Basic information

1996/0902(CNS) CNS - Consultation procedure	Procedure completed
Convention on the protection of the EC financial interests: protocol, officials and members liability Repealed by 2012/0193(COD) **Subject** 8.70.04 Protecting financial interests of the EU against fraud	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
LIBE Civil Liberties and Internal Affairs	BONTEMPI Rinaldo (PSE)	13/02/1996

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs, Citizens' Rights	ODDY Christine Margaret (PSE)	29/01/1996
CONT Budgetary Control	THEATO Diemut R. (PPE)	27/02/1996
REGL Rules of Procedure, Verification of Credentials and Immunities	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	1933	1996-06-04
Justice and Home Affairs (JHA)	1909	1996-03-20
Justice and Home Affairs (JHA)	2008	1997-06-19
Fisheries	2063	1997-12-18

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		

25/04/1996	Vote in committee		Summary
25/04/1996	Committee report tabled for plenary, 1st reading/single reading	A4-0130/1996	
22/05/1996	Debate in Parliament		
04/06/1996	Debate in Council		Summary
19/06/1997	Act adopted by Council after consultation of Parliament		
19/06/1997	End of procedure in Parliament		
19/07/1997	Final act published in Official Journal		

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Amendments and repeals	Repealed by 2012/0193(COD)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 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

Additional information

Source	Document	Date
European Commission	EUR-Lex	

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

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.

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.