



EUROPEAN COMMISSION

Brussels, 17.9.2013

C(2013) 5888 final

Dear President,

The Commission would like to thank the Czech Senát for its Opinion concerning the fight against fraud to the Union's financial interests by means of criminal law {COM(2012) 363 final} and apologises for the long delay in replying.

The Commission is pleased to learn that the Senát shares its effort to better protect the Union's financial interests. Fraud and related illegal activities affecting the Union's financial interests pose a serious problem to the Union budget and thereby to the EU-taxpayers. The Commission hopes for a quick adoption of this important proposal in the European Parliament and in Council.

The Commission has taken note of the Senát's concrete suggestions, including those on prescription, which are currently part of thorough discussions by the co-legislators. The Commission considers it absolutely necessary to harmonise to a certain degree the rules on prescription and on criminal sanctions. Offences against the Union's financial interests are sometimes punished in such a strikingly lenient way that they do not deter from illegal activities at all. It would be unacceptable to the taxpayer if we would allow fraudsters to continue to make use of such safe havens. A minimum sanction of six months of imprisonment could act as a strong deterrent..

It should be underlined that a national judge may of course go below the minimum sanction if the circumstances in an individual case call for this, for example if the offender cooperated with the authorities by providing them with information which they would not otherwise have been able to obtain. There will thus still not be any automatism in handing out a minimum of six months of imprisonment for the most serious offences.

The Commission hopes that these clarifications address the concerns raised by the Senát and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

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President of the Senát
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