

Fiche de procédure

Basic information			
CNS - Consultation procedure	1995/0360(CNS)	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Repealed by 2012/0193(COD)			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		27/02/1996
		PSE BONTEMPI Rinaldo	
	Committee for opinion	Rapporteur for opinion	Appointed
	JURI Legal Affairs, Citizens' Rights		19/03/1996
		PPE MCINTOSH Anne Caroline B.	
	CONT Budgetary Control		25/06/1996
		PPE THEATO Diemut R.	
Council of the European Union	REGL Rules of Procedure, Verification of Credentials and Immunities		
	Council configuration		
	Justice and Home Affairs (JHA)		
	Environment		
Key events			
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		
24/10/1996	Decision by Parliament	T4-0538/1996	Summary
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
	Repealed by 2012/0193(COD)
Legal basis	Treaty on the European Union (after Amsterdam) M K.3-p2c
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/07506

Documentation gateway					
Legislative proposal		COM(1995)0693 OJ C 083 20.03.1996, p. 0010	20/12/1995	EC	Summary
Document attached to the procedure		07752/1996	30/05/1996	CSL	
Committee report tabled for plenary, 1st reading/single reading		A4-0313/1996 OJ C 347 18.11.1996, p. 0005	08/10/1996	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0538/1996 OJ C 347 18.11.1996, p. 0115-0150	24/10/1996	EP	Summary

Additional information	
European Commission	EUR-Lex

Final act	
Justice and Home Affairs act 1997/520 OJ C 151 20.05.1997, p. 0001-0014	

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

- 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. ?

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

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 distraint 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). ?