



Council of the
European Union

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'I/A' ITEM NOTE

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| From: | General Secretariat of the Council |
| To: | Permanent Representatives Committee (Part 2)/Council |
| No. Cion doc.: | 10978/16 FISC 120 - COM(2016) 452 final |
| Subject: | Proposal for a Council Directive amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities - General approach |

1. On 6 July 2016 the Commission transmitted to the Council the abovementioned proposal¹.
2. The purpose of this legislative proposal is to enhance tax transparency and to strengthen the cooperation between tax authorities across the European Union, by enabling tax authorities to consistently access the anti-money-laundering information for the performance of their duties in monitoring the proper application of Directive 2011/16/EU on Administrative Cooperation in the field of taxation by financial institutions.
3. The opinion of the European Economic and Social Committee was delivered on 19 October 2016 and the opinion of the European Parliament on this Commission proposal is expected to be delivered soon.

¹ 10978/16 FISC 120

4. The Slovak Presidency has prioritized work on this legislative proposal.
 5. The proposal was discussed at two meetings of the Working Party on Tax Questions (on 19 July 2016 and 6 September 2016) and, as a result of those discussions, the Presidency submits a compromise text which is set out in 12041/1/16 REV 1. Since agreement could be noted on the substance at the level of the Group, the Presidency intends to submit the file to Coreper/Council as a "I/A" item.
 6. A joint statement of the Council and of the Commission to be entered in the minutes of Coreper and Council was agreed, as set out in the Annex to this note.
 7. The Permanent Representatives Committee is therefore invited to suggest that the Council agree on a general approach on the Directive on the basis of the compromise text set out in 12041/1/16 REV 1, with a view to adopting the Directive, subject to legal-linguistic revision and to receiving the opinion of the European Parliament, as an "A" item on the agenda of one of its forthcoming meetings.
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Statement by the Council and the Commission

To be entered in the Minutes of Coreper of 4 November 2016

and ECOFIN of 8 November 2016

The Undersigned welcome the general approach reached by the Council on the Directive amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities. In order to make such access efficient and up-to-date, the Undersigned are of the opinion that Directive 2011/16/EC should be further revised and amended in the future, in order to take stock of the results of the ongoing revision of Directive (EU) 2015/849 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing, especially as regards automated centralised mechanisms such as central registries or central electronic data retrieval systems.
