



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 25 February 2014**

**6964/14**

**PE 128  
JAI 124  
BUDGET 8  
EPPO 11  
FIN 157  
FISC 41  
DATAPROTECT 37**

**NOTE**

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from: General Secretariat of the Council  
to: Delegations

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Subject: Summary of the joint meeting of the Civil Liberties, Justice and Home Affairs Committee of the European Parliament with the Committee on budgetary Control, held in Brussels on 20 February 2014

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*Joint LIBE and CONT session devoted to discussing amendments to the draft directive on the fight against fraud to the financial interests of the Union by means of criminal law.*

The meeting was chaired by Mr Aguilar (S&D, ES) and Mr Theurer (ALDE, DE).

***Fight against***

**Fight against fraud to the Union's financial interests by means of criminal law**

CJ09/7/12965

\*\*\*I 2012/0193(COD) COM(2012)0363 – C7-0192/2012

Rapporteurs	Ingeborg Gräßle (PPE)	PR – PE524.832v01-00
	Juan Fernando López Aguilar (S&D)	AM – PE528.001v03-00
Responsible:	CONT, LIBE* –	
Opinions:	ECON – Decision: no opinion	
	JURI* – Tadeusz Zwiefka (PPE)	AD – PE514.816v02-00
		AM – PE519.502v01-00
		CM – PE498.056v01-00
	JURI (AL) – Eva Lichtenberger (Verts/ALE)	AL – PE500.747v02-00

The Rapporteurs had received 75 amendments. Rapporteur AGUILAR explained that the issue of the legal basis was still not resolved and that LIBE and CONT have taken a different view on the issue. He stressed however that as far as LIBE was concerned, it would accept the opinion of JURI, which has decided that Article 83 was the correct legal basis. According to Ms GRÄBLE (EPP, DE) the legal basis which gave more extensive co-decision powers to the EP should be considered as the first option.

During the discussion the Greens raised the issue of minimum penalties, explaining that they firmly opposed them. The Greens also asked for clarifications regarding the division of competence between national prosecutors and the EPPO regarding VAT fraud.

The Commission representative welcomed the agreement reached by the Rapporteurs. He confirmed that in the Commission's view Article 235 should be the correct legal basis. Regarding EPPO competence on VAT fraud he explained that the directive was only concerned with substantive law, and that the powers of the EPPO were a separate issue to be defined in a separate proposal. He stressed the need to align the law with a view to the EPPO proposal, which aimed at cooperation between national prosecutors on the basis of national law. He clarified that provisions on VAT would harmonise national provisions and that minimum sanctions had nothing to do with the choice of legal basis.

Vote in committee: 20 March 2014

Plenary vote: April II

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