


# Procedure file

Basic information	
CNS - Consultation procedure	1997/0913(CNS)
Procedure completed	
Fight against organised crime: criminal offence to participate in a criminal organisation	
Repealed by <a href="#">2005/0003(CNS)</a>	
Subject	
7.30.30 Action to combat crime	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties and Internal Affairs	V <a href="#">ORLANDO Leoluca</a>	15/09/1997
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	<b>JURI</b> Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Environment</a>	<a href="#">2153</a>	21/12/1998
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2146</a>	03/12/1998

Key events			
08/09/1997	Legislative proposal published	<a href="#">10407/1997</a>	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	<a href="#">A4-0349/1997</a>	
20/11/1997	Debate in Parliament		
20/11/1997	Decision by Parliament	T4-0574/1997	Summary
03/12/1998	Debate in Council	<a href="#">2146</a>	
21/12/1998	Act adopted by Council after consultation of Parliament		
21/12/1998	End of procedure in Parliament		
29/12/1998	Final act published in Official Journal		

Technical information	
Procedure reference	1997/0913(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
	Repealed by <a href="#">2005/0003(CNS)</a>
Legal basis	Treaty on the European Union (after Amsterdam) M K.3-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/09312

Documentation gateway					
Legislative proposal		<a href="#">10407/1997</a>	08/09/1997	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0349/1997</a> <a href="#">OJ C 371 08.12.1997, p. 0003</a>	04/11/1997	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0574/1997 <a href="#">OJ C 371 08.12.1997, p. 0165-0204</a>	20/11/1997	EP	Summary

Final act	
Justice and Home Affairs act 1998/733	<a href="#">OJ L 351 29.12.1998, p. 0001-0003</a>

## Fight against organised crime: criminal offence to participate in a criminal organisation

**OBJECTIVE.** Presentation of a draft joint action on the basis of Article K.3 of the Treaty on European Union making it a criminal offence to participate in a criminal organization in the Member States of the European Union. **SUBSTANCE.** Given the serious nature and the development of certain forms of international organized crime, Member States decided to adopt a common approach regarding participation in the activities of criminal organizations under this draft joint action, each Member State will undertake to ensure effective cooperation regarding offences related to participation in the activities of a criminal organization and ensure that penal sanctions are applied in such cases. The offences concerned relate to terrorism, drugs trafficking or other acts of violence constituting a danger to the public at large. The draft gives a definition of 'criminal organization', leaving Member States full discretion to decide how to enforce penalties under national law. Member States are required to take steps to implement the joint action within one year from its entry into force, failing which they must at least cooperate with other Member States in this area. ?

## Fight against organised crime: criminal offence to participate in a criminal organisation

The Committee adopted by a large majority the report by Leoluca ORLANDO (Greens, I) endorsing the draft Joint Action proposed by the Council. The aim of the Action is to make the fight against organised crime more effective. Parliament is being consulted in accordance with Article K.6 of the EU Treaty (consultation procedure, third pillar). It seeks to make it a criminal offence to participate in a criminal organization in the Member States of the EU. The proposals for the measure are the fruit of the work carried out by the High Level Group appointed by the European Council in Dublin in December 1996, which drew up an action plan to combat organized crime, containing 15 policy guidelines and 30 specific recommendations. The committee wishes to extend the list of crimes and offences liable to legal action under criminal law to include money-laundering and other types of financial crime. The initial recommendation mentioned terrorism, drug trafficking and trafficking in human beings. The Committee also proposes that it should be possible to make natural persons in every Member State criminally liable, so that they have to take the consequences/accept the sanctions for the behaviour of persons for whom they are responsible. Lastly, it proposes that the EU Court of Justice be made competent to rule, by way of advance determination, on the validity and interpretation of the Joint Action.

## Fight against organised crime: criminal offence to participate in a criminal organisation

In adopting the report by Mr Leoluca ORLANDO (V, I), the European Parliament has approved the draft joint action, subject to amendments designed to render the fight against criminal organizations more effective. Parliament calls on all Member States to agree on a common interpretation of the concept of 'criminal organization' and undertakes to ensure effective judicial cooperation in connection with offences punishable in the Union by criminal penalties. Parliament defines a criminal organization as an association of more than two persons acting in concert to commit crimes or other offences, in particular drug trafficking, trafficking in human beings, money laundering and other forms of

financial crime, including financial fraud via the Internet or by way of electronic banking services, financial investments, extra-territorial privileges or tax fraud such as organized VAT and customs-duty fraud, terrorism, threat, violence, corruption, etc., or enlisting the support or protection of persons associated with important institutions to conceal or facilitate such offences. Parliament considers that the penalties for participation in the activities of a criminal organization should be at least three years. Finally, Parliament emphasizes the need to strengthen cooperation between countries applying for accession and the European Union's transatlantic partners in this field. ?