



2022/0413(CNS)

29.3.2023

DRAFT REPORT

on the proposal for a Council directive amending Directive 2011/16/EU on administrative cooperation in the field of taxation
(COM(2022)0707 – C9-0017/2023 – 2022/0413(CNS))

Committee on Economic and Monetary Affairs

Rapporteur: Rasmus Andresen

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.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council directive amending Directive 2011/16/EU on administrative cooperation in the field of taxation (COM(2022)0707 – C9-0017/2023 – 2022/0413(CNS))

(Special legislative procedure – consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2022)0707),
 - having regard to Articles 113 and 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0017/2023),
 - having regard to Rule 82 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Legal Affairs,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0000/2023),
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 28

Text proposed by the Commission

(28) In order to close loopholes that allow tax evasion, tax avoidance and tax fraud, Member States should be required to exchange information related to income

Amendment

(28) In order to close loopholes that allow tax evasion, tax avoidance and tax fraud, Member States should be required to exchange information related to income

derived from non-custodial dividends.
Income from non-custodial dividends should therefore be included in the categories of income subject to mandatory automatic exchange of information.

derived from non-custodial dividends ***and capital gains from immovable property, financial and luxurious assets stored in free ports, customs warehouses or safe deposit boxes.*** The mandatory automatic exchange of information ***is deemed complied with if such information can be consulted through national or interconnected registries by competent authorities.***

Or. en

Amendment 2

Proposal for a directive Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) A European TIN would allow any authority to quickly, easily and correctly identify and record TINs in cross-border relations and serve as a basis for effective automatic exchange of information between Member States' tax administrations. Therefore, the Commission should re-examine the creation of a European TIN.

Or. en

Amendment 3

Proposal for a directive Recital 30

Text proposed by the Commission

Amendment

(30) The absence of exchange of rulings concerning high net worth individuals means that tax administrations may not be aware of those rulings., That situation risks creating opportunities for tax fraud, tax evasion and tax avoidance. Therefore, automatic exchange of advance cross-border rulings and advance pricing agreements should extend to situations where an advance cross-border ruling

(30) The absence of exchange of rulings concerning high net worth individuals means that tax administrations may not be aware of those rulings. That situation risks creating opportunities for tax fraud, tax evasion and tax avoidance. Therefore, automatic exchange of advance cross-border rulings and advance pricing agreements should extend to situations where an advance cross-border ruling

concerns tax affairs of high net worth individuals.

concerns tax affairs of high net worth individuals. ***The Commission should additionally assess the possibility of including all rulings and pricing arrangements that are not advance and include an amendment in the next revision of Directive 2011/16/EU.***

Or. en

Amendment 4

Proposal for a directive Recital 45 a (new)

Text proposed by the Commission

Amendment

(45a) On 8 December 2022, the Court of Justice of the European Union decided in its judgment in Case Ordre van Vlaamse Balies and Others (C-694/20) that Article 8ab(5) of Directive 2011/16/EU, which lays down an obligation for a lawyer-intermediary subject to legal professional privilege to notify without delay other intermediaries of their reporting obligations vis-à-vis competent authorities, infringes the right to respect for communications between lawyers and their clients, as guaranteed in Article 7 of the Charter of Fundamental Rights, and is therefore invalid. The Commission should evaluate the necessary revision of Article 8ab(5) of that Directive to make it compliant with the decision of the Court, while preserving the obligation on intermediaries to report aggressive cross-border tax-planning arrangements, and put forward a legislative proposal accordingly as soon as possible.

Or. en

Amendment 5

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

Text proposed by the Commission

(a) for the purposes of Article 8(1) and Articles 8a to 8ad, the systematic communication of predefined information to another Member State, without prior request, at pre-established regular intervals. For the purposes of Article 8(1), reference to available information relates to information in the tax files of the Member State communicating the information, which is retrievable in accordance with the procedures for gathering and processing information in that Member State;

Amendment

(a) for the purposes of Article 8(1) and Articles 8a to 8ad, the systematic communication of predefined **and new** information to another Member State, without prior request, at pre-established regular intervals. For the purposes of Article 8(1), reference to available information relates to information in the tax files of the Member State communicating the information, which is retrievable in accordance with the procedures for gathering and processing information in that Member State;

Or. en

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point a a (new)

Directive 2011/16/EU

Article 3 – point 14

Present text

14. “advance **cross-border** ruling” means any agreement, communication, or any other instrument or action with similar effects, including one issued, amended or renewed in the context of a tax audit, and which meets the following conditions:

(a) is issued, amended or renewed by, or on behalf of, the government or the tax authority of a Member State, or the Member State’s territorial or administrative subdivisions, including local authorities, irrespective of whether it is effectively used;

(b) is issued, amended or renewed, to a particular person or a group of persons, and

Amendment

(aa) point (14) is amended as follows:

“14. “advance ruling” means any agreement, communication, or any other instrument or action with similar effects, including one issued, amended or renewed in the context of a tax audit, and, **irrespective of its formal, informal, legally binding or non-binding nature**, which meets the following conditions:

(a) is issued, amended or renewed by, or on behalf of, the government or the tax authority of a Member State, or the Member State’s territorial or administrative subdivisions, including local authorities, irrespective of whether it is effectively used;

(b) is issued, amended or renewed, to a particular person or a group of persons, and

upon which that person or a group of persons is entitled to rely;

(c) concerns the interpretation or application of a legal or administrative provision concerning the administration or enforcement of national laws relating to taxes of the Member State, or the Member State's territorial or administrative subdivisions, including local authorities;

(d) relates to a cross-border transaction or to the question of whether or not activities carried on by a person in another jurisdiction create a permanent establishment; and

(e) is made in advance of the transactions or of the activities in another jurisdiction potentially creating a permanent establishment or in advance of the filing of a tax return covering the period in which the transaction or series of transactions or activities took place. The ***cross-border*** transaction may involve, but is not restricted to, the making of investments, the provision of goods, services, finance or the use of tangible or intangible assets and does not have to directly involve the person receiving the advance ***cross-border*** ruling;

upon which that person or a group of persons is entitled to rely;

(c) concerns the interpretation or application of a legal or administrative provision concerning the administration or enforcement of national laws relating to taxes of the Member State, or the Member State's territorial or administrative subdivisions, including local authorities;

(e) is made in advance of the transactions or of the activities in another jurisdiction potentially creating a permanent establishment or in advance of the filing of a tax return covering the period in which the transaction or series of transactions or activities took place. The transaction may involve, but is not restricted to, the making of investments, the provision of goods, services, finance or the use of tangible or intangible assets and does not have to directly involve the person receiving the advance ruling;”

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point a b (new)

Directive 2011/16/EU

Article 3 – point 16

Text proposed by the Commission

Amendment

(ab) point (16) is deleted.

Or. en

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2011/16/EU

Article 3 – point 34 a (new)

Text proposed by the Commission

Amendment

(34a) ‘beneficial owner’ means beneficial owner as defined in Article 2, point 22, of [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing – COM/2021 420 final].

Or. en

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 1 a (new)

Directive 2011/16/EU

Article 5 – paragraph 1

Present text

Amendment

At the request of the requesting authority, the requested authority shall communicate to the requesting authority any information referred to in Article 1(1) that it has in its possession or that it obtains as a result of administrative enquiries.

(1a) In Article 5, the first paragraph is replaced by the following:

“At the request of the requesting authority, the requested authority shall communicate to the requesting authority any information referred to in Article 1(1) that it has in its possession, ***could reasonably obtain***, or that it obtains as a result of administrative enquiries.”

Or. en

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 1 b (new)

Directive 2011/16/EU

Article 5a – paragraph 1

Present text

1. For the purposes of a request referred to in Article 5, the requested information is foreseeably relevant where, at the time the request is made, the requesting authority considers that, in accordance with its national law, there is a reasonable possibility that the requested information will be relevant to the tax affairs of one or several taxpayers, whether identified by name or otherwise, and be justified for the purposes of *the investigation*.

Amendment

(1b) In Article 5a, the first paragraph is replaced by the following:

“1. For the purposes of a request referred to in Article 5, the requested information is foreseeably relevant where, at the time the request is made, the requesting authority considers that, in accordance with its national law, there is a reasonable possibility that the requested information will be relevant to the tax affairs of one or several taxpayers, whether identified by name or otherwise, and be justified for the purposes of *assessing, collecting and managing taxes*.”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 11

Proposal for a directive

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

Directive 2011/16/EU

Article 6 – paragraph 4

Present text

4. When specifically requested by the requesting authority, the requested authority shall communicate original documents *provided that this is not contrary to the provisions in force in the Member State of the requested authority*.

Amendment

(1c) In Article 6, paragraph 4 is replaced by the following:

“4. When specifically requested by the requesting authority, the requested authority shall communicate original documents.”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 1 d – point a – point i (new)

Directive 2011/16/EU

Article 7 – paragraph 1 – subparagraph 1

Present text

1. The requested authority shall provide the information referred to in Article 5 as quickly as possible, and no later than **three months** from the date of receipt of the request. However, where the requested authority is unable to respond to the request by the relevant time limit, it shall inform the requesting authority immediately and in any event within three months of the receipt of the request, of the reasons for its failure to do so, and the date by which it considers it might be able to respond. The time limit shall not be longer than six months from the date of receipt of the request.

Amendment

(1d) Article 7 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) the first subparagraph is replaced by the following:

“1. The requested authority shall provide the information referred to in Article 5 as quickly as possible, and no later than **one month** from the date of receipt of the request. However, where the requested authority is unable to respond to the request by the relevant time limit, it shall inform the requesting authority immediately and in any event within three months of the receipt of the request, of the reasons for its failure to do so, and the date by which it considers it might be able to respond. The time limit shall not be longer than six months from the date of receipt of the request.”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 13

Proposal for a directive

Article 1 – paragraph 1 – point 1 d – point a – point ii (new)

Directive 2011/16/EU

Article 7 – paragraph 1 – subparagraph 2

Present text

However, where the requested authority is already in possession of that information, the information shall be transmitted within **two months** of that date.

Amendment

(ii) the second subparagraph is replaced by the following:

“However, where the requested authority is already in possession of that information, the information shall be transmitted within **15 days** of that date.”

Or. en

Amendment 14

Proposal for a directive

Article 1 – paragraph 1 – point 1 d – point b (new)

Directive 2011/16/EU

Article 7 – paragraph 4

Present text

Amendment

4. Within **one month** of receipt of the request, the requested authority shall notify the requesting authority of any deficiencies in the request and of the need for any additional background information. In such a case, the time limits provided for in paragraph 1 shall start the day after the requested authority has received the additional information needed.

(b) paragraph 4 is replaced by the following:

“4. Within **15 days** of receipt of the request, the requested authority shall notify the requesting authority of any deficiencies in the request and of the need for any additional background information. In such a case, the time limits provided for in paragraph 1 shall start the day after the requested authority has received the additional information needed.”

Or. en

Amendment 15

Proposal for a directive

Article 1 – paragraph 1 – point 1 d – point c (new)

Directive 2011/16/EU

Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(c) the following paragraph is added:

“4a. Where upon the receipt of the requested information, the requesting authority submits a follow-up request, the requested authority shall provide that further required information as soon as possible, and no later than one month from the date of receipt of the follow-up request.”

Or. en

Amendment 16

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a – point i

Directive 2011/16/EU

Article 8 – paragraph 1 – point e

Text proposed by the Commission

(e) ownership *of and* income from immovable property;

Amendment

(e) **beneficial** ownership, income **and capital gains** from immovable property;

Or. en

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a – point i

Directive 2011/16/EU

Article 8 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) **beneficial ownership, income and capital gains from financial assets, including currency trading;**

Or. en

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a – point i

Directive 2011/16/EU

Article 8 – paragraph 1 – point g b (new)

Text proposed by the Commission

Amendment

(gb) **beneficial ownership, income and capital gains from non-financial assets, such as cash, art, gold or other valuables held at free ports, customs warehouses or safe deposit boxes;**

Or. en

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a – point i

Directive 2011/16/EU

Article 8 – paragraph 1 – point g c (new)

Text proposed by the Commission

Amendment

***(gc) beneficial ownership of
watercrafts, aircrafts and vehicles;***

Or. en

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a – point i

Directive 2011/16/EU

Article 8 – paragraph 1 – point g d (new)

Text proposed by the Commission

Amendment

***(gd) beneficial ownership of accounts
at larger peer-to-peer lending,
crowdfunding and similar platforms.***

Or. en

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b a (new)

Directive 2011/16/EU

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

***(ba) In paragraph 2, the following
subparagraph is added :***

***“The automatic exchange of information
shall be deemed to be respected for points
h to k, paragraph 1, first subparagraph, if
competent authorities of any other
Member States can access such
information either through the national
registries or data retrieval systems or
interconnected registries as provided in***

[please insert reference – proposal for a directive on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849].”

Or. en

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b b (new)

Directive 2011/16/EU

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

(bb) *paragraph 3 is deleted.*

Or. en

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b c (new)

Directive 2011/16/EU

Article 8 – paragraph 3a – subparagraph 2 – point a

Present text

Amendment

(bc) *in paragraph 3a, second subparagraph, point a is replaced by the following :*

(a) the name, address, TIN(s) and date and place of birth (in the case of an individual) of each Reportable Person that is an Account Holder of the account and, in the case of any Entity that is **an** Account Holder and that, after application of due diligence rules consistent with the Annexes, is identified as having one or more Controlling Persons that is a Reportable Person, the name, address, and TIN(s) of the Entity and the name, address, TIN(s) and date and place of birth of each Reportable Person;

“(a) the name, address, TIN(s) and date and place of birth (in the case of an individual) of each Reportable Person that is an Account Holder of the account and, in the case of any Entity that is **the ultimate beneficial** Account Holder and that, after application of due diligence rules consistent with the Annexes, is identified as having one or more Controlling Persons that is a Reportable Person, the name, address, and TIN(s) of the Entity and the name, address, TIN(s) and date and place of birth of each Reportable Person;”

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point -a (new)

Directive 2011/16/EU

Article 8a – title

Present text

Scope and conditions of mandatory automatic exchange of information on advance ***cross-border*** rulings and advance pricing arrangements

Amendment

(-a) The title is amended as follows :

“Scope and conditions of mandatory automatic exchange of information on advance rulings and advance pricing arrangements”

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout).

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 25

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point -a a (new)

Directive 2011/16/EU

Article 8a – paragraph 1

Present text

1. The competent authority of a Member State, where an advance ***cross-border*** ruling or an advance pricing arrangement was issued, amended or renewed after 31 December 2016 shall, by automatic exchange, communicate information thereon to the competent authorities of all other Member States as well as to the European Commission, with

Amendment

(-aa) in paragraph 1, the first subparagraph is replaced by the following:

“1. The competent authority of a Member State, where an advance ruling or an advance pricing arrangement was issued, amended or renewed after 31 December 2016 shall, by automatic exchange, communicate information thereon to the competent authorities of all other Member States as well as to the European Commission, with the limitation

the limitation of cases set out in paragraph 8 of this Article, in accordance with applicable practical arrangements adopted pursuant to Article 21.

of cases set out in paragraph 8 of this Article, in accordance with applicable practical arrangements adopted pursuant to Article 21.”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 26

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2011/16/EU

Article 8a – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

The competent authority of a Member State where an advance **cross-border** ruling for a high net worth individual was issued, amended or renewed after 31 December 2023 shall, by automatic exchange, communicate information thereon to the competent authorities of all other Member States, with the limitation of cases set out in paragraph 8 of this Article, in accordance with applicable practical arrangements adopted pursuant to Article 21.;

Amendment

The competent authority of a Member State where an advance ruling for a high net worth individual was issued, amended or renewed after 31 December 2023 shall, by automatic exchange, communicate information thereon to the competent authorities of all other Member States **as well as to the Commission**, with the limitation of cases set out in paragraph 8 of this Article, in accordance with applicable practical arrangements adopted pursuant to Article 21.;

Or. en

Amendment 27

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b – point i

Directive 2011/16/EU

Article 8a – paragraph 2 – subparagraph 1

Text proposed by the Commission

The competent authority of a Member State shall, in accordance with applicable practical arrangements adopted pursuant to Article 21, also communicate information to the competent authorities of all other Member States as well as to the Commission, with the limitation of cases

Amendment

The competent authority of a Member State shall, in accordance with applicable practical arrangements adopted pursuant to Article 21, also communicate information to the competent authorities of all other Member States as well as to the Commission, with the limitation of cases

set out in paragraph 8 of this Article, on advance ***cross-border*** rulings and advance pricing arrangements issued, amended or renewed within a period beginning 5 years before 1 January 2017 and on advance ***cross-border*** rulings for high net worth individuals issued, amended or renewed within a period beginning 5 years before 1 January **2026**.;

set out in paragraph 8 of this Article, on advance rulings and advance pricing arrangements issued, amended or renewed within a period beginning 5 years before 1 January 2017 and on advance rulings for high net worth individuals issued, amended or renewed within a period beginning 5 years before 1 January **2024**.;

Or. en

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b – point i a (new)

Directive 2011/16/EU

Article 8a – paragraph 2 – subparagraph 2

Present text

If advance ***cross-border*** rulings and advance pricing arrangements are issued, amended or renewed between 1 January 2012 and 31 December 2013, such communication shall take place under the condition that they were still valid on 1 January 2014.

Amendment

(ia) the second subparagraph is replaced by the following:

“If advance rulings and advance pricing arrangements are issued, amended or renewed between 1 January 2012 and 31 December 2013, such communication shall take place under the condition that they were still valid on 1 January 2014.”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 29

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b – point i b (new)

Directive 2011/16/EU

Article 8a – paragraph 2 – subparagraph 3

Present text

If advance ***cross-border*** rulings and advance pricing arrangements are issued,

Amendment

(ib) the third subparagraph is replaced by the following:

“If advance rulings and advance pricing arrangements are issued, amended or

amended or renewed between 1 January 2014 and 31 December 2016, such communication shall take place irrespective of whether they are still valid.

renewed between 1 January 2014 and 31 December 2016, such communication shall take place irrespective of whether they are still valid.”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b – point ii

Directive 2011/16/EU

Article 8a – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Where advance *cross-border* rulings for high net worth individuals are issued, amended or renewed between 1 January **2020** and 31 December **2025**, such communication shall take place under the condition that they were still valid on 1 January 2026.;

Amendment

Where advance rulings for high net worth individuals are issued, amended or renewed between 1 January **2018** and 31 December **2023**, such communication shall take place under the condition that they were still valid on 1 January 2026.;

Or. en

Amendment 31

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b – point ii a (new)

Directive 2011/16/EU

Article 8a – paragraph 2 – subparagraph 4

Text proposed by the Commission

Amendment

(ii a) *subparagraph 4 is deleted.*

Or. en

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b a (new)

Directive 2011/16/EU

Article 8a – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(ba) in paragraph 3, the following subparagraph is added:

“The competent authority shall not negotiate and agree new bilateral or multilateral advance pricing arrangements with third countries that do not permit their disclosure to competent authorities of other Member States as from 1 January 2026.”

Or. en

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point c

Directive 2011/16/EU

Article 8a – paragraph 4

Text proposed by the Commission

Amendment

4. Paragraphs 1 and 2 shall not apply in a case where an advance **cross-border** ruling exclusively concerns and involves the tax affairs of one or more natural persons, except where at least one of those natural persons is a high net worth individual.;

4. Paragraphs 1 and 2 shall not apply in a case where an advance ruling exclusively concerns and involves the tax affairs of one or more natural persons, except where at least one of those natural persons is a high net worth individual.;

Or. en

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point c a (new)

Directive 2011/16/EU

Article 8a – paragraph 5 – point a

Present text

Amendment

(a) in respect of information exchanged pursuant to paragraph 1 – without delay after the advance **cross-border** rulings or advance pricing arrangements have been

(ca) in paragraph 5, point a is replaced by the following:

“(a) in respect of information exchanged pursuant to paragraph 1 – without delay after the advance rulings or advance pricing arrangements have been issued,

issued, amended or renewed and at the latest three months following the end of the half of the calendar year during which the advance cross-border rulings or advance pricing arrangements were issued, amended or renewed;

amended or renewed and at the latest three months following the end of the half of the calendar year during which the advance cross-border rulings or advance pricing arrangements were issued, amended or renewed;”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point d – point i a (new)

Directive 2011/16/EU

Article 8a – paragraph 6 – point b

Present text

(b) a summary of the advance **cross-border** ruling or advance pricing arrangement, including a description of the relevant business activities or transactions or series of transactions and any other information that could assist the competent authority in assessing a potential tax risk, **without leading** to the disclosure of a commercial, industrial or professional secret or of a commercial process, or of information whose disclosure would be contrary to public policy;

Amendment

(ia) point b is replaced by the following:

“(b) a summary of the advance ruling or advance pricing arrangement, including a description of the relevant business activities or transactions or series of transactions, **all relevant direct and indirect tax implications such as the effective tax rates**, and any other information that could assist the competent authority in assessing a potential tax risk, **but omitting information that could lead** to the disclosure of a commercial, industrial or professional secret or of a commercial process, or of information whose disclosure would be contrary to public policy;”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 3 a – point a (new)

Directive 2011/16/EU

Article 8aa – paragraph 2

Present text

Amendment

2. The competent authority of a Member State where the country-by-country report was received pursuant to paragraph 1 shall, by means of automatic exchange and within the deadline laid down in paragraph 4, communicate the country-by-country report to any other Member State in which, on the basis of the information in the country-by-country report, one or more Constituent Entities of the MNE Group of the Reporting Entity are either resident for tax purposes or subject to tax with respect to the business carried out through a permanent establishment.

(3a) Article 8aa is amended as follows:

(a) paragraph 2 is replaced by the following:

“2. The competent authority of a Member State where the country-by-country report was received pursuant to paragraph 1 shall, by means of automatic exchange and within the deadline laid down in paragraph 4, communicate the country-by-country report to any other Member State in which, on the basis of the information in the country-by-country report, one or more Constituent Entities of the MNE Group of the Reporting Entity are either resident for tax purposes or subject to tax with respect to the business carried out through a permanent establishment.

The competent authority of the Member State where the country-by-country report was received pursuant to paragraph 1 shall also communicate that report to the competent services of the Commission, which is responsible for the centralised register of country-by-country reports. The Commission shall publish anonymised and aggregated country-by-country report statistics on an annual basis for all Member States.”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 3 a – point b (new)

Directive 2011/16/EU

Article 8aa – paragraph 3 – point a

Present text

Amendment

(a) **aggregate** information relating to

(b) in paragraph 3, point a is replaced by the following:

“(a) information relating to the amount

the amount of revenue, profit (loss) before income tax, income tax paid, income tax accrued, stated capital, accumulated earnings, number of employees, and tangible assets other than cash or cash equivalents with regard to each jurisdiction in which the MNE Group operates;

of revenue, profit (loss) before income tax, income tax paid, income tax accrued, stated capital, accumulated earnings, number of employees, and tangible assets other than cash or cash equivalents with regard to **each Constituent Entity of the MNE Group**, each jurisdiction in which the MNE Group operates;”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 38

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2011/16/EU

Article 8ab – paragraph 14 – point h a (new)

Text proposed by the Commission

Amendment

(4a) in Article 8ab, paragraph 14, the following point is added:

“(ha) the list of beneficiaries, updated on a yearly basis.”

Or. en

Amendment 39

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)

Directive 2011/16/EU

Article 8b – paragraph 1

Present text

Amendment

1. Member States shall provide the Commission on an annual basis with statistics on the volume of automatic exchanges under Articles 8(1), 8(3a), 8aa **and** 8ac and with information on the administrative and other relevant costs and benefits relating to exchanges that have taken place and any potential changes, for

(6a) in Article 8b, paragraph 1 is replaced by the following:

“1. Member States shall provide the Commission on an annual basis with **all relevant material information, including** statistics on the volume of automatic exchanges **as well as an assessment of the usability of the data being exchanged** under Articles 8(1), 8(3a), 8aa, 8ac **and** 8ad and with information on the

both tax administrations and third parties.

administrative and other relevant costs and benefits relating to exchanges that have taken place and any potential changes, for both tax administrations and third parties.”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 40

Proposal for a directive

Article 1 – paragraph 1 – point 6 b – point a (new)

Directive 2011/16/EU

Article 11 – paragraph 1 – subparagraph 2

Present text

The requested authority shall respond to a request in accordance with the first subparagraph within **60** days of the receipt of the request, to confirm its agreement or communicate its reasoned refusal to the requesting authority.

Amendment

(6b) *Article 11(1) is amended as follows:*

(a) *the second subparagraph is replaced by the following:*

“The requested authority shall respond to a request in accordance with the first subparagraph within **30** days of the receipt of the request, to confirm its agreement or communicate its reasoned refusal to the requesting authority.”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point 6 b – point b (new)

Directive 2011/16/EU

Article 11 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(b) *the following subparagraph is added:*

“In cases where a reasoned refusal is provided, the requesting authority may contact the competent authority again with additional elements, in order to

obtain an authorisation for its official to carry out the tasks referred to in paragraph 1, point (a), (b) or (c). The competent authority shall respond to that second request within 30 days of its receipt.”

Or. en

Amendment 42

Proposal for a directive

Article 1 – paragraph 1 – point 6 c – point a (new)

Directive 2011/16/EU

Article 12a – paragraph 1

Present text

1. The competent authority of one or more Member States may request the competent authority of another Member State (or other Member States) to conduct a joint audit. The requested competent authorities shall respond to the request for a joint audit within **60** days of the receipt of the request. ***The requested competent authorities may reject a request for a joint audit by the competent authority of a Member State on justified grounds.***

Amendment

(6c) Article 12a is amended as follows:

(a) paragraph 1 is replaced by the following:

“1. The competent authority of one or more Member States may request the competent authority of another Member State (or other Member States) to conduct a joint audit. The requested competent authorities shall respond to the request for a joint audit within **30** days of the receipt of the request.”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 43

Proposal for a directive

Article 1 – paragraph 1 – point 6 c – point b (new)

Directive 2011/16/EU

Article 12a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(b) the following paragraph is

inserted:

“1a. A request for a joint audit by a competent authority of a Member State may be rejected for any of the following reasons:

(a) the requested joint audit would involve carrying out enquiries or communicating information in breach of the legislation of the requested Member State;

(b) the requesting authority is unable, for legal reasons, to communicate information similar to what the requested Member State would be expected to provide during the joint audit.”

Where a requested authority rejects the request, it shall inform the requesting person or persons of which of the two grounds referred to in the first subparagraph the request was rejected on.”

Or. en

Amendment 44

Proposal for a directive

Article 1 – paragraph 1 – point 6 c – point c (new)

Directive 2011/16/EU

Article 12a – paragraph 5

Present text

Amendment

5. The audited person(s) shall be informed of the outcome of the joint audit, including a copy of the final report within **60** days of the issuance of the final report.

(c) paragraph 5 is replaced by the following:

“5. The audited person(s) shall be informed of the outcome of the joint audit, including a copy of the final report within **30** days of the issuance of the final report.”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 45

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point a

Directive 2011/16/EU

Article 16 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Information communicated between Member States in any form pursuant to this Directive shall be covered by the obligation of official secrecy and enjoy the protection extended to similar information under the national law of the Member State which received it. Such information may be used for the assessment, administration, and enforcement of the national law of Member States concerning the taxes referred to in Article 2 as well as VAT, other indirect taxes, customs duties **and** anti-money laundering and countering the financing of terrorism.

Amendment

Information communicated between Member States in any form pursuant to this Directive shall be covered by the obligation of official secrecy and enjoy the protection extended to similar information under the national law of the Member State which received it. Such information may be used for the assessment, administration, and enforcement of the national law of Member States concerning the taxes referred to in Article 2 as well as VAT, other indirect taxes, customs duties, anti-money laundering and **associated predicate offences**, countering the financing of terrorism **and targeted financial sanctions**.

Or. en

Amendment 46

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point b

Directive 2011/16/EU

Article 16 – paragraph 2 – subparagraph 1

Text proposed by the Commission

With the permission of the competent authority of the Member State communicating information pursuant to this Directive, and only in so far as this is allowed under the legislation of the Member State of the competent authority receiving the information, information and documents received pursuant to this Directive may be used for other purposes than those referred to in paragraph 1.

Amendment

In so far as this is allowed under the legislation of the Member State of the competent authority receiving the information, information and documents received pursuant to this Directive may be used for other purposes than those referred to in paragraph 1.

Or. en

Amendment 47

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point c

Directive 2011/16/EU

Article 16 – paragraph 7

Text proposed by the Commission

7. The competent authority of each Member State shall put in place an effective mechanism to ensure the assessment of data acquired through the reporting or the exchange of information under Articles 8 to 8ad within the scope of this Directive.;

Amendment

7. The competent authority of each Member State shall put in place an effective mechanism to ensure the assessment of ***the quality and completeness of*** data acquired ***and shared*** through the reporting or the exchange of information under Articles 8 to 8ad within the scope of this Directive ***as well as procedures for the systematic risk analysis of this information and for the systematic analysis of unmatched information exchanged pursuant to Articles 5 and 8.***

Or. en

Amendment 48

Proposal for a directive

Article 1 – paragraph 1 – point 7 a (new)

Directive 2011/16/EU

Article 17 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(7a) in Article 17, the following paragraph is inserted:

“4a. The possibility referred to in paragraph 4 of refusing the provision of information shall not apply if the requesting authority is able to demonstrate that the information will not be disclosed to the public and will only be used for the purpose of the assessment, management and control of the relevant tax affairs of the person or group of persons concerned by the request for information.”

Or. en

Amendment 49

Proposal for a directive

Article 1 – paragraph 1 – point 10 a (new)

Directive 2011/16/EU

Article 23 – paragraph 2

Present text

2. Member States shall communicate to the Commission any relevant information necessary for the evaluation of the effectiveness of administrative cooperation in accordance with this Directive in combating tax evasion and tax avoidance.

Amendment

(10a) In Article 23, paragraph 2 is replaced by the following:

“2. Member States shall communicate to the Commission any relevant information necessary for the evaluation of the effectiveness of administrative cooperation in accordance with this Directive in combating tax evasion and tax avoidance ***and they shall examine and evaluate the compliance costs that can result from a possible over-reporting situation. Member States shall communicate annually the results of their evaluation to the European Parliament and the Commission. A summary of those results shall be made public, taking into account taxpayers’ rights and confidentiality. The information shall not be disaggregated to such a level that it can be attributed to a single taxpayer.***”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 50

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2011/16/EU

Article 23 – paragraph 3

Text proposed by the Commission

3. Member States shall communicate to the Commission a yearly assessment of the effectiveness of the automatic exchange of information referred to in Articles 8, ***8a, 8aa and 8ab*** as well as the practical results achieved. The Commission

Amendment

3. Member States shall communicate to the Commission a yearly assessment of the effectiveness of the ***exchange of information on request referred to in Articles 5, 6 and 7 and of the*** automatic exchange of information referred to in

shall, by means of implementing acts, adopt the form and the conditions of communication for that yearly assessment. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 26(2).

Articles 8 to 8ad, *the degree of cooperation with third countries*, as well as the practical results achieved, *including the incremental tax revenues associated with administrative cooperation. The information communicated shall be disaggregated by the Commission, as a minimum to a country-by-country level.* The Commission shall, by means of implementing acts, adopt the form and the conditions of communication for that yearly assessment. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 26(2).

Or. en

Amendment 51

Proposal for a directive

Article 1 – paragraph 1 – point 11 a – point a (new)

Directive 2011/16/EU

Article 23a – paragraph 1

Present text

1. Information communicated to the Commission pursuant to this Directive shall be kept confidential *by the Commission in accordance with the provisions applicable to Union authorities and may not be used for any purposes other than those required to determine whether and to what extent Member States comply with this Directive.*

Amendment

(11a) Article 23a is amended as follows:

(a) paragraph 1 is replaced by the following:

“1. Information communicated to the Commission pursuant to this Directive shall be kept confidential, *insofar, as its non-disclosure does not harm public interest, the information can be attributed to a single taxpayer and its disclosure would infringe taxpayers’ rights.*”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 52

Proposal for a directive

Article 1 – paragraph 1 – point 11 a – point b – point i (new)

Present text

2. Information communicated to the Commission by a Member State under Article 23, as well as any report or document produced by the Commission using such information, may be transmitted to other Member States. Such transmitted information shall be covered by the obligation of official secrecy and enjoy the protection extended to similar information under the national law of the Member State which received it.

Amendment

(b) paragraph 2 is amended as follows:

(i) first subparagraph is replaced by the following:

“2. Information communicated to the Commission by a Member State under Article 23, as well as any report or document produced by the Commission using such **attributable** information, may be transmitted to other Member States. Such transmitted information shall be covered by the obligation of official secrecy and enjoy the protection extended to similar information under the national law of the Member State which received it.”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 53

Proposal for a directive

Article 1 – paragraph 1 – point 11 a – point b – point ii (new)

Directive 2011/16/EU

Article 23a – paragraph 2 – subparagraph 2

Present text

Reports and documents produced by the Commission, referred to in the first subparagraph, may be used by Member States only for analytical purposes, and shall **not be published or made available to any other person or body without the express agreement of the** Commission.

Amendment

(ii) the second subparagraph is replaced by the following:

“Reports and documents produced by the Commission, referred to in the first subparagraph, may be used by Member States only for analytical purposes, and shall **be accessible to all interested parties and subsequently be public, insofar as the information they contain is not attributable to a single taxpayer, and their disclosure complies with Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and**

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 54

Proposal for a directive

Article 1 – paragraph 1 – point 11 a – point b – point iii (new)

Directive 2011/16/EU

Article 23a – paragraph 2 – subparagraph 3

Present text

Notwithstanding the first and second subparagraphs, the Commission may publish annually anonymised summaries of the statistical data that Member States communicate to it in accordance with Article 23(4).

Amendment

(iii) the third subparagraph is replaced by the following:

“The Commission *shall* publish annually anonymised summaries of the statistical data that Member States communicate to it in accordance with Article 23(4).”

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 55

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2011/16/EU

Article 25a – paragraph 3 – subparagraph 1

Text proposed by the Commission

In cases of failure to report after 2 administrative reminders or when the provided information contains incomplete, incorrect or false data, amounting to more than 25 % of the information that should have been reported in accordance with the information set forth in *Annex VI, Section II, subparagraph (B)*, Member States shall ensure that the penalties that can be applied include at least the following minimum pecuniary penalties.

Amendment

In cases of failure to report after 2 administrative reminders or when the provided information contains incomplete, incorrect or false data, amounting to more than 25 % of the information that should have been reported in accordance with the information set forth in *the Annexes*, Member States shall ensure that the penalties that can be applied include at least the following minimum pecuniary penalties.

Amendment 56**Proposal for a directive****Article 1 – paragraph 1 – point 13 a (new)**

Directive 2011/16/EU

Article 27 – paragraph 1

Present text

1. Every five years after 1 January 2013, the Commission shall submit a report on the application of this Directive to the European Parliament and to the Council.

Amendment

(13a) In Article 27, paragraph 1 is replaced by the following:

“1. Every five years after 1 January 2013, the Commission shall submit a report on the application of this Directive to the European Parliament and to the Council. ***The report shall be accompanied by specific proposals, including legislative proposals, for the improvement of this Directive.***”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 57**Proposal for a directive****Article 1 – paragraph 1 – point 14**

Directive 2011/16/EU

Article 27 – paragraph 2

Text proposed by the Commission

2. Member States shall monitor and assess in relation to their jurisdiction, the effectiveness of administrative cooperation in accordance with this Directive in combatting tax evasion and tax avoidance and shall communicate the results of their assessment to the Commission once a year.

Amendment

2. Member States shall monitor and assess in relation to their jurisdiction, the effectiveness of administrative cooperation in accordance with this Directive in combatting tax evasion and tax avoidance and shall communicate the results of their assessment to the ***European Parliament and to the*** Commission once a year.

Or. en

Amendment 58

Proposal for a directive

Article 1 – paragraph 1 – point 14 a (new)

Directive 2011/16/EU

Article 27 – paragraph 2 a (new)

Present text

Amendment

(14a) In Article 27, the following paragraph is inserted:

“2a. For the purposes of paragraph 2 of this Article, the Commission shall adopt a common framework for measuring the impact and the costs and benefits of this Directive in accordance with the procedure referred to in Article 26(2).”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 59

Proposal for a directive

Article 1 – paragraph 1 – point 15 a (new)

Directive 2011/16/EU

Article 27c – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(15a) In Article 27c, the following paragraph is inserted:

“2a. By January 2026, the Commission shall assess whether it is desirable to introduce a European TIN. The Commission may submit, if appropriate, a legislative proposal to the European Parliament and the Council in the case of a positive assessment.”

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 60

Proposal for a directive

Annex I – paragraph 1 – point 1 – point a – point i

Directive 2011/16/EU

ANNEX I – Section I – point A – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) whether the account is a joint account, including the number of joint Account Holders.

(c) whether the account is a joint account, including the number of joint Account Holders **and the share of each Account Holder.**

Or. en

Amendment 61

Proposal for a directive

Annex I – paragraph 1 – point 1 – point a – point ii a (new)

Directive 2011/16/EU

ANNEX I – Section I – point A – subparagraph 7 a (new)

Text proposed by the Commission

Amendment

(ii a) the following subparagraph is added:

“7a. in the event that the Reporting Financial Institution has no account to be reported under this Directive, a nil return, including an explanation of why the financial institution is not reporting any information.”

Or. en

Amendment 62

Proposal for a directive

Annex I – paragraph 1 – point 1 – point c a (new)

Directive 2011/16/EU

ANNEX I – Section I – point F a (new)

Text proposed by the Commission

Amendment

(ca) the following point is added:

“Fa. Each Non-Reporting Financial Institution shall submit to the competent

authority of its Member State a nil return, including an explanation of why the financial institution is not reporting any information or information on which other Financial Institution is doing the reporting on its behalf.”

Or. en

Amendment 63

Proposal for a directive

Annex I – paragraph 1 – point 1 a (new)

Directive 2011/16/EU

ANNEX I – Section V – point A

Text proposed by the Commission

Amendment

(1a) *in Section V, point A is deleted.*

Or. en

Amendment 64

Proposal for a directive

Annex I – paragraph 1 – point 1 b (new)

Directive 2011/16/EU

ANNEX I – Section V – point B

Present text

Amendment

B. Entity Accounts Subject to Review. A Pre-existing Entity Account *that has an aggregate account balance or value that exceeds, as of 31 December 2015, an amount denominated in the domestic currency of each Member State that corresponds to USD 250 000, and a Pre-existing Entity Account that does not exceed, as of 31 December 2015, that amount but the aggregate account balance or value of which exceeds such amount as of the last day of any subsequent calendar year*, must be reviewed in accordance with the procedures set forth in paragraph D.

(1b) *In Section V, point B is replaced by the following:*

“B. Entity Accounts Subject to Review. A Pre-existing Entity Account must be reviewed in accordance with the procedures set forth in paragraph D.”

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011L0016-20230101>

Amendment 65

Proposal for a directive

Annex I – paragraph 1 – point 4 – point a

Directive 2011/16/EU

ANNEX I – Section VIII – point A – subparagraph 6 – point b

Text proposed by the Commission

(b) the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets or Reportable Crypto-Assets, if the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, Specified Insurance Company or an Investment Entity described in subparagraph A(6), point (a).

Amendment

(b) the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets or Reportable Crypto-Assets, if the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, Specified Insurance Company or an Investment Entity described in subparagraph A(6), point (a) **or an individual**.

Or. en

Amendment 66

Proposal for a directive

Annex I – paragraph 1 – point 4 – point e a (new)

Directive 2011/16/EU

ANNEX I – Section VIII – point C – subparagraph 17 – point b

Text proposed by the Commission

Amendment

(ea) in subparagraph 17, point b is deleted.

Or. en

Amendment 67

Proposal for a directive

Annex I – paragraph 1 – point 4 – point e b (new)

Directive 2011/16/EU

ANNEX I – Section VIII – point C – subparagraph 17 – point e – point ii

Text proposed by the Commission

Amendment

(eb) in subparagraph 17, point ii of point e is deleted.

Or. en

EXPLANATORY STATEMENT

As rapporteur for the Parliament, I'm particularly satisfied that our hard work over the past few years on exchange of information is being paid off. The recommendations issued during this current mandate on the improvements needed in the DAC framework, including in the Parliament's position in DAC7 and the DAC Implementation Report, have been partially taken on board by the European Commission in its DAC8 proposal. This showcases the growing and increasingly important role of the European Parliament in European tax legislation. In my draft report I have looked at those recommendations not yet taken on board by the European Commission and integrated them in the DAC framework.