





Basic information	
2001/0115(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure lapsed or withdrawn
Fight against fraud: criminal-law protection of the Community's financial interests Subject 8.70.04 Protecting financial interests of the EU against fraud	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	CONT	Budgetary Control	THEATO Diemut R. (PPE-DE)	10/07/2001
	Committee for opinion		Rapporteur for opinion	Appointed
	LIBE	Citizens' Freedoms and Rights, Justice and Home Affairs	DI LELLO FINUOLI Giuseppe (GUE/NGL)	11/07/2001
	JURI	Legal Affairs and Internal Market	MARINHO Luís (PSE)	11/09/2001
	Council of the European Union			
European Commission	Commission DG		Commissioner	
	European Anti-Fraud Office (OLAF)		ŠEMETA Algirdas	

Key events			
Date	Event	Reference	Summary
23/05/2001	Legislative proposal published	COM(2001)0272 	Summary
14/06/2001	Committee referral announced in Parliament, 1st reading		
06/11/2001	Vote in committee, 1st reading		Summary
06/11/2001	Committee report tabled for plenary, 1st reading	A5-0390/2001	
28/11/2001	Debate in Parliament		
29/11/2001	Decision by Parliament, 1st reading	T5-0629/2001	Summary

16/10/2002	Modified legislative proposal published	COM(2002)0577 	Summary
16/04/2013	Proposal withdrawn by Commission		Summary

Technical information	
Procedure reference	2001/0115(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the European Union TFEU 325-p4
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	CONT/5/14818

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0390/2001	06/11/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0629/2001 OJ C 153 27.06.2002, p. 0032-0253 E	29/11/2001	Summary
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2001)0272  OJ C 240 28.08.2001, p. 0125 E	23/05/2001	Summary	
Modified legislative proposal	COM(2002)0577  OJ C 071 25.03.2003, p. 0001-0002 E	16/10/2002	Summary	
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
CofA	Follow-up document	RCC0009/2001 OJ C 349 10.10.2001, p. 0001-0020	19/07/2001	Summary

Additional information		

Source	Document	Date
European Commission	EUR-Lex	

Fight against fraud: criminal-law protection of the Community's financial interests

2001/0115(COD) - 16/10/2002 - Modified legislative proposal

Of the 20 amendments adopted by the European Parliament, the Commission can accept 4 in full and one in part. Because of the approach it has taken as regards the form and the legal basis of its proposal, the Commission is unable to accept any of the other Parliamentary amendments, which might have more political and legal relevance in some other context. Those accepted include: - the instrument will become an integral part of the Community acquis and will have to be incorporated into the legislation of the candidate countries; - a new recital referring to future developments such as the establishment of a European Public Prosecutor; - custodial sentences available at least in cases involving serious fraud may lead to extradition. Amendments not accepted include: - further details on the definition of "national official"; - additions to the definition of fraud, since they would unduly extend the definition to cover preparatory activities, which are already adequately covered; - clauses on new offences are rejected since they do not correspond to the objective of the directive; - references to OLAF are rejected, for the simple reason that they have no direct link with the purpose of the directive.

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2001/0115(COD) - 19/07/2001

The Court of Auditors was asked for its opinion on the proposed directive. The Court welcomed the initiative and considered that a directive is an appropriate instrument for instituting effective protection of the Community's financial interests. It made the following specific observations: -the current definition of corruption, both active and passive, is too restrictive: on the one hand it does not cover the act on the part of an official of receiving advantages as inducement to carry out a duty that is not in breach of his official duties; on the other, it makes the existence of the offence depend on damage to the Community's financial interests. This condition is not acceptable where Community officials are concerned. -making it a condition of money-laundering that the person committing the act knows the derivation of the property is likely to make it virtually impossible to bring a prosecution for such an offence. -bodies corporate can be held liable for acts of passive corruption as well. The Court refers, for example, to the case of a body corporate carrying out public tasks. -there is no reason for limiting custodial sentences to cases of serious fraud.

Fight against fraud: criminal-law protection of the Community's financial interests

2001/0115(COD) - 23/05/2001 - Legislative proposal

PURPOSE: to present a Commission proposal for a directive of the European Parliament and of the Council on the criminal-law protection of the Community's financial interests. CONTENT: under Article 280 of the EC Treaty as amended by the Treaty of Amsterdam, the Community is responsible for taking measures for the protection of Community financial interests which afford effective and equivalent protection in all the Member States. The sheer extent of the damage done to Community financial interests by fraud and international economic and financial crime calls for the current legal arrangements to be given more teeth as a matter of urgency, especially as the Member States have fallen behind schedule in ratifying the convention and protocols of the financial interests (PFI) of the European Communities. The Commission is accordingly proposing this Directive, based on Article 280 of the EC Treaty, which is also motivated by the need to adopt concrete measures to implement its overall strategic approach to combat fraud. The articles in this proposal on the criminal-law protection of the financial interests of the European Communities are without exception based on provisions from the Third Pillar PRI instruments. The main provisions of the proposed directive are the following: - all the provisions from the current protocols on the protection of the European Community's financial interests that do not fall under the restriction referred to in Article 280 of the EC Treaty; - provisions on cooperation with the Commission, since these do not fall under the exception in Article 280(4) of the EC Treaty either; - setting up of an advisory committee involving Member States in regular consultation; - provisions on fraud, active and passive corruption, equal treatment, money laundering, liability and penalties, and finally, cooperation of national authorities.

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2001/0115(COD) - 29/11/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution by Mr Diemut THEATO (EPP-ED, D). (Please refer to the previous text). It should however be added that an amendment calling for the rapid appointment of an independent European Public Prosecutor on the basis of Article 280 of the EC Treaty was rejected by the Plenary. A subsequent motion to send the report back to the Committee on Budgetary Control was also rejected.