



Council of the
European Union

Brussels, 21 November 2016
(OR. en)

14134/16
ADD 1

PV/CONS 54
ECOFIN 1010

DRAFT MINUTES

Subject: **3495th** meeting of the Council of the European Union
(Economic and Financial Affairs),
held in Brussels on 8 November 2016

PUBLIC DELIBERATION ITEMS¹

Page

LEGISLATIVE DELIBERATIONS

"A" ITEMS (13907/16 PTS A 83)

1. Draft amending budget No 4 to the general budget for 2016: Update of appropriations to reflect the latest developments on migration and security issues, reduction of payment and commitment appropriations as a result of the Global Transfer, extension of EFSI, modification of the staff establishment plan of Frontex and update of revenue appropriations (Own resources) 3
2. Draft amending budget No 5 to the general budget for 2016: Implementation of the Own Resources Decision No 2014/335/EU further to the closing of the ratification process and its entry into force on 1 October 2016 3
3. Proposal for a Council Directive amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities 4

"B" ITEMS (13906/16 OJ CONS 53 ECOFIN 987)

3. Building a fair, competitive and stable corporate tax system for the EU 4
4. Anti-Money Laundering Directive 5
 - Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and amending Directive 2009/101/EC [First reading]
5. Any other business 5
 - Current financial service legislative proposals

*

* *

¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

"A" ITEMS

- Draft amending budget No 4 to the general budget for 2016: Update of appropriations to reflect the latest developments on migration and security issues, reduction of payment and commitment appropriations as a result of the Global Transfer, extension of EFSI, modification of the staff establishment plan of Frontex and update of revenue appropriations (Own resources)**

13331/1/16 REV 1 FIN 663 PE-L 60

approved by Coreper, Part 2, on 26.10.2016

The Council adopted its position on the draft amending budget No 4/2016 as set out in

13331/1/16 REV 1, by a qualified majority with the UK delegation abstaining, and added the following statements.

Statement by the Council on DAB No 4/2016

"With agreeing to draft amending budget No 4/2016 and the frontloading of the EUR 73.9 million for the provisioning of the EFSI Guarantee Fund, the Council does not pre-empt any decision on Commission proposal COM(2016) 597 final on the extension of the duration of EFSI until 2020. The Council considers this amount to be part-financing of the already agreed EFSI package in 2015."

Statement by the Council on fines

"Due to the specific circumstances characterising amending budget No 4/2016, the Council takes note that the fines which have already become definitive are not entered into the budget as budgetary revenue. The Council recalls the importance of fines being entered into the budget as budgetary revenue as soon as possible and at the latest in the year following the exhaustion of all legal remedies, in accordance with Article 83 of the Financial Regulation and its rules of application.

The Council invites the Commission to inform the European Parliament and the Council as regularly as possible about fines which may be recorded as budgetary revenue, with a view to improving the predictability of Member States' contributions."

- Draft amending budget No 5 to the general budget for 2016: Implementation of the Own Resources Decision No 2014/335/EU further to the closing of the ratification process and its entry into force on 1 October 2016**

13333/1/16 REV 1 FIN 665 PE-L 61

approved by Coreper, Part 2, on 26.10.2016

The Council adopted its position on the draft amending budget No 5/2016 as set out in

13333/1/16 REV 1, by a qualified majority.

3. Proposal for a Council Directive amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities

= General approach

12020/2/16 REV 2 FISC 132 ECOFIN 781

12041/1/16 REV 1 FISC 133 ECOFIN 782

approved by Coreper, Part 2, on 04.11.2016

The Council agreed on a general approach on the Directive on the basis of the compromise text set out in 12041/1/16 REV 1.

Statement by the Council and the Commission

"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."

"B" ITEMS

3. Building a fair, competitive and stable corporate tax system for the EU

= Presentation by the Commission and exchange of views

13729/16 FISC 169

13730/16 FISC 170 IA 99

+ ADD 1

13731/16 FISC 171

+ ADD 1

13732/16 FISC 172 IA 100

+ ADD 1

13733/16 FISC 173

+ ADD 1

Following a presentation by the Commission of the Communication and the four legislative proposals composing the package, the Council had a first exchange of views on these elements.

4. Anti-Money Laundering Directive

- **Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and amending Directive 2009/101/EC (First reading)**
- = State of play

The Council discussed the state of play of the Anti-Money Laundering Directive, reconfirming the intention to reach a negotiating mandate before the end of 2016.

5. Any other business

- **Current financial service legislative proposals**
- = Information from the Presidency
13877/16 EF 323 ECOFIN 982

The Council took note of the state of play in relation to financial service legislative proposals.

