



**2015/0210(NLE)**

5.1.2016

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## **DRAFT REPORT**

on the recommendation for a Council decision concerning the accession of Croatia 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, 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(2015)0458 – C8-0296/2015 – 2015/0210(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Tomáš Zdechovský

First

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

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

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the recommendation for a Council decision concerning the accession of Croatia 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, 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(2015)0458 – C8-0296/2015 – 2015/0210(NLE))**

### **(Consultation)**

*The European Parliament,*

- having regard to the Commission recommendation to the Council (COM(2015)0458),
  - having regard to Article 3(4) and (5) of the Act of Accession of Croatia, pursuant to which the Council consulted Parliament (C8-0296/2015)
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgetary Control (A8-0000/2015),
1. Approves the Commission recommendation;
  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 substantially amend the text approved by Parliament,
  4. Instructs its President to forward its position to the Council and the Commission.

## EXPLANATORY STATEMENT

The 2011 Accession Treaty of the Republic of Croatia has introduced a simplified system for the accession of Croatia to the conventions (and protocols) concluded by the Member States on the basis of Art. 34 TEU (previously Art. K.3 TEU). Article 3(4) and 3(5) of the Act provides that Croatia accedes to these conventions and protocols by virtue of the Act of Accession.

Article 3(5) 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 Croatia and to make all the necessary adjustments to these conventions required by reason of the accession of the new Member State (which would include, in any event, the adoption of the conventions in the Croatian language, so that these versions can be "equally authentic"). The Council shall act on a recommendation of the Commission, after consulting the European Parliament.

Annex I to the Act of Accession gives the list of the conventions and protocols concerned. That list includes the Convention on the protection of the European Communities' financial interests of 26 July 1995, its Protocol of 27 September 1996, its Protocol of 29 November 1996 and the second Protocol of 19 June 1997, all adopted under Title VI EU Treaty, set out to establish a common base for the criminal-law protection of the EC's financial interests.

The Convention and its Protocols of 27.9.1996 and of 29.11.1996 entered into force on 17 October 2002 following ratification by the then 15 Member States, the Protocol of 19. 6. 1997 entered into force on 19 May 2009 following ratification by the then 27 Member States.

There is no need for this Commission Recommendation to make the adjustments required by reason of the accession of Croatia to the aforementioned Convention and its Protocols, in accordance with Article 3(5) of the Act of Accession The Commission recommends that the Council takes a decision in order to determine the date on which these conventions shall enter into force for Croatia.

Therefore, your Rapporteur recommends approving this Commission recommendation.