Basic information

1995/0360(CNS) CNS - Consultation procedure	Procedure completed
Convention on the protection of the EC financial interests: additional protocol, legal persons' liability Repealed by 2012/0193(COD) **Subject** 8.70.04 Protecting financial interests of the EU against fraud	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties and Internal Affairs	BONTEMPI Rinaldo (PSE)	27/02/1996

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs, Citizens' Rights	MCINTOSH Anne Caroline B. (PPE)	19/03/1996
CONT Budgetary Control	THEATO Diemut R. (PPE)	25/06/1996
REGL Rules of Procedure, Verification of Credentials and Immunities		

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2008	1997-05-26
Environment	2017	1996-11-29

Key events

Date	Event	Reference	Summary
20/12/1995	Legislative proposal published	COM(1995)0693	Summary
15/07/1996	Committee referral announced in Parliament		
08/10/1996	Vote in committee		
08/10/1996	Committee report tabled for plenary, 1st reading/single reading	A4-0313/1996	

23/10/1996	Debate in Parliament		
29/11/1996	Act adopted by Council after consultation of Parliament		
29/11/1996	End of procedure in Parliament		
20/05/1997	Final act published in Official Journal		

Technical information

Procedure reference	1995/0360(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Amendments and repeals	Repealed by 2012/0193(COD)
Legal basis	Treaty on European Union (after Amsterdam) M K.3-p2c
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/07506

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0313/1996 OJ C 347 18.11.1996, p. 0005	08/10/1996	
Text adopted by Parliament, 1st reading/single reading		T4-0538/1996 OJ C 347 18.11.1996, p. 0115-0150	24/10/1996	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	07752/1996	30/05/1996	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1995)0693  OJ C 083 20.03.1996, p. 0010	20/12/1995	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Justice and Home Affairs act 1997/0520(01)
OJ C 151 20.05.1997, p. 0001-0014

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

1995/0360(CNS) - 24/10/1996 - Text adopted by Parliament, 1st reading/single reading

Parliament adopted the report by Mr Rinaldo BONTEMPI (PSE, I) on the draft second Protocol to supplement the Convention on the protection of the European Communities' financial interests. The amendments adopted by Parliament to this Protocol essentially aim at: - enlarging the concept of 'legal person' (so as to include, for example, any economically active enterprise in which specific rights and obligations are vested, even if it is not organized as a legal person); - extending the range of penalties applicable to legal persons (by the addition of fines and exclusion from participation in public works contracts); - spelling out that a judicial winding-up order (the ultimate penalty) can only be applied if the purpose or essential activity of the legal person consists of fraudulent or corrupt activities; - ensuring that Member States take the necessary safeguard measures to enable them to distrain and transfer (in whole or in part) to the Community budget instruments and proceeds of fraud or corruption (freezing of accounts, seizure of property, prohibiting the alienation of property).

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.