Accession of Bulgaria and Romania to some Conventions and Protocols, drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests

2007/0100(CNS) - 06/12/2007 - Final act

PURPOSE: to enable Bulgaria and Romania to accede to the conventions and protocols concluded by the Member States on the basis of Art. 34 TEU (previously Art. K.3 TEU) or Art. 293 TEC.

LEGISLATIVE ACT : Council Decision 2008/40/JHA concerning the accession of Bulgaria and Romania to the Convention, drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests, the Protocol of 27 September 1996, the Protocol of 29 November 1996 and the Second Protocol of 19 June 1997.

CONTENT: the Convention, drawn up on the basis of Article K.3 of the TEU, on the protection of the European Communities' financial interests ("the Convention") was done at Brussels on 26 July 1995 and entered into force on 17 October 2002. The Convention was supplemented by the Protocol to the Convention on the protection of the ECs' financial interests ("the Protocol of 27 September 19962), and the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the protection of the European Communities' financial interests ("the Protocol of 29 November 1996"). Both Protocols entered into force on 17 October 2002.

The Convention was further supplemented by the Second Protocol to the Convention on the protection of the European Communities' financial interests ("the Second Protocol of 19 June 1997") which has not yet entered into force.

Article 3(3) of the 2005 Act of Accession provides that Bulgaria and Romania accede to the conventions and protocols listed in Annex I to the Act of Accession, which include, inter alia, the Convention, the Protocol of 27 September 1996, the Protocol of 29 November 1996 and the Second Protocol of 19 June 1997. The conventions and the protocols listed in Annex I to the 2005 Act of Accession are to enter into force in relation to Bulgaria and Romania on the date determined by the Council,

This Decision provides that the texts of the Convention, the Protocol of 27 September 1996, the Protocol of 29 November 1996 and the Second Protocol of 19 June 1997, drawn up in the Bulgarian and Romanian languages, shall be authentic under the same conditions as the other texts thereof.

The Convention, the Protocol of 27 September 1996 and the Protocol of 29 November 1996 shall enter into force in relation to Bulgaria and Romania on the first day of the first month following the date of adoption of this Decision, unless they have already entered into force for Bulgaria or Romania before that date.

The Second Protocol of 19 June 1997 shall enter into force in relation to Bulgaria and Romania on the date on which it enters into force in relation to the State which, being a member of the EU on the date of the adoption by the Council of the act drawing up that Protocol, is the last to fulfil the formality of notification.

DATE OF EFFECT: 13/01/2008.