Basic information

2007/0100(CNS) CNS - Consultation procedure Decision	Procedure completed
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 **Subject** 8.70.04 Protecting financial interests of the EU against fraud	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	CAVADA Jean-Marie (ALDE)	10/09/2007

Committee for opinion	Rapporteur for opinion	Appointed
CONT Budgetary Control	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2838	2007-12-06

European Commission

Commission DG	Commissioner
European Anti-Fraud Office (OLAF)	KALLAS Siim

Key events

Date	Event	Reference	Summary
06/06/2007	Legislative proposal published	COM(2007)0277	Summary
03/09/2007	Committee referral announced in Parliament		
03/10/2007	Vote in committee		Summary
05/10/2007	Committee report tabled for plenary, 1st reading/single reading	A6-0360/2007	
23/10/2007	Decision by Parliament	T6-0441/2007	Summary
23/10/2007	Results of vote in Parliament		

06/12/2007	Act adopted by Council after consultation of Parliament		
06/12/2007	End of procedure in Parliament		
12/01/2008	Final act published in Official Journal		

Technical information

Procedure reference	2007/0100(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	2005 Act of Accession (Bulgaria and Romania) TSA 3-p4
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/50295

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE393.871	29/08/2007	
Amendments tabled in committee		PE394.010	17/09/2007	
Committee report tabled for plenary, 1st reading/single reading		A6-0360/2007	05/10/2007	
Text adopted by Parliament, 1st reading/single reading		T6-0441/2007	23/10/2007	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2007)0277	06/06/2007	Summary
Commission response to text adopted in plenary	SP(2007)6028	21/11/2007	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2008/0040
OJ L 009 12.01.2008, p. 0023

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) - 06/12/2007 - Final act

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.

LEGISLATIVE ACT : Council Decision 2008/40/JHA concerning the accession of Bulgaria and Romania to the Convention, drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests, the Protocol of 27 September 1996, the Protocol of 29 November 1996 and the Second Protocol of 19 June 1997.

CONTENT: the Convention, drawn up on the basis of Article K.3 of the TEU, on the protection of the European Communities' financial interests ("the Convention") was done at Brussels on 26 July 1995 and entered into force on 17 October 2002. The Convention was supplemented by the Protocol to the Convention on the protection of the ECs' financial interests ("the Protocol of 27 September 19962), and the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the protection of the European Communities' financial interests ("the Protocol of 29 November 1996"). Both Protocols entered into force on 17 October 2002.

The Convention was further supplemented by the Second Protocol to the Convention on the protection of the European Communities' financial interests ("the Second Protocol of 19 June 1997") which has not yet entered into force.

Article 3(3) of the 2005 Act of Accession provides that Bulgaria and Romania accede to the conventions and protocols listed in Annex I to the Act of Accession, which include, inter alia, the Convention, the Protocol of 27 September 1996, the Protocol of 29 November 1996 and the Second Protocol of 19 June 1997. The conventions and the protocols listed in Annex I to the 2005 Act of Accession are to enter into force in relation to Bulgaria and Romania on the date determined by the Council,

This Decision provides that the texts of the Convention, the Protocol of 27 September 1996, the Protocol of 29 November 1996 and the Second Protocol of 19 June 1997, drawn up in the Bulgarian and Romanian languages, shall be authentic under the same conditions as the other texts thereof.

The Convention, the Protocol of 27 September 1996 and the Protocol of 29 November 1996 shall enter into force in relation to Bulgaria and Romania on the first day of the first month following the date of adoption of this Decision, unless they have already entered into force for Bulgaria or Romania before that date.

The Second Protocol of 19 June 1997 shall enter into force in relation to Bulgaria and Romania on the date on which it enters into force in relation to the State which, being a member of the EU on the date of the adoption by the Council of the act drawing up that Protocol, is the last to fulfil the formality of notification.

DATE OF EFFECT: 13/01/2008.

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) - 23/10/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Jean-Marie **CAVADA** (ALDE, FR), and made one amendment to the recommendation for a Council decision concerning the accession of Bulgaria and Romania to the Convention of 26 July 1995, drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests and related protocols and convention.

The sole amendment concerns a new recital stating that the Bulgarian and Romanian governments have made efforts to meet the respective benchmarks provided for the activation of the simplified accession procedure.

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.