Convention for the protection of the Communities' financial interests

1994/0911(CNS) - 15/06/1994 - Legislative proposal

This draft convention between the Member States sought to increase protection of the Community's financial interests: fraud or attempted fraud against the Community's financial interest would constitute a criminal offence in each Member State, with national laws incriminating the same acts. The minimum penalty would be either a custodial sentence or a financial penalty, or both. Fraud would be considered as aggravated when one of the following elements was present: repetition of the offence, acting with a degree of premeditation, criminal conspiracy, when the person concerned was an official or public servant, bribery of an official, when the amount of loss exceeded ECU 50 000. The convention laid down rules for the enforcement and application of national laws in cases of fraud committed against several Member States, or from a non-member country. It also defined rules for extradition, prosecution and prescription and enjoined Member States to provide mutual aid for all legal proceedings of this type. The European Court of Justice would, at the request of Member States or the Commission, resolve any disagreement relating to the application of the convention and would give a preliminary ruling on how its provisions were to be interpreted. The convention was accompanied by a proposal for a regulation concerning the administrative penalties to be applied to fraud affecting the Community's financial interests.