Convention on the protection of the EC financial interests: protocol, officials and members liability

1996/0902(CNS) - 22/05/1996 - Text adopted by Parliament, 1st reading/single reading

Adopting the report by Mr Rinaldo BONTEMPI (PSE, I), the European Parliament called for a strengthening of the draft Council Act and the draft Protocol (drawn up on the basis of Article K.3 of the TEU) to the Convention on the protection of the Community's financial interests. Parliament proposed amending the title of the Council Act to the "Convention on corruption to the detriment of the European Communities". It clarified several legal concepts, such as the offences of active and passive corruption and called for persons working for a director of the EIB, the ESCB or the EMI to be treated in the same way as European officials. It also introduced notions of aggravated offence, attempted corruption, complicity in corruption and incitement. Parliament called for the introduction of an obligation of mutual assistance in criminal matters and opposed any reservations about the Convention of the part of the Member States. Finally, the EP called on the Commission to submit as soon as possible a proposal for a directive on the liability and protection of officials and other servants in criminal matters. In the form of an amendment, it inserted the text of a draft directive which it wished the Commission to submit under the codecision procedure. This text lays down a number of minimum rules concerning criminal matters which the Member States should apply: for example, deprivation of liberty for one year for forgery and uttering and a minimum sentence of three years for corruption and misappropriation of funds.