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Plenary sitting

A7-0396/2012

4.12.2012

RECOMMENDATION

on the proposal for a Council decision authorising enhanced cooperation in the area of the creation of financial transaction tax
(COM(2012)0631 – C7-0396/2012 – 2012/0298(APP))

Committee on Economic and Monetary Affairs

Rapporteur: Anni Podimata

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.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council decision authorising enhanced cooperation in the area of the creation of financial transaction tax
(COM(2012)0631 – C7-0396/2012 – 2012/0298(APP))**

(Consent)

The European Parliament,

- having regard to the proposal for a Council decision authorising enhanced cooperation in the area of financial transaction tax (COM(2012)0631),
 - having regard to the request for consent submitted by the Council in accordance with Article 329(1) of the Treaty on the Functioning of the European Union (C7-0396/2012),
 - having regard to Rules 74g and 81(1) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Economic and Monetary Affairs (A7-0396/2012),
- A. whereas on 28 September 2011, the Commission adopted a proposal for a Council Directive on a common system of financial transaction tax (FTT) and amending Directive 2008/7/EC¹,
- B. whereas that proposal was based on Article 113 of the Treaty on the Functioning of the European Union (TFEU), which requires consultation of Parliament and a unanimous vote in the Council,
- C. whereas in its position of 23 May 2012 on that proposal, Parliament, acting in accordance with the consultation procedure, approved the Commission proposal as amended,
- D. whereas it quickly became clear that some Member States had specific problems which made it impossible for them to accept the proposed directive,
- E. whereas several Member States indicated their readiness to consider the possibility of establishing a common system of FTT within the framework of enhanced cooperation,
- F. whereas more than nine Member States have indicated their intention to establish enhanced cooperation between themselves in the area of the creation of a common system of FTT by addressing a request to the Commission in accordance with Article 329(1) TFEU; whereas the Commission subsequently presented a proposal for a Council decision authorising enhanced cooperation,
- G. whereas Parliament has verified compliance with Article 20 of the Treaty on European Union (TEU),

¹ Council Directive 2008/7/EC of 12 February 2008 concerning indirect taxes on the raising of capital (OJ L, 21.2.2008, p. 11).

- H. whereas Parliament, in its position of 23 May 2012, stated that FTT will truly achieve its objectives if introduced at a global level, and highlighted the importance of the Union to lead efforts to reach agreement on FTT at a global level by means of setting an example for the introduction of FTT; whereas enhanced cooperation is also likely to set an example for the introduction of FTT at a global level,
- I. whereas Parliament, in its position of 23 May 2012, stated that the model for FTT proposed by the Commission would be a suitable basis for implementation within a group of Member States should they choose to move faster by means of enhanced cooperation,
- J. whereas the Commission should complement the initial impact assessment on the introduction of FTT by further examining the impact of FTT under enhanced cooperation on the internal market as a whole, including the effects for participating and non-participating Member States, and should consider the results of the examination when drafting its revised draft proposal,
- K. whereas, pursuant to Article 20 TEU, a minimum of nine Member States may establish enhanced cooperation between themselves within the framework of the Union's non-exclusive competences, while using its institutions and exercising those competences by applying the provisions of the Treaties in a legally consistent manner,
- L. whereas such enhanced cooperation in regard to FTT may be regarded as furthering the Union's objectives, protecting its interests and reinforcing its integration process within the meaning of Article 20 TEU,
- M. whereas the requirements of Articles 326 to 334 TFEU are also satisfied,
- N. whereas enhanced cooperation respects the rights, competences and obligations of the non-participating Member States, inasmuch as the possibility of raising harmonised FTT on the territories of the participating Member States affects neither the ability of non-participating Member States to maintain or introduce similar taxation at a national level, nor the conditions for raising such taxes on their territories,
- O. whereas Article 328(1) TFEU provides that enhanced cooperation is to be open at any time to all Member States that wish to participate; whereas the Commission and the Member States participating in the enhanced cooperation should promote and encourage, from the outset and on an ongoing basis, the participation of as many Member States as possible,
- P. whereas existing Union law, in particular the Council Directive 2008/7/EC, must be complied with,
- Q. whereas Parliament's consent in regard to the Commission's proposal concerns enhanced cooperation and does not prejudice which Member States will participate,
- R. whereas Article 333(2) TFEU allows those Member States participating in enhanced cooperation to adopt a decision stipulating that it will act under the ordinary legislative procedure, rather than the special legislative procedure provided for in Article 113 TFEU, under which Parliament is merely consulted,

- S. whereas the Commission should closely monitor the implementation of FTT with regard to Articles 326 and 327 TFEU and should report regularly to Parliament and to the Council,
1. Consents to the draft Council decision, without prejudice to which Member States participate;
 2. Calls on the Council to adopt a decision pursuant to Article 333(2) TFEU, stipulating that, when it comes to the proposal for a Council Directive implementing enhanced cooperation in the area of FTT pursuant to Article 113 TFEU, it will act under the ordinary legislative procedure;
 3. Instructs its President to forward its position to the Council and the Commission.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	29.11.2012
Result of final vote	+ : 32 - : 6 0 : 1
Members present for the final vote	Burkhard Balz, Jean-Paul Basset, Sharon Bowles, Udo Bullmann, Leonardo Domenici, Diogo Feio, Markus Ferber, Elisa Ferreira, Jean-Paul Gauzès, Sven Giegold, Sylvie Goulard, Liem Hoang Ngoc, Jürgen Klute, Philippe Lamberts, Werner Langen, Arlene McCarthy, Ivari Padar, Alfredo Pallone, Anni Podimata, Antolín Sánchez Presedo, Peter Simon, Theodor Dumitru Stolojan, Kay Swinburne, Sampo Terho, Marianne Thyssen, Ramon Tremosa i Balcells, Corien Wortmann-Kool, Pablo Zalba Bidegain
Substitute(s) present for the final vote	Marta Andreasen, Lajos Bokros, Vicky Ford, Ashley Fox, Roberto Gualtieri, Sophia in 't Veld, Mojca Kleva Kekuš, Thomas Mann, Gianni Pittella, Nils Torvalds, Emilie Turunen
Substitute(s) under Rule 187(2) present for the final vote	Jan Kozłowski, Edvard Kožušník