


Procedure file

Basic information	
CNS - Consultation procedure	1997/0914(CNS)
Procedure completed	
Fight against organized crime: making corruption in the private sector a criminal offence	
Subject 7.30.30 Action to combat crime	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties and Internal Affairs		15/09/1997
		PSE BONTEMPI Rinaldo	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	JURI Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	
	Council configuration	Meeting	Date
	Research	2154	22/12/1998
	Justice and Home Affairs (JHA)	2146	03/12/1998

Key events			
30/07/1997	Legislative proposal published	10017/1997	Summary
01/10/1997	Committee referral announced in Parliament		
04/11/1997	Vote in committee		Summary
04/11/1997	Committee report tabled for plenary, 1st reading/single reading	A4-0348/1997	
20/11/1997	Debate in Parliament		
20/11/1997	Decision by Parliament	T4-0571/1997	Summary
22/12/1998	Act adopted by Council after consultation of Parliament		
22/12/1998	End of procedure in Parliament		
31/12/1998	Final act published in Official Journal		

Technical information	
Procedure reference	1997/0914(CNS)

Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legal basis	Treaty on the European Union (after Amsterdam) M K.3-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/09310

Documentation gateway

Legislative proposal		10017/1997	30/07/1997	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0348/1997 OJ C 371 08.12.1997, p. 0003	04/11/1997	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0571/1997 OJ C 371 08.12.1997, p. 0165-0195	20/11/1997	EP	Summary

Final act

Justice and Home Affairs act 1998/742
[OJ L 358 31.12.1998, p. 0002-0004](#)

Fight against organized crime: making corruption in the private sector a criminal offence

OBJECTIVE: Presenting of a draft joint action on making corruption in the private sector a criminal offence (Article K.3 of the Treaty on European Union). SUBSTANCE: Taking the view that action to combat corruption at international level is a matter of joint interest and that corruption is an obstacle to the smooth functioning of the internal market, the Member States decided to agree on a draft joint action to make corruption in the private sector a criminal offence. Under this draft common action, each Member State undertakes to ensure effective cooperation regarding offences arising from corruption and ensure that they are subject to penal sanctions throughout the Union. The draft defines corrupt activities which are subject to penal sanctions and requires Member States to determine a competent authority to judge such offences. Member States are required to take measures to implement the common action one year after its entry into force, failing which they must at least cooperate with other Member States in this area. ?

Fight against organized crime: making corruption in the private sector a criminal offence

The committee gave its unanimous backing to the proposal for a Joint Action on making corruption in the private sector a criminal offence (Article K.6 of the Treaty - third pillar - consultation procedure), for which Mr BONTEMPI was the rapporteur. This Joint Action is based on the recommendations of the High Level Group appointed by the Dublin European Council in December 1996 and is intended to contribute to a consistent, coordinated approach by the EU to the fight against organised crime. The report emphasises that the link between organized crime and corruption threatens the fundamental democratic principles of the European Union. To combat corruption, it advocates the adoption by Member States of effective, proportionate and dissuasive criminal penalties, including, at least in serious cases, penalties involving deprivation of liberty, which could constitute grounds for extradition. It also seeks to establish that legal persons may be held criminally liable, an idea which it takes from the Convention on the protection of the European Communities' financial interests. Member States are asked to take legislative measures to ensure smooth and effective cooperation. The committee is also calling for the EU Court of Justice to have jurisdiction to give preliminary rulings in such cases. ?

Fight against organized crime: making corruption in the private sector a criminal offence

In adopting the report by Mr Rinaldo BONTEMPI (PSE, I), the European Parliament has approved the draft joint action, subject to amendments designed to facilitate the fight against corruption. It calls on each Member State to: - adopt the necessary measures to combat active and passive corruption, with penalties including, in serious cases, extradition, - ensure that legal persons may be held criminally or administratively liable for offences committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person (power of representation, authority to take decisions on behalf of the legal person, authority to exercise control within the legal person). This liability of a legal person would also apply in the event of participation in such offences as an accessory or instigator and would not exclude criminal proceedings against natural persons who are perpetrators, instigators or accessories in offences. Parliament also calls for the Member States to report each year on implementation of the joint action, and for itself to be informed. Finally, it calls for the Court of Justice to have jurisdiction to give preliminary rulings on the validity and interpretation of the joint action. ?