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

2001/0115(COD) - 19/07/2001 - Court of Auditors: opinion, report

The Court of Auditors was asked for its opinion on the proposed directive. The Court welcomed the initiative and considered that a directive is an appropriate instrument for instituting effective protection of the Community's financial interests. It made the following specific observations: -the current definition of corruption, both active and passive, is too restrictive: on the one hand it does not cover the act on the part of an official of receiving advantages as inducement to carry out a duty that is not in breach of his official duties; on the other, it makes the existence of the offence depend on damage to the Community's financial interests. This condition is not acceptable where Community officials are concerned. -making it a condition of money-laundering that the person committing the act knows the derivation of the property is likely to make it virtually impossible to bring a prosecution for such an offence. -bodies corporate can be held liable for acts of passive corruption as well. The Court refers, for example, to the case of a body corporate carrying out public tasks. -there is no reason for limiting custodial sentences to cases of serious fraud.