

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

2001/0115(COD) - 23/05/2001 - Legislative proposal

PURPOSE: to present a Commission proposal for a directive of the European Parliament and of the Council on the criminal-law protection of the Community's financial interests. **CONTENT:** under Article 280 of the EC Treaty as amended by the Treaty of Amsterdam, the Community is responsible for taking measures for the protection of Community financial interests which afford effective and equivalent protection in all the Member States. The sheer extent of the damage done to Community financial interests by fraud and international economic and financial crime calls for the current legal arrangements to be given more teeth as a matter of urgency, especially as the Member States have fallen behind schedule in ratifying the convention and protocols of the financial interests (PFI) of the European Communities. The Commission is accordingly proposing this Directive, based on Article 280 of the EC Treaty, which is also motivated by the need to adopt concrete measures to implement its overall strategic approach to combat fraud. The articles in this proposal on the criminal-law protection of the financial interests of the European Communities are without exception based on provisions from the Third Pillar PRI instruments. The main provisions of the proposed directive are the following: - all the provisions from the current protocols on the protection of the European Community's financial interests that do not fall under the restriction referred to in Article 280 of the EC Treaty; - provisions on cooperation with the Commission, since these do not fall under the exception in Article 280(4) of the EC Treaty either; - setting up of an advisory committee involving Member States in regular consultation; - provisions on fraud, active and passive corruption, equal treatment, money laundering, liability and penalties, and finally, cooperation of national authorities.