Motion for a resolution*

5. **Welcomes the fact** that the Council is aiming to establish by the end of 2017 a ‘Common EU List of Non-Cooperative Tax Jurisdictions’, with the aim of addressing external risks to Member States’ tax bases posed by third countries that refuse to adhere to international tax good governance standards;

*Amendment*

5. **Notes** that the Council is aiming to establish by the end of 2017 a ‘Common EU List of Non-Cooperative Tax Jurisdictions’, with the aim of addressing external risks to Member States’ tax bases posed by third countries that refuse to adhere to international tax good governance standards; ***stresses that this initiative will succeed only if it is based on solid and objective criteria and includes all countries and jurisdictions that effectively operate as tax havens, regardless of any political commitments or agreements or the formal transposition of international tax standards; regrets in this regard that there is a clear political will to exclude EU Member States from the list, thus refusing to address the internal problem of the erosion of the tax bases of the Member States caused by EU countries systematically pursuing harmful tax practices at the heart of Europe;***

Or. it

**Amendment 157**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution  
Paragraph 5**

*Motion for a resolution*

5. Welcomes the fact that the Council is aiming to establish by the end of 2017 a ‘Common EU List of Non-Cooperative Tax Jurisdictions’, with the aim of

*Amendment*

5. Welcomes the fact that the Council is aiming to establish by the end of 2017 a ‘Common EU List of Non-Cooperative Tax Jurisdictions’, with the aim of

addressing external risks to Member States' tax bases posed by third countries that refuse to adhere to international tax good governance standards;

addressing external risks to Member States' tax bases posed by third countries that refuse to adhere to international tax good governance standards; *deplores, however, that only third countries outside the EU will be scrutinized and that the European Parliament is not involved in the screening process, which is carried out by the Council Code of Conduct Group on Business Taxation suffering from opaque proceedings and inefficient decision rules; Stresses that the above-mentioned list should be realistic and objective in order to be credible and to restore confidence in EU actions to fight tax havens;*

Or. en

#### **Amendment 158**

**Monica Macovei, Traian Ungureanu, Pirkko Ruohonen-Lerner, Fabio De Masi**

#### **Motion for a resolution**

##### **Paragraph 5**

##### *Motion for a resolution*

5. Welcomes the fact that the Council is aiming to establish by the end of 2017 a 'Common EU List of Non-Cooperative Tax Jurisdictions', with the aim of addressing external risks to Member States' tax bases posed by third countries that refuse to adhere to international tax good governance standards;

##### *Amendment*

5. Welcomes the fact that the Council is aiming to establish by the end of 2017 a 'Common EU List of Non-Cooperative Tax Jurisdictions', with the aim of addressing external risks to Member States' tax bases posed by third countries that refuse to adhere to international tax good governance standards; *calls upon the Council to establish by the end of 2017 a similar list with the EU Member States where Non-Cooperative Tax Jurisdictions exist even if in regions or in other administrative structures of those Member States*

Or. en

#### **Amendment 159**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

#### **Motion for a resolution**

##### **Paragraph 5**

###### *Motion for a resolution*

5. **Welcomes** the fact that the Council is aiming to establish by the end of 2017 a ‘Common EU List of Non-Cooperative Tax Jurisdictions’, with the aim of addressing external risks to Member States’ tax bases posed by third countries that refuse to adhere to international tax good governance standards;

###### *Amendment*

5. **Notes** the fact that the Council is aiming to establish by the end of 2017 a ‘Common EU List of Non-Cooperative Tax Jurisdictions’, with the aim of addressing external risks to Member States’ tax bases posed by third countries that refuse to adhere to international tax good governance standards, ***regrets the fact that this list is likely to be noticeably incomplete in terms of criteria and countries to be included;***

Or. en

#### **Amendment 160**

**Werner Langen, Sven Schulze**

#### **Motion for a resolution**

##### **Paragraph 5**

###### *Motion for a resolution*

(5) Welcomes the fact that the Council is aiming to establish by the end of 2017 a ‘Common EU List of Non-Cooperative Tax Jurisdictions’, with the aim of addressing external risks to Member States’ tax bases posed by third countries that refuse to adhere to international tax good governance standards;

###### *Amendment*

(5) Welcomes the fact that the Council is aiming to establish by the end of 2017 a ‘Common EU List of Non-Cooperative Tax Jurisdictions’, with the aim of addressing external risks to Member States’ tax bases posed by third countries ***and jurisdictions close to the EU*** that refuse to adhere to international tax good governance standards;

Or. de

#### **Amendment 161**

**Beatrix von Storch**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. **Welcomes** the fact that the Council is aiming to establish by the end of 2017 a ‘Common EU List of Non-Cooperative Tax Jurisdictions’, with the aim of addressing external risks to Member States’ tax bases posed by third countries that refuse to adhere to international tax good governance standards;

*Amendment*

5. **Notes** the fact that the Council is aiming to establish by the end of 2017 a ‘Common EU List of Non-Cooperative Tax Jurisdictions’, with the aim of addressing external risks to Member States’ tax bases posed by third countries that refuse to adhere to international tax good governance standards;

Or. en

**Amendment 162**

**Pervenche Berès, Emilian Pavel, Sergio Gaetano Cofferati, Evelyn Regner, Emmanuel Maurel, Elly Schlein, Virginie Rozière, Ana Gomes, Paul Tang, Peter Simon**

**Motion for a resolution**  
**Paragraph 6**

*Motion for a resolution*

6. Notes that this list aims to provide a common EU methodology for assessing, screening and listing third-country tax jurisdictions, allowing Member States to identify jurisdictions playing a role in tax avoidance and evasion<sup>22</sup>;

*Amendment*

6. Notes that this list aims to provide a common EU methodology for assessing, screening and listing third-country tax jurisdictions, allowing Member States to identify jurisdictions playing a role in tax avoidance and *tax* evasion<sup>22</sup>; ***calls on the Council not to dilute the ambition of the criteria of said list; regrets that the Code of Conduct Group (Business Taxation) has withdrawn the clear mention of zero corporate tax rate as a criteria to define tax haven and be identified on such a list;***

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<sup>22</sup> A provisional scoreboard of third-country jurisdictions was published in September 2016 and comprises two sets of indicators for determining risks to EU Member States: 1) assessments of a

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<sup>22</sup> A provisional scoreboard of third-country jurisdictions was published in September 2016 and comprises two sets of indicators for determining risks to EU Member States: 1) assessments of a

jurisdiction's economic ties with the EU, the magnitude of financial services activity and financial stability factors; 2) assessment of the risk the jurisdiction poses, identifying whether jurisdictions are sufficiently transparent, have favourable corporate income tax regimes or zero corporate income tax rates.

jurisdiction's economic ties with the EU, the magnitude of financial services activity and financial stability factors; 2) assessment of the risk the jurisdiction poses, identifying whether jurisdictions are sufficiently transparent, have favourable corporate income tax regimes or zero corporate income tax rates.

Or. en

## **Amendment 163**

### **Marco Valli**

#### **Motion for a resolution**

#### **Paragraph 6**

##### *Motion for a resolution*

6. Notes that this list aims to provide a common EU methodology for assessing, screening and listing third-country tax jurisdictions, allowing Member States to identify jurisdictions playing a role in tax avoidance and evasion<sup>22</sup>;

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<sup>22</sup> A provisional scoreboard of third-country jurisdictions was published in September 2016 and comprises two sets of indicators for determining risks to EU Member States: 1) assessments of a jurisdiction's economic ties with the EU, the magnitude of financial services activity and financial stability factors; 2) assessment of the risk the jurisdiction poses, identifying whether jurisdictions are sufficiently transparent, have favourable corporate income tax regimes or zero corporate income tax rates.

##### *Amendment*

6. Notes that this list aims to provide a common EU methodology for assessing, screening and listing third-country tax jurisdictions, allowing Member States to identify jurisdictions playing a role in tax avoidance and evasion<sup>22</sup>; ***recalls in this respect that the Panama Papers have revealed the central role played by various Member States in terms of tax avoidance and evasion; insists, therefore, on the need to extend this process to countries within the Union;***

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<sup>22</sup> A provisional scoreboard of third-country jurisdictions was published in September 2016 and comprises two sets of indicators for determining risks to EU Member States: 1) assessments of a jurisdiction's economic ties with the EU, the magnitude of financial services activity and financial stability factors; 2) assessment of the risk the jurisdiction poses, identifying whether jurisdictions are sufficiently transparent, have favourable corporate income tax regimes or zero ***or close-to-zero*** corporate income tax rates.

**Amendment 164**  
**Werner Langen, Sven Schulze**

**Motion for a resolution**  
**Paragraph 6**

*Motion for a resolution*

(6) Notes that this list aims to provide a common EU methodology for assessing, screening and listing third-country tax jurisdictions, allowing Member States to identify jurisdictions playing a role in tax avoidance and evasion<sup>22</sup>;

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<sup>22</sup> A provisional scoreboard of third-country jurisdictions was published in September 2016 and comprises two sets of indicators for determining risks to EU Member States: 1) assessments of a jurisdiction's economic ties with the EU, the magnitude of financial services activity and financial stability factors; 2) assessment of the risk the jurisdiction poses, identifying whether jurisdictions are sufficiently transparent, have favourable corporate income tax regimes or zero corporate income tax rates.

*Amendment*

(6) Notes that this list aims to provide a common EU methodology for assessing, screening and listing ***EU and*** third-country tax jurisdictions, allowing Member States to identify jurisdictions playing a role in tax avoidance and evasion<sup>22</sup>;

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<sup>22</sup> A provisional scoreboard of third-country jurisdictions was published in September 2016 and comprises two sets of indicators for determining risks to EU Member States: 1) assessments of a jurisdiction's economic ties with the EU, the magnitude of financial services activity and financial stability factors; 2) assessment of the risk the jurisdiction poses, identifying whether jurisdictions are sufficiently transparent, have favourable corporate income tax regimes or zero corporate income tax rates.

**Amendment 165**  
**Lud k Niedermayer, Dariusz Rosati**

**Motion for a resolution**  
**Paragraph 6**

*Motion for a resolution*

6. Notes that ***this*** list aims to provide a common EU methodology for assessing, screening and listing third-country tax

*Amendment*

6. Notes that ***the Moscovici*** list aims to provide a common EU methodology for assessing, screening and listing third-

jurisdictions, allowing Member States to identify jurisdictions playing a role in tax avoidance and evasion<sup>22</sup> ;

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<sup>22</sup> A provisional scoreboard of third-country jurisdictions was published in September 2016 and comprises two sets of indicators for determining risks to EU Member States: 1) assessments of a jurisdiction's economic ties with the EU, the magnitude of financial services activity and financial stability factors; 2) assessment of the risk the jurisdiction poses, identifying whether jurisdictions are sufficiently transparent, have favourable corporate income tax regimes or zero corporate income tax rates.

country tax jurisdictions, allowing Member States to identify jurisdictions playing a role in tax avoidance and evasion<sup>22</sup> ;

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<sup>22</sup> A provisional scoreboard of third-country jurisdictions was published in September 2016 and comprises two sets of indicators for determining risks to EU Member States: 1) assessments of a jurisdiction's economic ties with the EU, the magnitude of financial services activity and financial stability factors; 2) assessment of the risk the jurisdiction poses, identifying whether jurisdictions are sufficiently transparent, have favourable corporate income tax regimes or zero corporate income tax rates.

Or. en

## **Amendment 166**

### **Emilian Pavel**

#### **Motion for a resolution**

#### **Paragraph 6**

##### *Motion for a resolution*

6. Notes that this list aims to provide a common EU methodology for assessing, screening and listing third-country tax jurisdictions, allowing Member States to identify jurisdictions playing a role in tax avoidance and evasion<sup>22</sup> ;

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<sup>22</sup> A provisional scoreboard of third-country jurisdictions was published in September 2016 and comprises two sets of indicators for determining risks to EU Member States: 1) assessments of a jurisdiction's economic ties with the EU, the magnitude of financial services activity and financial stability factors; 2) assessment of the risk the jurisdiction

##### *Amendment*

6. Notes that this list aims to provide a common EU methodology for assessing, screening and listing third-country tax jurisdictions, allowing Member States to identify jurisdictions playing a role in tax avoidance and **tax** evasion<sup>22</sup> ;

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<sup>22</sup> A provisional scoreboard of third-country jurisdictions was published in September 2016 and comprises two sets of indicators for determining risks to EU Member States: 1) assessments of a jurisdiction's economic ties with the EU, the magnitude of financial services activity and financial stability factors; 2) assessment of the risk the jurisdiction

poses, identifying whether jurisdictions are sufficiently transparent, have favourable corporate income tax regimes or zero corporate income tax rates.

poses, identifying whether jurisdictions are sufficiently transparent, have favourable corporate income tax regimes or zero corporate income tax rates.

Or. en

#### **Amendment 167**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

#### **Motion for a resolution Paragraph 7**

##### *Motion for a resolution*

7. Welcomes the fact that in May 2016, the Council endorsed the proposed listing process and called for an EU list to be ready in 2017;

##### *Amendment*

7. Welcomes the fact that in May 2016, the Council endorsed the proposed listing process and called for an EU list to be ready in 2017; ***Regrets however that despite support from the European Parliament and the European Commission, Member States did not agree that low or no taxation rates should be considered as a specific criterion to assess unfair tax competition when screening third country jurisdictions*** <sup>1a</sup>

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<sup>1a</sup> See Written answers by Commissioner Jourova, November 2016

Or. en

#### **Amendment 168**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

#### **Motion for a resolution Paragraph 7**

##### *Motion for a resolution*

##### *Amendment*



7. ***Welcomes the fact*** that in May 2016, the Council endorsed the proposed listing process and called for an EU list to be ready in 2017;

7. ***Notes*** that in May 2016, the Council endorsed the proposed listing process and called for an EU list to be ready in 2017; ***deplores that the Council decided against a zero or close to zero corporate tax rate as a listing criterion; regrets that EU Member States fulfilling the criteria of a non-cooperative tax jurisdiction will not be listed;***

Or. en

#### **Amendment 169**

**Evelyn Regner, Peter Simon, Emmanuel Maurel, Sergio Gaetano Cofferati, Hugues Bayet**

#### **Motion for a resolution Paragraph 7**

##### *Motion for a resolution*

7. Welcomes the fact that in May 2016, the Council endorsed the proposed listing process and called for an EU list to be ready in 2017;

##### *Amendment*

7. Welcomes the fact that in May 2016, the Council endorsed the proposed listing process and called for an EU list to be ready in 2017; ***underlines that the assessments of individual countries should be carried out in a transparent manner;***

Or. en

#### **Amendment 170**

**Ramón Jáuregui Atondo**

#### **Motion for a resolution Paragraph 7**

##### *Motion for a resolution*

7. Welcomes the fact that in May 2016, the Council endorsed the proposed listing process and called for an EU list to be ready in 2017;

##### *Amendment*

7. Welcomes the fact that in May 2016, the Council endorsed the proposed listing process and called for an EU list to be ready in 2017; ***calls for a universal definition of tax havens agreed by the EU,***

*the OECD, the IMF and the UN.*

Or. en

**Amendment 171**  
**Werner Langen, Sven Schulze**

**Motion for a resolution**  
**Paragraph 7**

*Motion for a resolution*

(7) Welcomes the fact that in May 2016, the Council endorsed the proposed listing process and called for an EU list to be ready in 2017;

*Amendment*

(7) Welcomes the fact that in May 2016, the Council endorsed the proposed listing process and called for an EU list, *including EU tax havens*, to be ready in 2017;

Or. de

**Amendment 172**  
**Romana Tomc**

**Motion for a resolution**  
**Paragraph 7**

*Motion for a resolution*

7. Welcomes the fact that in May 2016, the Council endorsed the proposed listing process and called for an EU list to be ready *in* 2017;

*Amendment*

7. Welcomes the fact that in May 2016, the Council endorsed the proposed listing process and called for an EU list to be ready *by the end of* 2017;

Or. en

**Amendment 173**  
**Lud k Niedermayer, Dariusz Rosati**

**Motion for a resolution**  
**Paragraph 7**

*Motion for a resolution*

7. Welcomes the fact that in May 2016, the Council endorsed the proposed listing process and called for *an EU* list to be ready *in* 2017;

*Amendment*

7. Welcomes the fact that in May 2016, the Council endorsed the proposed listing process and called for *this* list to be ready *by the end of* 2017;

Or. en

**Amendment 174**

**Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

**Motion for a resolution  
Paragraph 7 a (new)**

*Motion for a resolution*

*Amendment*

*7a. Notes that a list of non-cooperative tax jurisdictions will only proof useful if accompanied by meaningful sanctions that will bring about the necessary changes in the legislation of the concerned jurisdictions; such sanctions can include, but are not limited to, the application of withholding taxes to funds flowing to listed jurisdictions and the cancelation of double taxation agreements;*

Or. en

**Amendment 175**

**Pervenche Berès, Emmanuel Maurel, Elly Schlein, Sergio Gaetano Cofferati, Tibor Szanyi, Hugues Bayet, Evelyn Regner, Ana Gomes, Paul Tang, Peter Simon**

**Motion for a resolution  
Paragraph 7 a (new)**

*Motion for a resolution*

*Amendment*

*7a. Regrets that the Code of Conduct Group (Business Taxation) is handling*

*the process without any transparency;*

Or. en

**Amendment 176**

**Luděk Niedermayer, Dariusz Rosati**

**Motion for a resolution**

**Paragraph 8**

*Motion for a resolution*

8. Recalls that the OECD Common Reporting Standard (CRS) requires jurisdictions to obtain information from their financial institutions and automatically exchange that information with other jurisdictions on an annual basis; regrets that *this has been implemented recently only by a small number of jurisdictions; recalls that on 15 February 2011 the Economic and Financial Affairs Council (ECOFIN) adopted Council Directive 2011/16/EU on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (DAC 1); recalls that this Directive makes it mandatory for national tax administrations to supply information concerning a taxpayer of another Member State on request, even if this information is held only by a bank or other financial institution; notes that on 1 January 2013 the national laws, regulations and administrative provisions implementing this directive entered into force, with the exception of the provisions relating to automatic exchange of information for certain categories<sup>23</sup>, which entered into force on 1 January 2015;*

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<sup>23</sup> Income from employment, directors' fees, dividends, capital gains, royalties, certain life insurance products, pensions, and ownership of and income from

*Amendment*

8. Recalls that the OECD Common Reporting Standard (CRS) requires jurisdictions to obtain information from their financial institutions and automatically exchange that information with other jurisdictions on an annual basis; regrets that *only less than a half of committed jurisdictions will have implemented the CRS in 2017;*

immovable property.

Or. en

## **Amendment 177**

**Ramón Jáuregui Atondo, Juan Fernando López Aguilar**

### **Motion for a resolution**

#### **Paragraph 8**

##### *Motion for a resolution*

8. Recalls that the OECD Common Reporting Standard (CRS) requires jurisdictions to obtain information from their financial institutions and automatically exchange that information with other jurisdictions on an annual basis; regrets that this has been implemented recently only by a small number of jurisdictions; recalls that on 15 February 2011 the Economic and Financial Affairs Council (ECOFIN) adopted Council Directive 2011/16/EU on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (DAC 1); recalls that this Directive makes it mandatory for national tax administrations to supply information concerning a taxpayer of another Member State on request, even if this information is held only by a bank or other financial institution; notes that on 1 January 2013 the national laws, regulations and administrative provisions implementing this directive entered into force, with the exception of the provisions relating to automatic exchange of information for certain categories<sup>23</sup>, which entered into force on 1 January 2015;

##### *Amendment*

8. Recalls that the OECD Common Reporting Standard (CRS) requires jurisdictions to obtain information from their financial institutions and automatically exchange that information with other jurisdictions on an annual basis; regrets that this has been implemented recently only by a small number of jurisdictions; ***July 2005 the Saving Tax Directive (EUSTD) enter into effect (reviewed in March 2014) and contained, for the first time, an AEOI system; recalls that on March 2010 the US Foreign account Tax Compliance Act (FATCA) went into effect; stresses that both rules were the grounds on which the OECD CRS built on; recalls that on*** recalls that on 15 February 2011 the Economic and Financial Affairs Council (ECOFIN) adopted Council Directive 2011/16/EU on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (DAC 1); recalls that this Directive makes it mandatory for national tax administrations to supply information concerning a taxpayer of another Member State on request, even if this information is held only by a bank or other financial institution; notes that on 1 January 2013 the national laws, regulations and administrative provisions implementing this directive entered into force, with the exception of the provisions relating to automatic exchange of information for

certain categories<sup>23</sup>, which entered into force on 1 January 2015;

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<sup>23</sup> Income from employment, directors' fees, dividends, capital gains, royalties, certain life insurance products, pensions, and ownership of and income from immovable property.

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<sup>23</sup> Income from employment, directors' fees, dividends, capital gains, royalties, certain life insurance products, pensions, and ownership of and income from immovable property.

Or. en

### Amendment 178

**Ramón Jáuregui Atondo, Juan Fernando López Aguilar, Emmanuel Maurel, Hugues Bayet, Evelyn Regner, Ana Gomes**

### Motion for a resolution

#### Paragraph 8

#### *Motion for a resolution*

8. Recalls that the OECD Common Reporting Standard (CRS) requires jurisdictions to obtain information from their financial institutions and automatically exchange that information with other jurisdictions on an annual basis; regrets that this has been implemented recently only by a small number of jurisdictions; recalls that on 15 February 2011 the Economic and Financial Affairs Council (ECOFIN) adopted Council Directive 2011/16/EU on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (DAC 1); recalls that this Directive makes it mandatory for national tax administrations to supply information concerning a taxpayer of another Member State on request, even if this information is held only by a bank or other financial institution; notes that on 1 January 2013 the national laws, regulations and administrative provisions implementing this directive entered into force, with the exception of the provisions relating to

#### *Amendment*

8. Recalls that the OECD Common Reporting Standard (CRS) requires jurisdictions to obtain information from their financial institutions and automatically exchange that information with other jurisdictions on an annual basis; regrets that this has been implemented recently only by a small number of jurisdictions; ***July 2005 the Saving Tax Directive (EUSTD) enter into effect (reviewed in March 2014) and contained, for the first time, an AEOI system; recalls that on March 2010 the US Foreign account Tax Compliance Act (FATCA) went into effect; stresses that both rules were the grounds on which the OECD CRS built on;*** recalls that on 15 February 2011 the Economic and Financial Affairs Council (ECOFIN) adopted Council Directive 2011/16/EU on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (DAC 1); recalls that this Directive makes it mandatory for national tax administrations to supply information concerning a

automatic exchange of information for certain categories<sup>23</sup>, which entered into force on 1 January 2015;

taxpayer of another Member State on request, even if this information is held only by a bank or other financial institution; notes that on 1 January 2013 the national laws, regulations and administrative provisions implementing this directive entered into force, with the exception of the provisions relating to automatic exchange of information for certain categories<sup>23</sup>, which entered into force on 1 January 2015;

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<sup>23</sup> Income from employment, directors' fees, dividends, capital gains, royalties, certain life insurance products, pensions, and ownership of and income from immovable property.

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<sup>23</sup> Income from employment, directors' fees, dividends, capital gains, royalties, certain life insurance products, pensions, and ownership of and income from immovable property.

Or. en

#### **Amendment 179**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

#### **Motion for a resolution Paragraph 8**

##### *Motion for a resolution*

8. ***Recalls*** that the OECD Common Reporting Standard (CRS) requires jurisdictions to obtain information from their financial institutions and automatically exchange that information with other jurisdictions on an annual basis; regrets that ***this has been implemented recently only by a small number of jurisdictions***; recalls that on 15 February 2011 the Economic and Financial Affairs Council (ECOFIN) adopted Council Directive 2011/16/EU on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (DAC 1); recalls that this Directive makes it

##### *Amendment*

8. ***Welcomes*** that the OECD Common Reporting Standard (CRS) requires jurisdictions to obtain information from their financial institutions and automatically exchange that information with other jurisdictions on an annual basis; regrets that ***the United States are not committed to this new international standard; points out that also the CRS has weaknesses and welcomes that the OECD is working on refining the standard to make it more effective***; recalls that on 15 February 2011 the Economic and Financial Affairs Council (ECOFIN) adopted Council Directive 2011/16/EU on

mandatory for national tax administrations to supply information concerning a taxpayer of another Member State on request, even if this information is held only by a bank or other financial institution; notes that on 1 January 2013 the national laws, regulations and administrative provisions implementing this directive entered into force, with the exception of the provisions relating to automatic exchange of information for certain categories<sup>23</sup>, which entered into force on 1 January 2015;

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<sup>23</sup> Income from employment, directors' fees, dividends, capital gains, royalties, certain life insurance products, pensions, and ownership of and income from immovable property.

administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (DAC 1); recalls that this Directive makes it mandatory for national tax administrations to supply information concerning a taxpayer of another Member State on request, even if this information is held only by a bank or other financial institution; notes that on 1 January 2013 the national laws, regulations and administrative provisions implementing this directive entered into force, with the exception of the provisions relating to automatic exchange of information for certain categories<sup>23</sup>, which entered into force on 1 January 2015;

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<sup>23</sup> Income from employment, directors' fees, dividends, capital gains, royalties, certain life insurance products, pensions, and ownership of and income from immovable property.

Or. en

## **Amendment 180**

**Lud k Niedermayer, Dariusz Rosati**

### **Motion for a resolution**

#### **Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

**a. [new para following para 8]**  
***recalls that on 15 February 2011 the Economic and Financial Affairs Council (ECOFIN) adopted Council Directive 2011/16/EU on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (DAC 1); recalls that this Directive makes it mandatory for national tax administrations to supply information concerning a taxpayer of another Member State on request, even if this information***



*is held only by a bank or other financial institution; notes that on 1 January 2013 the national laws, regulations and administrative provisions implementing this directive entered into force, with the exception of the provisions relating to automatic exchange of information for certain categories<sup>[1]</sup>, which entered into force on 1 January 2015;*

*[1] Income from employment, directors' fees, dividends, capital gains, royalties, certain life insurance products, pensions, and ownership of and income from immovable property.*

Or. en

**Amendment 181**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

*8a. Takes note that the OECD's 'Multilateral Convention to Implement Tax Treaty Related Measures to Prevent BEPS' of June 2017 gives countries the choice of selecting partners, imposing in practice a bilateralism;*

Or. en

**Amendment 182**

**Thierry Cornillet**

**Motion for a resolution**

**Paragraph 9**

*Motion for a resolution*

*Amendment*

9. Recalls that *DAC 2 was adopted in*

9. Recalls that *on 9 December 2014,*

*December 2014, extending the scope of the directive to include automatic exchange of tax information;*

*the ECOFIN Council adopted DAC2, under which the scope of the automatic and mandatory exchange of information has been extended to include financial accounts;*

Or. fr

**Amendment 183**

**Lud k Niedermayer, Dariusz Rosati**

**Motion for a resolution**

**Paragraph 9**

*Motion for a resolution*

9. Recalls that DAC 2 *was adopted in December 2014, extending the scope of the directive to include automatic exchange of tax information;*

*Amendment*

9. Recalls that DAC 1 *was successfully extended by several recasts to cover automatic exchange of tax information, automatic exchange of information to tax rulings and advance pricing agreements, mandatory exchange of tax information on country-by-country basis and exchange of anti-money laundering information, in particular beneficial ownership and due diligence information;*

Or. en

**Amendment 184**

**Lud k Niedermayer, Dariusz Rosati**

**Motion for a resolution**

**Paragraph 10**

*Motion for a resolution*

10. *Recalls that on 8 December 2015 ECOFIN adopted DAC 3, which extended the scope of the mandatory automatic exchange of information to tax rulings and advance pricing agreements;*

*Amendment*

*deleted*

**Amendment 185**

**Luděk Niedermayer, Dariusz Rosati**

**Motion for a resolution**

**Paragraph 11**

*Motion for a resolution*

*Amendment*

**11. Recalls that on 25 May 2016 ECOFIN formally adopted DAC 4, which translates Action 13 of the OECD's Base Erosion and Profit Shifting (BEPS) project into EU law, and makes it mandatory for tax authorities to collect and automatically exchange country-by-country information;**

*deleted*

**Amendment 186**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Paragraph 11 a (new)**

*Motion for a resolution*

*Amendment*

**11a. Regrets that the directive amending 'Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches', was approved by the European Parliament with the inclusion of a "get out" clause allowing big companies to retain information if they declare the publication damaging for their own business;**

#### **Amendment 187**

**Lud k Niedermayer, Dariusz Rosati**

#### **Motion for a resolution**

##### **Paragraph 12**

*Motion for a resolution*

*Amendment*

**12. Recalls that on 6 December 2016 ECOFIN formally adopted DAC 5, due to enter into force on 1 January 2018, extending the scope of the information exchange to national anti-money laundering information, in particular beneficial ownership and due diligence information;**

*deleted*

Or. en

#### **Amendment 188**

**Emmanuel Maurel, Marju Lauristin, Emilian Pavel, Ana Gomes, Hugues Bayet, Peter Simon**

#### **Motion for a resolution**

##### **Paragraph 12**

*Motion for a resolution*

*Amendment*

**12. Recalls that on 6 December 2016 ECOFIN formally adopted DAC 5, due to enter into force on 1 January 2018, extending the scope of the information exchange to national anti-money laundering information, in particular beneficial ownership and due diligence information;**

**12. Recalls that on 6 December 2016 ECOFIN formally adopted DAC 5, due to enter into force on 1 January 2018, *by which national tax administrations of Member States will have access to the central registers of the beneficial owners held by the financial intelligence units;***

Or. en

#### **Amendment 189**

**Emmanuel Maurel, Marju Lauristin, Emilian Pavel, Hugues Bayet, Ana Gomes, Evelyn Regner, Elly Schlein, Peter Simon**

#### **Motion for a resolution**

## Paragraph 12 a (new)

*Motion for a resolution*

*Amendment*

**12a. Recalls that the European Parliament, in its opinion on DAC 5, was in favour of a genuine and compulsory AEOI (automatic exchange of information) between the Member States tax administrations concerning the beneficial owners of companies and trusts, considering that the AEOI is the best tool available to push tax transparency and to ease cross-border inquiries;**

Or. en

## Amendment 190

**Luděk Niedermayer, Dariusz Rosati**

### Motion for a resolution

#### Paragraph 13

*Motion for a resolution*

13. Welcomes the Commission proposal on **DAC 6** for mandatory automatic exchange of information in the field of taxation **in relation** to reportable cross-border arrangements;

*Amendment*

13. Welcomes the Commission proposal on **Council Directive amending Directive 2011/16/EU as regards** mandatory automatic exchange of information in the field of taxation **in relation** to reportable cross-border arrangements (**DAC 6**);

Or. en

## Amendment 191

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

### Motion for a resolution

#### Paragraph 13

*Motion for a resolution*

13. Welcomes the Commission proposal on DAC 6 for mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements;

*Amendment*

13. Welcomes the Commission proposal ***of 21 June 2017*** on DAC 6 for mandatory automatic exchange of information ***by intermediaries and tax advisors*** in the field of taxation in relation to reportable cross-border arrangements;

Or. en

**Amendment 192**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

14. Observes that offshore entities are often set up as shell companies<sup>24</sup>, ***without underlying economic rationale or substance within the country of establishment;***

*Amendment*

14. ***Notes that companies, foundations and trusts are the main tools used by money launderers and tax evaders, according to Panama papers data and that these structures are often used in combination to obfuscate ownership of assets; Stresses the risks of increased use of trusts for money laundering purposes, as these instruments do not have legal personality and are not subject to reporting and disclosure requirements;***  
Observes that offshore entities are often set up as shell companies<sup>24</sup>, ***which do not have to have real economic substance within the country of establishment; Deplores that there is no European or international minimum standards regarding the definition of corporate substance or aggressive tax planning; notes that in July 2017, a French court ruled that Google had no permanent establishment in France despite employing more than 700 persons in a 10000 square meters office located on “Rue de Londres” leading to no taxable***

*presence in France while there is no European binding definition of a permanent establishment;*

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<sup>24</sup> As the OECD defines it, a shell company is a company that is formally registered, incorporated or otherwise legally organised in an economy but which does not conduct any operations in that economy other than in pass-through capacity.

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<sup>24</sup> As the OECD defines it, a shell company is a company that is formally registered, incorporated or otherwise legally organised in an economy but which does not conduct any operations in that economy other than in pass-through capacity.

Or. en

### **Amendment 193** **Sajjad Karim**

#### **Motion for a resolution** **Paragraph 14**

##### *Motion for a resolution*

14. Observes that offshore entities ***are often*** set up as shell companies<sup>24</sup>, without underlying economic rationale or substance within the country of establishment;

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<sup>24</sup> As the OECD defines it, a shell company is a company that is formally registered, incorporated or otherwise legally organised in an economy but which does not conduct any operations in that economy other than in pass-through capacity.

##### *Amendment*

14. Observes that offshore entities ***may be*** set up as shell companies<sup>24</sup>, without underlying economic rationale or substance within the country of establishment;

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<sup>24</sup> As the OECD defines it, a shell company is a company that is formally registered, incorporated or otherwise legally organised in an economy but which does not conduct any operations in that economy other than in pass-through capacity.

Or. en

### **Amendment 194** **Angel Dzhambazki, Bernd Lucke**

#### **Motion for a resolution** **Paragraph 14**

##### *Motion for a resolution*

##### *Amendment*

14. Observes that offshore entities ***are often*** set up as shell companies<sup>24</sup>, without underlying economic rationale or substance within the country of establishment;

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<sup>24</sup> As the OECD defines it, a shell company is a company that is formally registered, incorporated or otherwise legally organised in an economy but which does not conduct any operations in that economy other than in pass-through capacity.

14. Observes that offshore entities ***may be*** set up as shell companies<sup>24</sup>, without underlying economic rationale or substance within the country of establishment;

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<sup>24</sup> As the OECD defines it, a shell company is a company that is formally registered, incorporated or otherwise legally organised in an economy but which does not conduct any operations in that economy other than in pass-through capacity.

Or. en

## **Amendment 195**

### **Raymond Finch**

#### **Motion for a resolution**

##### **Paragraph 14**

##### *Motion for a resolution*

14. Observes that offshore entities are often set up as shell companies<sup>24</sup>, without underlying ***economic rationale or*** substance within the country of establishment;

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<sup>24</sup> As the OECD defines it, a shell company is a company that is formally registered, incorporated or otherwise legally organised in an economy but which does not conduct any operations in that economy other than in pass-through capacity.

##### *Amendment*

14. Observes that offshore entities are often set up as shell companies<sup>24</sup>, without underlying substance within the country of establishment;

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<sup>24</sup> As the OECD defines it, a shell company is a company that is formally registered, incorporated or otherwise legally organised in an economy but which does not conduct any operations in that economy other than in pass-through capacity.

Or. en

## **Amendment 196**

### **Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

#### **Motion for a resolution**



## Paragraph 15

### *Motion for a resolution*

15. Underlines that motivations for the establishment of offshore entities most often include obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of inheritance or savings tax in the countries where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, ***masking criminal activity and money laundering***, or transferring assets from an individual or company to a new company without incurring the liabilities of the former;

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<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

### *Amendment*

15. Underlines that motivations for the establishment of offshore entities most often include obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of inheritance or savings tax in the countries where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, or transferring assets from an individual or company to a new company without incurring the liabilities of the former, ***masking criminal activity, concealing the illegal origin of the assets (drug trafficking, human trafficking, illicit wildlife trade, illicit trade of human organs, illicit trade of small arms and weapons, illicit trade of diamonds and coloured gemstones, illicit oil trade, illicit timber trade, illicit fish trade, illicit trade of art and cultural property, illicit gold trade, and fake goods) and laundering them in order to re-enter them in the legal economy, evading and avoiding corporate income tax, evading value added tax (VAT)***;

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<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

Or. en

## Amendment 197

**Ramón Jáuregui Atondo, Juan Fernando López Aguilar**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Underlines that motivations for the establishment of offshore entities most often include obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of inheritance or savings tax in the countries where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, masking criminal activity and money laundering, or transferring assets from an individual or company to a new company without incurring the liabilities of the former;

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<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

*Amendment*

15. Underlines that motivations for the establishment of offshore entities most often include obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of inheritance or savings tax in the countries where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, masking criminal activity and money laundering, or transferring assets from an individual or company to a new company without incurring the liabilities of the former; ***or to leave the assets transferred to a trust untaxed, as neither the settlor nor the trustee (legal owner) or the beneficiary (until the funds are distributed) are liable for the taxes on that fund;***

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<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

Or. en

**Amendment 198**

**Ramón Jáuregui Atondo, Juan Fernando López Aguilar, Emmanuel Maurel, Hugues Bayet, Ana Gomes**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Underlines that motivations for the establishment of offshore entities most often include obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of inheritance or savings tax in the countries where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, masking criminal activity and money laundering, or transferring assets from an individual or company to a new company without incurring the liabilities of the former;

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<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

*Amendment*

15. Underlines that motivations for the establishment of offshore entities most often include obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of inheritance or savings tax in the countries where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, masking criminal activity and money laundering, or transferring assets from an individual or company to a new company without incurring the liabilities of the former; ***or to leave the assets transferred to a trust untaxed, as neither the settlor nor the trustee (legal owner) or the beneficiary (until the funds are distributed) are liable for the taxes on that fund;***

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<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

Or. en

**Amendment 199**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Underlines that motivations for the

*Amendment*

15. Underlines that motivations for the

establishment of offshore entities most often include obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of inheritance or *savings* tax in the countries where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, masking criminal activity and money laundering, or transferring assets from an individual or company to a new company without incurring the liabilities of the former;

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<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

establishment of offshore entities most often include obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of inheritance or *income or capital gains* tax in the countries where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, masking criminal activity and money laundering, or transferring assets from an individual or company to a new company without incurring the liabilities of the former;

*Notes that several documents from the Panama papers demonstrated the knowledge by intermediaries and Mossack Monseca of these motivations;*

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<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

Or. en

## **Amendment 200**

### **Ana Gomes**

#### **Motion for a resolution**

#### **Paragraph 15**

##### *Motion for a resolution*

15. Underlines that motivations for the establishment of offshore entities most often include obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of inheritance or savings tax in the countries

##### *Amendment*

15. Underlines that motivations for the establishment of offshore entities **and the use of “freeports” and bearer shares** most often include obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of

where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, masking criminal activity and money laundering, or transferring assets from an individual or company to a new company without incurring the liabilities of the former;

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<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

inheritance or savings tax in the countries where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, masking criminal activity and money laundering, or transferring assets from an individual or company to a new company without incurring the liabilities of the former;

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<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

Or. en

## **Amendment 201**

### **Werner Langen, Sven Schulze**

#### **Motion for a resolution**

#### **Paragraph 15**

##### *Motion for a resolution*

(15) Underlines that motivations for the establishment of offshore entities ***most often include*** obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of inheritance or savings tax in the countries where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, masking criminal activity and money laundering, or transferring assets from an individual or company to a new company without incurring the liabilities of the former;

##### *Amendment*

(15) Underlines that ***one of the clearest*** motivations for the establishment of offshore entities ***is*** obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of inheritance or savings tax in the countries where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, masking criminal activity and money laundering, or transferring assets from an individual or company to a new company without incurring the liabilities of the former;

<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), ‘Report on Investigation of Nordea Private Banking in Relation to Offshore Structures’, joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), ‘Report on Investigation of Nordea Private Banking in Relation to Offshore Structures’, joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

Or. de

## Amendment 202

Luis de Grandes Pascual, Gabriel Mato

### Motion for a resolution

#### Paragraph 15

##### *Motion for a resolution*

15. Underlines that motivations for the establishment of offshore entities ***most often*** include obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of inheritance or savings tax in the countries where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, masking criminal activity and money laundering, or transferring assets from an individual or company to a new company without incurring the liabilities of the former;

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<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), ‘Report on Investigation of Nordea Private Banking in Relation to Offshore Structures’, joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

##### *Amendment*

15. Underlines that ***the main*** motivations for the establishment of offshore entities include obscuring the origins of money and assets and concealing the identity of the ultimate beneficial owner (UBO)<sup>25</sup>, the avoidance or evasion of inheritance or savings tax in the countries where the UBOs are residents<sup>26</sup>, shielding assets from creditors or heirs, the evasion of sanctions, masking criminal activity and money laundering, or transferring assets from an individual or company to a new company without incurring the liabilities of the former;

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<sup>25</sup> The ultimate beneficial owner is the natural person who is ultimately responsible for the entity.

<sup>26</sup> See, for example, Nordea (2016), ‘Report on Investigation of Nordea Private Banking in Relation to Offshore Structures’, joint report by Nordea Group Compliance, Nordea Operational Risk and Mannheimer Swartling Advokatbyrå.

**Amendment 203**

**Sergio Gaetano Cofferati, Emmanuel Maurel, Elly Schlein, Hugues Bayet, Evelyn Regner, Ana Gomes, Peter Simon, Nessa Childers**

**Motion for a resolution**

**Paragraph 15 a (new)**

*Motion for a resolution*

*Amendment*

**15a.** *Stresses the role played by bearer shares in the mechanisms revealed in the Panama Papers to conceal the identity of the UBOs and to provide “a deep level of secrecy”<sup>26a</sup>.*

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<sup>26a</sup> *Panama Papers, 2016, Obermayer and Obermaier.*

Or. en

**Amendment 204**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 16**

*Motion for a resolution*

*Amendment*

16. Adds that in the case of multinational corporations, shell and letterbox companies are also used as part of corporate tax optimising strategies, to facilitate transfer pricing;

16. Adds that in the case of multinational corporations, shell and letterbox companies are also used as part of corporate tax optimising strategies, to facilitate transfer pricing; ***Notes that aggressive tax planning is not compatible with Corporate Social Responsibility principles and recalls its request to Commission to include this element in an updated Corporate Social Responsibility EU strategy;***

#### Amendment 205

Pirkko Ruohonen-Lerner, Monica Macovei

#### Motion for a resolution

##### Paragraph 16

###### *Motion for a resolution*

16. Adds that in the case of multinational **corporations**, shell and letterbox companies are also used as part of corporate tax optimising strategies, to facilitate transfer pricing;

###### *Amendment*

16. Adds that in the case of multinational **enterprises(MNEs)**, shell and letterbox companies **or holding companies with the minimum number of personnel required to escape anti-tax avoidance clauses** are also used as part of corporate tax optimising strategies, to facilitate transfer pricing;

#### Amendment 206

Evelyn Regner, Peter Simon, Emmanuel Maurel, Sergio Gaetano Cofferati, Tibor Szanyi, Hugues Bayet, Ana Gomes

#### Motion for a resolution

##### Paragraph 16

###### *Motion for a resolution*

16. Adds that in the case of multinational corporations, shell and letterbox companies are also used as part of **corporate tax optimising strategies**, to facilitate transfer pricing;

###### *Amendment*

16. Adds that in the case of multinational corporations, shell- and letterbox companies are also used as part of **aggressive tax planning schemes**, to facilitate transfer pricing **as well as to circumvent social and legal standards**;

#### Amendment 207

Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese



**Motion for a resolution**  
**Paragraph 16**

*Motion for a resolution*

16. Adds that in the case of multinational corporations, shell and letterbox companies are also used as part of corporate tax optimising strategies, to *facilitate* transfer pricing;

*Amendment*

16. Adds that in the case of multinational corporations, shell and letterbox companies are also used as part of corporate tax optimising strategies, to *evade and avoid taxes through* transfer pricing *mechanisms*;

Or. en

**Amendment 208**  
**Brian Hayes, Seán Kelly**

**Motion for a resolution**  
**Paragraph 17**

*Motion for a resolution*

**17. States that among the EU Member States, the United Kingdom had the largest number of offshore entities revealed in the Panama Papers (17 973 entities), followed by Luxembourg (10 877 entities) and Cyprus (6 374 entities), as well as Latvia, Ireland, Spain, Estonia and Malta<sup>27</sup> ;**

*deleted*

*Amendment*

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<sup>27</sup> ‘Role of advisors and intermediaries in the schemes revealed in the Panama Papers’, Willem Pieter de Groen, Centre for European Policy Studies, April 2017.

Or. en

**Amendment 209**  
**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 17**

*Motion for a resolution*

17. States that among the EU Member States, the United Kingdom had the largest number of offshore entities revealed in the Panama Papers (17 973 entities), followed by Luxembourg (10 877 entities) and Cyprus (6 374 entities), as well as Latvia, Ireland, Spain, Estonia and Malta<sup>27</sup> ;

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<sup>27</sup> 'Role of advisors and intermediaries in the schemes revealed in the Panama Papers', Willem Pieter de Groen, Centre for European Policy Studies, April 2017.

*Amendment*

17. States that among the EU Member States, the United Kingdom had the largest number of offshore entities revealed in the Panama Papers (17 973 entities), followed by Luxembourg (10 877 entities) and Cyprus (6 374 entities), as well as Latvia, Ireland, Spain, Estonia and Malta<sup>27</sup> ;  
***Stresses that out of the 21 countries used most by Mossack Fonseca to set up shell companies or other complex structures, 12 countries, in addition to the UK are British Overseas Territories, British Crown Dependencies or members of the Commonwealth;***

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<sup>27</sup> 'Role of advisors and intermediaries in the schemes revealed in the Panama Papers', Willem Pieter de Groen, Centre for European Policy Studies, April 2017.

Or. en

**Amendment 210**

**Sergio Gaetano Cofferati, Emmanuel Maurel, Elly Schlein, Hugues Bayet, Evelyn Regner, Ana Gomes, Peter Simon, Nessa Childers**

**Motion for a resolution**  
**Paragraph 17**

*Motion for a resolution*

17. States that among the EU Member States, the United Kingdom had the largest number of offshore entities revealed in the Panama Papers (17 973 entities), followed by Luxembourg (10 877 entities) and Cyprus (6 374 entities), as well as Latvia, Ireland, Spain, Estonia and Malta<sup>27</sup> ;

*Amendment*

17. States that among the EU Member States, the United Kingdom had the largest number of offshore entities revealed in the Panama Papers (17 973 entities), followed by Luxembourg (10 877 entities) and Cyprus (6 374 entities), as well as Latvia, Ireland, Spain, Estonia and Malta<sup>27</sup> ; ***points out, for example, that at a certain point Mossack Fonseca created 115 companies***

*in Luxembourg in just one week<sup>27a</sup>;*

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<sup>27</sup> ‘Role of advisors and intermediaries in the schemes revealed in the Panama Papers’, Willem Pieter de Groen, Centre for European Policy Studies, April 2017.

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<sup>27</sup> ‘Role of advisors and intermediaries in the schemes revealed in the Panama Papers’, Willem Pieter de Groen, Centre for European Policy Studies, April 2017.

<sup>27a</sup> *Intervention by Jan Lukas Strozyk, Norddeutsche Rundfunk, in PANA Committee hearing on 27 September 2016*

Or. en

#### **Amendment 211**

**Luis de Grandes Pascual, Gabriel Mato**

#### **Motion for a resolution Paragraph 17**

##### *Motion for a resolution*

17. States that among the EU Member States, the United Kingdom had the largest number of offshore entities revealed in the Panama Papers (17 973 entities), followed by Luxembourg (10 877 entities) and Cyprus (6 374 entities), *as well as Latvia, Ireland, Spain, Estonia and Malta<sup>27</sup>*;

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<sup>27</sup> ‘Role of advisors and intermediaries in the schemes revealed in the Panama Papers’, Willem Pieter de Groen, Centre for European Policy Studies, April 2017.

##### *Amendment*

17. States that among the EU Member States, the United Kingdom had the largest number of offshore entities revealed in the Panama Papers (17 973 entities), followed by Luxembourg (10 877 entities) and Cyprus (6 374 entities);

Or. es

#### **Amendment 212**

**Paul Tang**

#### **Motion for a resolution Paragraph 17 a (new)**

*Motion for a resolution*

*Amendment*

***17a. Notes that not only the amount of fiscal entities established in countries or what countries these entities are established from are relevant to evaluate the role of countries in offshore structures but that also the role of countries as financial hubs should be taken into consideration, as was shown that 23% of all corporate investments that ended in a tax haven was channelled through the Netherlands, followed by the United Kingdom (14%), Switzerland (6%), Singapore (2%) and Ireland (1%)<sup>27a</sup>***

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<sup>27a</sup> <http://corpnet.uva.nl/ofcs/>

Or. en

**Amendment 213**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 17 a (new)**

*Motion for a resolution*

*Amendment*

***17a. Notes with concern that the Football Leaks revelations and the several individual cases of tax evasion in the world of football recently discovered have shown that many loopholes and mismatches still exist in national legislation regarding the taxation of image rights and the taxation of footballers' international transfers;***

Or. en

**Amendment 214**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 17 b (new)**

*Motion for a resolution*

*Amendment*

**17b. Recommends that while exercising their tax sovereignty, countries should take into account the impact of their actions more globally, especially in so far as they restrict the exercise of tax sovereignty of other countries; Notes that such ‘spillover’ analyses are not often done by European Member States for example;**

Or. en

**Amendment 215**

**Sergio Gaetano Cofferati, Emmanuel Maurel, Hugues Bayet, Evelyn Regner, Ana Gomes, Peter Simon, Nessa Childers**

**Motion for a resolution**  
**Paragraph 19**

*Motion for a resolution*

*Amendment*

19. Underlines that at the time the data were leaked, 55 728 entities were still active and approximately 90 % were based in the British Virgin Islands (BVI), Panama and the Seychelles;

19. Underlines that at the time the data were leaked, 55 728 entities were still active and approximately 90 % were based in the British Virgin Islands (BVI), **which is a overseas territory of the United Kingdom**, Panama and the Seychelles;

Or. en

**Amendment 216**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 19**

*Motion for a resolution*

19. Underlines that *at the time the data were leaked, 55 728 entities were still active and approximately 90 % were based in the British Virgin Islands (BVI), Panama and the Seychelles;*

*Amendment*

19. Underlines that *the British Virgin Islands (BVI), Panama and the Seychelles constituted the top three countries where 90% of entities were created;*

Or. en

**Amendment 217**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**  
**Paragraph 19 a (new)**

*Motion for a resolution*

*Amendment*

*19a. Observes that in the cases where entities were found to be inactive it was because they had been found to be used to register accounts with banks in order to store assets, wealth and money, and that in most cases the underlying reason for the creation of such entities has been tax evasion<sup>1a</sup>;*

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*<sup>1a</sup> PANA Committee written answer contributions by Norbert Naulin, PANA hearing, 14 November 2016.*

Or. en

**Amendment 218**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

## Paragraph 20

### *Motion for a resolution*

20. Notes that in offshore jurisdictions company registers and authorities often do not require the information necessary to identify beneficial owners, ***or do not share it***; notes that the identification of UBOs in some countries relies only on self-declaration of beneficial ownership information, without any ***further verification***<sup>29</sup> ;

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<sup>29</sup> Intervention by Daniel Thelesklaf, Chairman of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) in PANA Committee hearing on 13 October 2016.

### *Amendment*

20. Notes that in offshore jurisdictions ***and in some EU Member States*** company registers and authorities often do not require ***or do not share*** the information necessary to identify beneficial owners, ***qualified shareholders, supervisory board members, management board members and general managers nor information on balance sheet as well as profit and loss statement***; notes that the identification of UBOs in some countries relies only on self-declaration of beneficial ownership information, without any ***further verification***<sup>29</sup> ;

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<sup>29</sup> Intervention by Daniel Thelesklaf, Chairman of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) in PANA Committee hearing on 13 October 2016.

Or. en

## Amendment 219

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

### **Motion for a resolution**

#### **Paragraph 21**

### *Motion for a resolution*

21. Notes that in most offshore destinations tax and reporting obligations are non-existent;

### *Amendment*

21. Notes that in most offshore destinations tax and reporting obligations are non-existent <sup>1a</sup>; ***Is concerned that several of these jurisdictions include in their national legislation or administrative practice obstacles to exchange information with foreign competent***

*authorities;*

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***1a OECD SECRETARY-GENERAL  
REPORT TO G20 FINANCE  
MINISTERS, Baden-Baden, Germany,  
March 2017:  
<http://www.oecd.org/tax/oecd-secretary-general-tax-report-g20-finance-ministers-march-2017.pdf>***

Or. en

**Amendment 220  
Marco Valli**

**Motion for a resolution  
Paragraph 22**

*Motion for a resolution*

22. Notes that none of the three above-mentioned jurisdictions, namely the BVI, Panama and the Seychelles, are currently listed as ‘uncooperative tax havens’ by the OECD’s Committee on Fiscal Affairs; recalls that the BVI, the Seychelles and Panama were taken off the list between 2000 and 2002 after having made formal commitments to implement the OECD’s global standards of transparency and exchange of information;

*Amendment*

22. Notes that none of the three above-mentioned jurisdictions, namely the BVI, Panama and the Seychelles, are currently listed as ‘uncooperative tax havens’ by the OECD’s Committee on Fiscal Affairs; recalls that the BVI, the Seychelles and Panama were taken off the list between 2000 and 2002 after having made ***only*** formal commitments to implement the OECD’s global standards of transparency and exchange of information, ***without, however, the effective implementation of these standards having been established and although these countries continue to operate as tax havens in all respects; stresses that the systematic exclusion of many countries and jurisdictions internationally known as aggressive tax havens is due to the fact that the criteria used to compile the list are limited to the formal observance of international transparency standards and do not take account of the existence of harmful tax practices, including tax rates equal to or close to zero;***



**Amendment 221**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Paragraph 22**

*Motion for a resolution*

22. Notes that none of the three above-mentioned jurisdictions, namely the BVI, Panama and the Seychelles, are currently listed as ‘uncooperative tax havens’ by the OECD’s Committee on Fiscal Affairs; recalls that the BVI, the Seychelles and Panama were taken off the list between 2000 and 2002 after having made formal commitments to implement the OECD’s global standards of transparency and exchange of information;

*Amendment*

22. Notes that none of the three above-mentioned jurisdictions, namely the BVI, Panama and the Seychelles, are currently listed as ‘uncooperative tax havens’ by the OECD’s Committee on Fiscal Affairs; recalls that the BVI, the Seychelles and Panama were taken off the list between 2000 and 2002 after having made formal commitments to implement the OECD’s global standards of transparency and exchange of information; **and notes that only one jurisdiction is currently listed as an ‘uncooperative tax haven’ by the OECD, namely, Trinidad & Tobago;**

Or. en

**Amendment 222**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 22**

*Motion for a resolution*

22. Notes that none of the three above-mentioned jurisdictions, namely the BVI, Panama and the Seychelles, are currently listed as ‘uncooperative tax havens’ by the OECD’s Committee on Fiscal Affairs; recalls that the BVI, the Seychelles and Panama were taken off the list between

*Amendment*

22. Notes that none of the three above-mentioned jurisdictions, namely the BVI, Panama and the Seychelles, are currently listed as ‘uncooperative tax havens’ by the OECD’s Committee on Fiscal Affairs; recalls that the BVI, the Seychelles and Panama were taken off the list between

2000 and 2002 after having made formal commitments to implement the OECD's global standards of transparency and exchange of information;

2000 and 2002 after having made formal commitments to implement the OECD's global standards of transparency and exchange of information; ***Deplores that the OECD list of tax havens contains only one country since July 2017;***

Or. en

**Amendment 223**  
**Ana Gomes**

**Motion for a resolution**  
**Paragraph 23**

*Motion for a resolution*

23. Underlines that some jurisdictions offer the possibility of being resident in multiple jurisdictions using double passports or investor visa programmes that allow a residence permit to be obtained in exchange for an investment in these jurisdictions<sup>30</sup> ;

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<sup>30</sup> Brooke Harrington, 'Capital without borders, wealth managers and the one percent', Harvard University Press, 2016.

*Amendment*

23. Underlines that some jurisdictions offer the possibility of being resident in multiple jurisdictions using double passports or investor visa programmes that allow a residence permit to be obtained in exchange for an investment in these jurisdictions<sup>30</sup> ; ***notes the pervasiveness of these investor visa programmes in Member States, competing with each other, whereby third country nationals are granted residence rights/freedom of movement or citizenship in the Member State in exchange of capital transfers, purchase of property or government bonds, or investment in corporate entities; observes that these schemes perversely elicit corruption, money laundering and illicit flows of capitals from third countries into the EU and highlights instances and concrete cases in which such investor visa programmes have been misused for money laundering purposes***<sup>31a</sup>;

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<sup>30</sup> Brooke Harrington, 'Capital without borders, wealth managers and the one percent', Harvard University Press, 2016.

<sup>31a</sup> <https://www.theguardian.com/uk-news/2017/jul/04/golden-visa-immigration-deal-british-citizenship-home-office>

Or. en

#### **Amendment 224**

**Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

#### **Motion for a resolution Paragraph 23**

##### *Motion for a resolution*

23. Underlines that some jurisdictions offer the possibility of being resident in multiple jurisdictions using double passports or investor visa programmes that allow a residence permit to be obtained in exchange for an investment in these jurisdictions<sup>30</sup> ;

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<sup>30</sup> Brooke Harrington, 'Capital without borders, wealth managers and the one percent', Harvard University Press, 2016.

##### *Amendment*

23. Underlines that some jurisdictions offer the possibility of being resident in multiple jurisdictions using double passports or investor visa programmes that allow a residence permit to be obtained in exchange for an investment in these jurisdictions<sup>30</sup>; ***highlights instances and concrete cases in which such investor visa programmes have been misused for money laundering purposes<sup>30a</sup>***;

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<sup>30</sup> Brooke Harrington, 'Capital without borders, wealth managers and the one percent', Harvard University Press, 2016.

<sup>30a</sup> <https://www.theguardian.com/uk-news/2017/jul/04/golden-visa-immigration-deal-british-citizenship-home-office?>

Or. en

#### **Amendment 225**

**Ramón Jáuregui Atondo, Juan Fernando López Aguilar**

#### **Motion for a resolution Paragraph 24**

*Motion for a resolution*

24. Stresses that each offshore jurisdiction provides services to individuals and companies which are tailored to their business model;

*Amendment*

24. Stresses that each offshore jurisdiction provides services to individuals and companies which are tailored to their business model; ***highlights that offshore service providers take advantage of the tax benefits and special regimes offered by some jurisdictions to provide structures that hide the identity of the beneficial owner and can relocate within minutes in another jurisdiction these structures, if required (when tax authorities start an investigation in the former jurisdiction, for instance);***

Or. en

**Amendment 226**

**Ramón Jáuregui Atondo, Emmanuel Maurel, Juan Fernando López Aguilar, Hugues Bayet, Evelyn Regner, Ana Gomes, Elly Schlein, Emilian Pavel**

**Motion for a resolution  
Paragraph 24**

*Motion for a resolution*

24. Stresses that each offshore jurisdiction provides services to individuals and companies which are tailored to their business model;

*Amendment*

24. Stresses that each offshore jurisdiction provides services to individuals and companies which are tailored to their business model; ***highlights that offshore service providers take advantage of the tax benefits and special regimes offered by some jurisdictions to provide structures that hide the identity of the beneficial owner and can relocate within minutes in another jurisdiction these structures, if required (when tax authorities start an investigation in the former jurisdiction, for instance);***

Or. en

**Amendment 227**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Marina Albiol Guzmán, Matt Carthy, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Paragraph 24 a (new)**

*Motion for a resolution*

*Amendment*

**24a. Notes that tax competition, with its detrimental effects, is not only allowed but encouraged by the European Commission, in an attempt to attract foreign investment even when the effectiveness of this strategy has been greatly questioned<sup>1a</sup>;**

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**<sup>1a</sup> See, for example, ICRICT, 'Four ways to tackle international tax competition', December 2016; and Joseph Stiglitz' intervention in PANA Committee hearing on 16 November 2016.**

Or. en

**Amendment 228**

**Ana Gomes**

**Motion for a resolution**

**Paragraph 25**

*Motion for a resolution*

*Amendment*

25. Notes that most of the offshore constructions revealed in the Panama Papers were set up from Luxembourg, the United Kingdom and Cyprus and that these countries could have suspected that this implied a loss of the tax base of other Member States where the UBOs were resident – in Luxembourg, for example, many offshore companies were set up purely to circumvent the withholding tax<sup>31</sup> (which only applied to natural persons, not to offshore companies), and some of those

25. Notes that most of the offshore constructions revealed in the Panama Papers were set up from Luxembourg, the United Kingdom and Cyprus and that these countries could have suspected that this implied a loss of the tax base of other Member States where the UBOs were resident – in Luxembourg, for example, many offshore companies were set up purely to circumvent the withholding tax<sup>31</sup> (which only applied to natural persons, not to offshore companies), and some of those

were still active after the entry into force of DAC 1;

were still active after the entry into force of DAC 1; *notes that greater transparency over the identity of UBOs through the establishment of public registers would help detect anomalies and suspicions of wrongdoings as well as act as a deterrent to misconduct;*

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<sup>31</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Group Operational Risk and Mannheimer Swartling Advokatbyrå. This was also confirmed by the Belgian National Committee of Inquiry in a meeting with a PANA delegation.

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<sup>31</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Group Operational Risk and Mannheimer Swartling Advokatbyrå. This was also confirmed by the Belgian National Committee of Inquiry in a meeting with a PANA delegation.

Or. en

#### **Amendment 229**

**Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

#### **Motion for a resolution Paragraph 25**

##### *Motion for a resolution*

25. Notes that most of the offshore constructions revealed in the Panama Papers were set up from Luxembourg, the United Kingdom and Cyprus and that these countries could have suspected that this implied a loss of the tax base of other Member States where the UBOs were resident – in Luxembourg, for example, many offshore companies were set up purely to circumvent the withholding tax<sup>31</sup> (which only applied to natural persons, not to offshore companies), and some of those were still active after the entry into force of DAC 1;

##### *Amendment*

25. Notes that most of the offshore constructions revealed in the Panama Papers were set up from Luxembourg, the United Kingdom and Cyprus and that these countries could have suspected that this implied a loss of the tax base of other Member States where the UBOs were resident – in Luxembourg, for example, many offshore companies were set up purely to circumvent the withholding tax<sup>31</sup> (which only applied to natural persons, not to offshore companies), and some of those were still active after the entry into force of DAC 1; *notes that greater transparency over the identity of UBOs through the*

*establishment of public registers would help detect anomalies and suspicions of wrongdoings as well as act as a deterrent to misconduct;*

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<sup>31</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Group Operational Risk and Mannheimer Swartling Advokatbyrå. This was also confirmed by the Belgian National Committee of Inquiry in a meeting with a PANA delegation.

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<sup>31</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Group Operational Risk and Mannheimer Swartling Advokatbyrå. This was also confirmed by the Belgian National Committee of Inquiry in a meeting with a PANA delegation.

Or. en

**Amendment 230**  
**Werner Langen, Sven Schulze**

**Motion for a resolution**  
**Paragraph 25**

*Motion for a resolution*

(25) Notes that most of the offshore constructions revealed in the Panama Papers were set up from Luxembourg, the United Kingdom and Cyprus and that these countries *could* have suspected that this implied a loss of the tax base of other Member States where the UBOs were resident – in Luxembourg, for example, many offshore companies were set up purely to circumvent the withholding tax<sup>31</sup> (*which only applied to natural persons, not to offshore companies*), and some of those were still active after the entry into force of DAC 1;

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<sup>31</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group

*Amendment*

(25) Notes that most of the offshore constructions revealed in the Panama Papers were set up from Luxembourg, the United Kingdom and Cyprus and that these countries *should* have suspected that this implied a loss of the tax base of other Member States where the UBOs were resident – in Luxembourg, for example, many offshore companies were set up purely to circumvent the withholding tax<sup>31</sup>, some of those were still active after the entry into force of DAC 1;

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<sup>31</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group

Compliance, Nordea Group Operational Risk and Mannheimer Swartling Advokatbyrå. This was also confirmed by the Belgian National Committee of Inquiry in a meeting with a PANA delegation.

Compliance, Nordea Group Operational Risk and Mannheimer Swartling Advokatbyrå. This was also confirmed by the Belgian National Committee of Inquiry in a meeting with a PANA delegation.

Or. de

#### **Amendment 231**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

#### **Motion for a resolution Paragraph 25**

##### *Motion for a resolution*

25. Notes that most of the offshore constructions revealed in the Panama Papers were set up from ***Luxembourg***, the United Kingdom and Cyprus and that these countries could have suspected that this implied a loss of the tax base of other Member States where the UBOs were resident – ***in Luxembourg, for example, many offshore companies were set up purely to circumvent the withholding tax<sup>31</sup> (which only applied to natural persons, not to offshore companies), and some of those were still active after the entry into force of DAC I;***

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<sup>31</sup> See, for example, Nordea (2016), 'Report on Investigation of Nordea Private Banking in Relation to Offshore Structures', joint report by Nordea Group Compliance, Nordea Group Operational Risk and Mannheimer Swartling Advokatbyrå. This was also confirmed by the Belgian National Committee of Inquiry in a meeting with a PANA delegation.

##### *Amendment*

25. Notes that most of the offshore constructions revealed in the Panama Papers were set up from the United Kingdom, ***Luxembourg*** and Cyprus and that these countries could have suspected that this implied a loss of the tax base of other Member States where the UBOs were resident; ***Notes that due to the 'ne bis in idem' principle, legal action cannot always be started in a Member State because of the dual system of administrative and criminal sanctions existing in many countries;***

Or. en



**Amendment 232**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 25 a (new)**

*Motion for a resolution*

*Amendment*

*25a. Notes that in Luxembourg, for example, many offshore companies were set up purely to circumvent the withholding tax <sup>1a</sup> (which only applied to natural persons, not to offshore companies), and some of those were still active after the entry into force of DAC 1; recalls that Luxembourg, thanks to intensive blocking and lobbying in the Council of Member States, obtained a concession in the EU Savings Tax Directive (EUSTD) to not automatically exchange information allowing tax evaders to hide their money from the tax authorities of their residence; deplores that Luxembourg tolerated the creation of a tax avoidance business on its territory helping wealthy individuals to formally move the ownership of their funds into offshore companies located in tax havens and thus escaping the scope of the EUSTD; is concerned that until today Luxembourg does not cooperate effectively in order to help its partner countries to bring their tax evaders to justice; Notes that the Commission reviews of the Savings Directive, carried out in 2008 and 2011, identified the use of legal entities and arrangements and the exposure of European financial institutions towards such structures in offshore centres as an issue; Recalls that the Commission made an updated proposal in 2009 which did not receive political support by Member States;*

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*<sup>1a</sup> See, for example, Nordea (2016), ‘Report on Investigation of Nordea Private Banking in Relation to Offshore Structures’, joint report by Nordea Group Compliance, Nordea Group Operational Risk and Mannheimer Swartling Advokatbyrå. This was also confirmed by the Belgian National Committee of Inquiry in a meeting with a PANA delegation.*

Or. en

**Amendment 233**

**Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Miguel Viegas, Miguel Urbán Crespo, Curzio Maltese**

**Motion for a resolution**

**Paragraph 25 a (new)**

*Motion for a resolution*

*Amendment*

*25a. Notes that a particularly pressing problem arises through the outright lack of any harmonised approach among Member States on the issue of outbound payments; notes that in this current, uncoordinated framework, the combination of a removal of source taxation under the Interest and Royalties and Parent-Subsidiary Directives, with a lack of withholding taxes on dividend, licence and royalty fees and interest outbound payments in some Member States, creates loopholes whereby profits can effectively flow from any Member State out of the Union without being subject to tax at least once;*

Or. en

**Amendment 234**

**Ramón Jáuregui Atondo, Juan Fernando López Aguilar**

**Motion for a resolution**

**Paragraph 25 a (new)**

*Motion for a resolution*

*Amendment*

**25a. Notes that Gibraltar has a significant ‘offshore’ sector with almost as many companies as inhabitants (over 20 000, as stated by its tax authorities to the PANA Committee), which do not conduct economic activities and which can be used by fraudsters to conceal their identity from the tax authorities of the countries in which their financial and property assets are located.**

Or. es

**Amendment 235**

**Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

**Motion for a resolution**

**Paragraph 25 b (new)**

*Motion for a resolution*

*Amendment*

**25b. Notes that little progress has been achieved on the revision of the mandate and transparency of the Code of Conduct Group on Business Taxation since the Parliament’s reports on the Luxleaks revelations; recalls its requests to make mandatory to the Code of Conduct Group the approval of new tax measure adopted by the Member States; points out that due to a lack of political will, Member States have been unable to agree on abolishing a number of harmful tax measures which are under discussion in the Code of Conduct Group on Business Taxation for several years; notes that French and Italian patent box regimes are still not**

*compliant with the Code of Conduct Group criteria and no action has been taken by the Council nor the Commission; notes that the Code of Conduct Group's Anti-abuse Subgroup started its work on inbound profit transfers in 2009 but hasn't agreed yet on a switch-over clause for foreign untaxed income entering the EU; notes that the Code of Conduct Subgroup on outbound profit transfers started to work at least since 2010 on the problem of untaxed profit distributions from the EU to a third country but no agreement has yet been reached; notes that, as regards taxation applicable to interest and royalty payments made between associated companies of different Member States, despite a Commission proposal presented in November 2011 to recast Council Directive 2003/49/EC of 3 June 2003, Member States haven't been able to agree on solving shortcomings resulting from the limited scope of the Directive by including a Minimum Effective Taxation (MET) clause in the Directive; notes that, as regards investment funds, Member States denied in September 2011 to continue the discussion about these schemes' alleged and potential harmfulness;*

Or. en

**Amendment 236**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 25 b (new)**

*Motion for a resolution*

*Amendment*

**25b.** *Notes that in the UK, more than 75% of corruption cases involving property investigated by the authorities*

*involved anonymous companies registered in secrecy jurisdictions; Adds that of these, 78% of the companies involved were registered in either the UK's overseas territories or crown dependencies; Notes that the United Kingdom government can invoke special prerogatives that would force British overseas territories and crown dependencies to introduce central public registers of company ownership and end their tax secrecy;*

Or. en

**Amendment 237**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 25 c (new)**

*Motion for a resolution*

*Amendment*

*25c. Points out that within the European Union, special economic zones like Madeira are abused by large companies and wealthy individuals to stash profits without paying taxes; Sees, therefore, a need for the European Commission to review the status of these schemes if the initial objectives haven't been met and also to review the guidelines for EU regional aid with stricter tax conditions;*

Or. en

**Amendment 238**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 25 d (new)**

*Motion for a resolution*

*Amendment*

**25d.** *Notes that little progress has been achieved on the revision of the mandate and transparency of the Code of Conduct Group on Business Taxation since the Parliament's reports on the Luxleaks revelations; Recalls its requests to make mandatory to the Code of Conduct Group the approval of new tax measure adopted by the Member States; Points out that due to a lack of political will, Member States have been unable to agree on abolishing a number of harmful tax measures which are under discussion in the Code of Conduct Group on Business Taxation for several years; notes that French and Italian patent box regimes are still not compliant with the Code of Conduct Group criteria and no action has been taken by the Council nor the Commission; notes that the Code of Conduct Group's Anti-abuse Subgroup started its work on inbound profit transfers in 2009 but hasn't agreed yet on a switchover clause for foreign untaxed income entering the EU; notes that the Code of Conduct Subgroup on outbound profit transfers started to work at least since 2010 on the problem of untaxed profit distributions from the EU to a third country but no agreement has yet been reached; notes that, as regards taxation applicable to interest and royalty payments made between associated companies of different Member States, despite a Commission proposal presented in November 2011 to recast Council Directive 2003/49/EC of 3 June 2003, Member States haven't been able to agree on solving shortcomings resulting from the limited scope of the Directive by including a Minimum Effective Taxation (MET) clause in the Directive; notes that, as regards investment funds, Member States denied in September 2011 to continue the*

discussion about these schemes' alleged  
and potential harmfulness;

Or. en

**Amendment 239**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 26**

*Motion for a resolution*

26. Notes the lack of adequate human and financial resources available to regulators, supervisors and applicable tax law enforcement bodies;

*Amendment*

26. Notes the lack of adequate human and financial resources available to regulators, supervisors and applicable tax law enforcement bodies; *Notes for example that only the EBA is allocating resources to ensure ALM coordination with other EU financial authorities but only have 0.8 person in charge of this issue; Regrets the lack of common European definitions for tax evasion and tax avoidance, which would ease cooperation between Member States; Points out that administrative cooperation and legal assistance in criminal matters between two or more Member States with regard to tax evasion, tax fraud and money laundering are hampered by mismatched national legislation; regrets that in some Member States, like in Luxembourg for example, simple tax evasion was or still is not treated as an aggravated crime and therefore prevents cross-border administrative cooperation and legal assistance in criminal matters; regrets that in some Member States, like in Luxembourg for example, the time of the commitment of the crime was or still is considered as the starting point for calculating the limitation period potentially preventing cross-border administrative cooperation and legal*

*assistance in criminal matters; welcomes that some Member States, for example Luxembourg, already have or plan to modify their national law in order to remove obstacles to cross-border administrative cooperation and legal assistance in criminal matters;*

Or. en

#### **Amendment 240**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

#### **Motion for a resolution**

##### **Paragraph 26**

##### *Motion for a resolution*

26. Notes the lack of adequate human and financial resources available to regulators, supervisors and applicable tax law enforcement bodies;

##### *Amendment*

26. Notes the lack of adequate human and financial resources available to regulators, supervisors and applicable tax law enforcement bodies, *due to the application of austerity policies that have resulted in several Member States reducing significant jobs in the Tax Administration since 2008 to the present date;*

Or. en

#### **Amendment 241**

**Ana Gomes, Emmanuel Maurel, Sergio Gaetano Cofferati, Hugues Bayet, Evelyn Regner, Peter Simon**

#### **Motion for a resolution**

##### **Paragraph 26**

##### *Motion for a resolution*

26. Notes the lack of adequate human and financial resources available to regulators, supervisors and applicable tax law enforcement bodies;

##### *Amendment*

26. Notes the lack of adequate human, *technological* and financial resources available to regulators, supervisors and applicable tax law enforcement bodies *in*



*EU Member States, along the lack of proper backing, independence and political support of their work;*

Or. en

**Amendment 242**

**Lud k Niedermayer, Dariusz Rosati**

**Motion for a resolution**

**Paragraph 26**

*Motion for a resolution*

26. Notes the lack of **adequate** human and financial resources available to regulators, supervisors and applicable tax law enforcement bodies;

*Amendment*

26. Notes the lack of **capacity including qualified** human and financial resources available to regulators, supervisors and applicable tax law enforcement bodies;

Or. en

**Amendment 243**

**Emilian Pavel, Emmanuel Maurel, Peter Simon**

**Motion for a resolution**

**Paragraph 26**

*Motion for a resolution*

26. Notes the lack of adequate human and financial resources available to regulators, supervisors and applicable tax law enforcement bodies;

*Amendment*

26. Notes the lack of adequate human and financial resources available to regulators, supervisors and applicable tax law enforcement **authorities and** bodies;

Or. en

**Amendment 244**

**Werner Langen, Sven Schulze**

**Motion for a resolution**

**Paragraph 26**

*Motion for a resolution*

(26) **Notes** the lack of adequate human and financial resources available to regulators, supervisors and applicable tax law enforcement bodies;

*Amendment*

(26) **Deplores** the lack of adequate human and financial resources available to **the** regulators, supervisors and applicable tax law enforcement bodies;

Or. de

**Amendment 245**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 26 a (new)**

*Motion for a resolution*

*Amendment*

**26a. Notes that 18 infringement cases were open by the Commission against Member States regarding the lack of transposition of DAC1 <sup>1a</sup>, 13 cases regarding the implementation of DAC2 <sup>1b</sup> and 8 cases regarding the implementation of DAC3; Recalls that the Directive on administrative cooperation 4 on country-by-country reporting between tax administration had to be implemented in national law by Member States by 4 June 2017; Notes that actions with regard to 11 Member States (Bulgaria, Cyprus, Croatia, Estonia, Greece, Hungary, Malta, Poland, Portugal, Czech Republic, Slovakia) are still pending <sup>1c</sup>;**

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<sup>1a</sup> 14 actions were initiated for non-communication of domestic provisions by Member States (not meeting the 01 January 2013 deadline for transposition). Another infringement case was initiated for non-transposition (including the spontaneous exchange of information) and six actions were

*initiated for possible incorrect transposition of DAC1. Out of these six actions, three cases are still ongoing.*

*<sup>1b</sup> Deadline for transposition was 01 January 2016*

*<sup>1c</sup> Cases for Greece and Portugal should be closed soon*

Or. en

**Amendment 246**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 27**

*Motion for a resolution*

27. Stresses that this lack of resources in tax administrations impedes the capacity to effectively comply with the spontaneous exchange of information under DAC, and that this is a systemic problem in the EU;

*Amendment*

27. Stresses that this lack of resources in tax administrations impedes the capacity to effectively comply with the spontaneous exchange of information under DAC, and that this is a systemic problem in the EU;  
*Notes that the distinction between administrative tax offences and criminal tax offences is often blurred at member States level, creating sometimes obstacles to good cooperation between member States; Recalls its proposal to amend DAC in order to improve Member States' coordination on tax audits;*

Or. en

**Amendment 247**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 28**

*Motion for a resolution*

28. Concludes that the DAC provisions, especially Articles 1, 2 and 8(1) – on spontaneous information exchange – were not implemented *effectively*; highlights that Member States had grounds for supposing that there had been a loss of tax in other Member States owing to offshore constructions, but did not report this tax information to those other Member States;

*Amendment*

28. Concludes that the DAC provisions, especially Articles 1, 2 and 8(1) – on spontaneous information exchange – were not implemented *constituting cases of maladministration by negligence or omission*; highlights that Member States had grounds for supposing that there had been a loss of tax in other Member States owing to offshore constructions, but did not report this tax information to those other Member States; *points out that already in 2012, the Council Code of Conduct Group on Business Taxation acknowledged the lack of exchange of information on rulings on a spontaneous basis* <sup>1a</sup>; *Concludes that the Commission failed to enforce DAC provisions effectively*;

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<sup>1a</sup> *Council Code of Conduct on Business Taxation, Background document from 10 September 2012: “The monitoring exercise discussed at the 17 April 2012 Code meeting showed that in practice no information on rulings was exchanged on a spontaneous basis”*

Or. en

**Amendment 248**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 29**

*Motion for a resolution*

29. Recalls that the FATF set the global standards for Anti-Money Laundering and Countering Financing of Terrorism

*Amendment*

29. Recalls that the FATF set the global standards for Anti-Money Laundering and Countering Financing of Terrorism

(AML/CFT), and that all its members, including the main offshore financial centres cited in the Panama Papers (BVI, Panama and the Seychelles), committed to implementing these standards;

(AML/CFT), and that all its members, including the main offshore financial centres cited in the Panama Papers (BVI, Panama and the Seychelles), committed to implementing these standards; *recalls that FATF recommendations were latest amended in 2012 and should be revised as soon as possible according to new risks of money laundering or money laundering practices highlighted in the Panama Papers;*

Or. en

#### **Amendment 249**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

#### **Motion for a resolution**

##### **Paragraph 29 a (new)**

*Motion for a resolution*

*Amendment*

**29a. Notes that the Council of Europe Warsaw Convention constitutes the most comprehensive international convention on money laundering, asking parties to adopt legislative measures to facilitate the prevention, investigation and prosecution of money laundering as well as the effective freezing and confiscation of proceeds and instrumentalities of crime; Regrets that the Warsaw Convention has been ratified by only 18 Member States so far; <sup>1a</sup>**

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<sup>1a</sup> **Belgium, Bulgaria, Croatia, Cyprus, France, Germany, Hungary, Italy, Latvia, Malta, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and the United Kingdom.**

Or. en

## Amendment 250

Lud k Niedermayer, Dariusz Rosati

### Motion for a resolution

#### Paragraph 30

##### *Motion for a resolution*

30. Acknowledges that the EU framework for AML is the **Anti-Money Laundering Directive (AMLD)**, which identifies the money laundering risks at three levels, namely supranational level, Member State level and the level of the reporting entities as part of their customer due diligence (CDD);

##### *Amendment*

30. Acknowledges that the EU framework for AML is the **Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing (AMLD IV)**, which identifies the money laundering risks at three levels, namely supranational level, Member State level and the level of the reporting entities as part of their customer due diligence (CDD);

Or. en

## Amendment 251

Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé  
on behalf of the Verts/ALE Group

### Motion for a resolution

#### Paragraph 30

##### *Motion for a resolution*

30. Acknowledges that the EU framework for AML is the Anti-Money Laundering Directive (AMLD), which identifies the money laundering risks at three levels, namely supranational level, Member State level and the level of the **reporting** entities as part of their customer due diligence (CDD);

##### *Amendment*

30. Acknowledges that the EU framework for AML is the Anti-Money Laundering Directive (AMLD), which identifies the money laundering risks at three levels, namely supranational level, Member State level and the level of the **obliged** entities as part of their customer due diligence (CDD); **Regrets however the lack of greater harmonisation in Member States' approaches to fighting financial crimes;**

**Amendment 252**  
**Markus Ferber**

**Motion for a resolution**  
**Paragraph 32**

*Motion for a resolution*

(32) Notes that AMLD IV improves the scope of enhanced CDD for undertaking business with high-risk countries and the definitions and obligations concerning politically exposed persons and UBOs, lowers the cash payment threshold from EUR 15 000 to EUR 10 000 and extends the scope of reporting entities to include the entire gambling sector, and not just casinos; recalls that the threshold for identifying beneficial owners of corporate entities is a shareholding of 25 % plus one share or an ownership interest of more than 25 %; recalls that AMLD IV entered into force on 26 June 2017;

*Amendment*

(32) Notes that AMLD IV improves the scope of enhanced CDD for undertaking business with high-risk countries and the definitions and obligations concerning politically exposed persons and UBOs, lowers the cash payment threshold from EUR 15 000 to EUR 10 000 and extends the scope of reporting entities to include the entire gambling sector, and not just casinos; recalls that the threshold for identifying beneficial owners of corporate entities is a shareholding of 25 % plus one share or an ownership interest of more than 25 %; recalls that AMLD IV entered into force on 26 June 2017; ***regrets that AMLD IV has not, or has only partially, been transposed into national law by 17 Member States at the expiry of the implementation period; calls on the relevant Member States to implement AMLD IV as a matter of urgency;***

**Amendment 253**  
**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 32**

*Motion for a resolution*

32. Notes that AMLD IV improves the

*Amendment*

32. Notes that AMLD IV improves the

scope of enhanced CDD for undertaking business with high-risk countries and the definitions and obligations concerning politically exposed persons and UBOs, lowers the cash payment threshold from EUR **15 000** to EUR **10 000** and extends the scope of **reporting** entities to include the entire gambling sector, and not just casinos; recalls that **the threshold** for identifying beneficial owners of corporate entities is a shareholding of 25 % plus one share or an ownership interest of more than 25 %; recalls that AMLD IV entered into force on **26 June 2017**;

scope of enhanced CDD for undertaking business with high-risk countries and the definitions and obligations concerning politically exposed persons and UBOs, lowers the cash payment threshold from EUR **15 000** to EUR **10 000** and extends the scope of **obliged** entities to include the entire gambling sector, and not just casinos; recalls that **one criterion** for identifying beneficial owners of corporate entities is a shareholding of 25 % plus one share or an ownership interest of more than 25 %; recalls that AMLD IV entered into force on **26 June 2017 but only six Member States have notified full implementation into national legislation in due time to the European Commission**<sup>1a</sup>,

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<sup>1a</sup> **The six countries are: Czech Republic, Germany, Italy, Slovenia, Sweden and the UK. Austria, France, Hungary, Ireland, Latvia, Slovakia and Spain have notified partial implementation only.**

Or. en

#### **Amendment 254**

**Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

#### **Motion for a resolution Paragraph 32 a (new)**

*Motion for a resolution*

*Amendment*

**32a. Notes that on 28 February 2017 Parliament voted on the revision of the 4th AMLD; underlines that Parliament voted in favour of an ambitious proposal that will close many loopholes and considerably strengthen existing anti-money laundering legislation; highlights that under Parliament's proposal: all tax**



*offences will be considered as predicate offences for money laundering, independently of how heavily they are punished on Member State level; all providers of tax advice as well as art traders, auction houses and freeports are added to the list of obliged entities; the threshold for identifying beneficial owners (BOs) of corporate entities is lowered from 25% of shareholding plus one share (or more than 25% of ownership interest) to 10% of shareholding plus one share (or more than 10% of ownership interest) and the BO definition for trusts is broadened to include all trust parties; no senior managers, nominee directors and other proxy agents can be identified as BOs unless they fulfil the criteria of a BO; full public access is granted to trust and company BO registers; centralised asset registers including land and real estate will be put in place on Member State level and connected on EU level; sanctions are put in place for any breach of the AMLD and strong sanctions such as the withdrawal of the business licence for serious, repeated and systematic breaches;*

Or. en

**Amendment 255**

**Cora van Nieuwenhuizen, Enrique Calvet Chambon**

**Motion for a resolution**

**Paragraph 32 a (new)**

*Motion for a resolution*

*Amendment*

**32a.** *Notes that according to Europol crypto currencies pose a money laundering threat and notes that money laundering is subject to change and that therefore anti-money laundering strategies should not only be focused on the past, but also on new money*

*laundrying techniques;*

Or. en

**Amendment 256**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 32 a (new)**

*Motion for a resolution*

*Amendment*

**32a. Welcomes the European Commission proposal on controls on cash entering or leaving the Union and calls for greater harmonisation of cash restrictions at the European level;**

Or. en

**Amendment 257**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**  
**Subheading 2.2**

*Motion for a resolution*

*Amendment*

An EU anti-money laundering list of high-risk *third* countries

An EU anti-money laundering list of high-risk countries

Or. en

**Amendment 258**

**Lud k Niedermayer, Dariusz Rosati**

**Motion for a resolution**  
**Paragraph 33**

*Motion for a resolution*

33. Recalls that on 14 July 2016 the Commission adopted, *by delegated act, a list of eleven third countries having strategic deficiencies in their regimes on Anti-Money Laundering (AML) and Countering Financing of Terrorism (CFT)*, namely Afghanistan, Bosnia and Herzegovina, Guyana, Iraq, the Lao People's Democratic Republic, Syria, Uganda, Vanuatu, Yemen, Iran and the Democratic People's Republic of Korea (DPRK);

*Amendment*

33. Recalls that on 14 July 2016 the Commission adopted *Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council a list of eleven high-risk third countries with strategic deficiencies in their AML/CFT regimes*, namely Afghanistan, Bosnia and Herzegovina, Guyana, Iraq, the Lao People's Democratic Republic, Syria, Uganda, Vanuatu, Yemen, Iran and the Democratic People's Republic of Korea (DPRK);

Or. en

**Amendment 259**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Paragraph 33 a (new)**

*Motion for a resolution*

*Amendment*

**33a. Notes that third countries where money laundering is done are just one step used by big corporations and wealthy individuals around the world in the money-laundering cycle; these include in particular the richest countries, including EU ones. The process of money laundering and tax evasion requires concrete players and necessary steps: from a real beneficiary, a bank that opens an account, tax and legal advisors, off-shore entities and possible nominee-directors, and, ultimately, a tax jurisdiction.**

Or. en

**Amendment 260**

**Monica Macovei, Traian Ungureanu, Pirkko Ruohonen-Lerner, Maite Pagazaurtundúa Ruiz, Bernd Lucke, Fabio De Masi**

**Motion for a resolution**

**Paragraph 33 a (new)**

*Motion for a resolution*

*Amendment*

**33a. Stresses that the implementation of very strict rules for those identified as high risk third countries is necessary, in order to avoid the migration to any jurisdiction with a more favourable political and financial environment for money laundering activities.**

Or. en

**Amendment 261**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 34**

*Motion for a resolution*

*Amendment*

34. Points to the fact that this is a duplicate of the list produced by the FATF;

34. Points to the fact that this is a duplicate of the list produced by the FATF; ***Questions why Panama was taken out of the FATF list of non-cooperation jurisdictions in 2016 before GALIFAT has conducted its peer-review evaluation on Panama and analysed the proper enforcement of FATF standards; Notes that Panama was rated as ‘non-compliant’ by the Global Forum at the end of 2016;***

Or. en

**Amendment 262**

**Marco Valli**

**Motion for a resolution  
Paragraph 34**

*Motion for a resolution*

34. Points to the fact that this is a duplicate of the list produced by the FATF;

*Amendment*

34. Points to the fact that this is a duplicate of the list produced by the FATF ***and does not include any of the countries mentioned in the Panama Papers;***

Or. it

**Amendment 263  
Angel Dzhambazki, Bernd Lucke**

**Motion for a resolution  
Paragraph 34**

*Motion for a resolution*

34. Points to the fact that this is a duplicate of the list produced by the FATF;

*Amendment*

34. Points to the fact that this is a duplicate of the list produced by the FATF, ***of which the Commission is an active member;***

Or. en

**Amendment 264  
Werner Langen, Sven Schulze**

**Motion for a resolution  
Paragraph 34**

*Motion for a resolution*

(34) Points to the fact that this is a duplicate of the list produced by the FATF;

*Amendment*

(34) Points to the fact that this is a duplicate of the list produced by the FATF ***and the 34 EU jurisdictions are totally absent;***

Or. de

**Amendment 265  
Sajjad Karim**

**Motion for a resolution**  
**Paragraph 34**

*Motion for a resolution*

34. Points to the fact that this is a duplicate of the list produced by the FATF;

*Amendment*

34. Points to the fact that this is a duplicate of the list produced by the FATF, *of which the Commission is an active member*;

Or. en

**Amendment 266**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 35**

*Motion for a resolution*

35. Recalls that the Commission proposed to amend the list by removing Guyana and adding Ethiopia; reiterates Parliament's objections to these delegated acts, of 19 January and 17 May 2017;

*Amendment*

35. Recalls that the Commission proposed to amend the list by removing Guyana and adding Ethiopia; reiterates Parliament's objections to these delegated acts, of 19 January and 17 May 2017, *due to dissatisfaction with the list not containing any single important offshore financial centre and with the aim to urge the Commission to allocate more staff to combat money laundering and terrorist financing allowing for an own and independent EU assessment of third countries*;

Or. en

**Amendment 267**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Paragraph 35 a (new)**

*Motion for a resolution*

*Amendment*

**35a. Regrets that the European Commission so far has not managed to comply with the Delegated Act under the 4th AMLD in order to produce an independently assessed list of countries based on objective criteria, which would not put the European institutions in a position of indirectly endorsing those regimes that would not be in line with its own assessment criteria;**

Or. en

**Amendment 268**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Paragraph 35 b (new)**

*Motion for a resolution*

*Amendment*

**35b. Regrets that the Commission states it is not able to conduct its own proper assessment of money laundering high-risk third countries as it does not have sufficient qualified staff to fulfil this obligation under the AMLD;**

Or. en

**Amendment 269**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**

**Paragraph 35 c (new)**

*Motion for a resolution*

*Amendment*

**35c. *Regrets that an independent assessment has not been made by the European Commission to consider whether EU Member States should be included in the list;***

Or. en

**Amendment 270**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 36**

*Motion for a resolution*

36. Notes that the FATF has reviewed more than 80 countries since 2007 in terms of their compliance and deficiencies and that **59** countries have been put on the public list; reiterates the FATF's claims that since then, **49 countries have made significant progress in terms of** putting in place legal and regulatory frameworks and reforms, committing themselves to upholding international tax standards such as the OECD's common reporting standards, **so as** to be taken off the list;

*Amendment*

36. Notes that the FATF has reviewed more than 80 countries since 2007 in terms of their compliance and deficiencies and that **61** countries have been put on the public list **identifying countries with strategic AML/CFT deficiencies** ; reiterates the FATF's claims that since then, **51 countries have since made the necessary reforms to address them, such as** putting in place legal and regulatory frameworks and reforms, committing themselves to upholding international tax standards such as the OECD's common reporting standards, **and** to be taken off the list; **highlights that being delisted from the public list should not take place only after commitments to reforms but after a thorough FATF evaluation ensuring changes in practice;**

Or. en

**Amendment 271**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**



**Motion for a resolution**  
**Paragraph 36 a (new)**

*Motion for a resolution*

*Amendment*

**36a. *Regrets that the process of FATF assessment and peer review have resulted in a list which is not useful for tackling money laundering.;***

Or. en

**Amendment 272**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 37**

*Motion for a resolution*

*Amendment*

37. Recalls that under AMLD III each Member State is obliged to establish an FIU in order to combat money laundering and terrorist financing, that each national FIU must be given adequate resources to fulfil its tasks, and that the FIUs have to be equipped to ensure timely access to the financial, administrative and law enforcement information they require to properly carry out their tasks;

37. Recalls that under AMLD III each Member State is obliged to establish an FIU in order to combat money laundering and terrorist financing, that each national FIU must be given adequate resources to fulfil its tasks, ***taking into account factors such as the exposure to money laundering risks, the number of corporate headquarters located in the country, the possession of offshore territories, the volume of tax collection of the jurisdiction as well as the number of offshore entities identified in the Panama papers or other leaked information*** and that the FIUs have to be equipped to ensure timely access to the financial, administrative and law enforcement information they require to properly carry out their tasks;

Or. en

**Amendment 273**

**Monica Macovei, Traian Ungureanu, Pirkko Ruohonen-Lerner, Maite Pagazaurtundúa Ruiz, Miguel Urbán Crespo**

**Motion for a resolution  
Paragraph 37**

*Motion for a resolution*

37. Recalls that under AMLD III each Member State is obliged to establish an FIU in order to combat money laundering and terrorist financing, that each national FIU must be given adequate resources to fulfil its tasks, and that the FIUs have to be equipped to ensure timely access to the financial, administrative and law enforcement information they require to properly carry out their tasks;

*Amendment*

37. Recalls that under AMLD III each Member State is obliged to establish an FIU in order to ***share information between the different intelligence services of the Member States, to*** combat money laundering and terrorist financing, that each national FIU must be given adequate resources to fulfil its tasks, and that the FIUs have to be equipped to ensure ***efficient and*** timely access to the financial, administrative and law enforcement information they require to properly carry out their tasks, ***including interoperability between databases of the relevant authorities***

Or. en

**Amendment 274**

**Paul Tang, Emmanuel Maurel, Emilian Pavel, Hugues Bayet, Evelyn Regner, Peter Simon**

**Motion for a resolution  
Paragraph 38 a (new)**

*Motion for a resolution*

*Amendment*

***38a. Notes that a uniform definition of a suspicious transaction lacks, or that the definition is deemed inadequate in some individual cases.***

Or. en

**Amendment 275**

Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 40**

*Motion for a resolution*

40. Notes and welcomes the establishment of the FIU.net cooperation in the framework of Europol; recalls that the Egmont Group, an international body for the cooperation of FIUs, is composed of 154 FIUs worldwide;

*Amendment*

40. Notes and welcomes the establishment of the FIU.net cooperation in the framework of Europol ***but is concerned by still existing legal and technical barriers preventing or/and significantly delaying cooperation between EU FIUs; Regrets that several FIUs in Europe are still not allowed according to their national legal framework to exchange data directly with foreign law enforcement; regrets that Europol is lacking investigation powers to prosecute tax evasion and money laundering***; recalls that the Egmont Group, an international body for the cooperation of FIUs, is composed of 154 FIUs worldwide;

Or. en

**Amendment 276**  
**Petras Auštrevičius, Enrique Calvet Chambon**

**Motion for a resolution**  
**Paragraph 40 – subparagraph 1 (new)**

*Motion for a resolution*

*Amendment*

***Notes that a major issue in anti-money laundering investigations in the EU is the lengthy and inefficient mechanism of exchanging official requests between anti-money authorities in the EU. The drastic discrepancy between the money laundering tools and the mechanism of combating money laundering coupled with lax anti-money laundering regimes in certain jurisdictions, and in some***

*cases, like in the Magnitsky case, the existence of state sponsored money laundering, has led to the infiltration of EU financial system with billions of euros of laundered funds, as demonstrated by Panama Papers, Magnitsky case, Russian Laundromat and others.*

Or. en

**Amendment 277**  
**Petras Auštrevičius**

**Motion for a resolution**  
**Paragraph 40 a (new)**

*Motion for a resolution*

*Amendment*

*40a. Observes that because of the international scope of money laundering schemes, better international cooperation at the level of FIUs and Eurojust is necessary, so that resources can be streamlined and saved in money laundering investigations conducted by multiple EU states, like in the Magnitsky case, and to enable investigations to be promptly commenced and effectively conducted so that perpetrators can be identified at early stages, and subsequent money laundering deterred.*

Or. en

**Amendment 278**  
**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Marina Albiol Guzmán, Matt Carthy, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

**Motion for a resolution**  
**Paragraph 41**

*Motion for a resolution*

*Amendment*

41. Observes that a number of

41. Observes that a number of

intermediaries did not adequately carry out the mandatory enhanced CDD measures, whether upon the establishment of the business relationship with their clients or during that business relationship, even when there was a suspicion of money laundering; highlights, therefore, the lack of reporting by obliged entities of suspicions of money laundering to the competent FIUs<sup>33</sup> ;

intermediaries, *namely enablers and promoters of tax evasion, tax avoidance and money laundering*, did not adequately carry out the mandatory enhanced CDD measures, whether upon the establishment of the business relationship with their clients or during that business relationship, even when there was a suspicion of money laundering; highlights, therefore, the lack of reporting by obliged entities of suspicions of money laundering to the competent FIUs<sup>33</sup> ;

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<sup>33</sup> The investigation into the private banking activities of Nordea showed that the bank did not comply with internal guidelines or regulatory requirements in Luxembourg. More specifically, it did not classify customers in the appropriate high-risk category, and the subsequent enhanced due diligence (EDD) reporting was incomplete. The EDD requirements include, for instance, collecting information on the source of the funds and the purpose of the accounts. Moreover, due diligence needs to be repeated regularly and reassessed. This so-called ‘ongoing due diligence’ (ODD) was, however, not systematically conducted. The information was in many cases not up to date according to the internal investigation of the bank (Nordea, 2016). Similar implementation and enforcement problems were indicated by a former compliance officer of the German Berenberg Bank that testified for the PANA Committee.

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<sup>33</sup> The investigation into the private banking activities of Nordea showed that the bank did not comply with internal guidelines or regulatory requirements in Luxembourg. More specifically, it did not classify customers in the appropriate high-risk category, and the subsequent enhanced due diligence (EDD) reporting was incomplete. The EDD requirements include, for instance, collecting information on the source of the funds and the purpose of the accounts. Moreover, due diligence needs to be repeated regularly and reassessed. This so-called ‘ongoing due diligence’ (ODD) was, however, not systematically conducted. The information was in many cases not up to date according to the internal investigation of the bank (Nordea, 2016). Similar implementation and enforcement problems were indicated by a former compliance officer of the German Berenberg Bank that testified for the PANA Committee.

Or. en

#### **Amendment 279**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

#### **Motion for a resolution**

## Paragraph 41

### *Motion for a resolution*

41. Observes that a number of intermediaries did not adequately carry out the mandatory enhanced CDD measures, whether upon the establishment of the business relationship with their clients or during that business relationship, even when there was a suspicion of money laundering; highlights, therefore, the lack of reporting by obliged entities of suspicions of money laundering to the **competent FIUs**<sup>33</sup> ;

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<sup>33</sup> The investigation into the private banking activities of Nordea showed that the bank did not comply with internal guidelines or regulatory requirements in Luxembourg. More specifically, it did not classify customers in the appropriate high-risk category, and the subsequent enhanced due diligence (EDD) reporting was incomplete. The EDD requirements include, for instance, collecting information on the source of the funds and the purpose of the accounts. Moreover, due diligence needs to be repeated regularly and reassessed. This so-called ‘ongoing due diligence’ (ODD) was, however, not systematically conducted. The information was in many cases not up to date according to the internal investigation of the bank (Nordea, 2016). Similar implementation and enforcement problems were indicated by a former compliance officer of the German Berenberg Bank that testified for the PANA Committee.

### *Amendment*

41. Observes that a number of intermediaries, ***such as the Berenberg bank in Germany or the Pilatus bank in Malta***, did not adequately carry out the mandatory enhanced CDD measures, whether upon the establishment of the business relationship with their clients or during that business relationship, even when there was a suspicion of money laundering; highlights, therefore, the lack of reporting by obliged entities of suspicions of money laundering to the **competent FIUs**<sup>33</sup> ;

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<sup>33</sup> The investigation into the private banking activities of Nordea showed that the bank did not comply with internal guidelines or regulatory requirements in Luxembourg. More specifically, it did not classify customers in the appropriate high-risk category, and the subsequent enhanced due diligence (EDD) reporting was incomplete. The EDD requirements include, for instance, collecting information on the source of the funds and the purpose of the accounts. Moreover, due diligence needs to be repeated regularly and reassessed. This so-called ‘ongoing due diligence’ (ODD) was, however, not systematically conducted. The information was in many cases not up to date according to the internal investigation of the bank (Nordea, 2016). Similar implementation and enforcement problems were indicated by a former compliance officer of the German Berenberg Bank that testified for the PANA Committee.

Or. en

## Amendment 280

**Motion for a resolution**  
**Paragraph 41**

*Motion for a resolution*

41. Observes that a number of intermediaries did not adequately carry out the mandatory enhanced CDD measures, whether upon the establishment of the business relationship with their clients or during that business relationship, even when there was a suspicion of money laundering; highlights, therefore, the lack of reporting by obliged entities of suspicions of money laundering to the competent FIUs<sup>33</sup> ;

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<sup>33</sup> The investigation into the private banking activities of Nordea showed that the bank did not comply with internal guidelines or regulatory requirements in Luxembourg. More specifically, it did not classify customers in the appropriate high-risk category, and the subsequent enhanced due diligence (EDD) reporting was incomplete. The EDD requirements include, for instance, collecting information on the source of the funds and the purpose of the accounts. Moreover, due diligence needs to be repeated regularly and reassessed. This so-called ‘ongoing due diligence’ (ODD) was, however, not systematically conducted. The information was in many cases not up to date according to the internal investigation of the bank (Nordea, 2016). Similar implementation and enforcement problems were indicated by a former compliance officer of the German Berenberg Bank that testified for the PANA Committee.

*Amendment*

41. Observes that a number of intermediaries did not adequately carry out the mandatory enhanced CDD measures, whether upon the establishment of the business relationship with their clients or during that business relationship, even when there was a suspicion of money laundering; highlights, therefore, the lack **and unequal level** of reporting by obliged entities of suspicions of money laundering to the competent FIUs<sup>33</sup> ;

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<sup>33</sup> The investigation into the private banking activities of Nordea showed that the bank did not comply with internal guidelines or regulatory requirements in Luxembourg. More specifically, it did not classify customers in the appropriate high-risk category, and the subsequent enhanced due diligence (EDD) reporting was incomplete. The EDD requirements include, for instance, collecting information on the source of the funds and the purpose of the accounts. Moreover, due diligence needs to be repeated regularly and reassessed. This so-called ‘ongoing due diligence’ (ODD) was, however, not systematically conducted. The information was in many cases not up to date according to the internal investigation of the bank (Nordea, 2016). Similar implementation and enforcement problems were indicated by a former compliance officer of the German Berenberg Bank that testified for the PANA Committee.

Or. en

## **Amendment 281**

**Lud k Niedermayer, Dariusz Rosati**

### **Motion for a resolution**

#### **Paragraph 41**

##### *Motion for a resolution*

41. Observes that a number of intermediaries did not adequately carry out the mandatory enhanced CDD measures, whether upon the establishment of the business relationship with their clients or during that business relationship, even when there was a suspicion of money laundering; highlights, therefore, the lack of reporting by obliged entities of suspicions of money laundering to the competent FIUs<sup>33</sup> ;

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<sup>33</sup> *The investigation into the private banking activities of Nordea showed that the bank did not comply with internal guidelines or regulatory requirements in Luxembourg. More specifically, it did not classify customers in the appropriate high-risk category, and the subsequent enhanced due diligence (EDD) reporting was incomplete. The EDD requirements include, for instance, collecting information on the source of the funds and the purpose of the accounts. Moreover, due diligence needs to be repeated regularly and reassessed. This so-called ‘ongoing due diligence’ (ODD) was, however, not systematically conducted. The information was in many cases not up to date according to the internal investigation of the bank (Nordea, 2016). Similar implementation and enforcement problems were indicated by a former compliance officer of the German Berenberg Bank that testified for the PANA Committee.*

##### *Amendment*

41. Observes that a number of intermediaries did not adequately carry out the mandatory enhanced CDD measures, whether upon the establishment of the business relationship with their clients or during that business relationship, even when there was a suspicion of money laundering; highlights, therefore, the lack of reporting by obliged entities of suspicions of money laundering to the competent FIUs;

Or. en



## Amendment 282

Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé  
on behalf of the Verts/ALE Group

### Motion for a resolution

#### Paragraph 42

##### *Motion for a resolution*

42. Finds that in many cases no, or insufficient, inquiries were carried out to identify the UBOs of offshore entities; highlights the consequential failure to define the ownership and control structure of the entity and/or to obtain information on the purpose and intended nature of the business relationship<sup>34</sup> ;

##### *Amendment*

42. Finds that in many cases no, or insufficient, inquiries were carried out to identify the UBOs of offshore entities; highlights the consequential failure to define the ownership and control structure of the entity and/or to obtain information on the purpose and intended nature of the business relationship<sup>34</sup> ; ***Stresses that public documents from the Panama Papers show that Mossack Fonseca was aware that customer due diligence was not always properly done by some of its clients or subsidiaries***<sup>1a</sup>; ***Highlights that Mossack Fonseca admitted that in some cases, they did not know who the beneficial owners of the registered entities were;***<sup>1b</sup>

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<sup>1a</sup> ***In an email from 24 September 2010, Jürgen Mossack wrote ‘it would appear that Mossfon UK are not doing their due diligence thoroughly (or maybe none at all) and maybe from now on we ourselves will have to do the DD on all clients that Mossfon UK have with us, present and future!’***

<sup>1b</sup> ***In an email relating an exchange between Mossack Fonseca and UBS, the representative from Mossack Fonseca said: “He explained that UBS had never been a contracting partner of ours. I disagreed at this issue and added that in some cases we even don’t know who the BO is. (...) I answered that in the past, we specifically, on demand of UBS and other***

<sup>34</sup> For 25 % of the MosFon entities that were still active in 2015, the UBO was unknown or anonymous.

*banks, were not supplied with the identity of the BO”.*

<sup>34</sup> For 25 % of the MosFon entities that were still active in 2015, the UBO was unknown or anonymous.

Or. en

#### **Amendment 283**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

#### **Motion for a resolution Paragraph 42 a (new)**

*Motion for a resolution*

*Amendment*

**42a. Condemns the fact that in order to accommodate the special uses of their clients, Mossack Fonseca charged more expensive services with no proper due diligence checks while deliberately knowing these services entailed a higher risk of money laundering; <sup>1a</sup>**

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**<sup>1a</sup> In an email from 05 May 2009, a representative from Mossack Fonseca explained that the price for creating two foundations “is higher basically for the special use the client will make with the Foundation and the special flexible service that we are providing (without much due diligence) as definitively entail a higher risk.”**

Or. en

#### **Amendment 284**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 43**

*Motion for a resolution*

43. Underlines that ***as a result***, insufficient documentation is available to national FIUs or other competent authorities to conduct the appropriate investigations and analysis in accordance with national law;

*Amendment*

43. Underlines that insufficient documentation is available to national FIUs or other competent authorities to conduct the appropriate investigations and analysis in accordance with national law, ***especially regarding the identification of the ultimate beneficial owners; Regrets that certain European FIUs did not receive Suspicious Transaction Reports related to the Panama Papers before the scandal was made public by ICIJ journalists, showing the under-reporting of money laundering risks by certain obliged entities; Regrets that the requirement of dual criminality provisions (both in the country requesting information and in the country receiving the request for cooperation) has preventing good cooperation among Member States to fight tax evasion and money laundering;***

Or. en

**Amendment 285**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 44**

*Motion for a resolution*

44. Notes that the lack of documentation and inquiry also applies to certain life insurance policies granted by insurance companies and offered to clients via insurance intermediaries or any other entity identified as a financial institution under AMLD III;

*Amendment*

44. Notes that the lack of documentation and inquiry also applies to certain life insurance policies granted by insurance companies and offered ***systematically*** to clients via insurance intermediaries or any other entity identified as a financial institution under AMLD III;

**Amendment 286**

**Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

**Motion for a resolution**

**Paragraph 44 a (new)**

*Motion for a resolution*

*Amendment*

**44a.** *Notes that the real estate sector is used to launder vast amounts of money from criminal proceeds; highlights that FIUs demand that central real estate registers be put in place to tackle this problem;*

**Amendment 287**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 45 a (new)**

*Motion for a resolution*

*Amendment*

**45a.** *Recalls the request expressed by some FIUs to have greater access to information through increased cooperation with their counterparts and access to more sources of information like centralised bank accounts data or registries for real estate or life insurance products;*

**Amendment 288**

Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 46**

*Motion for a resolution*

46. Notes that EU FIUs have different structures, powers and often a lack of resources across the Member States, and that these differences affect the ways in which EU FIUs collect *and analyse* information, and ultimately impact the exchange of information between them; underlines that this leads to fragmented, asymmetric and incomparable responses from the EU FIUs<sup>36</sup> ;

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<sup>36</sup> EU FIU Platform mapping exercise and gap analysis on EU FIUs' powers and obstacles for obtaining and exchanging information, 15 December **2012**.

*Amendment*

46. Notes that EU FIUs have different structures, *sizes*, powers and often a lack of resources across the Member States, and that these differences affect the ways in which EU FIUs collect, *analyse and disseminate* information, and ultimately impact the exchange of information between them; underlines that this leads to fragmented, asymmetric and incomparable responses from the EU FIUs<sup>36</sup> ; ***Recalls the importance of having independent and autonomous FIUs receiving STRs directly and exclusively, which is not the case in all Member states;***

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<sup>36</sup> EU FIU Platform mapping exercise and gap analysis on EU FIUs' powers and obstacles for obtaining and exchanging information, 15 December **2016**.

Or. en

**Amendment 289**  
**Dariusz Rosati**

**Motion for a resolution**  
**Paragraph 46**

*Motion for a resolution*

46. Notes that ***EU FIUs*** have different structures, powers and often a lack of resources across the Member States, and that these differences affect the ways in which EU FIUs collect and analyse information, and ultimately impact the

*Amendment*

46. Notes that ***the FIUs of EU Member States*** have different structures, powers and often a lack of resources across the Member States, and that these differences affect the ways in which EU ***Member States'*** FIUs collect and analyse

exchange of information between them; underlines that this leads to fragmented, asymmetric and incomparable responses from the EU FIUs<sup>36</sup> ;

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<sup>36</sup> EU FIU Platform mapping exercise and gap analysis on EU FIUs' powers and obstacles for obtaining and exchanging information, 15 December 2012.

information, and ultimately impact the exchange of information between them; underlines that this leads to fragmented, asymmetric and incomparable responses from the EU *Member States'* FIUs<sup>36</sup> ;

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<sup>36</sup> EU FIU Platform mapping exercise and gap analysis on EU FIUs' powers and obstacles for obtaining and exchanging information, 15 December 2012.

Or. en

#### **Amendment 290**

**Miguel Urbán Crespo, Miguel Viegas, Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese**

#### **Motion for a resolution**

#### **Paragraph 46 a (new)**

*Motion for a resolution*

*Amendment*

**46a. Notes that in practice there are significant limitations to the exchange of information, as the exchange of information between FIUs: a) is always associated with the explicit determination of appropriate conditions of use (purpose limitation), which depends largely on domestic requirements regarding the use of the information by other government agencies and in judicial processes; b) has been found to be affected by the under-reporting (e.g. Switzerland) and over-reporting (e.g. United Kingdom) strategies of the obliged entities<sup>1a</sup>; and c) relies also on political will to enable such exchange of information;**

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**<sup>1a</sup> ‘Fighting tax crimes – cooperation between Financial Intelligence Units’, Dr Amandine Scherrer and Dr Anthony Amicelle, European Parliamentary Research Service (EPRS), March 2017.**

**Amendment 291**

**Sajjad Karim**

**Motion for a resolution**

**Paragraph 47**

*Motion for a resolution*

*Amendment*

**47.     *Regrets that the Commission is not able to conduct its own proper assessment of money laundering high-risk third countries as it does not have sufficient qualified staff to fulfil this obligation under the AMLD;***     *deleted*

**Amendment 292**

**Angel Dzhambazki**

**Motion for a resolution**

**Paragraph 47**

*Motion for a resolution*

*Amendment*

**47.     *Regrets that the Commission is not able to conduct its own proper assessment of money laundering high-risk third countries as it does not have sufficient qualified staff to fulfil this obligation under the AMLD;***     *deleted*

**Amendment 293**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 47**

*Motion for a resolution*

47. Regrets that the Commission is not able to conduct its own proper assessment of money laundering high-risk third countries as it does not have sufficient qualified staff to fulfil this obligation under the AMLD;

*Amendment*

47. Regrets that the Commission is not able to conduct its own proper ***and independent*** assessment of money laundering high-risk third countries as it does not have sufficient qualified staff to fulfil this obligation under the AMLD;

Or. en

**Amendment 294**

**Dariusz Rosati**

**Motion for a resolution**

**Paragraph 47**

*Motion for a resolution*

47. ***Regrets that*** the Commission ***is not able*** to conduct its own proper assessment of money laundering high-risk third countries as ***it does not have sufficient qualified staff to fulfil this obligation under*** the AMLD;

*Amendment*

47. ***Calls on*** the Commission ***to reallocate its resources in order*** to conduct its own proper assessment of money laundering high-risk third countries as ***required by*** the AMLD;

Or. en

**Amendment 295**

**Beatrix von Storch**

**Motion for a resolution**

**Paragraph 47**

*Motion for a resolution*

47. ***Regrets*** that the Commission is not able to conduct its own proper assessment of money laundering high-risk third countries as it does not have sufficient qualified staff to fulfil this obligation under the AMLD;

*Amendment*

47. ***Notes*** that the Commission is not able to conduct its own proper assessment of money laundering high-risk third countries as it does not have sufficient qualified staff to fulfil this obligation under the AMLD;



**Amendment 296**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 48**

*Motion for a resolution*

48. Points in particular to the increasing number of STRs driven by **new** legislation and to the fact that ***the lack of resources implies that the FIUs can deal with only*** a fraction of the problem<sup>37</sup> ;

*Amendment*

48. Points in particular to the increasing number of STRs driven by ***stricter*** legislation and to the fact that ***FIUs urgently need to step up their resources in order to deal not only with*** a fraction of the problem<sup>37</sup> ; ***Notes that according to Europol statistics, two countries alone (UK and the Netherlands <sup>1a</sup>) account for 67% of all STRs filed in the EU and that the level of STRs in certain countries <sup>1b</sup> does not appear to be commensurate with the activities of the regulated sectors, including offshore financial services or online gambling; Notes that certain European FIUs receive threshold-based reports which are a useful tool to enrich the FIUs' information basis;***

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***<sup>1a</sup> UK FIU may be the recipient of some of the highest reporting volumes in the EU as it is one of the largest financial markets in Europe and operates a Suspicious Activity Regime. Reporting volumes in The Netherlands are anomalously high and can be explained by way of the fact that they do not receive STRs, but rather Unusual Transaction Reports (UTRs), the vast majority of which stem from exchange/remittance institutions who are obliged to report all transactions in excess of 2000 Euros***

***<sup>1b</sup> Notably Cyprus, Malta and Luxembourg, which receive very few***

***STRs compared to the size of the regulated sectors in their jurisdictions.***

<sup>37</sup> PANA FIU hearing of 21 June 2017.

<sup>37</sup> PANA FIU hearing of 21 June 2017.

Or. en

**Amendment 297**

**Lud k Niedermayer, Dariusz Rosati**

**Motion for a resolution**

**Paragraph 48**

*Motion for a resolution*

48. Points in particular to the increasing number of ***STRs*** driven by new legislation and to the fact that the lack of resources implies that the FIUs can deal with only a fraction of the problem<sup>37</sup> ;

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<sup>37</sup> PANA FIU hearing of 21 June 2017.

*Amendment*

48. Points in particular to the increasing number of ***suspicious transaction reports (STRs)*** driven by new legislation and to the fact that the lack of resources implies that the FIUs can deal with only a fraction of the problem<sup>37</sup> ;

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<sup>37</sup> PANA FIU hearing of 21 June 2017.

Or. en

**Amendment 298**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 49**

*Motion for a resolution*

49. Regrets that the current FIU.net platform under Europol is not efficient enough owing to the varying levels of use by the Member States and the lack of resources and competences at EU level;

PE609.630v02-00

*Amendment*

49. Regrets that the current FIU.net platform under Europol is not efficient enough owing to the varying levels of use by the Member States and the lack of resources and competences at EU level;  
***Notes that FIUs in the Union often have scarce human and financial resources and face increasing workload to properly***

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*carry out their mission of receiving,  
analysing and disseminating suspicious  
reports;*

Or. en

**Amendment 299**  
**Beatrix von Storch**

**Motion for a resolution**  
**Paragraph 49**

*Motion for a resolution*

49. ***Regrets** that the current FIU.net platform under Europol **is not efficient enough owing to the** varying levels of use by the Member States **and the lack of resources and competences at EU level;***

*Amendment*

49. ***Notes** that the current FIU.net platform under Europol **shows** varying levels of use by the Member States;*

Or. en

**Amendment 300**  
**Lud k Niedermayer, Dariusz Rosati**

**Motion for a resolution**  
**Paragraph 49**

*Motion for a resolution*

49. ***Regrets that the current FIU.net platform** under Europol **is not efficient enough owing to the varying levels of use by the Member States and the lack of resources and competences at EU level;***

*Amendment*

49. ***Welcomes the work done by FIU.net** under Europol; **but stresses that significant strengthening is necessary to allow for better fight against ever more sophisticated money laundering, tax fraud and tax evasion practices.***

Or. en

**Amendment 301**  
**Cora van Nieuwenhuizen, Enrique Calvet Chambon**

**Motion for a resolution**  
**Paragraph 49**

*Motion for a resolution*

49. Regrets that the current FIU.net platform under Europol is not efficient enough owing to the varying levels of use by the Member States ***and the lack of resources and competences at EU level;***

*Amendment*

49. Regrets that the current FIU.net platform under Europol is not efficient enough owing to the varying levels of use by the Member States;

Or. en

**Amendment 302**

**Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

**Motion for a resolution**  
**Paragraph 49 a (new)**

*Motion for a resolution*

*Amendment*

***49a. Notes that Europol compared its database of individuals and companies suspected of criminal involvement with the Panama Papers and identified 3,469 probable matches; whereas 1,722 of these matches are linked to money laundering and 116 to terrorism; whereas most of those cases were identified in the United Kingdom most likely due to the size of its financial sector; notes that banks under the control of the Islamic State have access to SWIFT and thus can send funds to and through the EU; notes that banks have confirmed to Members of the Inquiry Committee to have filed numerous STRs related to terrorist finance; notes that neither the Commission, the Council, banks nor FIUs could deliver information on how many bank accounts in EU Member States have been frozen due to terrorist finance;***

Or. en

### Amendment 303

Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé  
on behalf of the Verts/ALE Group

#### Motion for a resolution

##### Paragraph 50

###### *Motion for a resolution*

50. Notes that time delays in responses to requests affect FIUs' cooperation and that the replies to these requests are often of poor quality and lacking in detail, thus constituting an obstacle to international cooperation by FIUs themselves;

###### *Amendment*

50. Notes that time delays in responses to requests affect FIUs' cooperation and that the replies to these requests are often of poor quality and lacking in detail, thus constituting an obstacle to international cooperation by FIUs themselves; ***Regrets that certain FIUs limit the usage of transmitted information, including prohibiting their use for judicial prosecution or fiscal investigations; Notes that some European FIUs have seen their request for cooperation with non-European counterparts hindered because of legal or administrative obstacles in third-country jurisdictions;***

Or. en

### Amendment 304

Dariusz Rosati

#### Motion for a resolution

##### Paragraph 51

###### *Motion for a resolution*

51. Notes that not all ***EU*** FIUs are empowered to approach obliged entities with requests for information, and that in many cases these requests are conditional upon the prior receipt of STRs; notes, therefore, that some FIUs cannot request information from reporting entities on behalf of foreign FIUs if they do not have

###### *Amendment*

51. Notes that not all ***Member States'*** FIUs are empowered to approach obliged entities with requests for information, and that in many cases these requests are conditional upon the prior receipt of STRs; notes, therefore, that some FIUs cannot request information from reporting entities on behalf of foreign FIUs

related suspicious transactions recorded in their database;

if they do not have related suspicious transactions recorded in their database;

Or. en

#### **Amendment 305**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

#### **Motion for a resolution Paragraph 51**

##### *Motion for a resolution*

51. **Notes** that not all EU FIUs are empowered to approach obliged entities with requests for information, and that in many cases these requests are conditional upon the prior receipt of STRs; notes, therefore, that some FIUs cannot request information from reporting entities on behalf of foreign FIUs if they do not have related suspicious transactions recorded in their database;

##### *Amendment*

51. **Regrets** that not all EU FIUs are empowered to approach obliged entities with requests for information, and that in many cases these requests are conditional upon the prior receipt of STRs; notes, therefore, that some FIUs cannot request information from reporting entities on behalf of foreign FIUs if they do not have related suspicious transactions recorded in their database;

Or. en

#### **Amendment 306**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

#### **Motion for a resolution Paragraph 52**

##### *Motion for a resolution*

52. Notes that in some Member States there are no clear guidelines on mutual cooperation between national FIUs and national tax authorities in order to ensure tax compliance;

##### *Amendment*

52. Notes that in some Member States there are no clear guidelines on mutual cooperation between national FIUs and national tax authorities in order to ensure tax compliance; **Regrets that there are still frequent cases of refusal to provide**

*cooperation by some FIUs (in full or in part) in response to requests by their counterparts and considers that the capacity to exchange for FIUs should be broadened and made unconditional by narrowing down the possibility of exemptions to exceptional circumstances only; Suggests that European FIUs' cooperation would benefit from a more homogeneous categorisation of their responsibilities and tasks;*

Or. en

#### **Amendment 307**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

#### **Motion for a resolution**

##### **Paragraph 53**

###### *Motion for a resolution*

53. Notes that tax crimes have only recently been recognised as a predicate offence of money laundering under AMLD IV, the deadline for transposition of which expired on 26 June 2017; points out that the directive explicitly indicates that differences between national law definitions of tax crimes will not impede the ability of FIUs to exchange information; *notes, however*, that international cooperation between FIUs can still be refused on the grounds of the significant differences across Member States as to how predicate offences to money laundering are defined and criminalised;

###### *Amendment*

53. Notes that tax crimes have only recently been recognised as a predicate offence of money laundering under AMLD IV, the deadline for transposition of which expired on 26 June 2017; points out that the directive explicitly indicates that differences between national law definitions of tax crimes will not impede the ability of FIUs to exchange information; *regrets the lack of a common European definition of tax crimes<sup>1a</sup> which so far has hampered investigation and prosecution of tax crime related cases in the Union and the fact that several European countries consider only very serious tax offences as tax crimes; notes* that international cooperation between FIUs can still be refused on the grounds of the significant differences across Member States as to how predicate offences to money laundering are defined and criminalised;

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***1a whether tax crime is criminalized when committed as a positive act, by omission or both and whether tax crime is dealt with by administrative bodies or by judicial authorities***

Or. en

### **Amendment 308**

**Luis de Grandes Pascual, Gabriel Mato**

#### **Motion for a resolution**

##### **Paragraph 53**

###### *Motion for a resolution*

53. *Notes* that tax crimes have **only recently** been recognised as a predicate offence of money laundering under AMLD IV, the deadline for transposition of which expired on 26 June 2017; points out that the directive explicitly indicates that differences between national law definitions of tax crimes will not impede the ability of FIUs to exchange information; notes, however, that international cooperation between FIUs can still be refused on the grounds of the significant differences across Member States as to how predicate offences to money laundering are defined and criminalised;

###### *Amendment*

53. ***Welcomes the fact*** that tax crimes have been recognised as a predicate offence of money laundering under AMLD IV, the deadline for transposition of which expired on 26 June 2017; points out that the directive explicitly indicates that differences between national law definitions of tax crimes will not impede the ability of FIUs to exchange information; notes, however, that international cooperation between FIUs can still be refused on the grounds of the significant differences across Member States as to how predicate offences to money laundering are defined and criminalised;

Or. es

### **Amendment 309**

**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

#### **Motion for a resolution**

##### **Paragraph 53 a (new)**

###### *Motion for a resolution*

###### *Amendment*



*53a. Notes that judicial cooperation between Member States can be improved, especially regarding the execution of mutual legal assistance requests, which often involves multiple sub-requests for which different national authorities might be competent to execute; Notes that obstacles to effective judicial cooperation can arise when national legislation requires that the predicate offence for money laundering is precisely established and because there is no uniform definition on predicate offences across the Union;*

Or. en

#### **Amendment 310**

**Fabio De Masi, Matt Carthy, Marina Albiol Guzmán, Stelios Kouloglou, Takis Hadjigeorgiou, Patrick Le Hyaric, Curzio Maltese, Miguel Urbán Crespo, Miguel Viegas**

#### **Motion for a resolution Paragraph 54**

##### *Motion for a resolution*

54. Notes that the obligation to establish central UBO registers is included in AMLD IV; regrets that to date this obligation has not been fulfilled by all Member States and that not all FIUs have access to this information on UBOs;

##### *Amendment*

54. Notes that the obligation to establish central UBO registers is included in AMLD IV; regrets that to date this obligation has not been fulfilled by all Member States and that not all FIUs have access to this information on UBOs; *observes that making those central registers publicly accessible would facilitate the identification of UBOs and/or of anomalies and suspicions of wrongdoings by relevant stakeholders including competent authorities, obliged entities and citizens and increase accountability;*

Or. en

**Amendment 311**  
**Ana Gomes**

**Motion for a resolution**  
**Paragraph 54**

*Motion for a resolution*

54. Notes that the obligation to establish central UBO registers is included in AMLD IV; regrets that to date this obligation has not been fulfilled by all Member States and that not all FIUs have access to this information on UBOs;

*Amendment*

54. Notes that the obligation to establish central UBO registers is included in AMLD IV; regrets that to date this obligation has not been fulfilled by all Member States and that not all FIUs have access to this information on UBOs; ***observes that making those central registers publicly accessible would facilitate the identification of UBOs and/or of anomalies and suspicions of wrongdoings by relevant stakeholders including competent authorities, obliged entities and citizens and increase accountability;***

Or. en

**Amendment 312**  
**Molly Scott Cato, Eva Joly, Sven Giegold, Pascal Durand, Ernest Urtasun, Heidi Hautala, Michel Reimon, Jordi Solé**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 54**

*Motion for a resolution*

54. Notes that the obligation to establish central UBO registers is included in AMLD IV; regrets that to date this obligation has not been fulfilled by all Member States and that not all FIUs have access to this information on UBOs;

*Amendment*

54. Notes that the obligation to establish central UBO registers is included in AMLD IV; regrets that to date this obligation has not been fulfilled by all Member States and that not all FIUs have access to this information on UBOs; ***sees a strong need for interconnecting central UBO registers and for establishing full public access to effectively scrutinise illicit behaviour;***

**Amendment 313**

**Monica Macovei, Traian Ungureanu, Pirkko Ruohonen-Lerner, Maite Pagazaurtundúa Ruiz, Fabio De Masi, Ana Gomes**

**Motion for a resolution**

**Paragraph 54 a (new)**

*Motion for a resolution*

*Amendment*

***54a. Notes the ongoing negotiations on a proposal for a Directive on countering money laundering by criminal law aimed at establishing minimum rules concerning the definition of criminal offences and sanctions in the area of money laundering offences***