


# 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
	<b>LIBE</b> Civil Liberties and Internal Affairs		Appointed 16/09/1994
			PSE <a href="#">BONTEMPI Rinaldo</a>
	Committee for opinion		Rapporteur for opinion
	<b>JURI</b> Legal Affairs, Citizens' Rights		Appointed 07/09/1994
			PSE <a href="#">ODDY Christine Margaret</a>
Council of the European Union	<b>CONT</b> Budgetary Control		27/07/1994
			PPE <a href="#">THEATO Diemut R.</a>
	Council configuration		Meeting
	Social Affairs	<a href="#">1862</a>	Date 26/07/1995
	Social Affairs	<a href="#">1813</a>	06/12/1994

Key events			
03/03/1994	Legislative proposal published	<a href="#">05342/1994</a>	
24/10/1994	Committee referral announced in Parliament		
06/12/1994	Debate in Council	<a href="#">1813</a>	
02/03/1995	Vote in committee		Summary
02/03/1995	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0039/1995</a>	
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		

27/11/1995	Final act published in Official Journal		
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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		<a href="#">05342/1994</a>	03/03/1994	CSL	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0039/1995</a> <a href="#">OJ C 089 10.04.1995, p. 0005</a>	02/03/1995	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0093/1995 <a href="#">OJ C 089 10.04.1995, p. 0055-0082</a>	15/03/1995	EP	Summary

Additional information	
European Commission	<a href="#">EUR-Lex</a>

Final act
<a href="#">Justice and Home Affairs act 1995/1127</a> <a href="#">OJ C 316 27.11.1995, p. 0048-0048</a>

## 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. ?

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

Parliament rejected the draft decision. ?