Council of the European Union

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**ADD 1**

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**RESPR 8**
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**'I/A' ITEM NOTE**

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| From: | Working Party on Own Resources |
| To: | Permanent Representatives Committee/Council |
| No. Cion doc.: | 10135/21 (COM(2021) 327 final) |
| Subject: | Council Regulation amending Regulation (EU, Euratom) No 609/2014 in order to enhance predictability for Member States and to clarify procedures for dispute resolution when making available the traditional, VAT and GNI based own resources<br>– *Adoption*<br>– *Statements by the Commission and the Netherlands* |

Delegations will find attached:

- two statements by the Commission to be entered in the summary record of the Permanent Representatives Committee's meeting, and

- a statement by the Netherlands to be entered in the summary record of the Permanent Representatives Committee's meeting and in the minutes of the Council meeting.

**ANNEX 1**

## Statements by the Commision

### 1. Statement by the Commission on the use of statistical methods

"The Commission recalls that the establishment and collection of customs duties and the timely making available of the corresponding traditional own resources to the EU budget is the autonomous responsibility of Member States.

The Commission stresses the need to maintain the stability of the own resources system, where every Member State must contribute to the EU budget according to its obligations, so that no Member State has to compensate for the actions of others. This is the only way to ensure fairness and equal treatment of Member States.

To ensure this, the Commission has to revert to all the means at its disposal, including where necessary and justified the use of statistical methods to quantify losses of traditional own resources in cases where the impossibility to quantify these losses based on import transactions is the consequence of an insufficient cooperation of the Member State with the Commission from the point of view of making the necessary information available. The Commission will act in line with the case-law of the Court of Justice of the European Union.

The Commission considers the preliminary notifications sent in 2021 to the Member States on the quantification of estimated loss of TOR in relation to undervalued import cases from China and the anti-dumping duties on solar panel modules from China, Malaysia and Taiwan as exceptional measures that had to be used given the potentially very significant financial impact on the EU budget in these cases.

The Commission will analyse the quantification methods used i.a. on the basis of remarks sent by Member States and will take into account the judgment in case C-213/19. It will present the results of this analysis to the Member States, together with recommendations related to the future use of such methods."

**2. Statement by the Commission on the weekly reporting**

"The Commission takes note of the Member States' request to obtain weekly non-binding forecasts of cash movements on own resources accounts to ease their cash management activities.

The Commission envisages to adjust its cash management model to ensure a better predictability of cash movements on own resources accounts in the context of the future implementation of its new financial and budgetary system, expected to be put in place by 2024.

The adjustments to the Commission's cash management model could enable the production of weekly non-binding forecasts of cash movements on own resources accounts in the future."

**ANNEX 2**

**Statement by the Netherlands on the revision of the Council Regulation (EU, Euratom) No 609/2014 on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements (MAR)**

"The Netherlands:

- Acknowledges the efforts by both the Slovenian and the French Presidencies in the negotiations on the revision of the MAR.
- Notes however that the priority of the Netherlands regarding periods in which the late-payment interest accumulates is not sufficiently addressed in the revision.
- Regrets that the revised MAR does not prevent a Member State from being confronted with previously unknown TOR-liabilities and related high late payment interest bills."