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Committee on Foreign Affairs

2011/0308(COD)

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AMENDMENTS

23 - 72

Draft opinion

Franziska Katharina Brantner

(PE483.740v01-00)

on the proposal for a directive of the European Parliament and of Council on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings

Proposal for a directive

(COM(2011)0684 – C7-0393/2011 – 2011/0308(COD))

AM_Com_LegOpinion

Amendment 23

Traian Ungureanu, Cristian Dan Preda

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) The coordination of national provisions concerning the presentation and content of annual financial statements and management reports, the measurement bases, used therein and their publication in respect of certain undertakings with limited liability is of special importance for the protection of shareholders, members and third parties. Simultaneous coordination is necessary in those fields for such forms of undertaking because, on the one hand, some undertakings operate in more than one Member State and, on the other hand, they ***offer no safeguards to*** third parties beyond the amounts of their net assets.

Amendment

(3) The coordination of national provisions concerning the presentation and content of annual financial statements and management reports, the measurement bases, used therein and their publication in respect of certain undertakings with limited liability is of special importance for the protection of shareholders, members and third parties. Simultaneous coordination is necessary in those fields for such forms of undertaking because, on the one hand, some undertakings operate in more than one Member State and, on the other hand, they ***could affect*** third parties beyond the amounts of their net assets.

Or. en

Amendment 24

Helmut Scholz

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) In order to provide for enhanced transparency of payments made to governments, ***large*** undertakings and public interest entities ***which are active in the extractive industry or logging of primary forests*** should disclose in a separate report on an annual basis material payments made to governments in the countries in which they operate. ***Such*** undertakings ***are*** active in ***countries rich*** in

Amendment

(32) In order to provide for enhanced transparency of payments made to governments ***and local or regional public authorities***, undertakings and public interest entities should disclose in a separate report on an annual basis material payments made to governments ***and local or regional public authorities*** in the countries in which they operate. ***The report should include certain contextual***

natural resources, in particular minerals, oil, natural gas as well as primary forests. The report should include types of payments comparable to those disclosed by an undertaking participating in the Extractive Industries Transparency Initiative (EITI). The initiative is also complementary to the EU FLEGT Action Plan (Forest Law Enforcement, Governance and Trade) and the Timber Regulation which require traders of timber products to exercise due diligence in order to prevent illegal wood from entering into the EU market.

information. Disclosure of such a report is valuable for investors in order to enable them to make better-informed decisions, by improving corporate governance and accountability. Such disclosure is also intended to support good governance in the tax area and to address and reduce tax evasion. The report should incorporate disclosures on a country basis, with certain additional reporting requirements on a project basis for undertakings and public-interest entities active in the extractive industry, in agriculture, in fisheries, in large-scale energy production, in the construction sector or in the logging of primary forests. The initiative is also complementary to the EU FLEGT Action Plan (Forest Law Enforcement, Governance and Trade) and the Timber Regulation which require traders of timber products to exercise due diligence in order to prevent illegal wood from entering into the EU market.

Or. en

Amendment 25 Traian Ungureanu, Cristian Dan Preda

Proposal for a directive Recital 32

Text proposed by the Commission

(32) In order to provide for enhanced transparency of payments made to governments, large undertakings and public interest entities which are active in the extractive industry or logging of primary forests should disclose in a separate report on an annual basis **material** payments made to governments in the countries in which they operate. Such undertakings are active in countries rich in natural resources, in particular minerals, oil, natural gas as well as primary forests.

Amendment

(32) In order to provide for enhanced transparency of payments made to governments, large undertakings and public interest entities which are active in the extractive industry or logging of primary forests should disclose in a separate report on an annual basis payments made to governments in the countries in which they operate. Such undertakings are active in countries rich in natural resources, in particular minerals, oil, natural gas as well as primary forests.

The report should include types of payments comparable to those disclosed by an undertaking participating in the Extractive Industries Transparency Initiative (EITI). The initiative is also complementary to the EU FLEGT Action Plan (Forest Law Enforcement, Governance and Trade) and the Timber Regulation which require traders of timber products to exercise due diligence in order to prevent illegal wood from entering into the EU market.

The report should include types of payments comparable to those disclosed by an undertaking participating in the Extractive Industries Transparency Initiative (EITI). The initiative is also complementary to the EU FLEGT Action Plan (Forest Law Enforcement, Governance and Trade) and the Timber Regulation which require traders of timber products to exercise due diligence in order to prevent illegal wood from entering into the EU market.

Or. en

Amendment 26
Franziska Katharina Brantner

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) The reports should serve to facilitate governments of resource-rich countries in implementing the EITI Principles and Criteria and account to their citizens for payments such governments receive from undertakings active in the extractive industry or loggers of primary forests operating within their jurisdiction. ***The report should incorporate disclosures on a country and project basis, where a project is considered as the lowest level of operational reporting unit at which the undertaking prepares regular internal management reports, such as a concession, geographical basin, etc and where payments have been attributed to such projects. In the light of the overall objective of promoting good governance in these countries, the materiality of payments to be reported should be assessed in relation to the recipient government. Various criteria on materiality could be envisaged such as***

Amendment

(33) In the reports by large undertakings and public-interest entities which are active in the extractive industry or the logging of primary forests¹, payments to governments should also be disclosed on a project basis. The term "project" should be defined as equivalent to activities governed by a contract, licence, lease, concession or other legal agreement which gives rise to a company's tax and revenue liabilities in each country where it operates; where any payment liabilities are incurred on a basis other than such a legal agreement, reporting should be done on that basis. However, the requirements in respect of disclosure on a project basis should be limited to projects for which the total amount of payments to governments within a given financial year exceeds EUR 100 000. The reports should include types of payments comparable to those disclosed by an undertaking participating in the Extractive Industries Transparency

payments of an absolute amount, or a percentage threshold (such as payments in excess of a percentage of a country's GDP) and these can be defined through a delegated act. The reporting regime should be subject to a review and a report by the Commission within five years of the entry into force of the Directive. The review should consider the effectiveness of the regime and take into account international developments including issues of competitiveness and energy security. The review should also take into account the experience of preparers and users of the payments information and consider whether it would be appropriate to include additional payment information such as effective tax rates and recipient details, such as bank account information.

Initiative (EITI). The initiative is also complementary to the EU FLEGT Action Plan (Forest Law Enforcement, Governance and Trade)² and the Timber Regulation³, which require traders of timber products to exercise due diligence in order to prevent illegal wood from entering the Union market. The reports should serve to facilitate governments of resource-rich countries in implementing the EITI Principles and Criteria and account to their citizens for payments such governments receive from undertakings active in the extractive industry or loggers of primary forests operating within their jurisdiction.

¹ Defined in Directive 2009/28/EC as "forest and *other wooded land of native species*, where *there is no clearly visible indication of human activity and the ecological processes are not significantly disturbed.*".

² See Council Regulation (EC) No 2173/2005 of **20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community (OJ L 347, 30.12.2005, p. 1).**

³ Regulation (EU) No 995/2010 of the **European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (OJ L 295, 12.11.2010, p. 23). Companies that import wood products under EU voluntary agreements will be exempt from this requirement.**

Or. en

Amendment 27
Helmut Scholz

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) The reports should serve to facilitate governments **of resource-rich countries** in implementing the EITI Principles and Criteria and account to their citizens for payments such governments receive **from** undertakings active in the extractive industry or **loggers** of primary forests **operating within their jurisdiction. The report should incorporate disclosures** on a **country and** project basis, where **a project is considered as the lowest level of** operational **reporting unit at which the undertaking prepares regular internal management reports, such as a concession, geographical basin, etc and where payments have been attributed to such projects.** In the light of the overall objective of promoting good governance in these countries, the materiality of payments to be reported should be **assessed in relation to the recipient government. Various criteria on materiality could be envisaged such as payments of an absolute amount, or a percentage threshold (such as payments in excess of a percentage of a country's GDP) and these can be defined through a delegated act.** The reporting regime should be subject to a review and a report by the Commission within **five** years of the entry into force of **the** Directive. The review should consider the effectiveness of the regime and take into account international developments including issues of competitiveness and energy security. The review should also take into account the experience of preparers and users of the payments information and consider whether it would be appropriate to include additional payment information such as effective tax

Amendment

(33) The reports should serve to facilitate governments in implementing **accountability and transparency standards equivalent to at least** the EITI Principles and Criteria and account to their citizens for payments such governments **and local or regional authorities** receive. **In the reports by** undertakings **and public-interest entities which are** active in the extractive industry, **in agriculture, in fisheries, in large-scale energy production, in the construction sector or in the logging** of primary forests, **payments to governments shall also be disclosed** on a project basis, where "project" **means an** operational unit **set up on the basis of one or more licences, concessions, contracts or other specific legal agreements which give rise to fiscal or parafiscal liabilities.** In the light of the overall objective of promoting good governance in these countries, the materiality **threshold** of payments to be reported should be **limited to projects for which the total** amount of **payments exceeds EUR 100 000.** The reporting regime should be subject to a review and a report by the Commission within **four** years of the entry into force of **this** Directive. The review should consider the effectiveness of the regime and take into account international developments including issues of competitiveness, **food security** and energy security. The review should also take into account the experience of preparers and users of the payments information and consider whether it would be appropriate to include additional payment information such as effective tax rates and recipient details,

rates and recipient details, such as bank account information.

such as bank account information.

Or. en

Amendment 28

Traian Ungureanu, Cristian Dan Preda

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) The reports should serve to facilitate governments of resource-rich countries in implementing the EITI Principles and Criteria and account to their citizens for payments such governments receive from undertakings active in the extractive industry or loggers of primary forests operating within their jurisdiction. The report should incorporate disclosures on a country and project basis, where a project is considered as the lowest level of operational reporting unit at which the undertaking prepares regular internal management reports, such as a concession, geographical basin, etc and where payments have been attributed to such projects. ***In the light of the overall objective of promoting good governance in these countries, the materiality of payments to be reported should be assessed in relation to the recipient government. Various criteria on materiality could be envisaged such as payments of an absolute amount, or a percentage threshold (such as payments in excess of a percentage of a country's GDP) and these can be defined through a delegated act.*** The reporting regime should be subject to a review and a report by the Commission within five years of the entry into force of the Directive. The review should consider the effectiveness of the regime and take into account international

Amendment

(33) The reports should serve to facilitate governments of resource-rich countries in implementing the EITI Principles and Criteria and account to their citizens for payments such governments receive from undertakings active in the extractive industry or loggers of primary forests operating within their jurisdiction. The report should incorporate disclosures on a country and project basis, where a project is considered as the lowest level of operational reporting unit at which the undertaking prepares regular internal management reports, such as a concession, geographical basin, etc and where payments have been attributed to such projects. ***It should not be necessary to prepare a report if equivalent reporting requirements are observed. Payments should not need to be disclosed if the total amount paid to a government does not exceed EUR 1 000 000 or if the total amount of payments for a project does not exceed EUR 200 000.*** The reporting regime should be subject to a review and a report by the Commission within five years of the entry into force of the Directive. The review should consider the effectiveness of the regime and take into account international developments including issues of competitiveness and energy security. The review should also take into account the experience of preparers and

developments including issues of competitiveness and energy security. The review should also take into account the experience of preparers and users of the payments information and consider whether it would be appropriate to include additional payment information such as effective tax rates and recipient details, such as bank account information.

users of the payments information and consider whether it would be appropriate to include additional payment information such as effective tax rates and recipient details, such as bank account information.

Or. en

Amendment 29

Traian Ungureanu, Cristian Dan Preda

Proposal for a directive

Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) The reporting regime on payments to governments should be subject to a review and a report by the Commission within four years of the entry into force of this Directive. The review should consider the effectiveness of the regime and take into account international developments including issues of competitiveness and energy security.

Or. en

Amendment 30

Krišjānis Kariņš

Proposal for a directive

Article 3 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. Member States may lay down limits lower than those set in paragraphs 1 to 5 of this article. The reduction of these values shall maintain the existing

proportion.

Or. lv

Justification

In various EU Member States the limits laid down do not correspond to economic circumstances, as the values referred to in paragraph 1 of this article would mean that, in absolute terms, the majority of all undertakings in the Member States concerned would be regarded as 'small' for the purposes of this directive. This would damage these countries' tax collection systems.

Amendment 31

Maria Eleni Koppa, Ana Gomes

Proposal for a directive

Article 36 – point 1

Text proposed by the Commission

Amendment

1. 'Undertaking active in the extractive industry' means an undertaking with any activity involving the exploration, discovery, development, and extraction of minerals, oil and natural gas deposits, as referred to in Section B-Divisions 05 to 08 of Annex I to Regulation (EC) No 1893/2006 of the European Parliament and of the Council.

deleted

Or. en

Amendment 32

Helmut Scholz

Proposal for a directive

Article 36 – point 1

Text proposed by the Commission

Amendment

1. "Undertaking active in the extractive industry" means an undertaking with any activity involving the exploration, discovery, development, **and** extraction of

1. "Undertaking active in the extractive industry" means an undertaking with any activity involving the **prospection**, exploration, discovery, development,

minerals, oil and natural gas deposits, as referred to in Section B-Divisions 05 to **08** of Annex I to Regulation (EC) No 1893/2006 of the European Parliament and of the Council.

extraction **and transport** of minerals, **other mining and quarrying**, oil and natural gas deposits, as referred to in Section B-Divisions 05 to **09 or Section H-Divisions 49.5** of Annex I to Regulation (EC) No 1893/2006 of the European Parliament and of the Council.

Or. en

Amendment 33

Maria Eleni Koppa, Ana Gomes

Proposal for a directive

Article 36 – point 1

Text proposed by the Commission

1. "Undertaking active in the extractive industry" means ***an undertaking with*** any activity involving the exploration, discovery, development, and extraction of minerals, oil and natural gas deposits, as referred to in Section B-Divisions 05 to 08 of Annex I to Regulation (EC) No 1893/2006 of the European Parliament and of the Council.

Amendment

1. "Undertaking active in the extractive industry" means ***the highest-level parent company publishing accounts within the Union, where the group of companies for which that parent company prepares consolidated financial statements includes subsidiary companies, branches, permanent establishments, joint ventures and associate undertakings engaging in*** any activity involving the exploration, discovery, development, extraction, ***processing, export or transportation of, or any significant activity related to,*** minerals, oil and natural gas deposits, as referred to in Section B-Divisions 05 to 08 of Annex I to Regulation (EC) No 1893/2006 of the European Parliament and of the Council.

Or. en

Amendment 34

Helmut Scholz

Proposal for a directive

Article 36 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. "Undertaking active in agriculture" means an undertaking engaging in any activity involving concessions, land acquisition or lease, as referred to in Section A-Division 01.1-01.7 of Annex I to Regulation (EC) No 1893/2006.

Or. en

Amendment 35

Helmut Scholz

Proposal for a directive

Article 36 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. "Undertaking active in fisheries" means an undertaking engaging in any activity involving concessions, as referred to in Section A-Division 03 of Annex I to Regulation (EC) No 1893/2006.

Or. en

Amendment 36

Helmut Scholz

Proposal for a directive

Article 36 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. "Undertaking active in large-scale energy production" means an undertaking engaging in any activity involving concessions, land acquisition or lease, or distribution as referred to in Section D-Division 35.1-35.2 of Annex I to Regulation (EC) No 1893/2006.

Amendment 37
Helmut Scholz

Proposal for a directive
Article 36 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. "Undertaking active in the construction sector" means an undertaking engaging in any activity involving concessions and public procurement contracts, as referred to in Section E-Division 38.1-38.22 or Section F of Annex I to Regulation (EC) No 1893/2006.

Or. en

Amendment 38
Maria Eleni Koppa, Ana Gomes

Proposal for a directive
Article 36 – paragraph 3

Text proposed by the Commission

Amendment

3. 'Government' means any national, regional or local authority of a Member State or of a third country. It includes a department, agency or undertaking controlled by that authority as laid down in Article 23 (1) to (6) of this Directive.

3. 'Government' means any national, regional or local authority of a Member State or of a third country. It includes a department, agency or undertaking controlled by that authority as laid down in Article 23 (1) to (6) of this Directive, ***or any government entity that receives any payment of the type referred to in Article 38 from any constituent entity of an undertaking.***

Or. en

Amendment 39
Franziska Katharina Brantner

Proposal for a directive
Article 36 – paragraph 4

Text proposed by the Commission

4. "Project" is equivalent to a *specific operational reporting unit at the lowest level within the undertaking at which regular internal management reports are prepared to monitor its business.*

Amendment

4. "Project" is equivalent to *activities governed by a contract, licence, lease, concession or other legal agreement which gives rise to a company's tax and revenue liabilities in each country where it operates. Where any payment liabilities are incurred on a different basis, reporting shall be on that basis.*

Or. en

Amendment 40
Anneli Jäätteenmäki

Proposal for a directive
Article 36 – paragraph 4

Text proposed by the Commission

4. "Project" is equivalent to a *specific operational reporting unit at the lowest level within the undertaking at which regular internal management reports are prepared to monitor its business.*

Amendment

4. "Project" is equivalent to *activities governed by a contract, licence, lease, concession or other legal agreement which gives rise to a company's tax and revenue liabilities in each country where it operates. Where any payment liabilities are incurred on a different basis, reporting shall be on that basis.*

Or. en

Amendment 41
Helmut Scholz

Proposal for a directive
Article 36 – paragraph 4

Text proposed by the Commission

4. "Project" is equivalent to a specific operational **reporting** unit **at the lowest level within the undertaking at which regular internal management reports are prepared to monitor its business.**

Amendment

4. "Project" is equivalent to a specific operational unit **operating on the basis of one or more licences, concessions, contracts or other specific legal agreements** which **give rise to fiscal or parafiscal liabilities on the part of an undertaking.**

Or. en

Amendment 42

Traian Ungureanu, Cristian Dan Preda

**Proposal for a directive
Article 36 – paragraph 4**

Text proposed by the Commission

4. "Project" is equivalent to a specific operational reporting unit at the lowest level within the undertaking at which regular internal management reports are prepared to monitor its business.

Amendment

4. "Project" is equivalent to a specific operational reporting unit at the lowest level within the undertaking at which regular internal management reports are prepared **for the board of directors** to monitor its business.

Or. en

Amendment 43

Maria Eleni Koppa, Ana Gomes

**Proposal for a directive
Article 36 – paragraph 4**

Text proposed by the Commission

4. "Project" is equivalent to a specific operational reporting unit at the lowest level within the undertaking at which regular internal management reports are prepared to monitor its business.

Amendment

4. "Project" is equivalent to a specific operational reporting unit at the lowest level within the undertaking at which regular internal management reports are prepared to monitor its business. **It includes any contract, licence, lease or**

other legal agreement under which a company operates and from which its fiscal liabilities arise.

Or. en

Amendment 44
Traian Ungureanu, Cristian Dan Preda

Proposal for a directive
Article 37 – paragraph 1

Text proposed by the Commission

1. Member States shall require large undertakings and all public interest entities active in the extractive industry or the logging of primary forests to prepare and make public a report on payments made to governments on an annual basis.

Amendment

1. Member States shall require large undertakings and all public interest entities active in the extractive industry or the logging of primary forests to prepare and make public a report on payments, ***including payments in kind***, made to governments ***in respect of the extractive industry and forestry activities defined in Article 36***, on an annual basis.

Or. en

Amendment 45
Helmut Scholz

Proposal for a directive
Article 37 – paragraph 1

Text proposed by the Commission

1. Member States shall require ***large*** undertakings and all public interest entities ***active in the extractive industry or the logging of primary forests*** to prepare and make public a report on payments made to governments on an annual basis.

Amendment

1. Member States shall require undertakings and all public interest entities to prepare and make public a report on payments made to governments ***and local or regional public authorities and certain contextual information as defined in Article 38*** on an annual basis. ***The report shall include information concerning activities of subsidiaries, associates, joint ventures, permanent establishments and***

other trading arrangements to the extent that they are consolidated in the annual financial statements of the undertaking or effectively controlled by the undertaking in question.

Or. en

Amendment 46
Helmut Scholz

Proposal for a directive
Article 38 – paragraph 1 – introductory wording

Text proposed by the Commission

1. The report shall specify the following
when material to the recipient government:

Amendment

1. The report shall specify the following:

Or. en

Amendment 47
Traian Ungureanu, Cristian Dan Preda

Proposal for a directive
Article 38 – paragraph 1 – point a

Text proposed by the Commission

(a) the total amount of payments, *including payments in kind*, made to each government within a financial year;

Amendment

(a) the *amount per type and the* total amount of payments made to each *recipient federal, national, state, regional or local* government, *as defined in Article 36*, within a financial year;

Or. en

Amendment 48
Helmut Scholz

Proposal for a directive
Article 38 – paragraph 1 – point a

Text proposed by the Commission

(a) the total amount of payments, including payments in kind, made to each government within a financial year;

Amendment

(a) the total amount of payments, including payments in kind, made to each government, ***including local or regional public authorities***, within a financial year;

Or. en

Amendment 49
Traian Ungureanu, Cristian Dan Preda

Proposal for a directive
Article 38 – paragraph 1 – point b

Text proposed by the Commission

(b) the total amount per type of payment, including payments in kind, made to each government within a financial year;

Amendment

deleted

Or. en

Amendment 50
Helmut Scholz

Proposal for a directive
Article 38 – paragraph 1 – point b

Text proposed by the Commission

(b) the total amount per type of ***payment***, including payments in kind, made to each government within a financial year;

Amendment

(b) the total amount per type of ***payments***, including payments in kind, made to each government, ***including local or regional public authorities***, within a financial year;

Or. en

Amendment 51

Traian Ungureanu, Cristian Dan Preda

Proposal for a directive

Article 38 – paragraph 1 – point c

Text proposed by the Commission

(c) where those payments have been attributed to a specific project the amount per type of payment, ***including payments in kind***, made for each such project within a financial year, ***and the total amount of payments for each such project***.

Amendment

(c) where those payments have been attributed to a specific project the amount per type ***and the total amount*** of payment made for each such project within a financial year.

Or. en

Amendment 52

Helmut Scholz

Proposal for a directive

Article 38 – paragraph 1 – point c

Text proposed by the Commission

(c) where those payments have been attributed to a specific project the amount per type of payment, including payments in kind, made for each such project within a financial year, and the total amount of payments for each such project.

Amendment

(c) ***for undertakings active in the extractive industry, in agriculture, in fisheries, in large-scale energy production, in the construction sector or in the logging of primary forests and subject to the materiality threshold of total amount of payments exceeding EUR 100 000***, where those payments have been attributed to a specific project, the amount per type of payment, including payments in kind, made for each such project within a financial year, and the total amount of payments for each such project;

Or. en

Amendment 53

Helmut Scholz

Proposal for a directive
Article 38 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) net turnover broken down by main categories of activity;

Or. en

Amendment 54
Helmut Scholz

Proposal for a directive
Article 38 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) production volumes broken down by main categories of activity;

Or. en

Amendment 55
Helmut Scholz

Proposal for a directive
Article 38 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) labour costs and employee numbers;

Or. en

Amendment 56
Helmut Scholz

Proposal for a directive
Article 38 – paragraph 1 – point c d (new)

Text proposed by the Commission

Amendment

(cd) total cash cost of operations;

Or. en

Amendment 57

Helmut Scholz

Proposal for a directive

Article 38 – paragraph 1 – point c e (new)

Text proposed by the Commission

Amendment

***(ce) fixed production assets at year-end
with associated accumulated depreciation;***

Or. en

Amendment 58

Helmut Scholz

Proposal for a directive

Article 38 – paragraph 1 – point c f (new)

Text proposed by the Commission

Amendment

***(cf) net profit before tax with associated
cash and deferred tax on an accrual
basis;***

Or. en

Amendment 59

Helmut Scholz

Proposal for a directive

Article 38 – paragraph 1 – point c g (new)

Text proposed by the Commission

Amendment

(cg) net book value of its physical fixed assets located in each country;

Or. en

Amendment 60

Franziska Katharina Brantner

Proposal for a directive

Article 38 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The information referred to in paragraph 1 shall be disclosed on a country basis except for that referred to in point (c), which shall be disclosed on a project basis, provided the total amount of payments to governments attributed to a specific project within a given financial year exceeds EUR 100 000.

Or. en

Amendment 61

Helmut Scholz

Proposal for a directive

Article 38 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) taxes on profits;

(b) taxes on profits ***and the effective tax rate applied;***

Or. en

Amendment 62

Maria Eleni Koppa, Ana Gomes

Proposal for a directive
Article 38 – paragraph 2 – point f

Text proposed by the Commission

(f) licence fees, rental fees, entry fees and other considerations for licences and/or concessions;

Amendment

(f) licence fees, rental fees, ***pipeline transit fees***, entry fees and other considerations for licences and/or concessions;

Or. en

Amendment 63
Maria Eleni Koppa, Ana Gomes

Proposal for a directive
Article 38 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) payments for infringements of the law, such as environmental and remediation liabilities;

Or. en

Amendment 64
Helmut Scholz

Proposal for a directive
Article 38 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) payments to state security forces for security services;

Or. en

Amendment 65
Traian Ungureanu, Cristian Dan Preda

Proposal for a directive
Article 38 – paragraph 2 – point g

Text proposed by the Commission

(g) other ***direct benefits*** to the **government concerned**.

Amendment

(g) other ***payments to governments which are part of the commonly recognised revenue stream for the commercial development of oil, natural gas, minerals or primary forests.***

Or. en

Amendment 66
Helmut Scholz

Proposal for a directive
Article 38 – paragraph 4

Text proposed by the Commission

4. The ***Commission shall be empowered to adopt delegated acts in accordance with Article 42 in order to specify the concept of materiality of payments.***

Amendment

4. The ***information referred to in paragraph 1 shall be disclosed on a country-by-country basis except for that referred to in point (c), which shall be disclosed on a project-by-project basis provided the total amount of payments attributed to a specific project exceeds EUR 100 000.***

Or. en

Amendment 67
Traian Ungureanu, Cristian Dan Preda

Proposal for a directive
Article 38 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Payments referred to in points (a) and (c) of paragraph 1 need not be disclosed if the total annual amount of payments to a government in a specific country does not

exceed EUR 1 000 000. Payments referred to in point (c) of paragraph 1 need not be disclosed if the total amount of payments for a project does not exceed EUR 200 000.

Or. en

Amendment 68

Helmut Scholz

Proposal for a directive

Article 38 – paragraph 5

Text proposed by the Commission

Amendment

5. The report shall exclude any type of payments made to a government in a country where the public disclosure of this type of payment is clearly prohibited by the criminal legislation of that country. In such cases the undertaking shall state that it has not reported payments in accordance with paragraphs 1 to 3, and shall disclose the name of the government concerned.

deleted

Or. en

Amendment 69

Traian Ungureanu, Cristian Dan Preda

Proposal for a directive

Article 39 – paragraph 1

Text proposed by the Commission

Amendment

1. A Member State shall require any large undertaking or any public interest entity active in the extractive industry or the logging of primary forests and governed by its national law to draw up a consolidated report on payments to governments in accordance with Articles 37 and 38 if that

1. A Member State shall require any large undertaking or any public interest entity active in the extractive industry or the logging of primary forests and governed by its national law to draw up a consolidated report on payments to governments *by such undertaking or public-interest entity*

parent undertaking is under the obligation to prepare consolidated financial statements as laid down in Article 23(1) to 23(6) of this Directive.

and/or by subsidiaries or entities controlled by such undertaking or public-interest entity in accordance with Articles 37 and 38 if that parent undertaking is under the obligation to prepare consolidated financial statements as laid down in Article 23 (1) to 23 (6) of this Directive.

Or. en

Amendment 70

Helmut Scholz

Proposal for a directive

Article 39 – paragraph 1

Text proposed by the Commission

1. A Member State shall require any ***large*** undertaking or any public interest entity ***active in the extractive industry or the logging of primary forests and*** governed by its national law to draw up a consolidated report on payments to governments in accordance with Articles 37 and 38 if that parent undertaking is under the obligation to prepare consolidated financial statements as laid down in Article 23(1) to 23(6) of this Directive.

Amendment

1. A Member State shall require any undertaking or any public interest entity governed by its national law to draw up a consolidated report on payments to governments in accordance with Articles 37 and 38 if that parent undertaking is under the obligation to prepare consolidated financial statements as laid down in Article 23(1) to 23(6) of this Directive. ***That report shall form part of the annual financial statement.***

Or. en

Amendment 71

Traian Ungureanu, Cristian Dan Preda

Proposal for a directive

Article 41

Text proposed by the Commission

The Commission shall review and report on the implementation and effectiveness of

Amendment

The Commission shall review and report on the implementation and effectiveness of

this Chapter, in particular as regards the scope of the reporting obligations *and* the modalities of the reporting on a project basis. The review should also take into account international developments and *consider* the effects on competitiveness and security of energy supply. It should be completed at the latest *five* years after the date of entry into force of this Directive. The report shall be submitted to the European Parliament and the Council, together with a legislative proposal, if appropriate.

this Chapter, in particular as regards the scope of the reporting obligations, the modalities of the reporting on a project basis *and the impact of national criminal legislation prohibiting disclosure of payments*. The review should also take into account international developments and *further legislative developments, especially in the United States of America, with the aim of building a holistic approach ensuring the correct* effects on competitiveness and security of energy supply. It should be completed at the latest *four* years after the date of entry into force of this Directive. The report shall be submitted to the European Parliament and the Council, together with a legislative proposal, if appropriate.

Or. en

Amendment 72 **Helmut Scholz**

Proposal for a directive **Article 41**

Text proposed by the Commission

The Commission shall review and report on the implementation and effectiveness of this Chapter, in particular as regards the scope of the reporting obligations and the modalities of the reporting on a project basis. The review *should* also take into account international developments and consider the effects on competitiveness and security of energy supply. It *should* be completed at the latest *five* years after the date of entry into force of this Directive. The report shall be submitted to the European Parliament and the Council, together with a legislative proposal, if appropriate.

Amendment

The Commission shall review and report on the implementation and effectiveness of this Chapter, in particular as regards the scope of the reporting obligations and the modalities of the reporting on a project basis. The review *shall* also take into account international developments and consider the effects on competitiveness, *food security* and security of energy supply. It *shall also review the list of sectors for which project-by-project reporting is required*. The review *shall* be completed at the latest *four* years after the date of entry into force of this Directive. The report shall be submitted to the European Parliament and the Council, together with a legislative proposal, if

appropriate.

Or. en