



2018/2006(INI)

5.9.2018

AMENDMENTS

1 - 30

Draft report
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(PE618.147v01-00)

Protection of the EU's financial interests - Recovery of money and assets from
third-countries in fraud cases
(2018/2006(INI))

Amendment 1

Julia Pitera

Motion for a resolution

Citation 1

Motion for a resolution

- having regard to the Eighteenth report of the European Anti-Fraud Office on the year 2017,

Amendment

- having regard to the Eighteenth report of the European Anti-Fraud Office (**OLAF**) on the year 2017,

Or. en

Amendment 2

Julia Pitera

Motion for a resolution

Citation 5

Motion for a resolution

- having regard to the Commission report of ... entitled ‘Protection of the European Union’s financial interests – Fight against fraud – 2017 Annual Report’ (COM(2018)...) and the accompanying staff working documents (SWD(2018)...),

Amendment

- having regard to the Commission report of **3 September 2018** entitled ‘Protection of the European Union’s financial interests – Fight against fraud – 2017 Annual Report’ (COM(2018)**553**) and the accompanying staff working documents(SWD(2018)**381-386**),

Or. en

Amendment 3

Julia Pitera

Motion for a resolution

Citation 9

Motion for a resolution

- **having regard to the 2017 Eurobarometer report,**

Amendment

deleted

Amendment 4
Julia Pitera

Motion for a resolution
Citation 12

Motion for a resolution

Amendment

– *having regard to the report of the Committee on Budgetary Control (A8-0000/2018),*

deleted

Amendment 5
Marco Valli

Motion for a resolution
Recital B

Motion for a resolution

Amendment

B. whereas the diversity of legal and administrative systems in the Member States presents a challenging environment in which to combat fraud;

B. whereas the diversity of legal and administrative systems in the Member States presents a challenging environment in which to combat fraud *in the absence of uniform legislation at European level to combat organised crime*;

Amendment 6
Julia Pitera

Motion for a resolution
Recital D

Motion for a resolution

Amendment

D. whereas Directive 2014/42/EU of the European Parliament and of the

D. whereas Directive 2014/42/EU of the European Parliament and of the

Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union⁷ introduces minimum EU standards;

⁷ OJ L 127, 29.4.2014, p. 39.

Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union⁷ introduces minimum EU standards *on the freezing of property with a view to possible subsequent confiscation and on the confiscation of property in criminal matters*;

⁷ OJ L 127, 29.4.2014, p. 39.

Or. en

Amendment 7
Julia Pitera

Motion for a resolution
Recital E

Motion for a resolution

E. whereas the regulation on the mutual recognition of freezing and confiscation orders introduces standardised means of cooperation among Member States;

Amendment

E. whereas the *Commission proposal 2016/0412 (COD) of 21 December 2016 for a* regulation on the mutual recognition of freezing and confiscation orders introduces standardised means of cooperation among Member States;

Or. en

Amendment 8
Julia Pitera

Motion for a resolution
Recital F

Motion for a resolution

F. whereas none of these instruments can apply to third countries;

Amendment

deleted

Or. en

Amendment 9
Julia Pitera

Motion for a resolution
Recital G

Motion for a resolution

G. whereas Council Regulation (EU) 2017/1939 on the **EPPO**, and particularly Article 104 thereof, envisages means of cooperation with third countries;

Amendment

G. whereas Council Regulation (EU) 2017/1939 **of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office (EPPO)**, and particularly Article 104 thereof, envisages means of cooperation with third countries;

Or. en

Amendment 10
Julia Pitera

Motion for a resolution
Recital H

Motion for a resolution

H. whereas Article 3(4) of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No 198) **requires its States Parties to adopt measures which would introduce the reversed burden of proof** in respect of serious offences, **therefore requiring the offender to demonstrate** the origin of **the** alleged proceeds; **whereas States Parties are, however, required to implement this provision only** to the extent **to which it** is consistent with the principles of **their** domestic **legal systems**;

Amendment

H. whereas Article 3(4) of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No 198) states **that** in respect of **a serious offence or offences as defined by national law, an offender demonstrates** the origin of alleged proceeds **or other property liable to confiscation** to the extent **that such a requirement** is consistent with the principles of **its domestic law**;

Or. en

Amendment 11
Julia Pitera

Motion for a resolution
Recital I

Motion for a resolution

I. whereas at global level several *treaties* and mechanisms in relation to confiscation and asset recovery have been developed by the UN and *UN-affiliated bodies*, but for various reasons, *including the absence of political will to cooperate*, they do not always allow an effective and timely recovery of stolen assets;

Amendment

I. whereas at *regional and* global level several *conventions* and mechanisms in relation to confiscation and asset recovery have been developed by the UN and *Council of Europe i.e. the United Nations Convention against Corruption of 31 October 2003, the United Nations Convention against Transnational Organized Crime of 15 November 2000, the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 16 May 2005, the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 8 November 1990*, but for various reasons they do not always allow an effective and timely recovery of stolen assets;

Or. en

Amendment 12
Julia Pitera

Motion for a resolution
Recital J a (new)

Motion for a resolution

Ja. whereas in accordance with Article 1, 3 and 14 of the Parliament and the Council Regulation 883/2013, the European Anti-Fraud Office has a mandate to investigate everywhere where

Amendment

EU money is spent, including in non-EU countries receiving EU assistance;

Or. en

Amendment 13
Julia Pitera

Motion for a resolution
Recital K

Motion for a resolution

K. whereas the European Anti-Fraud Office *has entered into some bilateral agreements that allow investigations to be carried out in certain* third countries;

Amendment

K. whereas *in accordance with Article 14 of the Parliament and the Council Regulation 883/2013*, the European Anti-Fraud Office *can enter in Administrative Cooperation Arrangements with competent authorities in* third countries, *following prior coordination with the competent Commission services and the European External Action Service;*

Or. en

Amendment 14
Notis Marias

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Highlights the problem of EU funds lost owing to fraudulent cases in which funds are transferred to third countries;

Amendment

1. Highlights the *ongoing* problem of EU funds lost owing to fraudulent cases in which funds are transferred to third countries;

Or. el

Amendment 15
Marco Valli

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Stresses the need, for the purposes of prevention, to avoid transfers of funds through financial intermediaries operating in non-transparent and uncooperative jurisdictions;

Or. it

Amendment 16
Notis Marias

Motion for a resolution
Paragraph 2

Motion for a resolution

Amendment

2. Highlights that funds from third countries may also be fraudulently transferred to the EU; underlines that the results of the preparatory action implemented by UNICRI on ‘Support to EU Neighbours to Implement Asset Recovery’ should lead to a broader and permanent EU programme to implement asset recovery;

2. Highlights **with concern** that funds from third countries may also be fraudulently transferred to the EU; underlines that the results of the preparatory action implemented by UNICRI on ‘Support to EU Neighbours to Implement Asset Recovery’ should lead to a broader and permanent EU programme to implement asset recovery;

Or. el

Amendment 17
Julia Pitera

Motion for a resolution
Paragraph 2

Motion for a resolution

Amendment

2. Highlights that funds from third countries may also be fraudulently transferred to the EU; underlines that the

2. Highlights that funds from third countries may also be fraudulently transferred to the EU; underlines that the

results of the preparatory action ***implemented by UNICRI on ‘Support to EU Neighbours*** to Implement Asset Recovery’ should lead to a broader and permanent EU programme to implement asset recovery;

results of the ***EU funded*** Preparatory Action ***for Supporting Arab Spring countries*** to implement asset recovery ***carried out by UNICRI*** should lead to a broader and permanent EU programme to implement asset recovery;

Or. en

Amendment 18
Marco Valli

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. ***Stresses the need to link the disbursement of funds to the publication of beneficial ownership data in order to facilitate the recovery of assets in the event of fraud;***

Or. it

Amendment 19
Notis Marias

Motion for a resolution
Paragraph 3

Motion for a resolution

Amendment

3. Underlines that the EU has only concluded agreements on mutual legal assistance with a few third countries so far, such as Japan, the United States, Norway and Lichtenstein, despite the fact that it is suspected that funds are also transferred to other jurisdictions;

3. Underlines that the EU has ***unfortunately*** only concluded agreements on mutual legal assistance with a few third countries so far, such as Japan, the United States, Norway and Lichtenstein, despite the fact that it is suspected that funds are also transferred to other jurisdictions;

Or. el

Amendment 20
Marco Valli

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Underlines that the EU has only concluded agreements on mutual legal assistance with a few third countries so far, such as Japan, the United States, Norway and Lichtenstein, despite the fact that it is suspected that funds are also transferred to other jurisdictions;

Amendment

3. Underlines that the EU has only concluded agreements on mutual legal assistance with a few third countries so far, such as Japan, the United States, Norway and Lichtenstein, despite the fact that it is suspected that funds are also transferred to other jurisdictions ***and calls on the Commission to encourage efforts to reach agreements with third countries receiving EU funding;***

Or. it

Amendment 21
Notis Marias

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Regrets the fact that many Member States must currently rely on bilateral agreements and that there is no EU approach to this serious issue; ***calls***, therefore, for a more unified approach;

Amendment

4. Regrets the fact that many Member States must currently rely on bilateral agreements and that there is no EU approach to this serious issue; ***stresses***, therefore, ***the need*** for a more unified approach;

Or. el

Amendment 22
Julia Pitera

Motion for a resolution
Paragraph 5

Motion for a resolution

5. **Strongly encourages** the EU to **become part of the** Group of States Against Corruption (GRECO);

Amendment

5. **Calls for** the EU to **advance its application for membership to the Council of Europe** Group of States against Corruption (GRECO) **as soon as possible, and to keep the Parliament up to date;**

Or. en

Amendment 23

Notis Marias

Motion for a resolution

Paragraph 5

Motion for a resolution

5. **Strongly encourages** the EU to become part of the Group of States Against Corruption (GRECO);

Amendment

5. **Urges** the EU to become part of the Group of States Against Corruption (GRECO);

Or. el

Amendment 24

Notis Marias

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Calls on the Commission to **generalise the practice of adding anti-fraud clauses to** agreements signed **by the EU** with third countries; regrets the fact that there is no data on the amount of EU funds lost annually owing to fraudulent cases linked to money transfer to third countries; calls on the Commission to calculate the amount of EU funds lost;

Amendment

6. Calls on the Commission to **harden its stance in** agreements signed with third countries **by adding anti-fraud clauses;** regrets the fact that there is no data on the amount of EU funds lost annually owing to fraudulent cases linked to money transfer to third countries; calls on the Commission to calculate the amount of EU funds lost;

Or. el

Amendment 25
Notis Marias

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Invites the Commission to assess the risk and **highlight** the sensitive points in EU laws that facilitate illegal money transfer outside of the EU;

Amendment

7. Invites the Commission to assess the risk and **remove** the sensitive points in EU laws that facilitate illegal money transfer outside of the EU;

Or. el

Amendment 26
Notis Marias

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Calls on the Commission to establish a standardised data collection method to enable detection of the transfer of fraudulent assets to third countries, which would be identical for all Member States, with the aim of creating a central EU database in the future; underlines that such a mechanism exists to combat money laundering, and that this mechanism could be expanded;

Amendment

8. Calls on the Commission **finally** to establish a standardised data collection method to enable detection of the transfer of fraudulent assets to third countries, which would be identical for all Member States, with the aim of creating a central EU database in the future; underlines that such a mechanism exists to combat money laundering, and that this mechanism could be expanded;

Or. el

Amendment 27
Marco Valli

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Calls on the Commission to establish a standardised data collection method to enable detection of the transfer of fraudulent assets to third countries, which would be identical for all Member States, with the aim of creating a central EU database *in the future*; underlines that such a mechanism exists to combat money laundering, and that this mechanism could be expanded;

Amendment

8. Calls on the Commission to establish a standardised data collection method to enable detection of the transfer of fraudulent assets to third countries, which would be identical for all Member States, with the aim of creating a central EU database *as soon as possible*; underlines that such a mechanism exists to combat money laundering, and that this mechanism could be expanded;

Or. it

Amendment 28

Julia Pitera

Motion for a resolution

Paragraph 9

Motion for a resolution

9. *Highlights the need to create mechanisms allowing freezing of assets in third countries when they have been acquired by breaching EU law, inspired by the existing EU directives on mutual recognition and recovery;*

Amendment

9. *Underlines that the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 16 May 2005 and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 8 November 1990 constitute important instruments facilitating cooperation with third countries related to assets freezing and asset recovery; welcomes successfully concluded negotiations on the proposal for a regulation on the mutual recognition of freezing and confiscation orders; notes that its main elements could be a useful basis to cooperate with third countries in the context of international conventions and bilateral agreements concluded by the European Union;*

Or. en

Amendment 29
Marco Valli

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Highlights the need to create mechanisms allowing freezing of assets in third countries when they have been acquired by breaching EU law, inspired by the existing EU directives on mutual recognition and recovery;

Amendment

9. Highlights the need to create mechanisms allowing *the swift and effective* freezing of assets in third countries when they have been acquired by breaching EU law, inspired by the existing EU directives on mutual recognition and recovery;

Or. it

Amendment 30
Julia Pitera

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Regrets the fact that not all EU Member States have agreed to be part of the European Public Prosecutor's Office (EPPO); stresses the importance of the EPPO becoming the key element of any future mechanism of recovery in third countries, requiring that it be recognised for that purpose as a competent *judicial* authority in existing and future *treaties* on mutual legal assistance and asset recovery, *whether bilateral or multilateral*;

Amendment

10. Regrets the fact that not all EU Member States have agreed to be part of the European Public Prosecutor's Office (EPPO); stresses the importance of the EPPO becoming the key element of any future mechanism of recovery in third countries, requiring that it be recognised for that purpose as a competent authority, *in accordance with Article 104 of the EPPO Regulation*, in existing and future *agreements* on mutual legal assistance and asset recovery, *in particular Council of Europe and UN Conventions*;

Or. en