

Wednesday 26 October 2011

US-EC Agreement on the promotion, provision and use of GALILEO and GPS satellite-based navigation systems ***

P7_TA(2011)0463

European Parliament legislative resolution of 26 October 2011 on the draft Council decision on the conclusion of the Agreement on the promotion, provision and use of GALILEO and GPS satellite-based navigation systems and related applications between the European Community and its Member States, of the one part, and the United States of America, of the other part (11117/2011 – C7-0185/2011 – 2011/0054(NLE))

(2013/C 131 E/24)

(Consent)

The European Parliament,

- having regard to the draft Council decision (11117/2011),
 - having regard to the draft Agreement on the promotion, provision and use of GALILEO and GPS satellite-based navigation systems and related applications between the European Community and its Member States, of the one part, and the United States of America, of the other part (11575/2011),
 - having regard to the request for consent submitted by the Council in accordance with Articles 171 and 172 and point (a) of the second subparagraph of Article 218(6), and Article 218(8), of the Treaty on the Functioning of the European Union (C7-0185/2011),
 - having regard to Rules 81, 90(7) and 46(1) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Industry, Research and Energy (A7-0332/2011),
1. Consents to the conclusion of the Agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the United States of America.

System of taxation applicable in the case of parent companies and subsidiaries of different Member States *

P7_TA(2011)0464

European Parliament legislative resolution of 26 October 2011 on the proposal for a Council directive on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States (recast) (COM(2010)0784 – C7-0030/2011 – 2010/0387(CNS))

(2013/C 131 E/25)

(Special legislative procedure – consultation – recast)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2010)0784),
- having regard to Article 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0030/2011),

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- having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts ⁽¹⁾,
 - having regard to the letter of 25 March 2011 from the Committee on Legal Affairs to the Committee on Economic and Monetary Affairs in accordance with Rule 87(3) of its Rules of Procedure,
 - having regard to Rules 87 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0314/2011),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission and as amended below;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1**Proposal for a directive
Recital 9**

(9) In relation to the treatment of permanent establishments Member States may need to determine the conditions and legal instruments in order to protect the national tax revenue and fend off circumvention of national laws, in accordance with the Treaty principles and taking into account internationally accepted tax rules.

(9) In relation to the treatment of permanent establishments Member States may need to determine the conditions and legal instruments in order to protect the national tax revenue and fend off circumvention of national law, **and to avoid extreme forms of under-taxation or non-taxation**, in accordance with the Treaty principles and taking into account internationally accepted tax rules.

Amendment 2**Proposal for a directive
Article 4 – paragraph 1 – point a**

(a) refrain from taxing such profits; or

(a) refrain from taxing such profits **if they have been taxed in the State of the subsidiary at a statutory corporate tax rate not lower than 70 % of the average statutory corporate tax rate applicable in the Member States**; or

⁽¹⁾ OJ C 77, 28.3.2002, p. 1.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 3**Proposal for a directive****Article 4 – paragraph 1 – point b**

(b) tax such profits while authorising the parent company and the permanent establishment to deduct from the amount of tax due that fraction of the corporation tax related to those profits and paid by the subsidiary and any lower-tier subsidiary, subject to the condition that at each tier a company and its lower-tier subsidiary fall within the definitions laid down in Article 2 and meet the requirements provided for in Article 3, up to the limit of the amount of the corresponding tax due.

(b) tax such profits **at a statutory corporate tax rate not lower than 70 % of the average statutory corporate tax rate applicable in the Member States** while authorising the parent company and the permanent establishment to deduct from the amount of tax due that fraction of the corporation tax related to those profits and paid by the subsidiary and any lower-tier subsidiary, subject to the condition that at each tier a company and its lower-tier subsidiary fall within the definitions laid down in Article 2 and meet the requirements provided for in Article 3, up to the limit of the amount of the corresponding tax due.

Financial rules applicable to the annual budget *I**

P7_TA(2011)0465

European Parliament amendments adopted on 26 October 2011 to the proposal for a regulation of the European Parliament and of the Council on the financial rules applicable to the annual budget of the Union (COM (2010)0815 – C7-0016/2011 – 2010/0395 (COD)) ⁽¹⁾

(2013/C 131 E/26)

(Ordinary legislative procedure: first reading)

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1**Proposal for a regulation****Recital 1**

(1) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities has been substantially amended several times. Since further amendments are to be made, including changes to take account of amendments introduced by the Treaty of Lisbon, the Regulation (EC, Euratom) No 1605/2002 should be replaced by this Regulation, in the **interests** of clarity.

(1) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities has been substantially amended several times. Since further amendments are to be made, including changes to take account of amendments introduced by the Treaty of Lisbon, the Regulation (EC, Euratom) No 1605/2002 should be replaced by this Regulation, **according to the Treaty of Lisbon adopted jointly by the European Parliament and the Council according to the ordinary legislative procedure**, in the **interest** of clarity.

Amendment 2**Proposal for a regulation****Recital 2**

(2) Regulation (EC, Euratom) No 1605/2002 laid down the budgetary principles and financial rules to be respected in all legislative acts and by all institutions. The fundamental principles, the concept and the structure of that Regulation and the basic rules of budgetary and financial management need

(2) Regulation (EC, Euratom) No 1605/2002 laid down the budgetary principles and financial rules **governing the establishment and implementation of the general budget, ensuring sound and effective management, control and protection of the financial interests of the Union, as well as**

⁽¹⁾ The matter was then referred back to committee pursuant to Rule 57(2), second subparagraph (A7-0325/2011).