

# **Fight against fraud: criminal-law protection of the Community's financial interests**

2001/0115(COD) - 06/11/2001

The committee adopted the report by its chair, Diemut THEATO (EPP-ED, D) broadly supporting the proposal under the codecision procedure (1st reading), subject to a few amendments. It argued that the protection of the Community's financial interests must be dealt with at Community level, i.e. it should fall within the first pillar as confirmed by the European Council in Nice. In addition, MEPs wanted the proposed directive turned into a regulation, thereby making it binding and directly applicable in the Member States. In view of the complex, cross-border nature of some fraud cases, the committee called for reinforced cooperation between Member States and the EU Anti-Fraud Office, OLAF, allowing action taken against a cross-border fraud case to be centralised in one Member State. It also wanted to prevent people presumed guilty of fraud against the financial interests of the EU from enjoying total immunity because of a blanket refusal by some Member States to extradite their nationals. The committee called for the rapid appointment of an independent European Public Prosecutor on the basis of Article 280 of the EC Treaty. It recognised that, until the treaty is amended, the European Public Prosecutor can only investigate members of the EU's institutions and bodies and their officials and other staff. However, it also wanted to ensure that investigations were lawful and legitimate in accordance with the European Convention on Human Rights.