Basic information		
1996/0902(CNS)	Procedure completed	
CNS - Consultation procedure		
Convention on the protection of the EC financial interests: protocol, officials and members 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Repealed by 2012/0193(COD)		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	
ramament	LIBE Civil Liberties and Internal Affairs	BONTEMPI Rinaldo	(PSE)	13/02/1996	
	Committee for opinion Rapporteur for opinion				
	ırgaret	29/01/1996			
	CONT Budgetary Control	THEATO Diemut R. (PPE)		27/02/1996	
	REGL Rules of Procedure, Verification of Credentials and Immunities	The committee deci to give an opinion.	ided not		
Council of the	Council configuration	Meetings	Date		
European Union	Justice and Home Affairs (JHA)	2008	1997-06-	-19	
	Justice and Home Affairs (JHA)	1933	1996-06-	-04	
	Justice and Home Affairs (JHA) 1909 1996-03		1996-03-		
	Fisheries	063 1997-12-			

Key events				
Date	Event	Reference	Summary	
22/12/1995	Legislative proposal published	12549/1995	Summary	
15/01/1996	Committee referral announced in Parliament			
20/03/1996	Debate in Council			

Vote in committee		Summary
Debate in Parliament	<u>@</u>	
Debate in Council		Summary
Act adopted by Council after consultation of Parliament		
End of procedure in Parliament		
Final act published in Official Journal		
	Debate in Parliament  Debate in Council  Act adopted by Council after consultation of Parliament  End of procedure in Parliament	Debate in Parliament  Debate in Council  Act adopted by Council after consultation of Parliament  End of procedure in Parliament

Technical information		
Procedure reference	1996/0902(CNS)	
Procedure type	CNS - Consultation procedure	
Procedure subtype	Legislation	
Amendments and repeals	Repealed by 2012/0193(COD)	
Legal basis	Treaty on the European Union (after Amsterdam) M K.6-p2	
Stage reached in procedure	Procedure completed	
Committee dossier	LIBE/4/07432	

### **Documentation gateway**

#### **European Parliament**

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0130/1996 OJ C 166 10.06.1996, p. 0003	25/04/1996	
Text adopted by Parliament, 1st reading/single reading		T4-0244/1996 OJ C 166 10.06.1996, p. 0056- 0092	22/05/1996	Summary

#### Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	12549/1995	22/12/1995	Summary

#### Final act

Justice and Home Affairs act 1997/0719(02) OJ C 221 19.07.1997, p. 0011-0011

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

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.

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

1996/0902(CNS) - 04/06/1996

The Council reached agreement in principle on the wording of the Convention. The UK delegation expressed general reservation about decisions taken by unanimous agreement, as part of a policy of non-cooperation linked to the BSE problem. It was recalled that the First Protocol had been agreed by the ministers in December 1995 and that Parliament had given its opinion in May 1996. The Council was to proceed with the formal adoption of the First Protocol in the near future.

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

1996/0902(CNS) - 22/12/1995 - Legislative proposal

OBJECTIVE: a draft Council act drawing up the protocol to the Convention on the protection of the European Communities' financial interests. SUBSTANCE: the draft Council act hoped to complement the Convention of 26 July 1995 on the protection of the European Communities' financial interests through a protocol relating to the fight against corruption involving officials of the European Communities or of the Member States of the European Union and affecting the European Communities' financial interests. The Council put forward the proposal under Title VI of the Treaty on European Union and it means that: - certain actions may be investigated; - certain persons are involved in these actions; - a minimum penalty is proposed. In general, cases of corruption that come under the protocol will also be investigated by the Member States, which may present a different definition of the offences. The new aspect of the protocol means that, within a specific Member State, offenders from another Member State may by held liable under law or a specific Member State may initiate proceedings against officials and other employees of the European Communities. Moreover, a person responsible for an act of active corruption may be held liable under law within the European Union either where he is based or where the act (the attempt at corruption) took place. However, in this case too, it is not a matter of creating a totally new situation but rather of filling the gaps in national criminal legislation. The initiative is therefore a first definitive step towards the creation of a specific instrument to combat corruption at European Union level.