Convention on the protection of the EC financial interests: protocol, officials and members liability

1996/0902(CNS) - 22/12/1995 - Legislative proposal

OBJECTIVE: a draft Council act drawing up the protocol to the Convention on the protection of the European Communities' financial interests. SUBSTANCE: the draft Council act hoped to complement the Convention of 26 July 1995 on the protection of the European Communities' financial interests through a protocol relating to the fight against corruption involving officials of the European Communities or of the Member States of the European Union and affecting the European Communities' financial interests. The Council put forward the proposal under Title VI of the Treaty on European Union and it means that: - certain actions may be investigated; - certain persons are involved in these actions; - a minimum penalty is proposed. In general, cases of corruption that come under the protocol will also be investigated by the Member States, which may present a different definition of the offences. The new aspect of the protocol means that, within a specific Member State, offenders from another Member State may by held liable under law or a specific Member State may initiate proceedings against officials and other employees of the European Communities. Moreover, a person responsible for an act of active corruption may be held liable under law within the European Union either where he is based or where the act (the attempt at corruption) took place. However, in this case too, it is not a matter of creating a totally new situation but rather of filling the gaps in national criminal legislation. The initiative is therefore a first definitive step towards the creation of a specific instrument to combat corruption at European Union level.