



Council of the European Union
General Secretariat

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CM 5194/20

CODEC
GAF
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PROCED

COMMUNICATION

WRITTEN PROCEDURE

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Subject:	Draft Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013, as regards cooperation with the European Public Prosecutor's Office and the effectiveness of the European Anti-Fraud Office investigations (2018/0170 COD) – Adoption of the Council's position at first reading and of the statement of the Council's reasons – Outcome of the written procedure initiated by CM 5070/20

Delegations are informed that the written procedure, opened by CM 5070/20 of Monday, 30 November 2020 was completed on Friday, 4 December 2020 and that all delegations voted in favour of, except for Austria, Estonia, Luxembourg and the Netherlands that abstained, the adoption of the Council's position at first reading on the draft Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013, as regards cooperation with the European Public Prosecutor's Office and the effectiveness of the European Anti-Fraud Office investigations, as set out in document 10008/20 + COR 1 (de) and the statement of the Council's reasons as set out in the ADD 1 to that document.

The required qualified majority has been reached. Therefore, the above position of the Council at first reading and the statement of the Council's reasons are adopted.

The statement by Italy is reproduced in the Annex to this CM and will be included in the summary of acts adopted by the written procedure as statements to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

DICHIARAZIONE DELL'ITALIA

L'Italia conferma l'importanza dell'acquisizione e dell'utilizzo dei dati dei registri bancari e delle transazioni fin dalle fasi di indagine amministrativa, anche ai fini della tutela degli interessi finanziari dell'Unione europea.

In tale ottica l'Italia ritiene necessario che l'accesso ai dati bancari nel quadro delle indagini amministrative condotte dall'OLAF sia eseguito attraverso l'assistenza e la cooperazione di Autorità nazionali competenti allo stesso titolo amministrativo e per la tutela degli interessi finanziari dell'Unione ai sensi dell'art. 325 TFUE.

Al fine di garantire maggiore ed omogenea efficacia delle indagini amministrative antifrode, l'Italia auspica che l'acquisizione dei dati bancari in via amministrativa sia resa effettivamente possibile in tutto il territorio dell'Unione europea, come già avviene in Italia.
