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og deres stedfortrædere

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Til underretning for Folketingets Europaudvalg vedlægges Finansministeriets
redegørelse for rådsmøde (ECOFIN) den 7. december 2004.

P. H. Orskov



14. december 2004

12 CHM

Referat fra rådsmødet (ECOFIN) den 7. december 2004

Dagsordenspunkt: Stabilitets- og Vækstpagten – Statistik for offentlige finanser i Grækenland

Kommissionen præsenterede sin meddelelse vedrørende årsagerne til revisionerne af den græske budgetstatistik.

Rådet vedtog konklusioner (vedlagt), der bl.a. konstaterer, at det græske budgetunderskud har ligget over referenceværdien på 3 pct. af BNP siden 1997 og udtrykker, at omfanget af revisionerne af græsk statistik er alvorligt i forhold til den samlede troværdighed af den multilaterale overvågning. Grækenland bærer et hovedansvar for sagen, men konklusionerne nævner, at også Eurostat, Kommissionen, ECB, EFC og Rådet kunne have gjort mere for henholdsvis at påpege problemerne og være mere opmærksomme på statistikspørgsmål.

Rådet noterede endvidere, at Kommissionen agter at indlede en traktatkrænkelsesprocedure mod Grækenland som en konsekvens af landets ukorrekte statistikindberetninger. På rådsmødet (ECOFIN) i januar 2005 ventes en generel drøftelse af tiltag, som kan forebygge fremtidige statistikproblemer.

Dagsordenspunkt: Kommissionens og ECB's konvergensrapporter for 2004

Kommissionen og Den Europæiske Centralbank præsenterede hver deres konvergensrapporter for 2004. Ministrene tog præsentationen til efterretning og noterede sig, at trods betydelige fremskridt er der ingen af de nye medlemslande, der lever op til konvergenskriterierne.

Dagsordenspunkt: De finansielle perspektiver for 2007-2013

Ministrene havde på baggrund af formandskabets indledende spørgsmål en drøftelse af de overordnede budgetmæssige konsekvenser af byggeklostilgangen samt budgetmæssige aspekter af de enkelte udgiftskategorier med henblik på Det Europæiske Råds drøftelse.

Ministrene udtrykte tilfredshed med byggeklodsmetoden, idet den havde klargjort forhandlingerne og medlemslandenes forskellige positioner. Nogle medlemsstater støttede Kommissionens forslag, medens andre ønskede at begrænse udgifterne til maksimalt 1 pct. af BNI. Der var bred enighed om, at samhørighedspolitikken skal tage hensyn til de nye medlemsstater.

Dagsordenspunkt: EU's strategi vedrørende bekæmpelse af terrorfinansiering

EU's anti-terrorkoordinator, Gijs de Vries, præsenterede EU's strategi for bekæmpelse af finansiering af terrorisme, som indeholder en status og anbefalinger til yderligere tiltag til bekæmpelse af terrorfinansiering.

Rådet tog præsentationen til efterretning.

Dagsordenspunkt: Hvidvaskning af penge

Rådet opnåede politisk enighed om direktivet om forebyggende foranstaltninger mod anvendelse af det finansielle system til hvidvask af penge og terrorfinansiering (3. hvidvaskdirektiv).

Formel vedtagelse af direktivet ventes at finde sted på et kommende rådsmøde som a-punkt efter, at Europaparlamentet har taget stilling til sagen.

Dagsordenspunkt: Finansielle tjenesteydelser – Direktiv om kapitalkrav til kreditinstitutter og investeringsselskaber (Basel II)

Rådet opnåede politisk enighed om direktiverne vedrørende kapitalkrav til kreditinstitutter og investeringsselskaber (Basel II), der indgår som en del af den finansielle handlingsplan fra 1998.

Formel vedtagelse af direktivet ventes at finde sted på et kommende rådsmøde som a-punkt efter, at Europaparlamentet har taget stilling til sagen.

Dagsordenspunkt: Finansielle tjenesteydelser – Direktiv om revision af årsregnskaber og koncernregnskaber

Rådet opnåede politisk enighed om direktivet vedrørende lovpligtig revision af regnskaber og koncernregnskaber (8. selskabsdirektiv).

Formel vedtagelse af direktivet ventes at finde sted på et kommende rådsmøde som a-punkt efter, at Europaparlamentet har taget stilling til sagen.

Dagsordenspunkt: Bedre regulering – opfølgning på fælles initiativ om reform af reguleringen

Formandskabet gav en status for arbejdet med bedre regulering. Det kommende formandskab (Luxembourg) oplyste, at man ville arbejde videre med sagen.

Dagsordenspunkt: Direktiv om nedsat moms

Rådet noterede, at de to kommende formandskaber (Luxembourg og UK) vil prioritere arbejdet med direktivet om nedsat moms og snarest muligt fremlægge et arbejdsprogram herfor.

Dagsordenspunkt: Direktiv om grænseoverskridende salg af tjenesteydelser til erhvervs kunder

Rådet drøftede direktivet vedrørende grænseoverskridende salg af tjenesteydelser til erhvervs kunder herunder spørgsmålet om leasing af køretøjer. Punktet ventes at blive behandlet igen under det kommende formandskab.

A-punkter

Rådet vedtog uden drøftelse følgende a-punkter: direktiv om fusionsskat, rentebeskatningsaftale med Monaco, finansiel assistance til Serbien, Montenegro, Bosnien og Hercegovina, kvartalsvise nationalregnskaber, adfærdskodeks til voldgiftskonventionen, adfærdskodeks for selskabsbeskatning (se vedlagte rådskonklusioner), sager om momsundtagelser for UK, Frankrig, Spanien og Italien, rapport vedrørende finansiel regulering, tilsyn og stabilitet (se vedlagte rådskonklusioner) samt forlængelse af mandat for EU Joint Transfer Pricing Forum (se vedlagte rådskonklusioner).

Diverse

Ministrene havde under frokosten en drøftelse af Kommissionens rapport vedrørende alkoholafgifter.

Endvidere drøftede ministrene EU's procedure i forhold til 'Clearing House', herunder indefrysning af personers og organisationers midler, som et led i bekæmpelse af terrorfinansiering.

Bilag

Rådskonklusioner vedrørende græsk budgetdata

“The figures on the budget deficit and public debt of Greece for the period since 1997, as set out in the final report by Eurostat, confirm that, on the basis of ESA95, the budget deficits have been consistently above the reference value since 1997 and that the debt to GDP ratio has not diminished and approached the reference value as required by Article 104 of the Treaty. The Council acknowledges the initiative of the Greek government and its close co-operation with Eurostat to settle long-standing open questions on budget statistics and to bring them in line with the ESA 95 requirements. The scope and size of the past revisions in the Greek case are unprecedented and very serious, particularly as regards the overall credibility of the multilateral surveillance framework.

Reliable and timely statistics are essential for economic policy-making and multilateral surveillance and a crucial precondition for effective Council decision-making. The ministers therefore welcome the Commission report on accountability, which sets out the Commission's analysis of responsibility for the persistent failings in the provision and verification of accurate data.

First, the report makes it clear that the Greek statistical authorities have for a long time not provided accurate information to Eurostat. They also suffered from a serious lack of capacity to provide the required data. Ministers urge the Greek authorities to draw the necessary conclusions.

Second, the Council regards it as another serious cause for concern that, as the report acknowledges, Eurostat validated the critical March 2000 EDP notification data of Greece, in spite of significant open issues related to the fiscal data.

Third, the Commission's and the ECB's Convergence Reports failed to emphasise to the Council potential problems with regard to Greek budgetary statistics.

Fourth, while it is the primary responsibility of the Commission to assess the data provided by Member States, the EFC and the Council could have paid greater attention to the quality of the data reported by each government.

The Council takes note of the Commission's decision to launch an infringement procedure as a practical consequence of its accountability report.

The Council will return to the issue of how to improve the governance in the European statistical system early next year.”

Rådskonklusioner vedrørende adfærdskodeks for selskabsbeskatning

"The Council

Welcomes the progress achieved by the Code of Conduct Group (Business Taxation) as set out in its report (doc. 15317/04 FISC 249).

Notes that the descriptions in Annex 2 of doc. 15317/04 FISC 249 form an agreed basis for the evaluation of rollback.

Notes that the Code of Conduct Group has considered the proposed revised or replacement measures of the measures mentioned in annex 2 (B) of doc. 15317/04 FISC 249 against the established criteria of the Code of Conduct and has found that none of these are harmful within the meaning of the Code.

Agrees that the proposed revised or replacement measures mentioned in Annex 2 (B) of doc. 15317/04 FISC 249 are adequate to achieve rollback of all the harmful features of the measures.

Agrees to an extension of benefits beyond the end of 2005 as set out in paragraph 37 of the Code of Conduct Group's report (doc. 15317/04 FISC 249).

Asks the Group to continue monitoring standstill and the implementation of rollback and report to the Council before the end of the Luxembourg Presidency."

Rådskonklusioner vedrørende finansiel regulering, tilsyn og stabilitet

"The Council reviewed the various recommendations of the 2002 EFC Report on financial regulation, **supervision** and stability. It welcomes the progress achieved in the follow-up to these particularly in three areas:

The Extension of the Lamfalussy Framework to all sectors

The Council welcomes especially the establishment of the Committee of European Banking Supervisors (CEBS) and the Committee of European Insurance and Occupational Pensions Supervisors (CEIOPS). It notes that the new committees are already contributing to regulatory preparations, supervisory co-operation, convergence of supervisory practices, and the assessment of financial stability. It notes that the new committees have established general principles of co-operation and encourages them to ensure co-ordinated approaches where necessary. The Council welcomes also the Commission's continued efforts towards further improvements to the Lamfalussy framework by enhancing transparency and involving relevant parties in the legislative process. The Council expects the extension of the Lamfalussy structure to all financial sectors be implemented rapidly after its formal adoption.

In the light of the ongoing developments and trends in EU financial markets, and considering that the committee structure at level 3 does not cover explicitly financial conglomerates, the Council invites the Financial Conglomerates Committee and the Commission to clarify how advice on financial conglomerates will be provided in the regulatory process.

Financial Services Committee

The Council welcomes the substantial value added to date by the FSC in providing strategic reflection, oversight and advice on a range of issues, including, in particular, on the future financial integration strategy, and on stability and crisis management, which has helped Ministers to determine further policy actions. The ongoing developments in the financial markets will impact on the workload ahead, which will require considerable efforts by finance ministries and the FSC. The Commission and FSC members are invited to ensure that necessary expertise in the various relevant areas of FSC's work is being provided.

For the FSC's future work, the Council suggests that it should focus in 2005 on: (i) continuing to improve the arrangements for crisis management, by developing, in cooperation with representatives of

the central banks and supervisors, a proposal for a Memorandum of Understanding on crisis management and a crisis simulation exercise; (ii) providing strategic overview on how the EU framework for financial regulation and supervision should be developed over the next few years from the finance ministries' viewpoint; and (iii) assessing the Commission's forthcoming Communication outlining its future financial services strategy.

The EFC's Financial Stability Table

The Council also welcomes the regular assessments of financial stability and recommendations for policy action in key areas of work undertaken regularly by the EFC in its Financial Stability Table format. This format usefully brings together high-level representatives of EU finance ministries, central banks and supervisors, as well as the Commission.

Considering the ongoing developments in the EU's financial markets, the Council invites the relevant parties, particularly the level 3 committees, in their joint assessments, to cover cross-border and cross-sector issues in a systematic and comprehensive manner.

The Council invites the EFC to continue to report on these issues at least on a semi-annual basis to the informal meetings of ministers and central bank governors.

Next steps

Finally, in light of the review presented above, the Council reaffirms the need for a thorough evaluation of the Lamfalussy framework's application to all sectors when substantial experience with the framework has been gained. In this context, the Council recalls that all elements of the Lamfalussy framework shall be monitored regularly to ensure the new structure to be rapidly implemented. The next review of the framework shall take place in spring 2006."

Rådskonklusioner vedrørende udvidelse af mandat for EU Joint Transfer Pricing Forum

"The Council welcomes the decision of the Commission to prolong the work of the EU Joint Transfer Pricing Forum (hereafter JTPF) for a period of 2 years as of 1 January 2005.

The Council endorses and fully supports the work of the JTPF in examining the practical problems related to the application of the tax rules on transfer pricing in the Internal Market.

The Council is pleased with the first report of the JTPF of December 2003, that the Commission transmitted through its Communication of 23 April 2004 and the proposal for a code of conduct for the effective implementation of the arbitration convention to be approved by the Council of 7 December 2004.

The Council takes note that the JTPF intends to formally adopt its working programme for 2005 and 2006 at its next Meeting scheduled for 14 December 2004, whereby the draft working program consists of issues carried over from the 2002 work program as well as new identified issues.

The Council agrees that the Forum should continue its work on the same basis as agreed at the moment it was established.

This means that the work of the JTPF would be consistent with and complement the OECD "Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations" which form the fundamental global framework for transfer pricing on the wider international scale.

The work of the JTPF should not hamper more global solutions with that particular OECD framework. Equally, the JTPF should neither interfere with, nor hamper the work undertaken in other institutional groups discussing tax matters such as the Code of Conduct Group."