



2016/0209(CNS)

12.9.2016

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DRAFT REPORT

on the proposal for a Council directive amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities (COM(2016)0452 – C8-0333/2016 – 2016/0209(CNS))

Committee on Economic and Monetary Affairs

Rapporteur: Emmanuel Maurel

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council directive amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities (COM(2016)0452 – C8-0333/2016 – 2016/0209(CNS))

(Special legislative procedure – consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2016)0452),
 - having regard to Articles 113 and 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0333/2016),
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0000/2016),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The Panama Papers scandal has confirmed the paramount need for greater tax transparency and much closer coordination between jurisdictions.

Or. fr

Amendment 2

Proposal for a directive Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) The mandatory automatic exchange of tax information is recognised internationally, at G20, OECD and European Union level, as the most effective instrument in the service of international tax transparency. In its communication to Parliament and the Council of 5 July 2016 on further measures to enhance transparency against tax evasion and avoidance^{1a}, the Commission states that ‘there is a strong case for extending the administrative cooperation between tax authorities even further, to cover beneficial ownership information’ and that ‘the automatic exchange of information on beneficial ownership could [...] be integrated into the binding tax transparency framework already in place in the EU’. Lastly, all the Member States are already taking part in a pilot project on the exchange of information concerning final beneficial owners of firms and trusts.

^{1a} COM(2016)0451

Or. fr

Amendment 3

Proposal for a directive Recital 4

Text proposed by the Commission

(4) It is therefore necessary to ensure the access by the tax authorities to the AML information, procedures, documents and mechanisms for the performance of their duties in monitoring the proper application of Directive 2011/16/EU.

Amendment

(4) It is therefore necessary to ensure the access by the tax authorities to the AML information, procedures, documents and mechanisms for the performance of their duties in monitoring the proper application of Directive 2011/16/EU ***and to include this information, when relevant, in the automatic exchanges between Member States.***

Or. fr

Amendment 4

**Proposal for a directive
Recital 7**

Text proposed by the Commission

(7) The customer due diligence carried out by Financial Institutions under Directive 2011/16/EU has already started and the first exchanges are to be finalised by September 2017. Therefore, in order to ensure that the effective monitoring of the application is not delayed, this Amending Directive should enter into force and be transposed by 1 January **2017**.

Amendment

(7) The customer due diligence carried out by Financial Institutions under Directive 2011/16/EU has already started and the first exchanges are to be finalised by September 2017. Therefore, in order to ensure that the effective monitoring of the application is not delayed, this Amending Directive should enter into force and be transposed by 1 January **2018**.

Or. fr

Amendment 5

**Proposal for a directive
Article 1 – paragraph -1 (new)
Directive 2011/16/EU
Article 8 a (new)**

Text proposed by the Commission

Amendment

The following article is inserted:

"Article 8a

The tax authorities of a Member State shall, within six months of their collection, automatically exchange the documents and information referred to in Article 22 of this Directive with any other Member State if the beneficial owner of a firm, or, in the case of a trust, the settler, one of the trustees, the protector (where applicable), a beneficiary or any other person exercising genuine control over the trust, or, lastly, the holder of an account referred to in Article 32a of Directive (EU) 2015/849 is a taxpayer in that Member State."

Or. fr

Amendment 6

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall adopt and publish, by 31 December **2016** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall adopt and publish, by 31 December **2017** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Or. fr

Amendment 7

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

They shall apply those provisions from 1

Amendment

They shall apply those provisions from 1

January 2017.

January 2018.

Or. fr