# **European Parliament**

2014-2019



Committee on Budgetary Control

2015/2110(INI)

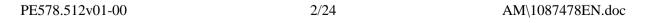
4.3.2016

# AMENDMENTS 1 - 46

**Draft opinion Julia Pitera**(PE573.169v02-00)

Fight against corruption and follow up of the CRIM resolution (2015/2110(INI))

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Amendment 1 Julia Pitera

Draft opinion Citation 2 a (new)

Draft opinion

Amendment

- having regard to the proposed 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 /\* COM/2012/0363 final - 2012/0193 (COD) \*/,

Or. pl

Amendment 2 Marco Valli, Marco Zanni, Laura Ferrara

Draft opinion Recital A a (new)

Draft opinion

Amendment

Aa. whereas in 2014, 1 649 irregularities were reported as being fraudulent and affecting the European budget to the tune of EUR 538.2 million, relating to both the expenditure side and the revenue side, but there are no official data on what percentage of fraud is attributable to organised crime;

Or. it

Amendment 3 Petri Sarvamaa

Draft opinion Recital A a (new)

### Amendment

Aa. whereas organised crime, corruption and money laundering pose serious threats to the EU economy by significantly affecting tax revenues of Member States and the EU as a whole, and to the accountability of public EU funded projects as criminal organisations are operating in various sectors, many of which are subject to governmental control;

Or. en

Amendment 4 Caterina Chinnici

Draft opinion Recital A a (new)

Draft opinion

### Amendment

Aa. whereas protection of the financial interests of the EU should guarantee that budget revenue and expenditure contribute towards the achievement of the EU's priorities and objectives and towards increasing the confidence of citizens by assuring them that their money is being used in full compliance with the aims and policies of the EU;

Or. en

Amendment 5 Caterina Chinnici

Draft opinion Recital A b (new)

Draft opinion

Amendment

Ab. whereas the diversity of legal and

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administrative systems in the Member States presents a challenging environment in which to overcome organised crime and combat money laundering;

Or. en

Amendment 6 Caterina Chinnici

Draft opinion Recital A c (new)

Draft opinion

### Amendment

Ac. whereas in order to enhance the existing measures such as the Convention on the Protection of the Communities' Financial Interests (PIF Convention) for fighting fraud, corruption, money laundering and other illegal activities affecting the financial interests of the Union, the Commission has submitted two proposals for criminal law instruments, the PIF Directive and the Regulation on the establishment of the European Public Prosecutor's Office (EPPO Regulation), aimed at ensuring more effective investigation and better protection of the taxpayers' money throughout the European Area of Freedom, Security and Justice;

Or. en

Amendment 7 Caterina Chinnici

Draft opinion Recital A d (new)

Draft opinion

**Amendment** 

Ad. whereas the fight against fraud, corruption and money laundering and

recovery of money from crime in the Union must be a priority for political action by the Community institutions, and police and judicial cooperation between Member States is therefore crucial;

Or. en

Amendment 8
Caterina Chinnici

Draft opinion Recital A e (new)

Draft opinion

### Amendment

Ae. whereas the ability of criminal organizations to adapt their action to different territorial and social contexts, allows them to diversify their activities by realizing significant profits from drug trafficking, human trafficking, waste trafficking and illegal immigration, and to infiltrate in legal markets relying on a "grey zone" of collusion with white collars and corrupted civil servants;

Or. en

Amendment 9 Julia Pitera

Draft opinion Paragraph 1

### Draft opinion

1. Notes that the phenomena of organised crime, corruption and money laundering usually have a cross-border dimension that requires close cooperation *by* national *competent* authorities *supported by* EU instruments and a European action plan to eradicate it:

### Amendment

1. Notes that the phenomena of organised crime, corruption and money laundering usually have a cross-border dimension that requires close cooperation between the competent national authorities and between those authorities and the EU institutions, with the help of national databases, support from EU instruments

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Or. pl

Amendment 10 Caterina Chinnici

Draft opinion Paragraph 1 – point 1 (new)

Draft opinion

### Amendment

(1) Calls for the adoption of a common definition of organized crime at the European level as an essential step for enhancing the fight against this phenomenon;

Or. en

Amendment 11 Ingeborg Gräßle

Draft opinion Paragraph 1 a (new)

Draft opinion

### Amendment

1a. Is concerned about the increasing professionalisation of people smuggling and the related increase in profits for smuggling and trafficking networks as a result of the continuing flows of refugees to Europe; calls on the Commission and Member States to ensure that progress is made on international cooperation to combat trafficking in order to eradicate people smuggling and minimise the influence of trafficking networks;

Or. de

# Amendment 12 Ingeborg Gräßle

Draft opinion Paragraph 1 b (new)

Draft opinion

### Amendment

1b. Points out that Greece received around EUR 655 million in 2015 from national programmes and the emergency support system for the refugee crisis; calls on the Commission to ensure that proper use was made of these funds and to inform Parliament of its findings;

Or. de

Amendment 13 Marco Valli, Marco Zanni, Laura Ferrara

Draft opinion Paragraph 3

# Draft opinion

3. Recognises that the Commission has proposed a vast array of measures to combat these crimes and that some results are already available (i.e. automatic information exchange, anti-money laundering directive);

### Amendment

3. Recognises that the Commission has proposed a vast array of measures to combat these crimes and that some results are already available (i.e. automatic information exchange, anti-money laundering directive); regrets, however, that there is still no instrument for the exchange of information regarding accounting entries between two or more Member States in order to prevent transnational fraud in respect of the Structural and Investment Funds, and calls on the Commission to draft such a proposal as soon as possible;

Or. it

Amendment 14 Caterina Chinnici

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# Draft opinion Paragraph 3

# Draft opinion

3. Recognises that the Commission has proposed a vast array of measures to combat these crimes and that some results are already available (i.e. automatic information exchange, anti-money laundering directive);

### Amendment

3. Recognises that the Commission has proposed a vast array of measures to combat these crimes and that some results are already available (i.e. automatic information exchange, anti-money laundering directive); and considers essential to promote common investigative techniques to contrast organized crime and to establish specific national structures to this end, developing, an operational network for the exchange of information in coordination with Europol;

Or. en

Amendment 15 Petri Sarvamaa

**Draft opinion Paragraph 3** 

### Draft opinion

3. Recognises that the Commission has proposed a vast array of measures to combat these crimes *and that some results are already available* (i.e. automatic information exchange, anti-money laundering directive);

# Amendment

3. Recognises that the Commission has proposed a vast array of measures to combat these crimes (i.e. automatic information exchange, anti-money laundering directive); encourages Member States to take full advantage of the measures already provided;

Or. en

Amendment 16 Marco Valli, Marco Zanni, Laura Ferrara

Draft opinion Paragraph 3 a (new)

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### Amendment

3a. Is concerned about the increase in VAT-related fraud, in particular so-called carousel fraud; calls on all Member States to participate in all of EUROFISC's fields of activity so as to facilitate the exchange of information to help combat this kind of fraud;

Or. it

Amendment 17 Ingeborg Gräßle

Draft opinion Paragraph 5

### Draft opinion

5. Highlights in this regard *that it is urgent that* the Parliament and the Council *find an agreement* on the Directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF Directive) *with* VAT *included* in *its* scope;

### **Amendment**

5. Highlights in this regard the urgent need for an agreement between the Parliament and the Council on the Directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF Directive); notes that the only thing standing in the way of such an agreement is the Council's blocking of any progress on including VAT in the scope of the directive; calls on the Council to rethink its stance in the light of the ECJ ruling in the Taricco case (C-105/14), which clearly endorses Parliament's legal position;

Or. de

Amendment 18 Julia Pitera

Draft opinion Paragraph 5

5. Highlights in this regard that it is urgent that the Parliament and the Council find an agreement on the Directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF Directive) with VAT included in its scope;

### Amendment

(Does not affect the English version.)

Or. pl

Amendment 19 Monica Macovei, Raffaele Fitto

Draft opinion Paragraph 5

# Draft opinion

5. Highlights in this regard that it is urgent that the Parliament and the Council find an agreement on the Directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF Directive) with VAT included in its scope;

### Amendment

5. Highlights in this regard that it is urgent that the Parliament and the Council *put an end to the current deadlock and* find an agreement on the Directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF Directive) with VAT included in its scope;

Or. en

Amendment 20 Dennis de Jong

Draft opinion Paragraph 5

# Draft opinion

5. Highlights in this regard that it is urgent that the Parliament and the Council find an agreement on the Directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF Directive) with VAT included in its scope;

# Amendment

5. Highlights in this regard that it is urgent that the Parliament and the Council find an agreement on the Directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF Directive);

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Amendment 21 Julia Pitera

**Draft opinion Paragraph 5 – point 1 (new)** 

Draft opinion

### Amendment

(1) Welcomes the communication of 24 February 2016 in which the Commission commits to proposing an action plan for reforming the VAT system; calls on the Commission to include provisions on the fight against cross-border VAT fraud; notes that, according to Commission estimates, the EU loses about EUR 50 billion every year as a result of cross-border VAT fraud;

Or. pl

Amendment 22 Julia Pitera

Draft opinion Paragraph 6

Draft opinion

6. Takes note of the on-going discussions in the Council on the draft regulation establishing the European public prosecutor's office (EPPO) as an essential piece of the action plan;

### Amendment

6. Takes note of the on-going discussions in the Council on the draft regulation establishing the European public prosecutor's office (EPPO) as an essential piece of the action plan; stresses that the European public prosecutor's office should have extensive powers for the purpose of combating crimes against the EU's financial interests; calls on the Member States to make sufficient resources available for the creation of the European public prosecutor's office;

Or. pl

# Amendment 23 Dennis de Jong

# Draft opinion Paragraph 6

# Draft opinion

6. Takes note of the on-going discussions in the Council on the draft regulation establishing the European public prosecutor's office (EPPO) as an essential piece of the action plan;

### Amendment

6. Takes note of the on-going discussions in the Council on the draft regulation establishing the European public prosecutor's office (EPPO) *in the context* of the action plan;

Or. en

# Amendment 24 Caterina Chinnici

# Draft opinion Paragraph 6

# Draft opinion

6. Takes note of the on-going discussions in the Council on the draft regulation establishing the European public prosecutor's office (EPPO) as an essential piece of the action plan;

### Amendment

6. Takes note of the on-going discussions in the Council on the draft regulation establishing the European public prosecutor's office (EPPO) as an essential piece of the action plan and recognizes that the establishment of a European Public Prosecutor Office, provided with the necessary human and financial resources, is essential for an effective action against frauds to financial interests of the European Union;

Or. en

Amendment 25 Monica Macovei

Draft opinion Paragraph 6

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**EN** 

6. Takes note of the on-going discussions in the Council on the draft regulation establishing the European public prosecutor's office (EPPO) as an essential piece of the action plan;

### Amendment

6. Highlights that in order to effectively investigate, prosecute and bring to justice those who commit criminal offences within the scope of the PIF Directive, the European Public Prosecutor's office should be urgently established as an essential piece of the action plan; furthermore, the EPPO should be effective no matter the structure it will finally adopt;

Or. en

Amendment 26 Julia Pitera

Draft opinion Paragraph 6 – point 1 (new)

Draft opinion

### Amendment

(1) Welcomes the fact that in December 2014, after four years of discussion, Parliament, the Council and the Commission adopted an agreement on EU data protection reforms which will strengthen data protection for natural persons and promote cooperation between the Member State law enforcement bodies;

Or. pl

Amendment 27 Monica Macovei, Raffaele Fitto

Draft opinion Paragraph 7

Draft opinion

Amendment

7. Welcomes the international agreement

7. Points out that EUR 1 trillion is lost to

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within the G20 to apply a new global standard for greater tax transparency, in line with the high standard already applied by the EU; asks for its rapid implementation and effective monitoring of tax fraud and evasion at international level; highlights that at EU level the European Commission is still negotiating agreements involving the exchange of tax information with countries such as Andorra and Monaco and in 2015 Commission had already signed agreements with Switzerland, Liechtenstein and San Marino;

tax evasion and avoidance every year in the EU. Stresses that special attention should be given to tax havens and countries that pursue non-transparent or harmful tax prices, which represents a huge problem affecting each and every European citizen; Welcomes the international agreement within the G20 to apply a new global standard for greater tax transparency, in line with the high standard already applied by the EU; asks for its rapid implementation and effective monitoring of tax fraud and evasion at international level; highlights that at EU level the European Commission is still negotiating agreements involving the exchange of tax information with countries such as Andorra and Monaco and in 2015 Commission had already signed agreements with Switzerland, Liechtenstein and San Marino:

Or. en

# Amendment 28 Julia Pitera

# Draft opinion Paragraph 7

# Draft opinion

7. Welcomes the international agreement within the G20 to apply a new global standard for greater tax transparency, in line with the high standard already applied by the EU; asks for its rapid implementation and effective monitoring of tax fraud and evasion at international level; *highlights* that *at EU level* the European Commission *is still negotiating* agreements involving the exchange of tax information with countries such as Andorra and Monaco and in 2015 Commission had already signed agreements with Switzerland, Liechtenstein and San

### Amendment

7. Welcomes the international agreement within the G20 to apply a new global standard for greater tax transparency, in line with the high standard already applied by the EU; asks for its rapid implementation and effective monitoring of tax fraud and evasion at international level; *welcomes the fact* that, *in February 2016*, the European Commission *signed* agreements involving the exchange of tax information with countries such as Andorra and Monaco and in 2015 Commission had already signed agreements with Switzerland. Liechtenstein and San

Marino; Marino;

Or. pl

Amendment 29 Marco Valli, Marco Zanni, Laura Ferrara

Draft opinion Paragraph 7 a (new)

Draft opinion

### Amendment

7a. Points out that transparency is the most effective instrument for combating abuse and fraud; calls on the Commission to improve legislation in this regard, making it compulsory to publish data relating to all the beneficiaries of EU funding, including data on subcontracts;

Or. it

# Amendment 30 Caterina Chinnici

# Draft opinion Paragraph 8

# Draft opinion

8. Is of the opinion that a common method for seizing criminal group's assets in the EU could be a dissuasive measure for criminals; invites the Member States competent authorities to share best practices in this area within the existing meetings platforms, such as the Advisory Committee for the Coordination of Fraud Prevention (COCOLAF) and others; calls Member States to swiftly transpose the directive on the confiscation of assets from crime and to promote the re-use of confiscated assets for social purposes, in accordance with the principle of subsidiarity;

# Amendment

8. Is of the opinion that a common method for seizing criminal group's assets in the EU could be a dissuasive measure for criminals; invites the Member States competent authorities to share best practices in this area within the existing meetings platforms, such as the Advisory Committee for the Coordination of Fraud Prevention (COCOLAF) and others; calls Member States to swiftly transpose the directive on the confiscation of assets from crime and to promote the re-use of confiscated assets for social purposes, in accordance with the principle of subsidiarity and to support a European

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program for the exchange of good practices for the management of confiscated assets, promoting their use for social purposes;

Or. en

Amendment 31 Marco Valli, Marco Zanni, Laura Ferrara

Draft opinion Paragraph 8

# Draft opinion

8. Is of the opinion that a common method for seizing criminal group's assets in the EU *could* be a dissuasive measure for criminals; invites the Member States competent authorities to share best practices in this area within the existing meetings platforms, such as the Advisory Committee for the Coordination of Fraud Prevention (COCOLAF) and others; calls Member States to swiftly transpose the directive on the confiscation of assets from crime and to promote the re-use of confiscated assets for social purposes, in accordance with the principle of subsidiarity;

### **Amendment**

8. Is of the opinion that a common method for seizing criminal group's assets in the EU would be a dissuasive measure for criminals; invites the Member States competent authorities to share best practices in this area within the existing meetings platforms, such as the Advisory Committee for the Coordination of Fraud Prevention (COCOLAF) and others; calls on Member States to swiftly transpose the directive on the confiscation of assets from crime and to promote the re-use of confiscated assets for social purposes, in accordance with the principle of subsidiarity;

Or. it

Amendment 32 Caterina Chinnici

Draft opinion Paragraph 8 – indent 1 (new)

Draft opinion

### Amendment

- Invites Member States to develop administrative, police and judicial cooperation to trace the criminal assets throughout the Union for seizure and

confiscation relying on the improvement of Assets Recovery of Offices, which should be provided with adequate resources.

Or. en

Amendment 33 Julia Pitera

Draft opinion Paragraph 9 – point 1 (new)

Draft opinion

### Amendment

(1) Calls on the Member States to create specialised structures at national level to detect criminal organisations and exclude from Member State public tenders entities that are implicated in corrupt practices or money laundering;

Or. pl

Amendment 34 Marco Valli, Marco Zanni, Laura Ferrara

Draft opinion Paragraph 9 a (new)

Draft opinion

### Amendment

9a. Points out that organised crime uses construction companies that specialise in earth moving to launder money and illegally dispose of toxic substances that cause environmental pollution; calls on the Commission, in order to prevent such practices, to carry out anti-crime inspections on contractors and subcontractors who are beneficiaries of contracts for major infrastructure projects financed by the EU budget;

Or. it

Amendment 35 Marco Valli, Marco Zanni, Laura Ferrara

Draft opinion Paragraph 9 b (new)

Draft opinion

Amendment

9b. Is concerned about the recurring practice of criminal companies involved in money laundering submitting belowcost bids in tender procedures for major projects; calls on the Commission to include an economic assessment of proposals in respect of companies that are awarded contracts and subcontractors;

Or. it

Amendment 36 Ingeborg Gräßle

Draft opinion Paragraph 10 a (new)

Draft opinion

Amendment

10a. Is concerned that 71.15 % of the expenditure for visitors' groups in 2014 was paid in cash; notes the study produced by the Court of Auditors, in which it drew attention to the 'high risk' practice of making cash payments for the reimbursement of costs for visitors' groups; demands that all cash payments for visitors' groups be abolished;

Or. de

Amendment 37 Marco Valli, Marco Zanni, Laura Ferrara

Draft opinion Paragraph 10 a (new)

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### Amendment

10a. Highlights the vital role of banks with regard to money laundering and, in this regard, calls on the Commission to draw up a proposal in order to ensure full transparency of bank flows not only for individuals, but also for legal entities and trusts;

Or. it

Amendment 38 Marco Valli, Marco Zanni, Laura Ferrara

Draft opinion Paragraph 10 b (new)

Draft opinion

### **Amendment**

10b. Calls for banking licences to be withdrawn from banks involved in proven cases in which large amounts of money have been laundered;

Or. it

Amendment 39 Dennis de Jong

Draft opinion Paragraph 11

Draft opinion

11. Calls for the EU to apply for membership for the Council of Europe Group of States against Corruption (GRECO);

### Amendment

11. Calls for the EU to apply for membership for the Council of Europe Group of States against Corruption (GRECO) and to fulfil its reporting obligations under the UN Convention against Corruption, to which the EU is party; requests the Commission to submit its second report on corruption in the EU as soon as possible and to include also

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information in respect of the European institutions themselves, which was missing it its first report, or, if the second report will not be available in the coming months, to submit a separate report on the European institutions as an addendum to its first report;

Or. en

Amendment 40 Monica Macovei, Raffaele Fitto

Draft opinion Paragraph 12

# Draft opinion

12. Points out that the EU institutions as of January 2014 have the obligation to introduce internal whistleblowing rules to protect whistleblowers against retaliation, to make sure that serious misconduct or wrongdoing in the EU administration is brought to light; regrets that some of the institutions have not yet implemented those rules; nonetheless encourages the EU Member States to set up a European protection programme for whistle-blowers and State witnesses;

### Amendment

12. Points out that the EU institutions as of January 2014 have the obligation to introduce internal whistleblowing rules to protect whistleblowers against retaliation, to make sure that serious misconduct or wrongdoing in the EU administration is brought to light; regrets that some of the institutions have not yet implemented those rules; nonetheless encourages the EU Member States to set up a European protection programme for whistle-blowers and State witnesses *including those testify against mafia-type and other criminal organisations*;

Or. en

Amendment 41 Caterina Chinnici

Draft opinion Paragraph 13

Draft opinion

13. Points out that programs such as Hercule, Fiscalis, Pericles and Directive

Amendment

13. Points out that programs such as Hercule, Fiscalis, Pericles and Directive

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proposed by the European Commission in February 2013 in order to protect the financial interests of the EU and the euro against counterfeiting, they are designed to combat illegal, international and crossborder criminal activity; proposed by the European Commission in February 2013 in order to protect the financial interests of the EU and the euro against counterfeiting, they are designed to combat illegal, international and cross-border criminal activity *and calls for their rationalization and for more coordination*:

Or. en

Amendment 42 Marco Valli, Marco Zanni, Laura Ferrara

Draft opinion Paragraph 13 a (new)

Draft opinion

#### Amendment

13a. Is concerned about the lack of any specific national legislation against organised crime in many Northern European countries; is aware that such a shortcoming offers a great opportunity for organised crime in relation to the trade in illegal products passing through the ports of the North Sea and the Baltic Sea; calls on the Commission to continue promoting exchanges of information and best practice between Member States in order to combat the entry of illegal goods into the EU;

Or. it

Amendment 43 Marco Valli, Marco Zanni, Laura Ferrara

Draft opinion Paragraph 13 b (new)

Draft opinion

Amendment

13b. Is concerned about the decline in resources made available by Member

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States to combat the illicit tobacco trade; calls on the Commission, when signing new agreements with the tobacco industry, to stipulate that the share of the proceeds from those agreements for the Member States should be tied, in their budgets, to measures to combat the smuggling of illicit tobacco products;

Or. it

Amendment 44 Julia Pitera

Draft opinion Paragraph 14

# Draft opinion

14. Welcomes the 18-month programme of the EU Council for the Dutch, Slovak and Maltese Presidencies, where a comprehensive and integrated approach to organised crime will be high on the agenda. In the area of justice, there will be a focus on combating fraud against the Union's financial interests, including work on the European Public Prosecutor's Office, data protection, and promoting and safeguarding the rule of law and fundamental rights.

### **Amendment**

14. Welcomes the 18-month programme of the EU Council for the Dutch, Slovak and Maltese Presidencies, which puts the comprehensive and integrated approach to organised crime high on its agenda, together with the fight against fraud against the Union's financial interests, which will involve work on the appointment of the European Public Prosecutor's Office, data protection regulations, and promoting and safeguarding the rule of law and fundamental rights.

Or. pl

Amendment 45 Dennis de Jong

**Draft opinion Paragraph 14** 

### Draft opinion

14. Welcomes the 18-month programme of the EU Council for the Dutch, Slovak and Maltese Presidencies, where a comprehensive and integrated approach to

# Amendment

14. Welcomes the 18-month programme of the EU Council for the Dutch, Slovak and Maltese Presidencies, where a comprehensive and integrated approach to

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organised crime will be high on the agenda. In the area of justice, there will be a focus on combating fraud against the Union's financial interests, *including work on the European Public Prosecutor's Office*, data protection, and promoting and safeguarding the rule of law and fundamental rights.

organised crime will be high on the agenda. In the area of justice, there will be a focus on combating fraud against the Union's financial interests, data protection, and promoting and safeguarding the rule of law and fundamental rights.

Or. en

Amendment 46 Monica Macovei

Draft opinion Paragraph 14 – point 1 (new)

Draft opinion

#### Amendment

(1) Stresses the importance of having more accountable politics. Calls for mandatory rules establishing that persons who have been convicted by final judgement or participation in organised crime, money laundering, corruption or other serious offences, should not be eligible for memberships of the European Parliament or service for other EU institutions and bodies;

Or. en