


Procedure file

Basic information		
CNS - Consultation procedure Decision	1994/0923(CNS)	Procedure completed
Protection of the financial interests of the EC. Initiative United Kingdom		
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		16/09/1994
		PSE BONTEMPI Rinaldo	
	Committee for opinion	Rapporteur for opinion	Appointed
	JURI Legal Affairs, Citizens' Rights		07/09/1994
		PSE ODDY Christine Margaret	
	CONT Budgetary Control		27/07/1994
		PPE THEATO Diemut R.	
Council of the European Union	Council configuration	Meeting	Date
	Social Affairs	1862	26/07/1995
	Social Affairs	1813	06/12/1994

Key events			
03/03/1994	Legislative proposal published	05342/1994	
24/10/1994	Committee referral announced in Parliament		
06/12/1994	Debate in Council	1813	
02/03/1995	Vote in committee		Summary
02/03/1995	Committee report tabled for plenary, 1st reading/single reading	A4-0039/1995	
15/03/1995	Debate in Parliament		
15/03/1995	Decision by Parliament	T4-0093/1995	Summary
26/07/1995	Act adopted by Council after consultation of Parliament		
26/07/1995	End of procedure in Parliament		

Technical information	
Procedure reference	1994/0923(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Treaty on the European Union (after Amsterdam) M K.3-p2b
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/05990

Documentation gateway					
Legislative proposal		05342/1994	03/03/1994	CSL	
Committee report tabled for plenary, 1st reading/single reading		A4-0039/1995 OJ C 089 10.04.1995, p. 0005	02/03/1995	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0093/1995 OJ C 089 10.04.1995, p. 0055-0082	15/03/1995	EP	Summary

Additional information	
European Commission	EUR-Lex

Final act
Justice and Home Affairs act 1995/1127 OJ C 316 27.11.1995, p. 0048-0048

Protection of the financial interests of the EC. Initiative United Kingdom

The report by Mr Bontempi, which was adopted, deals both with a proposal for a Council Act establishing a Convention for the protection of the Communities' financial interests, and with a draft decision of the Council on joint action to be taken by the EU in this area (CNS 94/0923 for the relevant Committee on Civil Liberties). The initiative in question came from the UK, the proposal for joint action which is being discussed by the Council having been presented on the basis of Article K3 of the Treaty on European Union (3rd pillar). In the two documents the Committee proposed that the plenary sitting reject both the Convention and the decision relating to joint action for the protection of the Communities' financial interests. The Committee called for the texts in question to be withdrawn and called on the Commission to prepare a draft directive on this matter as soon as possible. The Parliamentary Committee drew attention to Parliament's position on the distinction which had to be made between international fraud, on one hand, and Community fraud, on the other. If initiatives based on Article K3 of the Treaty, that is to say which come within the competence of intergovernmental cooperation, could be proposed with a view to protecting against international fraud, Community fraud should be regulated by means of a directive which takes as its legal basis Articles 100 A and 209 A, and should therefore come under the scope of Community legislation. It was pointed out that only by harmonizing the criminal justice systems of the Member States will it be possible effectively to protect the Communities' financial interests. The Committee also stressed that the penalties applied should be effective and proportional and must act as a deterrent. It took the view that a directive which laid down the general principles for the harmonization of criminal justice measures designed to protect the Communities' financial interests could, in accordance with the principle of subsidiarity, leave it to Member States to decide on the details of the measures to be adopted. ?

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Parliament rejected the draft decision. ?