

# Procedure file

| Basic information   |                                |                     |
|---|--------------------------------|---------------------|
| CNS - Consultation procedure  | <a href="#">1998/0912(CNS)</a> | Procedure completed |
| Customs, Convention on the use of information technology: money laundering, registration number of vehicles, Protocol |                                |                     |
| Subject<br>7.30.02 Customs cooperation<br>7.30.30.08 Capital outflow, money laundering                                |                                |                     |

| Key players                   |  |   |            |
|-------------------------------|--|---|------------|
| European Parliament           | Committee responsible  | Rapporteur                                    | Appointed  |
|                               | <b>LIBE</b> Civil Liberties and Internal Affairs             |   | 23/07/1998 |
|                               |  | PPE <a href="#">PIRKER Hubert</a>             |            |
|                               | Committee for opinion  | Rapporteur for opinion                        | Appointed  |
|                               | <b>ECON</b> Economic and Monetary Affairs, Industrial Policy | The committee decided not to give an opinion. |            |
| Council of the European Union |  |   |            |

| Key events |   |                              |         |
|------------|---|------------------------------|---------|
| 22/07/1998 | Legislative proposal published                                  | <a href="#">10546/1998</a>   | Summary |
| 14/09/1998 | Committee referral announced in Parliament                      |                              |         |
| 27/10/1998 | Vote in committee   |                              | Summary |
| 27/10/1998 | Committee report tabled for plenary, 1st reading/single reading | <a href="#">A4-0390/1998</a> |         |
| 17/11/1998 | Decision by Parliament  | T4-0646/1998                 | Summary |
| 12/03/1999 | Act adopted by Council after consultation of Parliament         |                              |         |
| 12/03/1999 | End of procedure in Parliament                                  |                              |         |
| 31/03/1999 | Final act published in Official Journal                         |                              |         |

| Technical information |  |
|-----------------------|--|
| Procedure reference   | 1998/0912(CNS)   |
| Procedure type        | CNS - Consultation procedure                                   |
| Procedure subtype     | Legislation  |
| Legal basis           | Rules of Procedure EP 050; Treaty on the European Union (after |

|                            |                     |
|----------------------------|---------------------|
|                            | Amsterdam) M K.3-p2 |
| Stage reached in procedure | Procedure completed |
| Committee dossier          | LIBE/4/10377        |

## Documentation gateway

|   |  |            |     |         |
|---|--|------------|-----|---------|
| Legislative proposal  | <a href="#">10546/1998</a>   | 22/07/1998 | CSL | Summary |
| Committee report tabled for plenary, 1st reading/single reading | <a href="#">A4-0390/1998</a><br><a href="#">OJ C 379 07.12.1998, p. 0004</a> | 27/10/1998 | EP  |         |
| Text adopted by Parliament, 1st reading/single reading          | T4-0646/1998<br><a href="#">OJ C 379 07.12.1998, p. 0016-0025</a>            | 17/11/1998 | EP  | Summary |

## Final act

Third pillar act 1999/331  
[OJ C 091 31.03.1999, p. 0001](#) Summary

## Customs, Convention on the use of information technology: money laundering, registration number of vehicles, Protocol

OBJECTIVE: To amend the Convention on the Use of Information Technology for Customs Purposes (CIS Convention). SUBSTANCE: The draft Council act, on the basis of Article K.3 TEU, aims to remedy two loopholes in the current CIS Convention in relation to other acts currently in force. It is thus proposed to make two additions: - to add the heading 'registration number of the means of transport' in the data category 'means of transport' of the Convention (this would enable the text of the Convention to be harmonised with that of Regulation (EC) 515/97 on the Customs Information System which includes this category of data); - to amend the definition of money laundering in the current convention to extend it to areas other than those in connection with drug trafficking. This new definition would correspond to that advised by the Naples II Convention (Convention on mutual assistance and cooperation between customs administrations). It would cover 'the transfer, conversion, concealment or disguise of property or proceeds derived from, obtained directly or indirectly through or used in illicit international drug trafficking or any infringement of Community or national customs provisions' (whether harmonised or not), or affecting VAT on imports or acquired through infringement of the provisions relating to the agriculture sector. ?

## Customs, Convention on the use of information technology: money laundering, registration number of vehicles, Protocol

The Committee has adopted the report by Hubert PIRKER (EPP, A) on the draft Council Act on the Protocol on the definition of money laundering in the Convention on the use of information technology for customs purposes (CIS Convention) and the inclusion of vehicle registration numbers in the Convention. The aim of the draft Council Act is to achieve better synchronisation of customs data collected partly on the basis of the first pillar and partly on the basis of the third pillar. The present situation regarding data collection at European level is that there is often an overlap between work done under the first and the third pillars and the different Conventions tackle individual offences on the basis of different definitions. This can also lead to problems over data protection. Accordingly, a Council working party is looking into ways of simplifying the data collection system at European level - and hence making it more efficient. (These problems are all the more acute with the Schengen Information System, which has a more highly developed structure.)?

## Customs, Convention on the use of information technology: money laundering, registration number of vehicles, Protocol

The European Parliament adopted without debate the report by Mr Hubert PIRKER (PPE, A) on the draft Council Act and Protocol on the definition of money laundering in the Convention on the use of information technology for customs purposes (CIS Convention). It clarified the definition of property to be seized, namely proceeds from crime derived from serious criminal offences or any infringement of Community or national customs provisions. Serious criminal offences must at all events include offences punishable by imprisonment or measures of correction and prevention involving a loss of liberty of at least one year or, in the case of Member States whose legal systems provide for minimum sentences, imprisonment or measures of correction and prevention involving a loss of liberty of not less than six months. Parliament restricted access to data contained in the customs information system to the designated national authorities and Europol.?

## Customs, Convention on the use of information technology: money laundering, registration number of vehicles, Protocol

PURPOSE : to bring about changes to the Convention on the information system in the field of customs (CIS Convention). COMMUNITY MEASURE : Council Act 1999/C.91/01 drawing up, on the basis of Article K.3 of the Treaty on European Union, the Protocol on the scope of the laundering of proceeds in the Convention on the use of information technology for customs purposes and the inclusion of the registration number of the means of transport in the Convention. CONTENT : this Council Act aims to filling two major gaps in the CIS Convention compared with other legal acts currently in force : - on the one hand, to amend the definition of "money laundering" from the current Convention in order to extend it to other fields other than drug trafficking. This new definition corresponds to the one which is advocated by the Naples II Convention (or the Convention on mutual assistance and cooperation between customs administrations). It also covers the transfer, the conversion, the dissimulation or the concealing of the nature of goods or the products directly or indirectly acquired by illicit international drug trafficking or acquired by breaching Community or national measures or measures relating to excise duty (whether harmonised or not) or affecting VAT on imports or acquired by breaching measures relating to the agriculture sector; - on the other hand, the addition of the "registration number of the means of transport" heading in the "means of transport" heading of the Convention (this addition will allow the harmonisation of the text of the Convention with that of Regulation 515/97/EC on the customs information system and which includes this category of information). It should be noted that 2 Member States have added a declaration to the protocol : Spain declares that it will only enter the information in the CIS once it has taken due consideration of the principles of legal security and presumption of innocence concerning tax questions; Denmark insists on a more national interpretation of the concept of concealment of stolen goods, as punishable under Danish law. ENTRY INTO FORCE : the Protocol will enter into force following ratification by the 15 Member States.?