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REPORT

on the recommendation for a Council decision concerning the accession of Bulgaria and Romania to the Convention of 26 July 1995, drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests, the Protocol of 27 September 1996, drawn up on the basis of Article K.3 of the Treaty on European Union, to the Convention on the protection of the European Communities' financial interests, the Protocol of 29 November 1996, drawn up on the basis of Article K.3 of the Treaty on European Union, the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the protection of the European Communities' financial interests and the Second Protocol of 19 June 1997, drawn up on the basis of Article K.3 of the Treaty on European Union, to the Convention on the protection of the European Communities' financial interests
(COM(2007)0277 – C6-0238/2007 – 2007/0100(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Jean-Marie Cavada

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the recommendation for a Council decision concerning the accession of Bulgaria and Romania to the Convention of 26 July 1995, drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests, the Protocol of 27 September 1996, drawn up on the basis of Article K.3 of the Treaty on European Union, to the Convention on the protection of the European Communities' financial interests, the Protocol of 29 November 1996, drawn up on the basis of Article K.3 of the Treaty on European Union, the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the protection of the European Communities' financial interests and the Second Protocol of 19 June 1997, drawn up on the basis of Article K.3 of the Treaty on European Union, to the Convention on the protection of the European Communities' financial interests
(COM(2007)0277 – C6-0238/2007 – 2007/0100(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the Commission recommendation to the Council (COM(2007)0277),
 - having regard to Article 3(4) of the Act of accession of the Republic of Bulgaria and Romania, pursuant to which the Council consulted Parliament (C6-0238/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0360/2007),
1. Approves the Commission recommendation as amended;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the Commission recommendation substantially;
 4. Instructs its President to forward its position to the Council and the Commission and to the governments of the Republic of Bulgaria and Romania.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Recital 4 a (new)

(4a) The Bulgarian and Romanian governments have made efforts to meet the respective benchmarks provided for the activation of the simplified accession procedure,

Justification

The purpose of the proposed insertion is to point out that the accession of Bulgaria and Romania to the respective normative instruments is not an automatic consequence from the act of the accession of the two countries to the EU but comes in response to the efforts undertaken by the respective societies to meet the criteria of the Union for "good governance" and to ensure the upholding of the Community interests in regard to the specific subject matter of the Convention.

The adoption of this assessment will provide positive back feed for to the respective governments that their policies of reforming the sectors of the internal security and public finance are properly assessed on the European parliamentary level. Such awareness on the national level, for the countries concerned, will provide the necessary incentives for the further deepening of the reform processes.

EXPLANATORY STATEMENT

The 2005 Act of accession of Bulgaria and Romania has introduced a simplified system for the accession of Bulgaria and Romania to the conventions (and protocols) concluded by the Member States on the basis of Art. 34 TEU (previously Art. K.3 TEU) or Art. 293 TEC. It is indeed not anymore necessary, as in the past, to negotiate and conclude specific accession protocols to these conventions (which would have implied ratification by 27 States): Article 3(3) of the Act provides simply that Bulgaria and Romania accede to these conventions and protocols by virtue of the Act of Accession.

Article 3(3) and 3(4) of the Act of Accession provide that, to that effect, the Council shall adopt a decision in order to determine the date on which these conventions shall enter into force for Bulgaria and Romania and to make all the necessary adjustments to these conventions required by reason of the accession of the two new Member States (which would include, in any event, the adoption of the conventions in the Bulgarian and Romanian languages, so that these versions can be "equally authentic").

The Council shall act on a recommendation of the Commission, after consulting the European Parliament.

PROCEDURE

Title	Accession of Bulgaria and Romania to the Convention of 26 July 1995 on the protection of the European Communities' financial interests and to the various Protocols to the Convention
References	COM(2007)0277 - C6-0238/2007 - 2007/0100(CNS)
Date of consulting Parliament	16.7.2007
Committee responsible Date announced in plenary	LIBE 3.9.2007
Committee(s) asked for opinion(s) Date announced in plenary	CONT 3.9.2007
Not delivering opinions Date of decision	CONT 17.7.2007
Rapporteur(s) Date appointed	Jean-Marie Cavada 10.9.2007
Discussed in committee	10.9.2007 3.10.2007
Date adopted	3.10.2007
Result of final vote	+: 31 -: 0 0: 0
Members present for the final vote	Alexander Alvaro, Philip Bradbourn, Michael Cashman, Jean-Marie Cavada, Carlos Coelho, Fausto Correia, Esther De Lange, Panayiotis Demetriou, Bárbara Dührkop Dührkop, Kinga Gál, Roland Gewalt, Jeanine Hennis-Plasschaert, Lívia Járóka, Magda Kósáné Kovács, Barbara Kudrycka, Henrik Lax, Kartika Tamara Liotard, Sarah Ludford, Viktória Mohácsi, Martine Roure, Søren Bo Søndergaard, Vladimir Urutchev, Adina-Ioana Vălean, Ioannis Varvitsiotis
Substitute(s) present for the final vote	Inés Ayala Sender, Edit Bauer, Maria da Assunção Esteves, Ona Juknevičienė, Jean Lambert, Antonio Masip Hidalgo, Siiri Oviir, Eva-Britt Svensson