Convention on the protection of the EC financial interests: additional protocol, legal persons' liability

1995/0360(CNS) - 20/12/1995 - Legislative proposal

- OBJECTIVE: to adopt an additional protocol to the Convention on the Protection of the European Communities' Financial Interests of 26/07/95 in order to combat fraud and improve the level of protection of the financial interests of the Communities under criminal law. - SUBSTANCE: the additional draft protocol: - establishes the range of penalties applicable to legal persons for fraud; - establishes an auxiliary general liability for legal persons to be applied in situations where there has been any violation of the financial interests of the European Communities, without constituting an offence in fact or in law; - specifies that the liability of the legal person is without prejudice to the liability of natural persons who have committed the offence; - establishes the type of penalty to be applied in the case of liability of legal persons; - makes it a criminal offence to launder the proceeds of fraudulent actions against the European Communities' financial interests; - establishes the rules applying to the mechanism of priority competence; - lays down the principle of direct judicial cooperation based on a network of collaborating magistrates; - introduces a central register for information on fraud proceedings.