Accession of Bulgaria and Romania to some Conventions and Protocols, drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests

2007/0100(CNS) - 06/06/2007 - Legislative proposal

PURPOSE: to enable Bulgaria and Romania to accede to the conventions and protocols concluded by the Member States on the basis of Art. 34 TEU (previously Art. K.3 TEU) or Art. 293 TEC.

PROPOSED ACT: Recommendation for a Council Decision.

CONTENT: the 2005 Act of accession of Bulgaria and Romania introduced a simplified system for the accession of Bulgaria and Romania to the conventions (and protocols) concluded by the Member States on the basis of Art. 34 TEU (previously Art. K.3 TEU) or Art. 293 TEC. It is no longer necessary, as in the past, to negotiate and conclude specific accession protocols to these conventions (which would have implied ratification by 27 States): Article 3(3) of the Act provides simply that Bulgaria and Romania accede to these conventions and protocols by virtue of the Act of Accession.

Article 3(3) and 3(4) of the Act of Accession provide that, to that effect, the Council shall adopt a decision in order to determine the date on which these conventions shall enter into force for Bulgaria and Romania and to make all the necessary adjustments to these conventions required by reason of the accession of the two new Member States (which would include, in any event, the adoption of the conventions in the Bulgarian and Romanian languages, so that these versions can be "equally authentic"). The Council shall act on a recommendation of the Commission, after consulting the European Parliament.

Annex I to the Act of Accession gives the list of the seven conventions and protocols concerned in the Justice and Home Affairs area.

The list includes the:

- Convention on the protection of the European Communities' financial interests of 26.7.1995,its Protocols of 27.9.1996,of 29.11.1996and the 2nd Protocol of 19.6.1997,all adopted under Title VI EU Treaty, set out to establish a common base for the criminal-law protection of the EC’s financial interests;

- the Convention and its Protocols of 27.9.1996 and of 29.11.1996 entered into force on 17 October 2002 following ratification by the then 15 Member States. Ratification of the 2nd Protocol is still awaited by Italy. There is no need for this Commission Recommendation to make the adjustments required by reason of the accession of Bulgaria and Romania to the aforementioned Convention and its

Protocols, in accordance with Article 3(4) of the Act of Accession.

In view of the foregoing the Commission recommends that the Council takes a decision concerning the accession of Bulgaria and Romania to the Convention on the protection of the European Communities' financial interests and its Protocols.