



Council of the
European Union

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13445/15

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion, on behalf of the Union, of the Amending Protocol to the Agreement between the European Community and the Republic of San Marino providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments

COUNCIL DECISION (EU) 2015/...

of ...

**on the conclusion, on behalf of the Union,
of the Amending Protocol to the Agreement between
the European Community and the Republic of San Marino
providing for measures equivalent to those laid down
in Council Directive 2003/48/EC on taxation of savings income
in the form of interest payments**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 115 in conjunction with Article 218(6)(b) and the second subparagraph of Article 218(8),

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament¹,

¹ Opinion of..., OJ C , , p. . [(not yet published in the Official Journal)].

Whereas:

- (1) In accordance with Decision (EU) 2015/...^{1*}, the Amending Protocol to the Agreement between the European Community and the Republic of San Marino providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments (the "Amending Protocol") was signed on ...^{**} 2015, subject to its conclusion at a later date.
- (2) The text of the Amending Protocol, which is the result of negotiations, duly reflects the negotiating directive issued by the Council as it aligns the Agreement between the European Community and the Republic of San Marino providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments² (the "Agreement") with the latest developments at international level concerning automatic exchange of information, namely, with the Global Standard for automatic exchange of financial account information in tax matters developed by the Organisation for Economic Cooperation and Development (OECD). The Union, the Member States and the Republic of San Marino have actively participated in the work of the Global Forum of the OECD for supporting the development and implementation of that Standard. The text of the Agreement, as amended by this Amending Protocol, is to be the legal basis for implementing the Global Standard in the relations between the Union and the Republic of San Marino.

1

OJ...

*

OJ: Please insert the number of the decision contained in document 13447/15 and complete the corresponding footnote.

**

OJ: Please insert the date of signature of the Amending Protocol.

2

OJ L 381, 28.12.2004, p. 33.

- (3) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001.
- (4) The Amending Protocol should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Amending Protocol to the Agreement between the European Community and the Republic of San Marino providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments is hereby approved on behalf of the Union.^{1*}

Article 2

1. The President of the Council shall, on behalf of the Union, give the notification provided for in Article 2(1) of the Amending Protocol.
2. The Commission shall notify the Republic of San Marino and the Member States of the notifications received in accordance with Article 1(1)(d) of the Agreement as resulting from the Amending Protocol.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at ...,

For the Council

The President

¹ The text of the Amending Protocol has been published in ... together with the decision on signature and provisional application.

* OJ: Please fill in the OJ reference in the footnote.