



2018/2152(INI)

29.11.2018

AMENDMENTS

1 - 107

Draft report
Marian-Jean Marinescu
(PE627.568v01-00)

Annual Report 2017 on the protection of the European Union's financial interests- fight against fraud
(2018/2152(INI))

Amendment 1
Benedek Jávor

Motion for a resolution
Citation 1

Motion for a resolution

— having regard to **Article 325(5)** of the Treaty on the Functioning of the European Union (TFEU),

Amendment

— having regard to **Articles 310 (6) and 325(5)** of the Treaty on the Functioning of the European Union (TFEU),

Or. en

Amendment 2
Julia Pitera

Motion for a resolution
Citation 4 a (new)

Motion for a resolution

Amendment

- **having regard to the opinion No 8/2018 of the European Court of Auditors (ECA) on the Commission's proposal of 23 May 2018 on amending OLAF Regulation (EU, Euratom) No883/2013 as regards cooperation with the European Public Prosecutor's Office and the effectiveness of OLAF investigations,**

Or. en

Amendment 3
Péter Niedermüller, Arndt Kohn, Benedek Jávor

Motion for a resolution
Citation 12 a (new)

Motion for a resolution

Amendment

- **having regard to the judgement of the Court of Justice of the European Union in Case C-42/17^{1a}, criminal proceedings against M.A.S. and M.B.,**

***1^a Judgement of the Court of Justice
(Grand Chamber) of 5 December 2017,
Criminal proceedings against M.A.S. and
M.B., 42/17, ECLI:EU:C:2017:936***

Or. en

Amendment 4
Péter Niedermüller, Arndt Kohn

Motion for a resolution
Citation 14 a (new)

Motion for a resolution

Amendment

- *having regard to the Commission's
communication entitled 'Fighting
Corruption in the EU' (COM(2011)308),*

Or. en

Amendment 5
Péter Niedermüller, Arndt Kohn

Motion for a resolution
Citation 15 a (new)

Motion for a resolution

Amendment

- *having regard to Directive
2014/24/EU of the European Parliament
and of the Council of 26 February 2014
on public procurement and repealing
Directive 2004/18/EC,*

Or. en

Amendment 6
Péter Niedermüller, Arndt Kohn

Motion for a resolution
Citation 15 b (new)

Motion for a resolution

Amendment

- ***having regard to the Commission's EU Anti-corruption Report (COM(2014)0038),***

Or. en

Amendment 7

Péter Niedermüller, Arndt Kohn

Motion for a resolution

Citation 15 c (new)

Motion for a resolution

Amendment

- ***having regard to the European Parliament's report on 'Recovery of money and assets from third-countries in fraud cases'(A8-0298/2018),***

Or. en

Amendment 8

Benedek Jávor

Motion for a resolution

Citation 16 a (new)

Motion for a resolution

Amendment

- ***having regard to the opinion No 8/2018 of the Court of Auditors on the Commission's proposal of 23 May 2018 on amending OLAF Regulation 883/2013 as regards cooperation with the European Public Prosecutor's Office and the effectiveness of OLAF investigations,***

Or. en

Amendment 9

Benedek Jávor

Motion for a resolution

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Citation 16 b (new)

Motion for a resolution

Amendment

- ***having regard to the opinion No 9/2018 of the Court of Auditors concerning the proposal for a Regulation of the European Parliament and of the Council establishing the EU Anti-Fraud Programme,***

Or. en

Amendment 10

Arndt Kohn, Péter Niedermüller

Motion for a resolution

Citation 17 a (new)

Motion for a resolution

Amendment

- ***having regard to the Resolution of the European Parliament of 26 September 2018 on ‘Fighting Customs Fraud and Protection EU Own Resources’ (2018/2747(RSP),***

Or. en

Amendment 11

Arndt Kohn, Péter Niedermüller

Motion for a resolution

Citation 17 b (new)

Motion for a resolution

Amendment

- ***having regard to the European Court of Auditors’ special report No 26/2018 of 10 October 2018 entitled ‘A series of delays in Customs IT systems: what went wrong?’,***

Or. en

Amendment 12
Benedek Jávor

Motion for a resolution
Recital A

Motion for a resolution

A. whereas the Member States and the Commission have shared responsibility for implementing 74 % of the Union's budget for 2017;

Amendment

A. whereas ***de jure*** the Member States and the Commission have shared responsibility for implementing 74 % of the Union's budget for 2017, ***de facto however, Member States spending those resources and the Commission is responsible for having an overview of those projects vis a vis providing control mechanisms;***

Or. en

Amendment 13
Benedek Jávor

Motion for a resolution
Recital B a (new)

Motion for a resolution

B a. whereas Article 310(6) of the TFEU states that 'The Union and the Member States, in accordance with Article 325, shall counter fraud and any other illegal activities affecting the financial interests of the Union';

Or. en

Amendment 14
Gilles Pargneaux, Péter Niedermüller

Motion for a resolution
Recital B a (new)

Motion for a resolution

Amendment

B a. whereas achieving good performance with simplification processes

involves regularly assessing inputs, outputs, outcomes and impacts through performance audits;

Or. en

Amendment 15
Gilles Pargneaux, Péter Niedermüller

Motion for a resolution
Recital B b (new)

Motion for a resolution

Amendment

B b. whereas the diversity of legal and administrative systems in the Member States needs to be adequately addressed to overcome irregularities and combat fraud; where as the Commission should therefore step up its efforts to ensure that the fight against fraud is implemented effectively and produces more tangible and more satisfactory results;

Or. en

Amendment 16
Benedek Jávor, Péter Niedermüller

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

C a. whereas the EU has a general right to act in the field of anti-corruption policies within the limits established by the Treaty on the Functioning of the European Union (TFEU): Article 67 of the TFEU stipulates the Union's obligation to ensure a high level of security, including through prevention and combating of crime and approximation of criminal laws; Article 83 of the TFEU lists corruption as one of the particularly serious crimes with a cross-border dimension;

Amendment 17
Péter Niedermüller, Arndt Kohn

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

C a. whereas Article 325(3) TFEU states that ‘Member States shall coordinate their action aimed at protecting the financial interests of the Union against fraud’ and that ‘they shall organise, together with the Commission, close and regular cooperation between the competent authorities’;

Or. en

Amendment 18
Luke Ming Flanagan

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

C a. whereas corruption is widespread across the Member States and represents a serious threat to the financial interests of the union, which in turn poses a threat to trust in public administration;

Or. en

Amendment 19
Arndt Kohn, Péter Niedermüller

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

C a. whereas VAT is an important revenue source for national budget and that VAT-based own resources constituted 12,1% of the total revenue of the EU budget in 2017;

Or. en

Amendment 20
Benedek Jávor, Péter Niedermüller

Motion for a resolution
Recital C b (new)

Motion for a resolution

Amendment

C b. whereas Council Resolution 6902/05 on a comprehensive EU policy against corruption, adopted on 14 April 2005, called on the Commission to consider all viable options, such as participation in GRECO or a mechanism to evaluate and monitor EU instruments in relation to the development of a mutual evaluation and monitoring mechanism;

Or. en

Amendment 21
Péter Niedermüller, Arndt Kohn, Benedek Jávor

Motion for a resolution
Recital C b (new)

Motion for a resolution

Amendment

C b. whereas the systematic and institutionalised cases of corruption in certain Member States seriously harms the EU's financial interests while also representing threat to democracy, rule of law and fundamental rights;

Or. en

Amendment 22
Péter Niedermüller, Arndt Kohn

Motion for a resolution
Recital C c (new)

Motion for a resolution

Amendment

C c. whereas the 2017 Special Eurobarometer Report on corruption stated that perceptions and attitudes towards corruption at the overall level remained rather stable compared to 2013, which indicates that no concrete results have been demonstrated in terms of gain of trust of EU citizens in their institutions;

Or. en

Amendment 23
Benedek Jávor

Motion for a resolution
Recital C c (new)

Motion for a resolution

Amendment

C c. whereas figures indicate that the cost of corruption amounts to between EUR 120 billion and EUR 900 billion annually;

Or. en

Amendment 24
Gilles Pargneaux, Péter Niedermüller

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1 a. Points out that not all irregularities are fraudulent and that a clear distinction must be drawn between the errors committed;

Amendment 25
Marco Valli, Laura Agea

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Considers it advisable for Member States to cooperate more closely with regard to exchanges of information, in order both to improve data collection and enhance the effectiveness of controls;

Or. it

Amendment 26
Marco Valli, Laura Agea

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. Points out that many Member States do not have specific laws against organised crime, while its involvement in cross-border activities and sectors affecting the EU's financial interests, such as smuggling or counterfeiting of currency, is constantly growing;

Or. it

Amendment 27
Gilles Pargneaux, Péter Niedermüller

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

Amendment

3 a. Calls again on the Commission to establish a uniform system for the

collection of comparable data on irregularities and cases of fraud from the Member States in order to standardise the reporting process and ensure the quality and comparability of the data provided;

Or. en

Amendment 28
Marco Valli, Laura Agea

Motion for a resolution
Paragraph 3 b (new)

Motion for a resolution

Amendment

3b. *Expresses concern regarding checks relating to financial instruments managed by intermediaries and weaknesses revealed in verification of beneficiaries' registered offices; stresses the need to make the disbursement of direct and indirect loans conditional on the publication of country-by-country tax and accountancy data, and on the disclosure of information on beneficial ownership by the beneficiaries and financial intermediaries involved in financing operations;*

Or. it

Amendment 29
Arndt Kohn, Péter Niedermüller

Motion for a resolution
Paragraph 4

Motion for a resolution

Amendment

4. Expresses its concern that intra-Community VAT fraud cases cost the Union EUR 50 billion annually;

4. Expresses its concern *that according to the Commission's statistics, the VAT gap in 2016 amounted to EUR 147 billion, which represents more than 12 % of the total expected VAT revenue*^{1a} and that the Commission estimates that intra-Community VAT fraud cases cost the

Union *around* EUR 50 billion annually;

Or. en

Amendment 30
Arndt Kohn, Péter Niedermüller

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4 a. Welcomes the Commission's VAT action plan of 6 April 2016 to reform the VAT framework and the 13 legislative proposals adopted by the Commission since December 2016 that address the shift towards the definitive VAT regime, remove VAT obstacles to e-commerce, review the VAT regime for SMEs, modernise the VAT rates policy and the VAT tax gap; notes that the 'definitive system' proposal could eradicate missing trader intra-community (MTIC) fraud, but would not enter into application before 2022; calls on the Member States to quickly implement the reform of the VAT system and take more immediate actions to control the damage in the meantime, such as in the framework of Eurofisc, OLAF, EUROPOL and the future EPPO;

Or. en

Amendment 31
Péter Niedermüller, Arndt Kohn, Benedek Jávor

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4 a. Welcomes the M.A.S. judgment of the Court of Justice of the European Union which requires Member States to ensure that effective and deterrent

criminal penalties are adopted in cases of serious fraud affecting the EU's financial interests in relation to VAT in accordance with their obligations under Article 325 (1) and (2) TFEU;

Or. en

Amendment 32
Péter Niedermüller, Arndt Kohn

Motion for a resolution
Paragraph 4 b (new)

Motion for a resolution

Amendment

4 b. *Regrets that undervaluation of goods still represents a serious harm for the EU's financial interests; welcomes in this regard the pre-infringement procedure against the United Kingdom launched by the Commission in May 2018 because of the outstanding amount of undervaluation fraud affecting traditional and VAT own resources revenue;*

Or. en

Amendment 33
Arndt Kohn, Péter Niedermüller

Motion for a resolution
Paragraph 5

Motion for a resolution

Amendment

5. *Hopes that the currently ongoing amendment of Council Regulation (EU) No 904/2010⁸ of 7 October 2010 on administrative cooperation and combating fraud in the field of value added tax, will efficiently address key aspects of cross-border fraud within the single market, such as missing trader intra-community fraud;*

5. *Welcomes the amendment of Council Regulation (EU) No 904/2010⁸ on administrative cooperation and combating fraud in the field of value added tax adopted on 2 October 2018 and hopes that stronger cooperation will efficiently address key aspects of cross-border fraud within the single market, such as missing trader intra-community fraud;*

Or. en

Amendment 34
Marco Valli, Laura Agea

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Stresses, in this regard, the seriousness of the current situation concerning fraud involving the failure to pay VAT, in particular so-called carousel fraud; calls on all Member States to participate in all EUROFISC's fields of activity so as to facilitate the exchange of information to help combat fraud;

Or. it

Amendment 35
Arndt Kohn, Péter Niedermüller

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

Amendment

5 a. Welcomes the adoption of the Protection of Financial Interests (PIF) Directive^{1a} which clarifies the issues of cross-border cooperation and mutual legal assistance between Member States, Eurojust, the European Public Prosecutor's Office (EPPO) and the Commission in tackling VAT fraud;

Or. en

Amendment 36
Arndt Kohn, Péter Niedermüller

Motion for a resolution
Paragraph 5 b (new)

Motion for a resolution

Amendment

5 b. *Recalls that the Court of Justice has confirmed on several occasions that VAT is a financial interest of the Union, as most recently in the Taricco case (C-105/14); notes however that OLAF very rarely carries out investigations into irregularities concerning VAT due to a lack of instruments; calls on Member States to endorse the Commission's proposal to provide new to OLAF to deal with VAT cases such as access to Eurofisc, VIES or bank account information;*

Or. en

Amendment 37

Arndt Kohn, Péter Niedermüller

Motion for a resolution

Paragraph 5 c (new)

Motion for a resolution

Amendment

5 c. *Regrets that an investigation by OLAF on customs fraud in the UK concluded in 2017 revealed substantial VAT evasion in connection with imports through the UK through abuse of the suspension of VAT payment, the so-called customs procedures 42; recalls that these losses are cumulatively estimated to be in the range of EUR 3,2 billion for the period 2013-2016, which also represents a loss for the EU budget; is concerned that the newly adopted amendments to the Regulation (EU) No 904/2010 as regards measures to strengthen administrative cooperation in the field of VAT might not be sufficient to thwart CP42 fraud and calls on the Commission to consider new strategies to track CP42 goods within the EU;*

Or. en

Amendment 38
Gilles Pargneaux, Péter Niedermüller

Motion for a resolution
Paragraph 6 a (new)

Motion for a resolution

Amendment

6 a. *Notes with great concern that tobacco smuggling to the EU has intensified in recent years and, according to estimates, represents an annual loss of EUR 10 billions in public revenue to the EU and Member States' budgets, while at the same time it is a major source of organised crime, including terrorism; considers it necessary for Member States to step up their efforts to combat these illegal activities, for example by improving procedures for cooperation and the exchange of information between Member States;*

Or. en

Amendment 39
Péter Niedermüller, Arndt Kohn

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. Believes that a combination of different detecting methods (release controls, post-release controls, inspections by anti-fraud services and others) is most efficient for detecting fraud and that the efficiency of each method depends on the Member State concerned;

7. Believes that a combination of different detecting methods (release controls, post-release controls, inspections by anti-fraud services and others) is most efficient for detecting fraud and that the efficiency of each method depends on the Member State concerned, ***the efficient coordination of its administration and the ability of the Member States' relevant services to communicate with each other;***

Or. en

Amendment 40

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Julia Pitera

**Motion for a resolution
Paragraph 8**

Motion for a resolution

8. Finds it worrisome that some Member States regularly do not report a single case of fraud; invites the Commission to investigate the situation, as it considers the likelihood that those Member States are fraudless paradises to be rather low;

Amendment

8. Finds it worrisome that some Member States regularly do not report a single case of fraud; invites the Commission to investigate the situation, as it considers the likelihood that those Member States are fraudless paradises to be rather low; ***calls on the Commission to run random on spot checks in these countries;***

Or. en

**Amendment 41
Julia Pitera**

**Motion for a resolution
Paragraph 10**

Motion for a resolution

10. Repeats its call on the Commission to report annually the amount ***of EU own resources*** recovered, following the recommendations made by OLAF, and to communicate the amounts still to be recovered;

Amendment

10. Repeats its call on the Commission to report annually the amount recovered, following the recommendations made by OLAF, and to communicate the amounts still to be recovered;

Or. en

**Amendment 42
Péter Niedermüller, Arndt Kohn**

**Motion for a resolution
Subheading 4**

Motion for a resolution

EPPO

Amendment

EPPO and its future relation to OLAF

Or. en

Amendment 43
Ingeborg Gräßle

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Welcomes the decision of 22 Member States to proceed with the establishment of the EPPO through enhanced cooperation; calls on the Commission to incentivise the so-far reluctant Member States to join to the EPPO;

Amendment

12. Welcomes the decision of 22 Member States to proceed with the establishment of the EPPO through enhanced cooperation; calls on the Commission to incentivise the so-far reluctant Member States to join to the EPPO; ***calls on the Commission to make the participation in the EPPO a precondition for receiving ESI funding;***

Or. en

Amendment 44
Ingeborg Gräßle

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

12 a. Calls for an effective cooperation between the OLAF and the EPPO to avoid double structures, conflicting competences and legal loopholes through lack of competences;

Or. en

Amendment 45
Ingeborg Gräßle

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Welcomes the fact that the EU draft
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Amendment

13. Welcomes the fact that the EU draft

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budget for 2019 includes, for the first time, appropriations for the EPPO (EUR 4.9 million)⁹ and insists on the importance of having appropriate staffing and budget for the EPPO;

⁹ 2019 Budgetary Procedure, draft budget estimates adopted by the Commission on 23 May 2018.

budget for 2019 includes, for the first time, appropriations for the EPPO (EUR 4.9 million)⁹ and insists on the importance of having appropriate staffing and budget for the EPPO; ***notes that only 37 staff posts are foreseen, which implies that after deducting the posts for 23 European Persecutors, only 14 posts are foreseen for administrative tasks; considers that this is not realistic; in particular with regard to the two additional Member States that have recently decided to join the EPPO; requests therefore, a frontloading of the staff increase foreseen for 2020;***

⁹ 2019 Budgetary Procedure, draft budget estimates adopted by the Commission on 23 May 2018.

Or. en

Amendment 46 **Benedek Jávor**

Motion for a resolution **Paragraph 13**

Motion for a resolution

13. Welcomes the fact that the EU draft budget for 2019 includes, for the first time, appropriations for the EPPO (EUR 4.9 million)⁹ and insists on the importance of having appropriate staffing and budget for the EPPO;

⁹ 2019 Budgetary Procedure, draft budget estimates adopted by the Commission on 23 May 2018.

Amendment

13. Welcomes the fact that the EU draft budget for 2019 includes, for the first time, appropriations for the EPPO (EUR 4.9 million)⁹ and insists on the importance of having appropriate staffing and budget for the EPPO; ***therefore, calls on the Commission to provide EPPO with further new posts, in order to help EPPO to be fully operational by end of 2020 as foreseen by the regulation,***

⁹ 2019 Budgetary Procedure, draft budget estimates adopted by the Commission on 23 May 2018.

Or. en

Amendment 47

Julia Pitera

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Welcomes the fact that the EU draft budget for 2019 includes, for the first time, appropriations for the EPPO (EUR 4.9 million)⁹ and insists on the importance of having appropriate staffing and budget for the EPPO;

⁹ 2019 Budgetary Procedure, draft budget estimates adopted by the Commission on 23 May 2018.

Amendment

13. Welcomes the fact that the EU draft budget for 2019 includes, for the first time, appropriations for the EPPO (EUR 4.9 million)⁹ and insists on the importance of having appropriate staffing and budget for the EPPO, ***as pursuant to the EPPO regulation, the office should be fully operational by the end of 2020;***

⁹ 2019 Budgetary Procedure, draft budget estimates adopted by the Commission on 23 May 2018.

Or. en

Amendment 48

Péter Niedermüller, Arndt Kohn, Benedek Jávor

Motion for a resolution

Paragraph 13 a (new)

Motion for a resolution

Amendment

13 a. Welcomes the targeted proposal of the Commission for a revision of Regulation No 833/2013 primarily driven by the establishment of the EPPO; stresses that the future cooperation between OLAF and the EPPO should be based on close cooperation, efficient exchange of information and complementarity while avoiding duplications or conflicted competencies;

Or. en

Amendment 49

Luke Ming Flanagan

Motion for a resolution
Subheading 4 a (new)

Motion for a resolution

Amendment

Or. en

Amendment 50
Benedek Jávor, Péter Niedermüller

Motion for a resolution
Subheading 4 a (new)

Motion for a resolution

Amendment

Anti-corruption

Or. en

Amendment 51
Benedek Jávor

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

Amendment

13 a. Welcomes the Commission's proposal for a regulation of the European Parliament and of the Council on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States; stresses that in order to provide an objective and systematic assessment, the Commission shall regularly publish an assessment of threats to the rule of law, including risks of systemic corruption, in each Member State based on a set of indicators and independent reports;

Or. en

Amendment 52
Péter Niedermüller, Arndt Kohn, Benedek Jávor

Motion for a resolution
Paragraph 13 b (new)

Motion for a resolution

Amendment

13 b. Underlines the importance to ensure that OLAF remains a strong and fully-functioning partner to the EPPO, especially since OLAF will be the only body protecting the EU's financial interests in Member States not willing to join the EPPO;

Or. en

Amendment 53
Luke Ming Flanagan

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

Amendment

13 a. Regrets the fact that the Commission has decided to discontinue the publication of EU Anti-Corruption Reports, thus impairing the assessment of the scale of corruption;

Or. en

Amendment 54
Marco Valli, Laura Agea

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

Amendment

13a. Deplores the fact that the Commission no longer deems it necessary to publish the anti-corruption report;

reiterates, in this regard, its call for the Commission to publish a specific annual report on the fight against corruption, including data concerning all Member States;

Or. it

Amendment 55
Luke Ming Flanagan

Motion for a resolution
Paragraph 13 b (new)

Motion for a resolution

Amendment

13 b. Deplores the decision of the Commission to include anti-corruption monitoring within the European Semester economic governance process; takes the view that this has further reduced monitoring by the Commission, with data available for only very few countries; further regrets that this change of approach concentrates mostly on the economic impact of the corruption and almost completely overlooks the other dimensions corruption can affect, such as the trust of citizens in public administration and even the democratic structure of the Member States;

Or. en

Amendment 56
Benedek Jávor, Péter Niedermüller

Motion for a resolution
Paragraph 13 b (new)

Motion for a resolution

Amendment

13 b. Regrets that the Commission stopped publishing its anti-corruption report that was due to be published every two years, but have been published only in 2014; is of the opinion that having anti-

corruption factsheets as part of the European Semester, instead, is diffuse and does not generate a sufficiently strong political agenda, nor transversal action or evaluation; urges therefore the Commission to continue publishing its anti-corruption reports;

Or. en

Amendment 57
Luke Ming Flanagan

Motion for a resolution
Paragraph 13 c (new)

Motion for a resolution

Amendment

13 c. Reiterate its call on the Commission to resume the publication of the anti-corruption report, and to engage in a serious anti-corruption policy, including an in-depth evaluation of the anti-corruption policies in each Member State, proportional to the EU financial support in those Member States;

Or. en

Amendment 58
Benedek Jávor

Motion for a resolution
Paragraph 13 c (new)

Motion for a resolution

Amendment

13 c. Reiterates that the 'revolving door' effect can be detrimental to relations between the institutions and interest representatives; calls for the EU institutions to develop a systematic and proportional approach to this challenge;

Or. en

Amendment 59
Luke Ming Flanagan

Motion for a resolution
Paragraph 13 d (new)

Motion for a resolution

Amendment

13 d. Recalls the Question for Oral Answer O-000021/2018 to the Commission on anti-corruption which recalls that the 2011 Commission anti-corruption package included the EU's participation in the Group of States Against Corruption (GRECO); regrets that the GRECO negotiations are stalled and that the EU is not fulfilling its duties under the United Nations Convention against Corruption (UNCAC); calls on the Commission to reactivate the GRECO negotiations and to assess in a timely manner its compliance with the UNCAC;

Or. en

Amendment 60
Benedek Jávor, Péter Niedermüller

Motion for a resolution
Paragraph 13 d (new)

Motion for a resolution

Amendment

13 d. Deplores the fact that the Commission did not foster the EU's participation in the Council of Europe Group of States against Corruption (GRECO); Calls on the Commission to restart negotiations with GRECO as soon as possible;

Or. en

Amendment 61
Benedek Jávor, Péter Niedermüller

Motion for a resolution

Paragraph 13 e (new)

Motion for a resolution

Amendment

13 e. Calls on the Commission to develop a more comprehensive and coherent EU anti-corruption policy, in close cooperation with GRECO and set up an internal evaluation mechanism for the EU institutions;

Or. en

Amendment 62

Benedek Jávor

Motion for a resolution

Paragraph 13 f (new)

Motion for a resolution

Amendment

13 f. Reiterates its call on the Commission to develop a system of strict indicators and easily applicable, uniform criteria based on the requirements set out in the Stockholm Programme, to measure the level of corruption in the Member States and to evaluate their anti-corruption policies; invites the Commission to develop a corruption index in order to rank the Member States; is of the opinion that a corruption index could provide a sound basis on which the Commission could establish its country-specific control mechanism when controlling the spending of EU resources;

Or. en

Amendment 63

Benedek Jávor

Motion for a resolution

Paragraph 13 g (new)

Motion for a resolution

Amendment

13 g. Recalls that the Commission does not have access to the information exchanged between Member States with a view to preventing and combating Missing Trader Intra-Community (MTIC) fraud, commonly called carousel fraud; is of the opinion that the Commission should have access to Eurofisc, in order to better control, assess and improve the exchange of data among Member States; calls on all Member States to participate in all of Eurofisc's fields of activity so as to facilitate and accelerate information exchange with judicial and law enforcement authorities such as Europol and OLAF, as recommended by the Court of Auditors; calls on the Member States and the Council to grant the Commission access to these data in order to foster cooperation, strengthen data reliability and fight cross-border crime;

Or. en

Amendment 64
Péter Niedermüller

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Calls on the Commission to elaborate a framework for the digitalisation of all processes of **implementation** of EU policies (calls for proposals, application, evaluation, implementation, payment) to be applied by all Member States;

Amendment

15. Calls on the Commission to elaborate a framework for the digitalisation of all processes of **financing** of EU policies (calls for proposals, application, evaluation, implementation, payment) to be applied by all Member States;

Or. en

Amendment 65
Benedek Jávor

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Regrets the fact that only few Member States are using new technologies for all the major steps of the procurement process (e-notification, e-access to tender documents, e-submission, e-evaluation, e-award, e-ordering, e-invoicing, e-payment); calls on the Member States to make all the forms of the public procurement process, as well as publicly accessible contract registers, available online by July 2019;

Amendment

16. Regrets the fact that only few Member States are using new technologies for all the major steps of the procurement process (e-notification, e-access to tender documents, e-submission, e-evaluation, e-award, e-ordering, e-invoicing, e-payment); calls on the Member States to make all the forms of the public procurement process, as well as publicly accessible contract registers, available online ***in a machine readable format*** by July 2019;

Or. en

Amendment 66
Péter Niedermüller

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Regrets the fact that only few Member States are using new technologies for all the major steps of the procurement process (e-notification, e-access to tender documents, e-submission, e-evaluation, e-award, e-ordering, e-invoicing, e-payment); calls on the Member States to make all the forms of the public procurement process, as well as publicly accessible contract registers, available online by July 2019;

Amendment

16. Regrets the fact that only few Member States are using new technologies for all the major steps of the procurement process (e-notification, e-access to tender documents, e-submission, e-evaluation, e-award, e-ordering, e-invoicing, e-payment); calls on the Member States to make all the forms of the public procurement process, as well as publicly accessible contract registers, available online by July 2019 ***while endeavouring to ensure equal access of the EU's population to broadband and promoting e-literacy***;

Or. en

Amendment 67
Luke Ming Flanagan

Motion for a resolution
Paragraph 16

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Motion for a resolution

16. Regrets the fact that only few Member States are using new technologies for all the major steps of the procurement process (e-notification, e-access to tender documents, e-submission, e-evaluation, e-award, e-ordering, e-invoicing, e-payment); calls on the Member States to make all the forms of the public procurement process, as well as publicly accessible contract registers, available online by July 2019;

Amendment

16. Regrets the fact that only **a** few Member States are using new technologies for all the major steps of the procurement process (e-notification, e-access to tender documents, e-submission, e-evaluation, e-award, e-ordering, e-invoicing, e-payment); calls on the Member States to make all the forms of the public procurement process, as well as publicly accessible contract registers, available online by July 2019;

Or. en

Amendment 68

Péter Niedermüller, Arndt Kohn

Motion for a resolution

Paragraph 20 a (new)

Motion for a resolution

Amendment

20 a. Welcomes the guidance prepared by the Advisory Committee for Coordination of Fraud Prevention (COCOLAF) on red flags and best practices in public procurement and irregularity reporting;

Or. en

Amendment 69

Marco Valli, Laura Agea

Motion for a resolution

Paragraph 23 a (new)

Motion for a resolution

Amendment

23a. Expresses concern with regard to customs inspections and the related collection of customs duties, which are an own resource for the EU budget; points out that inspections to verify that

importers are complying with the rules on tariffs and imports are carried out by Member States' own customs authorities, and calls on the Commission to ensure that inspections at the EU's borders are appropriate and harmonised, thereby guaranteeing the Union's security, safety and economic interests, and to commit to fighting trade in illegal and counterfeit goods in particular;

Or. it

Amendment 70
Arndt Kohn, Péter Niedermüller

Motion for a resolution
Paragraph 23 a (new)

Motion for a resolution

Amendment

23 a. Regrets that the implementation of the new IT systems for the Customs Union suffered a series of delays so that some of the key systems will not be available at the 2020 deadlines set in the Union Customs Code^{1a}; underlines that the swift transition to a paperless customs environment is key to ensure that customs administrations work as if they were one entity; calls on the Commission and the Member States to contribute to the completion and financial sustainability of EU customs information systems;

Or. en

Amendment 71
Péter Niedermüller, Arndt Kohn

Motion for a resolution
Paragraph 23 a (new)

Motion for a resolution

Amendment

23 a. Welcomes the 11 joint customs operations of OLAF that successfully

targeted various threats such as revenue fraud, illicit cash movements, counterfeit products, cigarette smuggling and narcotics; welcomes in addition the detection of irregularities following Mutual Assistance notices issued by OLAF especially frauds involving solar panels;

Or. en

Amendment 72
Arndt Kohn, Péter Niedermüller

Motion for a resolution
Paragraph 23 b (new)

Motion for a resolution

Amendment

23 b. Underlines that harmonised and standardised customs controls at all points of entry are necessary because an imbalance in the performance of customs controls by Member States impedes the effective functioning of the customs union;

Or. en

Amendment 73
Gilles Pargneaux, Péter Niedermüller

Motion for a resolution
Paragraph 24 a (new)

Motion for a resolution

Amendment

24 a. Expects that the simplification of administrative rules called for in the common provisions covering the period 2014-2020 will make it possible to reduce the number of non-fraudulent irregularities, identify fraudulent cases and improve access to EU funds for beneficiaries;

Or. en

Amendment 74
Péter Niedermüller

Motion for a resolution
Paragraph 26

Motion for a resolution

26. Underlines the fact that detection capability is a key feature in the context of the anti-fraud cycle, which contributes to the effectiveness and efficiency of the system for the protection of the EU budget; **welcomes** the fact, therefore, that **the most active** Member States in detecting and reporting potentially fraudulent irregularities **were Poland, Romania, Hungary, Italy and Bulgaria**, between them accounting for 73 % of irregularities reported as fraudulent in the common agricultural policy in the years 2013-2017;

Amendment

26. Underlines the fact that detection capability is a key feature in the context of the anti-fraud cycle, which contributes to the effectiveness and efficiency of the system for the protection of the EU budget; **regrets** the fact, therefore, that **only five** Member States **were very active** in detecting and reporting potentially fraudulent irregularities between them accounting for 73 % of irregularities reported as fraudulent in the common agricultural policy in the years 2013-2017;

Or. en

Amendment 75
Marco Valli, Laura Agea

Motion for a resolution
Paragraph 26

Motion for a resolution

26. Underlines the fact that detection capability is a key feature in the context of the anti-fraud cycle, which contributes to the effectiveness and efficiency of the system for the protection of the EU budget; welcomes the fact, therefore, that the most active Member States in detecting and reporting potentially fraudulent irregularities were Poland, Romania, Hungary, Italy and Bulgaria, between them accounting for 73 % of irregularities reported as fraudulent in the common agricultural policy in the years 2013-2017;

Amendment

26. Underlines the fact that detection capability is a key feature in the context of the anti-fraud cycle, which contributes to the effectiveness and efficiency of the system for the protection of the EU budget; welcomes the fact, therefore, that the most active Member States in detecting and reporting potentially fraudulent irregularities were Poland, Romania, Hungary, Italy and Bulgaria, between them accounting for 73 % of irregularities reported as fraudulent in the common agricultural policy in the years 2013-2017; **stresses, in this regard, that a single numerical assessment of the reports made**

may lead to an incorrect perception of the effectiveness of the controls; calls on the Commission, therefore, to continue supporting Member States with a view to ensuring that both the quality and number of controls are improved, and to share best practice in the fight against fraud;

Or. it

Amendment 76
Marco Valli, Laura Agea

Motion for a resolution
Paragraph 27 a (new)

Motion for a resolution

Amendment

27a. Points out that complete transparency in accounting for expenditure is essential, especially as regards infrastructure works financed directly through EU funds or financial instruments; calls on the Commission to provide for EU citizens to have full access to information on co-financed projects;

Or. it

Amendment 77
Péter Niedermüller, Arndt Kohn

Motion for a resolution
Paragraph 29

Motion for a resolution

Amendment

29. Supports the Hercule III programme, which is a good example of the ‘best use of every euro’ approach; **expects** its post-2020 successor **to** be even more efficient;

29. Supports the Hercule III programme, which is a good example of the ‘best use of every euro’ approach; **hopes that** its post-2020 successor **will** be even more efficient;

Or. en

Amendment 78
Marco Valli, Laura Agea

Motion for a resolution
Paragraph 30 a (new)

Motion for a resolution

Amendment

30a. *Emphasises that a system enabling the authorities to exchange information would facilitate the cross-checking of accounting records for transactions between two or more Member States in order to prevent cross-border fraud in respect of the structural and investment funds, hence ensuring a cross-cutting and comprehensive approach to the protection of Member States' financial interests; reiterates its request to the Commission to submit a legislative proposal on mutual administrative assistance in those areas of expenditure of EU funds where no provision is made for this;*

Or. it

Amendment 79
Péter Niedermüller

Motion for a resolution
Subheading 11 a (new)

Motion for a resolution

Amendment

Transnational fraud

Or. en

Amendment 80
Péter Niedermüller

Motion for a resolution
Paragraph 30 a (new)

Motion for a resolution

Amendment

30 a. ***Finds worrisome the increasing***

threat and occurrence of transnational fraud detected by OLAF; welcomes the adoption of the European Parliament's report on 'Recovery of money and assets from third-countries in fraud cases' (A8-0298/2018) and the anti-fraud clause successfully incorporated in the free trade agreement with Japan; calls on the Commission to generalise the practice of adding anti-fraud clauses to agreements signed by the EU with third countries;

Or. en

Amendment 81
Julia Pitera

Motion for a resolution
Paragraph 31

Motion for a resolution

31. Welcomes the proposal for a directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law (COM(2018)0218); hopes that it will significantly improve the safety of whistleblowers in the Union, leading to major improvement of the EU's financial protection and the rule of law;

Amendment

31. Welcomes the proposal for a directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law (COM(2018)0218); hopes that it will significantly improve the safety of whistleblowers in the Union, ***i.e. by protecting whistleblowers from and kind of retaliation and*** leading to major improvement of the EU's financial protection and the rule of law;

Or. en

Amendment 82
Péter Niedermüller, Arndt Kohn

Motion for a resolution
Paragraph 31

Motion for a resolution

31. Welcomes the proposal for a directive of the European Parliament and of the Council on the protection of persons

Amendment

31. Welcomes the proposal for a directive of the European Parliament and of the Council on the protection of persons

reporting on breaches of Union law (COM(2018)0218); hopes that it will significantly improve the safety of whistleblowers in the Union, leading to major improvement of the EU's financial protection and the rule of law;

reporting on breaches of Union law (COM(2018)0218); hopes that it will significantly improve the safety of whistleblowers in the Union **and the relative proportion of detections coming from whistleblowers**, leading to major improvement of the EU's financial protection and the rule of law;

Or. en

Amendment 83
Luke Ming Flanagan

Motion for a resolution
Paragraph 31

Motion for a resolution

31. Welcomes the proposal for a directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law (COM(2018)0218); hopes that it will significantly improve **the safety of whistleblowers in the Union**, leading to major improvement of the EU's financial protection and the rule of law;

Amendment

31. Welcomes the proposal for a directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law (COM(2018)0218); hopes that it will **protect the position of whistleblowers within the Union and** significantly improve **their** safety, leading to major improvement of the EU's financial protection and the rule of law;

Or. en

Amendment 84
Benedek Jávor

Motion for a resolution
Paragraph 31

Motion for a resolution

31. Welcomes the proposal for a directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law (COM(2018)0218); hopes that it will significantly improve the safety of whistleblowers in the Union, leading to

Amendment

31. Welcomes the proposal for a directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law (COM(2018)0218); hopes that it will significantly improve the safety of whistleblowers in the Union, leading to

major improvement of the EU's financial protection and the rule of law;

major improvement of the EU's financial protection and the rule of law; ***hopes that it will enter into force in the very near future; calls on all EU institutions to implement the standards set in the directive in their own internal policies as soon as possible to ensure the highest level of protection of the financial interests of the Union; encourages the Member States to implement it into their national legal system with the widest scope possible beyond the the limitations of European legislation;***

Or. en

Amendment 85
Marco Valli, Laura Agea

Motion for a resolution
Paragraph 31 a (new)

Motion for a resolution

Amendment

31a. Calls on the Commission to provide for proper legal protection for investigative journalists along the lines of that provided for whistleblowers;

Or. it

Amendment 86
Gilles Pargneaux, Péter Niedermüller

Motion for a resolution
Paragraph 31 a (new)

Motion for a resolution

Amendment

31 a. Emphasises the important role of whistleblowers in fraud prevention, detection and reporting and the need to protect them;

Or. en

Amendment 87
Benedek Jávor

Motion for a resolution
Subheading 12 a (new)

Motion for a resolution

Amendment

Investigative journalism

Or. en

Amendment 88
Benedek Jávor

Motion for a resolution
Paragraph 31 a (new)

Motion for a resolution

Amendment

31 a. Is of the opinion that investigative journalism plays a key role in fostering the necessary level of transparency in the EU and the Member States, and that it must be encouraged and supported by legal and financial (through an intermediary organization) means both in the Member States and within the EU;

Or. en

Amendment 89
Gilles Pargneaux

Motion for a resolution
Paragraph 32

Motion for a resolution

Amendment

32. Notes with concern that according to OLAF estimates, the illicit trade in cigarettes causes annual financial losses of over EUR 10 billion to the budgets of the Union and the Member States;

deleted

Or. fr

Amendment 90
Benedek Jávor

Motion for a resolution
Paragraph 32 a (new)

Motion for a resolution

Amendment

32 a. Welcomes the fact that the protocol to Eliminate Illicit Trade in Tobacco Products entered into force on 25th of September 2018 after the signature of the 40th party; welcomes the fact that the first Meeting of the Parties of the Protocol took place from the 8th to the 10th of October 2018; however, urges the EU Members States which have not ratified the protocol to Eliminate Illicit Trade in Tobacco Product yet to do so as soon as possible;

Or. en

Amendment 91
Gilles Pargneaux, Péter Niedermüller

Motion for a resolution
Paragraph 32 a (new)

Motion for a resolution

Amendment

32 a. Recalls the Commission's decision not to renew the PMI agreement, which expired on 9 July 2016; recalls that it asked the Commission on 9 March 2016 not to renew, extend or renegotiate the PMI agreement beyond its expiry date; believes that the three other agreements (BAT, JTI, ITL) should be terminated with effect as of 20 May 2019; calls on the Commission to present a report by the end of 2018 presenting the feasibility of stopping the three remaining agreements;

Or. en

Amendment 92
Gilles Pargneaux

Motion for a resolution
Paragraph 32 a (new)

Motion for a resolution

Amendment

32a. Welcomes the entry into force, on 25 September 2018, of the WHO Protocol to Eliminate Illicit Trade in Tobacco Products following the 41st ratification, on 27 June 2018, by the United Kingdom and Northern Ireland;

Or. fr

Amendment 93
Péter Niedermüller, Gilles Pargneaux

Motion for a resolution
Paragraph 32 a (new)

Motion for a resolution

Amendment

32 a. Calls on the Commission to come up swiftly with the new action plan and comprehensive EU strategy to fight illicit tobacco envisaged for late summer 2018;

Or. en

Amendment 94
Benedek Jávor

Motion for a resolution
Paragraph 32 b (new)

Motion for a resolution

Amendment

32 b. Reminds the decision of the European Commission not to renew the PMI agreement which expired on July 9th 2016; reminds that on March 9th 2016 the EP asked the Commission not to renew, extend or renegotiate it beyond its date of expiry; believes that the 3 other

agreements (BAT, JTI, ITL) should not be renewed, extended or renegotiated;

Or. en

Amendment 95
Gilles Pargneaux

Motion for a resolution
Paragraph 32 b (new)

Motion for a resolution

Amendment

32b. Calls on the EU Member States which have signed the Protocol (Belgium, Denmark, Finland, Greece, Ireland, the Netherlands, Slovenia, Sweden) but not yet ratified it, to do so;

Or. fr

Amendment 96
Gilles Pargneaux

Motion for a resolution
Paragraph 32 c (new)

Motion for a resolution

Amendment

32c. Calls on the Commission to play an active role in the working group set up at the First Session of the Meeting of the Parties (MOP1) to the Protocol to Eliminate Illicit Trade in Tobacco Products, with a view to producing a comprehensive report setting out good practices and implementation experiences regarding tracking and tracing systems in the State Parties;

Or. fr

Amendment 97
Benedek Jávor

Motion for a resolution
Paragraph 32 c (new)

Motion for a resolution

Amendment

32 c. Furthermore, reiterates its call to the Commission to publish a report concerning the possibility to end the 3 other agreements before their respective expiration date; calls on the Commission to present the report before the European Parliament before the next European Parliament elections;

Or. en

Amendment 98
Gilles Pargneaux

Motion for a resolution
Paragraph 32 d (new)

Motion for a resolution

Amendment

32d. Calls on the Commission to ensure that the tracing system and security measures which have to be put in place by the Member States by 20 May 2019 for cigarettes and rolling tobacco and by 20 May 2024 for all other tobacco products (such as cigars, cigarillos and smokeless tobacco products) are consistent with the independence guidelines of the WHO Protocol to Eliminate Illicit Trade in Tobacco Products which the European Union ratified on 24 June 2016;

Or. fr

Amendment 99
Gilles Pargneaux

Motion for a resolution
Paragraph 32 e (new)

Motion for a resolution

Amendment

32e. Calls on the Commission to anticipate the hidden cloning risks of individual markings by the tobacco industry for the purpose of supplying the parallel market;

Or. fr

Amendment 100

Péter Niedermüller, Arndt Kohn

Motion for a resolution

Paragraph 33

Motion for a resolution

33. Notes that, **thus far**, OLAF's judicial recommendations have seen only limited implementation in the Member States; takes the view that such a situation is intolerable and calls on the Commission to ensure full implementation of OLAF's recommendations **in the Member States**;

Amendment

33. Notes **with concern** that, OLAF's judicial recommendations have seen only limited implementation in the Member States; takes the view that such a situation is intolerable and calls on the Commission to **urge the Member States to** ensure full implementation of OLAF's recommendations;

Or. en

Amendment 101

Marco Valli, Laura Agea

Motion for a resolution

Paragraph 33

Motion for a resolution

33. Notes that, thus far, OLAF's judicial recommendations have seen only limited implementation in the Member States; takes the view that such a situation is intolerable **and calls on** the Commission to ensure full implementation of OLAF's recommendations in the Member States;

Amendment

33. Notes that, thus far, OLAF's judicial recommendations have seen only limited implementation in the Member States **and** takes the view that such a situation is intolerable; **urges** the Commission, **therefore**, to ensure full implementation of OLAF's recommendations in the Member States **and to lay down rules to facilitate the admissibility of the evidence found by OLAF**;

Amendment 102

Benedek Jávor

Motion for a resolution

Paragraph 33 a (new)

Motion for a resolution

Amendment

33 a. Welcomes the Commission's proposal to empower OLAF to investigate Value Added Tax matters; calls on the Commission that to establish a certain level of transparency of OLAF reports and recommendations after all the closure of European and national procedures; is of the opinion that after the adoption of the necessary changes of the OLAF regulation related to the establishment of EPPO the Commission should prepare a more thorough and comprehensive modernisation of the OLAF framework;

Or. en

Amendment 103

Julia Pitera

Motion for a resolution

Paragraph 33 a (new)

Motion for a resolution

Amendment

33 a. Stresses that after creation of the EPPO, OLAF will remain the sole office responsible of protecting EU financial interest in 5 EU Member States which did not decide to join the EPPO; highlights that according to the ECA's opinion 8/2018, the Commission proposal amending OLAF regulation does not resolve the issue of low effectiveness of OLAF's administrative investigations;

Or. en

Amendment 104
Ingeborg Gräßle

Motion for a resolution
Paragraph 33 a (new)

Motion for a resolution

Amendment

33 a. *Deplores the inconsistency of the terminology in the OLAF reports; such as closed and concluded investigations; calls on the Commission and OLAF to implement a consistent terminology so that comparability over the years is guaranteed relating to the reporting and the reconditioning of fraud cases;*

Or. en

Amendment 105
Marco Valli, Laura Agea

Motion for a resolution
Paragraph 33 a (new)

Motion for a resolution

Amendment

33a. *Points out that the cooperation agreements between OLAF and the EPPO should ensure there is a clear separation of powers, in order to avoid any problems relating to overlapping and delays in proceedings;*

Or. it

Amendment 106
Ingeborg Gräßle

Motion for a resolution
Paragraph 33 b (new)

Motion for a resolution

Amendment

33 b. *Takes note of the ongoing issues*

with OLAF's new Content Management Database (OCM); deplores in particular the fact that cases were lost in the new database; welcomes the fact that the problem is a subject of top priority; invites the Commission to provide Parliament with an in-depth evaluation of the OCM IT project, in particular regarding project design, full costs, implementation, users' experiences, and a list of issues encountered, as per the recommendations made by the OLAF Supervisory Committee^{1a} ;

^{1a} OLAF Supervisory Committee Opinion No 1/2018 on the OLAF preliminary draft budget for 2019

Or. en

Amendment 107
Benedek Jávor

Motion for a resolution
Paragraph 33 b (new)

Motion for a resolution

Amendment

33 b. Calls on the Commission and the Member States to jointly ensure that investigations of OLAF and of the Member States complement each other, that OLAF enjoys equal investigative powers in every Member States, including access to bank account information and that evidence collected by OLAF are admissible as criminal evidence by the judiciary in all Member States as it is essential to the effective follow up of OLAF investigations;

Or. en