PANA



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

Newsletter

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Dear reader,

The brutal murder of Daphne Caruana Galizia tragically illustrated the hard reality in which investigative journalists like her must strive to uncover shady deals involving money laundering and corruption. It shows that it takes courage, commitment and persistence to unravel these practices and reveal them to the wider public.

One hard lesson we have learned from our Panama Papers investigation is that criminals who are moving their billions across the globe will never back down and, sadly, some of them place more value on protecting their hidden wealth or their reputation than on human life.

It is almost as shocking to see that some countries would rather perpetuate their business with money launderers, tax evaders, corrupt politicians and criminals, than really clamp down on their practices. Some of these countries have all the legal arrangements in place required by international standards or European law, but somehow always find ways to avoid being helpful in international investigations. In some cases, there are even signals of corruption or other wrongdoing, which - under political pressure - are not followed up with police investigations or prosecution.

The recent Paradise Papers revelations made it crystal clear that the Panama Papers were only the tip of the iceberg. Despite all the efforts of recent years, there are always "solutions for sale" in tax- and secrecy havens so that the beneficial owner of a letterbox company can remain unknown and his/her wealth untraced and untaxed.

It is also sad to see that all of the secrecy- and tax paradises in the Panama Papers were taken off the OECD's list of non-cooperative tax jurisdictions and that they are not even considered "high-risk" countries with regard to money laundering and terrorist financing. This is not because they now comply with international anti-money laundering and tax transparency standards, but because they promised they would implement these standards at some point. Well, they don't...

I trust that Commissioner Moscovici will surprise us positively when he presents the first EU list of tax havens - as he has promised to do before the end of the year. From Commissioner Jourova, we also expect a better list than the current one, which is merely a copy of the Financial Action Task Force one. Moreover, after these lists are compiled, we hope to see consequences for the countries that are included.

At the same time, we cannot be complacent about our own Member States. Our inquiry has revealed that our own house is far from being in order and we call on the Commission to see to it that EU law, and especially the EU's antimoney laundering directive, on which Parliament is a co-legislator, is not only transposed into national law but enforced as intended.

Werner Langen Chair of the PANA Committee



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In memoriam Daphne Caruana Galizia



The votes on the findings and recommendations of the PANA inquiry committee on Wednesday 18 October were overshadowed by the brutal murder of the Maltese journalist Daphne Caruana Galizia by a car bomb on Monday 16 October. Prior to the vote, PANA Members commemorated her with a minute of silence.

At the start of the meeting, PANA Chairman Werner Langen spoke the following words:

On behalf of the PANA Committee, I want to express our sincere and deepest condolences to her family, to her friends and to all journalists, and in particular to her sons, one of which worked with her on the Panama Papers.

Daphne Caruana Galizia was a well-known journalist in Malta. She started working in the media sector in 1988 and quickly established herself as one of the most controversial journalists in Malta. She was known for her liberal and critical views on political and social issues and was named by Politico as one of the 28 movers and shakers of Europe for her work on the Panama Papers, describing her as "a one-woman WikiLeaks crusading against intransparency and corruption in Malta".

Together with a delegation of the PANA Committee, I met her on 20 February 2017 in Valetta. From that meeting I recall someone who openly and independently called for actions against money laundering in Malta. She said, the Panama Papers revealed much more than tax evasion; they revealed crimes and corruption. She also acknowledged there was pressure from politicians from all political parties in Malta who blamed her because she "damaged" the image of the country with her articles.

Daphne's murder was very sad for Malta and for the European Union. It is inadmissible that things like that happen here in the European Union and that journalists are killed because of their work and because they speak up.

The Committee unanimously adopted an oral amendment, calling for an independent investigation of the murder.

Further information:

Extracts from the meeting, statement by Werner LANGEN (EPP, DE) and illustrative footage (video)

Highlights of the report

In the course of its mandate, the PANA Committee held 27 official meetings, conducted seven fact-finding missions and commissioned nine studies. The forthcoming report, prepared by co-rapporteurs Jeppe Kofod (S&D, DK) and Petr Jezek (ALDE, CZ) was voted on Wednesday 18 October. The Committee also voted on its recommendations, but unlike the findings, these may still be subject to changes following the plenary vote in December.

The report, some highlights:

Intermediaries working with Mossack Fonseca were aware of the dubious motivations of their clients for setting-up offshore companies. The proper identification of ultimate beneficial owners of companies is still being circumvented, using legal arbitrage and mismatches between jurisdictions.

Many banks did not carry out the mandatory enhanced client due diligence measures when they entered into a business relationship with their clients or during that relationship, even when there was a suspicion of money laundering. The reporting of suspicious transactions to Financial Intelligence Units was often lacking at the level of banks. Self-regulated professions such as lawyers and accountants are criticised because of their low level of reporting of suspicious transactions.

Some jurisdictions have legal obstacles in place that hinder the cooperation of their authorities or FIUs in international investigations. Members also noted that in some EU countries tax evasion was not considered an aggravated crime and therefore prevented cross-border investigations and legal assistance in criminal matters.

As far as EU countries are concerned, most of the offshore constructions were set-up from Luxembourg, the United Kingdom and Cyprus and MEPs conclude that these countries should have suspected that this implied a loss of the tax base of other Member States.

Supervision of financial institutions in EU Member states is not effective. Some countries were named for not having fully independent institutions in charge of implementing and enforcing rules related to money laundering and tax evasion, for example in Malta where the FIU produced a report on suspicions of money laundering involving Maltese politically exposed persons (PEPs), which had not led to any police investigation.

MEPs also noted that countries like Panama, the Virgin Islands and the Seychelles, were taken off the OECD's list of tax havens, not because they actually changed their behaviour, but merely because they promised to do so. They also regret that the Commission is not yet able to compile its own list of high-risk countries in view of money laundering and terrorist financing.

Other issues the report addresses are so-called golden visa programmes (providing citizenship in return for financial investments), the risks of money laundering involved in real estate markets, the abuse of special economic zones like Madeira to hide assets, protection of whistle-blowers and (lack of) cooperation with other institutions such as the Council.



Jeppe Kofod Co-Rapporteur (S&D)



Petr Jezek
Co-Rapporteur (ALDE)

Further information:

- Final inquiry report as adopted at the PANA Committee on 18 October 2017
- Draft recommendation as adopted at the PANA Committee on 18 October 2017
- Information page on PANA Report and Recommendation
- Press release: Report unveils sweeping recommendations to stamp out practices exposed by Panama Papers
- Press release: EU countries fail to fight money laundering and tax evasion, finds committee
- Recording of the meeting (Webstreaming)

"This may be strange in the real world, but it is normal in football"

At its meeting of 26 September 2017, the Committee of inquiry into Money Laundering, Tax Avoidance and Tax Evasion (PANA) held a hearing on "Football Leaks", focusing on the financing of clubs, sponsor contracts (image rights of players) and the (in-) transparency of the transfer market, all in view of potential tax evasion. Representatives of FIFA, UEFA and the European Football Agents Association (EFAA) explained how they perceive these issues and what they do to tackle them.



Merijn Rengers
European Investigative Collaborations (EIC)



Kimberly Morris Head of TMS Global Transfers & Compliance - FIFA

Investigative journalist Merijn Rengers (NRC Handelsblad) kicked off by pointing at the inward focused mentality of professional soccer when discussing issues such as tax morality, transparency and financial responsibility. "This may be strange in the real world, but it is normal in football", he said, adding that this mentality is also common under sports journalists: "Sports media are often more interested in picking up the latest transfer news than in revealing (financial) scandals. Moreover, journalists are banned from clubs if they write negative stories." Rengers explained that clubs "laugh away" the rules made by FIFA or UEFA, particularly concerning transfers and that this feeling is even stronger among player agents, who openly criticize FIFA and point at its internal problems and corruption.

PANA Members asked about the campaign of FC Barcelona that called on its supporters to rally behind their superstar Lionel Messi after the Argentine was handed a 21-month suspended prison sentence for tax fraud (#WeAreAllLeoMessi).

UEFA representative Mr Julien Zylberstein underlined that it goes indeed against values of the sports but reiterated that taxation is not a UEFA competence. FIFA representative Ms Kimberly Morris said FIFA has "no position" regarding the Barcelona campaign, recalling that tax paid by individual players is under the curfew of national law. Merijn Rengers said that "if Ronaldo and Messi do it, they all do it... Income tax is national, earnings whereas portrait rights are global", he added.

Mr Reiter, representing the football agents, underlined that the number of UEFA sanctions for clubs or players is close to zero. He said that tax evasion should not be tolerated and that FC Barcelona should not rally behind a tax evader. He also explained that in Germany players have to declare sponsor income.



Julien Zylberstein Legal counsel at UEFA



Gregor Reiter
European Football Agents Association (EFAA)

Further information:

- Programme of the hearing
- CVs, contributions and replies to written questions from speakers
- Press release: UEFA and FIFA officials accused of being "enablers" of a corrupt system
- Press release: Foul play: Parliament hearing looks at role of big money in football
- Transcription (Verbatim) of the hearing
- · Recording of the meeting (Webstreaming)

Switzerland: PANA Members call on financial supervisor for more transparency

On 15 September, a delegation of eight Members of the PANA Committee visited Switzerland to find out what is being done to clamp down on money laundering, tax avoidance and tax evasion in the country.



Swiss authorities acknowledged the need for vigilant supervision and proper enforcement of anti-money laundering and anti-tax evasion standards and highlighted the importance for international cooperation, especially when it comes to inter-agency cooperation. PANA Members were told that the automatic exchange of information with EU Member states would start effectively on 1 January 2018.

Members met with Deputy State Secretary for Financial Matters Mr Karrer, with a Member of the Legal Affairs Committee and with representatives of the Federal Police Authority (FEDPOL) the Federal

Authority for Surveillance of Financial Markets (FINMA) and of the Federal Department of Foreign Affairs (DFAE). The delegation also had meetings with representatives of the Swiss megabanks Credit Suisse and UBS and with representatives of NGO's and of the Swiss Bar Association.







Members asked financial supervisor FINMA about follow-up actions after the Panama Papers' revelations, but did not get any detailed information, one of the reasons being that FINMA "does not report publicly". Members urged the Swiss authorities to release more information about their actions and the results thereof. In the sessions with the banks, Members underlined the important role banks have in identifying financial crimes under international anti-money laundering standards and called for better cooperation to identify cross-border financial crimes, such as money laundering and tax evasion.

Further information:

Mission report

PANA Members quiz Cypriot counterparts over "Golden Visa" scheme

During the PANA delegation visit to Cyprus on 7 July, Members quizzed the Cypriot authorities about the "golden visa" programme the government has put in place for non-EU nationals.



Members met with the Minister of Finance Mr Georgiades, the Minister of Energy, Commerce, Industry and Tourism Mr Lakkotrypis and a representative of the Ministry of Interior. They also met with the Head of the Cyprus Unit for Combating Money Laundering (MOKAS), the Chair of the Cyprus Securities and Exchange Commission, the Association of Banks (ACB and AIB) and with the Cyprus Bar Association.

Minister Georgiades stressed that Cyprus has been strengthening the framework for combatting money laundering and terrorist financing in terms of both legislation and practical implementation.

Cypriot authorities also clarified that in Cyprus, company representatives can only be lawyers, accountants and licensed company service providers, who are being supervised and are subject to obligations under AML/CFT legislation.







Delegation Members noted that in the aftermath of the Panama Papers, the Cyprus Securities and Exchange Commission issued a note requiring obliged entities under the EU's Anti-Money Laundering Directive to investigate their records to find out if any of their clients are in relation with the Panamase law firm Mossack Fonseca and/or persons mentioned in the Panama Papers.

PANA Members also quizzed their government counterparts about the "Golden Visa" system for non-EU nationals. The Cypriot authorities explained that the scheme is offered to foreign nationals who invest at least 2 million in real estate, Cypriot companies or specific funds, but added that they would need to meet all the backgrounds checks and conditions of the Scheme as laid out by the Ministry of Finance.

Further information:

Mission report

Finance Ministers acknowledge need for more transparency and information sharing

On 11 July 2017, PANA Members had an exchange of views with four Ministers of Finance, namely Wolfgang Schäuble (DE), Paschal Donohoe (IE), Pier Carlo Padoan (IT) and Jeroen Dijsselbloem (NL) to discuss the follow-up of the Panama Papers in their respective countries and to hear their take on the proposals presented by the Commission in the field of taxation and anti-money laundering.

Minister Schäuble underlined the importance of transparency and referred to the OECD's common reporting standards (CRS) his country transposed. He referred to a ten-point plan that is being implemented in Germany and internationally via the OECD and G20. Regarding the blacklist of non-cooperative tax jurisdictions, he said that countries with a zero percentage tax rate should be included and het acknowledged that there is room for improvement regarding the Code of Conduct Group on Business Taxation.



Minister Padoan underlined Italy's commitment to tackle money laundering, tax avoidance and tax evasion and presented some initiatives in the field. He stressed the need for improvement of cooperation between national competent authorities and for better supervision of intermediaries. He welcomed the proposal for a directive regarding the mandatory disclosure of tax schemes.

Minister Dijsselbloem acknowledged that "the Netherlands for too long had been part of the problem, but that over the last years steps were taken and the Netherlands now wants to be part of the solution". He said that the OECD/BEPS actions were implemented in record time, and that the same goes for the anti-tax avoidance directive, transparency standards and DAC provisions. "Transparency is the way forward", he said, referring to measures taken such as implementation of CRS, public UBO registers, end to anonymous bearer shares, sharing of UBO-info, reinforced 'economic substance' requirements for companies and anti-abuse clauses with 23 countries. NL will also publish the fines for intermediaries and will no longer have voluntary disclosure schemes, he added.







Minister Donohoe said Ireland had little connection with the Panama Papers and if there were Irish involved, the tax authorities had acted with the disclosure of around EUR 70 million as a result. Mr Donohoe said Ireland had made good progress in view of the exchange of information under the DAC, adding that "aggressive tax planning is a global problem requiring a global solution".

Further information:

- Written replies from Dr. Wolfgang Schäuble, Minister of Finance, Germany
- Written replies from Paschal Donohoe, Minister for Finance and Public Expenditure and Reform, Ireland
- Written replies from Jeroen Dijsselbloem, Minister of Finance of the Netherlands
- Panama papers: finance ministers discuss measures taken to tackle tax evasion (video)
- Press release: Finance ministers face sceptical MEPs on steps taken in fight against tax fraud
- Transcription of the hearing (Verbatim)
- Extracts from the debate
- Recording of the hearing (webstreaming)

Commissioner Jourová wants better FIU cooperation and genuine EU list of high-risk countries



Commissioner Vera Jourová assured PANA Members in a hearing on 3 July that she and her services are committed to monitor and ensure the proper implementation by Member States of the fourth Anti-Money-Laundering Directive, which entered into effect on 26 June of this year. She also aims at finalising the ongoing trilogue negotiations with the Council and the European Parliament on the fifth AMLD under the current Estonian Council Presidency, she told MEPs.

Ms Jourová, Commissioner for Justice, Consumers and Gender Equality - and in this capacity in charge of the EU's anti-money laundering (AML) policy - recalled that her services have put forward a revised approach and roadmap on the listing process of third countries with high risk of money laundering, as the Parliament had requested. She furthermore outlined the recently published supra-national risk assessment (SNRA) and the

recommendation to improve cooperation between Financial Intelligence Units (FIUs).

On the listing process of high-risk countries, she pointed out that the Commission's approach would not duplicate the list of the Financial Action Task Force (FATF). Instead it would be based on further criteria (such as beneficial ownership transparency), and the screening would be done in two phases, in a dialogue with Member States, and based on information from OECD, FATF, as well as in cooperation with the European External Action Service and Commission DG's FISMA and TAXUD.

Further information:

- Written replies from Commissioner Jourová
- Transcription of the hearing (Verbatim)
- Recording of the hearing (webstreaming)

Fact finding in Portugal: bank supervision, Madeira and residency permits



During a fact-finding mission to Portugal on 22 and 23 June, PANA Members discussed bank supervision, the special status of Madeira as an 'outermost region' and its special tax regime as well as Portugal's golden visa programme with their Portuguese counterparts.

Portuguese authorities explained that there is a need for further work on cooperation at EU and international level especially on exchange of information. MEP's questioned the fact that Panama was removed from the blacklist in 2010 and had a long discussion about the criteria Portugal applies to remove a country from its list of tax havens.

Members also discussed the issue of 'Golden Visas' and explained that these visas should be well monitored in order to avoid any use of them to launder money. These residency visas are offered to foreigners who invest in Portugal, often through real estate investment. On the question of Madeira - its tax regime and status as an 'outermost region' - opinions remained divided.







During the first day, PANA delegation Members met with members of the parliamentary inquiry Committee on Banco Espirito Santo (BES), with Minister Centeno and Secretary of State on Tax Affairs Rocha Andrade, with former Ministers of Finance Teixera Dos Santos and Albuquerque and with former Secretaries of State Vasques and Nuncio.

On the second day, they met with representatives of Banco de Portugal, journalists and NGO's. They also had meetings with the Director of the Financial Intelligence Unit (FIU) and representatives from the Central Department of Criminal Investigation and Penal and Criminal Action.

Further information:

Mission report

Hearing with Financial Intelligence Units (FIUs)

Panellist's in a PANA hearing on the Russian 'Laundromat' case and on international cooperation between Financial Intelligence Units (FIUs) on 21 June deplored the lack of harmonisation of information systems at EU level, which makes international cooperation and information sharing between FIUs and competent authorities difficult, they told MEPs.

The Russian Laundromat was a scheme to move tens of billions of Euros out of Russia from 2010 to 2014 through a network of global banks, many of them in Moldova and Latvia. Around 500 people were suspected of being involved, many of whom were wealthy Russians. The money-laundering scheme was uncovered by Global Laundromat and is thought to be one of the world's biggest and most elaborate money-laundering schemes.







Journalist Paulo Cristian Radu (Investigative Dashboard at Organized Crime and Corruption Reporting Project), who investigated the Russian "Laundromat" case and Viesturs Burkns, Head of the Latvian FIU said central and interconnected information registers, especially for real estate, are highly needed in order to better fight money laundering. They also called for appropriate and dissuasive sanctions, more transparency of ultimate beneficial ownership of companies and a better and more efficient use of the FIU network. Moreover, they also indicated that many FIUs are suffering from a lack of finances and qualified staff.

Other panellists were Sebastian Fiedler from the Bund Deutscher Kriminalbeamter (BDK, German Association of criminal police officers) and Paolo Costanzo, from the Italian FIU at Banca d'Italia.

Further information:

- Programme of the hearing
- CVs, contributions and replies to written questions from speakers
- Transcription of the hearing (Verbatim)
- Recording of the hearing (webstreaming)

Hearing on whistle-blowers in the EU: Confidentiality is essential

At a joint meeting on 21 June 2017, Members of the Legal Affairs Committee and the PANA Committee discussed ways to better protect whistle blowers in the EU. The panel of experts was composed of representatives from the industry, academics, NGO's, and the European ombudsman.

Vigjilenca Abazi, assistant professor at the University of Maastricht, explained that not all Member States have rules in place and that actually many of them apply them only partiallu, without focusing on the protection of whistle-blowers per se. Furthermore, she underlined the need for clear reporting channels for the whistle-blowers and insisted that confidentiality should always be guaranteed by law. She acknowledged that not all Member States provide confidentiality.

Cathy James, Chief executive of Public Concern at Work, emphasised that organisations need to consider whistleblowing as an action working for their best interest, because people need to speak up against malpractices.







Frédérique Berrod, Professor at the College of Europe, focused on the necessary legal basis for better protection of whistle-blowers at an EU level. She proposed to apply a horizontal approach to the issue, in order to minimize legal gaps. Such a framework should be based on article 114 of the Treaty of Lisbon TFEU, along with the article 352 TFEU, she said.

Charlotte Grass, Head of Competition and Conformity at Group Vallourec, spoke about the subject from the point of view of the industry. She underlined that her company had put a lot of effort in explaining the internal channels to be used by potential whistle-blowers. She said that French legislation (Loi Sapin II) can be seen as a best practice as it introduces obligations for companies to set up a structure for receiving whistles and to provide a proper follow-up, including feedback to the whistle-blowers in question.

Further information:

- Programme of the hearing
- CVs, contributions and replies to written questions from speakers
- Press release: Support for strengthened protection for whistleblowers
- Transcription of the hearing (Verbatim)
- Recording of the hearing (webstreaming)

Jean-Claude Juncker: End to unanimity in tax matters related to internal market

During the PANA hearing on 30 May, Commission President Jean-Claude Juncker underlined the commitment of the Commission to tax fairness and justice, referring to the high number of proposals his Commission has initiated in this area.

Mr Juncker announced measures to oblige all Member States to step-up cooperation and exchange of information in tax matters and confirmed that the EU is on track to adopt a list of non-cooperative tax jurisdictions by the end of 2017. Responding to critical remarks of PANA Members, he also promised the Commission will increase the number of staff in its task force on financial crimes, and that it will revise the methodology for compiling the list of high-risk third countries in the area of anti-money laundering and terrorism financing. Moreover, he announced proposals to regulate intermediaries, to clamp down on cross-border VAT fraud.







Mr Juncker acknowledged that the work of the Council's Code of Conduct Group on Business Taxation is not satisfactory and that this should change. Regarding the decision making process in the Council, he said the Commission considers using Art. 116 of the Lisbon Treaty for future tax proposals, which - in practice - would end the need for unanimity and therefore the current right of veto for Member States who are unwilling to support EU tax initiatives in relation to the functioning of the internal market.

Further information:

- Press release: Commission President Juncker to appear before PANA Committee
- · Press release: MEPs quiz Jean-Claude Juncker on change of heart in fight against tax avoidance
- Press release: Juncker: Don't measure my credibility on the basis of my tax past
- Replies to written questions from President Jean-Claude Juncker
- Transcription of the hearing (Verbatim)
- Extracts from the debate
- Recording of the hearing (webstreaming)

Final PANA hearings: NLB Bank Slovenia, Azerbaijani Laundromat, Paradise Papers, Commission



During the final day of public hearings of the PANA Committee on 28 November, Members will look into the case of Nova Ljubljanska banka (NLB), the Azerbaijani Laundromat case and the recent Paradise Papers revelations. Commissioners Moscovici and Jourova will give a reaction, followed by a debate.

For the morning meeting (10:00-12:30), two panels are foreseen. First MEPs will look further into the case of **Nova Ljubljanska banka (NLB)**, the biggest Slovenian state-owned bank, through which allegedly almost EUR 1 billion was laundered between 2008 and 2010. The affair was discovered by the Parliamentary inquiry Commission for Identifying Abuses in the

Banking System and the Parliamentary Commission for Oversight of Intelligence and Security Services. The money was mainly coming from the Export Development Bank of Iran (EDBI). At the time, the Iranian bank was blacklisted as it was subject to the embargo on the international market.

The second panel will zoom in on the **Azerbaijani Laundromat case**; a complex money-laundering operation and slush fund that handled over EUR 2.5 billion over a two-year period through four shell companies registered in the UK. Also this scheme saw the light as a result of a joint investigation by journalists from 13 countries under the umbrella of the Global Anti-Corruption Consortium, a collaboration started by the Organised Crime and Corruption Reporting Project (OCCRP) and Transparency International.

In the afternoon from 15:00 to 18:00, MEPs will debate about the recent **Paradise Papers** revelations. These are based on 13.4 million confidential electronic documents relating to offshore investment that were leaked to the Süddeutsche Zeitung. The documents originate from an offshore law firm, corporate services providers and company registers in 19 tax jurisdictions. The data contain the names of more than 120,000 people and companies. Three journalists who worked at the heart of the investigation will share their stories with the PANA Members, followed by a debate.

During the second part of this hearing, Commissioners Pierre Moscovici (Economic and Financial Affairs, Taxation and Customs) and Vera Jourová (Justice, Consumers and Gender Equality) will react to the revelations and debate possible follow-up actions with PANA Members.

Further information:

- Hearing on "Money Laundering: The case of NLB financial group and on the Azerbaijan Laundromat revelations"
- Hearing on ""The Paradise Papers discussions with the investigative journalists behind the revelations"
- Press release: The Paradise Papers show that Panama Papers are only the tip of the iceberg

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Useful links

- Information page on PANA Report and Recommendation
- Presentations, speeches and replies to questionnaires from hearings
- Transcriptions of the meetings and press releases
- Official letters (Invitation letters, letters related to request of documents, request for Member States contributions)
- Coordinators' decisions
- PANA hearings, workshops and missions
- Supporting analyses (Studies, briefings, fact sheets)
- Committee mandate (powers, numerical strength and term of office) as adopted by the European Parliament on 08.06.16
- List of members of the PANA Committee

For further links, please visit the **PANA** website.

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