Fight against fraud to the Union's financial interests by means of criminal law

2012/0193(COD) - 15/11/2012 - Court of Auditors: opinion, report

COURT OF AUDITORS OPINION No 8/2012 on the proposal for a Directive of the European Parliament and of the Council on the fight against fraud to the Union?s financial interests by means of criminal law.

The Court welcomes the Commission?s proposal to define the concept of the ?Union?s financial interests?. It makes the following recommendations:

(1) The definition in the proposal refers exclusively to revenue and expenditure covered by, acquired through or due to the Union budget or the budgets of institutions, bodies, offices and agencies established under the Treaties or budgets managed and monitored by them. However, the term ?budget? is not appropriate either in the case of the European Central Bank, the European Investment Bank and the European Investment Fund, or in the cases of the European Bank for Reconstruction and Development and the European Stability Mechanism. Their operations are of evident financial interest to the European Union but are mostly financed by their own capital or through income earned by means of their activities, for instance, borrowing and lending.

The Court considers that the definition should therefore be clarified in order to reflect the fact that the Union?s financial interests relate to all assets and liabilities managed by or on behalf of the Union and its institutions, and to all its financial operations, including borrowing and lending activities.

(2) Value added tax (VAT) fraud is covered by the proposed Directive. As this type of fraud often has a cross-border dimension, it cannot be tackled at national level alone. An effective fight against VAT fraud thus requires efficient cooperation between Member States.

(3) The proposal deals with a number of fraud-related criminal offences affecting the Union?s financial interests. With regard to the definition of corruption, the Court recommends clarification that the corruption of officials, who are paid by the EU institutions, is automatically contrary to the Union?s financial interests.