



2015/2128(INI)

05.11.2015

AMENDMENTS

1 - 34

Draft opinion
Sander Loones
(PE567.824v01-00)

Annual Report 2014 on the Protection of the EU's Financial Interests - Fight
against fraud
(2015/2128(INI))

Amendment 1
Eleonora Forenza

Draft opinion
Paragraph 1

Draft opinion

1. Believes firmly that, *at a time of ongoing fiscal consolidation and restraint in the Member States with the objective of bringing finances onto a more sustainable footing*, all necessary steps must be taken to prevent and stop any fraudulent activities in the field of trade policy and its associated appropriations;

Amendment

1. Believes firmly that all necessary steps must be taken to prevent and stop any fraudulent activities in the field of trade policy and its associated appropriations;

Or. en

Amendment 2
David Martin

Draft opinion
Paragraph 1

Draft opinion

1. Believes firmly that, at a time of ongoing fiscal consolidation *and restraint* in the Member States with the objective of *bringing finances onto a more sustainable footing*, all necessary steps must be taken to prevent and stop any fraudulent activities in the field of trade policy and its associated appropriations;

Amendment

1. Believes firmly that, at a time of ongoing fiscal consolidation *when all available resources are needed for investment* in the Member States with the objective of *stimulating sustainable economic growth*, all necessary steps must be taken to prevent and stop any fraudulent activities in the field of trade policy and its associated appropriations;

Or. en

Amendment 3
Pablo Zalba Bidegain

Draft opinion
Paragraph 1

Draft opinion

1. ***Believes firmly*** that, ***at a time of ongoing fiscal consolidation and restraint in the Member States with the objective of bringing finances onto a more sustainable footing***, all necessary steps must be taken to prevent and stop any fraudulent activities in the field of trade policy and its associated appropriations;

Amendment

1. ***Recalls*** that, ***with the objective of bringing finances onto a more sustainable footing, EU Member States are involved in an ongoing fiscal consolidation and restraint. Therefore firmly believes that*** all necessary steps must be taken to prevent and stop any fraudulent activities in the field of trade policy and its associated appropriations;

Or. en

Amendment 4

Ska Keller

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 1 a (new)

Draft opinion

Amendment

1a. Is convinced that both police and policy issues are at stake, and that, while criminal investigation into illegal trade practices by importers into the EU is necessary, shortcomings and failures related to deficient Commission policy have to be fully revealed and need to be tackled, from missing ex-ante and ex-post evaluations of the effect of trade agreements on the EU budget, to weaknesses in control strategies and risk management of customs duties collection and customs clearance;

Or. en

Amendment 5

Eleonora Forenza

Draft opinion

Paragraph 1 a (new)

Draft opinion

Amendment

1a. Considers that the ongoing deregulation of the financial markets and the diminishment of the existing regulatory frameworks in international trade risks to facilitate phenomena such as corruption, smuggling, trafficking and other forms of illegal and illicit trade, especially at profit of transnational organized crimes; therefore calls to keep this aspect carefully in consideration while negotiating FTAs and trade facilitation agreement;

Or. en

Amendment 6

Ska Keller

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 1 b (new)

Draft opinion

Amendment

1b. Urges that the Commission come up with proposals on how it will improve ex-ante assessments of trade agreements in order to estimate in advance revenue foregone following the granting of trade preferences, and believes that reliable analysis models have to be developed as an urgent matter, as the European Union is concluding an ever increasing number of preferential trade agreements, with effects on its own budget;

Or. en

Amendment 7

Eleonora Forenza

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

Ib. Supports the attempt to include a strong and binding anti-fraud and corruption clause that can pave the ground for enhanced cooperation against organized crime, trafficking and other illegal or illicit trade, as structural element in all the Free Trade Agreements involving the EU; considers therefore extremely important the inclusion also in the ongoing TTIP and TISA negotiations;

Or. en

Amendment 8
Ska Keller
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 1 c (new)

Draft opinion

Amendment

Ic. Is concerned about reported deficient or in-total non-executed recovery of customs debt after discovery of fraud in some member states; is of the opinion that non-recovery is a form of impunity and complicity with those who committed the fraud and paves the way to repetition of customs fraud;

Or. en

Amendment 9
Daniel Caspary

Draft opinion
Paragraph 2

Draft opinion

2. *Notes the problems* of smuggling, trafficking and other forms of illegal and illicit trade, which not only have an impact on Member States' collection of customs duties and consequently on the EU budget, but are also strongly associated with organised international crime, threats to consumers and negative effects on the functioning of the single market, and which undermine a level playing field for all competing companies; requests, therefore, better coordination between the European Anti-Fraud Office (OLAF), customs authorities and market surveillance authorities in order not only to combat these problems but also to curb the trade in products that infringe intellectual property laws in the EU;

Amendment

2. *Is very concerned about the increasing incidence* of smuggling, trafficking and other forms of illegal and illicit trade, which not only have an impact on Member States' collection of customs duties and consequently on the EU budget, but are also strongly associated with organised international crime, threats to consumers and negative effects on the functioning of the single market, and which undermine a level playing field for all competing companies; requests, therefore, *that* better coordination between the European Anti-Fraud Office (OLAF), customs authorities and market surveillance authorities *be established very soon* in order not only to combat these problems but also to curb the trade in products that infringe intellectual property laws in the EU;

Or. de

Amendment 10

Ska Keller

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 2

Draft opinion

2. Notes the problems of smuggling, trafficking and other forms of illegal and illicit *trade*, which not only have an impact on Member States' collection of customs duties and consequently on the EU budget, but are also strongly associated with organised international crime, threats to consumers and negative effects on the functioning of the single market, and which undermine a level playing field for all competing companies; requests, therefore, better coordination between the European Anti-Fraud Office (OLAF), customs authorities and market surveillance

Amendment

2. Notes the problems of smuggling, trafficking and other forms of illegal *trading practices* and illicit *financial flows linked to the latter*, which not only have an impact on Member States' collection of customs duties and consequently on the EU budget, but are also strongly associated with organised international crime, threats to consumers and negative effects on the functioning of the single market, and which undermine a level playing field for all competing companies; requests, therefore, better coordination between the European Anti-Fraud Office (OLAF), customs

authorities in order not only to combat these problems but also to curb the trade in products that infringe intellectual property laws in the EU;

authorities and market surveillance authorities in order not only to combat these problems but also to curb the trade in products that infringe intellectual property laws in the EU, *while carefully preserving and protecting the production and trade of generic medicines*;

Or. en

Amendment 11
Marine Le Pen, Edouard Ferrand

Draft opinion
Paragraph 2

Draft opinion

2. Notes the problems of smuggling, trafficking and other forms of illegal and illicit trade, which not only have an impact on Member States' collection of customs duties and consequently on the EU budget, but are also strongly associated with organised international crime, threats to consumers and negative effects on the functioning of the single market, and which undermine a level playing field for all competing companies; requests, therefore, better coordination between the European Anti-Fraud Office (OLAF), customs authorities and market surveillance authorities in order not only to combat these problems but also to curb the trade in products that infringe intellectual property laws in the EU;

Amendment

2. Notes the problems of smuggling, *counterfeiting*, trafficking and other forms of illegal and illicit trade, which not only have an impact on Member States' collection of customs duties and consequently on the EU budget, but are also strongly associated with organised international crime, threats to consumers and negative effects on the functioning of the single market, and which undermine a level playing field for all competing companies; requests, therefore, better coordination between the European Anti-Fraud Office (OLAF), customs authorities and market surveillance authorities in order not only to combat these problems but also to curb the trade in products that infringe intellectual property laws in the EU; *notes that the closure of customs posts has meant that fewer checks are now carried out, and these types of unlawful activity have mushroomed as a result; notes that internet commerce makes new kinds of fraud possible, particular VAT fraud resulting in heavy losses of revenue to Member States*;

Or. fr

Amendment 12
David Martin

Draft opinion
Paragraph 2

Draft opinion

2. Notes the problems of smuggling, trafficking and other forms of illegal and illicit trade, which not only have an impact on Member States' collection of customs duties and consequently on the EU budget, but are also strongly associated with organised international crime, threats to consumers and negative effects on the functioning of the single market, and which undermine a level playing field for all competing companies; requests, therefore, better coordination between the European Anti-Fraud Office (OLAF), customs authorities and market surveillance authorities in order not only to combat these problems but also to curb the trade in products that infringe intellectual property laws in the EU;

Amendment

2. Notes the problems of smuggling, trafficking and other forms of illegal and illicit trade, which not only have an impact on Member States' collection of customs duties and consequently on the EU budget, but are also strongly associated with organised international crime, threats to consumers and negative effects on the functioning of the single market, and which undermine a level playing field for all competing companies, ***particularly SMEs***; requests, therefore, better coordination between the European Anti-Fraud Office (OLAF), customs authorities and market surveillance authorities in order not only to combat these problems but also to curb the trade in products that infringe intellectual property laws in the EU; ***stresses the importance of distinguishing between legitimate generic medicine and fraudulent counterfeiting drugs in order not to interrupt the legitimate flow of medicines***;

Or. en

Amendment 13
Tiziana Beghin, David Borrelli

Draft opinion
Paragraph 2

Draft opinion

2. Notes the problems of smuggling, trafficking and other forms of illegal and illicit trade, which not only have an impact

Amendment

2. Notes the problems of smuggling, trafficking and other forms of illegal and illicit trade, which ***are further***

on Member States' collection of customs duties and consequently on the EU budget, but are also strongly associated with organised international crime, threats to consumers and negative effects on the functioning of the single market, and which undermine a level playing field for all competing companies; requests, therefore, better coordination between the European Anti-Fraud Office (OLAF), customs authorities and market surveillance authorities in order not only to combat these problems but also to curb the trade in products that infringe intellectual property laws in the EU;

compounded by the lack of uniformity in customs checks and procedures in the Member States and not only have an impact on Member States' collection of customs duties and consequently on the EU budget, but are also strongly associated with organised international crime, threats to consumers and negative effects on the functioning of the single market, and which undermine a level playing field for all competing companies; requests, therefore, better coordination between the European Anti-Fraud Office (OLAF), customs authorities and market surveillance authorities in order not only to combat these problems but also to curb the trade in products that infringe intellectual property laws in the EU;

Or. it

Amendment 14
Jaroslav Wałęsa

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Welcomes the fact that Member States have taken specific measures to ensure more effective fight against fraud affecting the financial interests of the EU both on the expenditure and revenue sides, so that the EU budget is well-spent, detecting and prosecuting more fraud cases in 2014 than in the previous year;

Or. en

Amendment 15
Jaroslav Wałęsa

Draft opinion
Paragraph 2 b (new)

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Draft opinion

Amendment

2b. Calls on Member States to put even more effort into ensuring that money from the EU budget is correctly used for projects that contribute to growth and jobs in Europe;

Or. en

Amendment 16
Jaroslav Wałęsa

Draft opinion
Paragraph 2 c (new)

Draft opinion

Amendment

2c. Welcomes the proven effectiveness of OLAF's origin investigations concerning the eligibility of preferential tariff measures and calls upon the Member States to consider these findings and take all necessary and appropriate measures in accordance with the provisions of EU customs legislation; in order to prevent losses to the EU budget due to the import of goods under PTAs not entitled to preferential tariff treatment, the Commission is called upon to continue to verify that Member States improve the effectiveness of their risk management systems and control strategies on the basis of the mutual assistance (MA) communications; furthermore asks the Commission to follow up on their commitment to carry out ex post evaluations on PTAs with significant economic, social and environmental impact including a periodical reporting system by beneficiary countries on their management and control of preferential origin;

Or. en

Amendment 17
Aldo Patriciello

Draft opinion
Paragraph 3

Draft opinion

3. Notes the implementation of the Hercule III Programme under the new financial framework, and considers it useful that this programme be used to assist the law enforcement agencies of certain Member States in combating illegal and illicit trade;

Amendment

3. Notes the implementation of the Hercule III Programme under the new financial framework, and considers it useful that this programme be used to assist the law enforcement agencies of certain Member States in combating illegal and illicit trade; ***hopes to see promotion of this programme stepped up to make it more effective and to facilitate access to it for the national and regional administrations it targets;***

Or. it

Amendment 18
Marine Le Pen, Edouard Ferrand

Draft opinion
Paragraph 3

Draft opinion

3. Notes the implementation of the Hercule III Programme under the new financial framework, and considers it useful that this programme be used to assist the law enforcement agencies of certain Member States in combating illegal and illicit trade;

Amendment

3. Notes the implementation of the Hercule III Programme under the new financial framework, and considers it useful that this programme be used to assist the law enforcement agencies of certain Member States in combating illegal and illicit trade; ***notes that the existence in the European Union of a number of tax havens encourages companies to divert monies they would normally use to pay tax, thus undermining Member States' revenue;***

Or. fr

Amendment 19
Marielle de Sarnez

Draft opinion
Paragraph 3

Draft opinion

3. Notes the implementation of the Hercule III Programme under the new financial framework, and considers it useful that this programme be used to assist the law enforcement agencies of certain Member States in combating illegal and illicit trade;

Amendment

3. Notes the implementation of the Hercule III Programme under the new financial framework, and considers it useful that this programme be used to assist the law enforcement agencies of certain Member States in combating illegal and illicit trade;
calls on the European Union to put in place its European Public Prosecution Service without delay;

Or. fr

Amendment 20
Jarosław Wałęsa

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Stresses that fight against illicit trade should remain a high priority for the EU as well as for the Member States;

Or. en

Amendment 21
Aldo Patriciello

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Welcomes the fact that in 2014 there were 48 agreements in place that encompassed mutual administrative

4. Welcomes the fact that in 2014 there were 48 agreements in place that encompassed mutual administrative

assistance, covering 71 countries, with another 49 countries in negotiations, including major trading partners such as the USA and Japan;

assistance, covering 71 countries, with another 49 countries in negotiations, including major trading partners such as the USA and Japan; ***asks that Parliament be kept constantly informed on developments in these negotiations;***

Or. it

Amendment 22
Marine Le Pen, Edouard Ferrand

Draft opinion
Paragraph 4

Draft opinion

4. Welcomes the fact that in 2014 there were 48 agreements in place that encompassed mutual administrative assistance, covering 71 countries, with another 49 countries in negotiations, including major trading partners such as the USA and Japan;

Amendment

4. Welcomes the fact that in 2014 there were 48 agreements in place that encompassed mutual administrative assistance, covering 71 countries, with another 49 countries in negotiations, including major trading partners such as the USA and Japan; ***notes that VAT carousel fraud is costing EU Member States tens of billions of euro, and calls for a change in the rules on levying VAT in respect of trade between Member States, in order to put an end to this type of fraud;***

Or. fr

Amendment 23
Dita Charanzová

Draft opinion
Paragraph 4

Draft opinion

4. Welcomes the fact that in 2014 there were 48 agreements in place that encompassed mutual administrative

Amendment

4. Welcomes the fact that in 2014 there were 48 agreements in place that encompassed mutual administrative

assistance, covering 71 countries, with another 49 countries in negotiations, including major trading partners such as the USA and Japan;

assistance, covering 71 countries, with another 49 countries in negotiations, including major trading partners such as the USA and Japan; ***encourages the Commission to continue to cooperate with other countries on anti-fraud measures and establish new Administrative Cooperation Arrangements; invites the Commission to continue to include anti-fraud provisions in all EU international agreements;***

Or. en

Amendment 24
Marielle de Sarnez

Draft opinion
Paragraph 4

Draft opinion

4. Welcomes the fact that in 2014 there were 48 agreements in place that encompassed mutual administrative assistance, covering 71 countries, with another 49 countries in negotiations, including major trading partners such as the USA and Japan;

Amendment

4. Welcomes the fact that in 2014 there were 48 agreements in place that encompassed mutual administrative assistance, covering 71 countries, with another 49 countries in negotiations, including major trading partners such as the USA and Japan; ***emphasises that the top priority in terms of protecting the EU's financial interests and combating fraud effectively is to ensure that the existing legislation is applied and that all parties observe the relevant international agreements, including the provisions for sanctions;***

Or. fr

Amendment 25
Dita Charanzová

Draft opinion
Paragraph 4 – point 1 (new)

Draft opinion

Amendment

(1) Invites once again all EU Member States who have at present signed but not ratified the UN Protocol to Eliminate Illicit Trade in Tobacco Products to complete their respective ratification process as soon as possible;

Or. en

Amendment 26

Ska Keller

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Asks the Commission to publish a list of European companies and their subsidiaries abroad who have fraudulently or unduly used preferential customs regimes when importing into European Union countries and produce data on the amount of duties not collected for the EU budget because of that fraud;

Or. en

Amendment 27

Eleonora Forenza

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Draws attention to the illicit financial outflows put in place by extra-EU transnational multinational companies engage in fraudulent schemes aimed at avoiding tax payments in the EU;

Amendment 28

Ska Keller

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 4 b (new)

Draft opinion

Amendment

4b. Recalls the internal EU standards on the fight against corruption and the protection of whistleblowers, and believes that these should be explicitly extended to whistleblowers revealing fraud in relation to international agreements, including trade agreements;

Or. en

Amendment 29

Ska Keller

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 5

Draft opinion

Amendment

5. Welcomes the key role played by the EU's macro-financial assistance (MFA) programme in encouraging reform in the EU's closest trading countries; requests that the Commission continue to report to Parliament and the Member States with a view to ensuring that all funds are spent in full compliance with the basic regulation.

5. Suggests that a genuine MFA regulation, with proper EU conditionalities, will substantially improve the possibility to carry out and compare ex-post assessments of the added value of MFA interventions, which so far serve as flanking measures of IMF austerity programs, as these assessments could deliver information with regard to regional cohesion and promotion of regional stability, and hence limit the risk of misuse of repayable loans.

Or. en

Amendment 30
Marine Le Pen, Edouard Ferrand

Draft opinion
Paragraph 5

Draft opinion

5. Welcomes the key role played by the EU's macro-financial assistance (MFA) programme in encouraging reform in the EU's closest trading countries; requests that the Commission continue to report to Parliament and the Member States with a view to ensuring that all funds are spent in full compliance with the basic regulation.

Amendment

5. Welcomes the key role played by the EU's macro-financial assistance (MFA) programme in encouraging reform in the EU's closest trading countries; requests that the Commission continue to report to Parliament and the Member States with a view to ensuring that all funds are spent in full compliance with the basic regulation; ***is concerned that much of the macro-financial assistance to Ukraine may be being misused, given that corruption is known to be rife in the Ukrainian authorities.***

Or. fr

Amendment 31
David Martin

Draft opinion
Paragraph 5

Draft opinion

5. Welcomes the key role played by the EU's macro-financial assistance (MFA) programme in encouraging ***reform*** in the EU's closest trading countries; requests that the Commission continue to report to Parliament and the Member States with a view to ensuring that all funds are spent in full compliance with the basic regulation.

Amendment

5. Welcomes the key role played by the EU's macro-financial assistance (MFA) programme in encouraging ***anti-corruption and anti-fraud reforms*** in the EU's closest trading countries; requests that the Commission continue to report to Parliament and the Member States with a view to ensuring that all funds are spent in full compliance with the basic regulation; ***further requests an long-term assessment of the effect MFA programmes have on tackling corruption and fraud in recipient countries.***

Amendment 32
Tiziana Beghin, David Borrelli

Draft opinion
Paragraph 5

Draft opinion

5. *Welcomes the key role played by the EU's macro-financial assistance (MFA) programme in encouraging reform in the EU's closest trading countries*; requests that the Commission continue to report to Parliament and the Member States with a view to ensuring that all funds are spent in full compliance with the basic regulation.

Amendment

5. *Calls for prudence in the use of funds intended for the EU's macro-financial assistance (MFA) programme*; requests that the Commission continue to report to Parliament and the Member States with a view to ensuring that all funds are spent in full compliance with the basic regulation.

Or. it

Amendment 33
Helmut Scholz, Eleonora Forenza

Draft opinion
Paragraph 5

Draft opinion

5. *Welcomes* the key role played by the EU's macro-financial assistance (MFA) programme in *encouraging reform in the EU's closest trading countries*; requests that the Commission continue to report to Parliament and the Member States with a view to ensuring that all funds are spent in full compliance with the basic regulation.

Amendment

5. *Notes* the key role played by the EU's macro-financial assistance (MFA) programme in *imposing cuts in public spending in some of the EU's closest trading partners*; requests that the Commission continue to report to Parliament and the Member States with a view to ensuring that all funds are spent in full compliance with the basic regulation.

Or. en

Amendment 34
Eleonora Forenza, Helmut Scholz

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Calls on OLAF to investigate whether EU macro-financial assistance paid to third countries, and in particular the high amounts paid to the Ukraine, are spent in full compliance with the respective regulations, and to report to the European Parliament and to the Council on an annual basis whether fraud or corruption can be linked with the spending of EU MFA.

Or. en