


Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	1995/2031(COS)	Procedure completed
Money laundering: implementation of the directive 91/308/EEC. 1st report		
Subject 7.30.30.08 Capital outflow, money laundering		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs, Citizens' Rights		12/04/1995
		PPE LEHNE Klaus-Heiner	
	Committee for opinion	Rapporteur for opinion	Appointed
	ECON Economic and Monetary Affairs, Industrial Policy		24/05/1995
		PSE MILLER Bill	
	LIBE Civil Liberties and Internal Affairs		24/05/1995
		PSE SALISCH Heinke	
	CONT Budgetary Control		05/09/1995
		PSE WEMHEUER Rosemarie	
Council of the European Union	Council configuration	Meeting	Date
	Economic and Financial Affairs ECOFIN	1835	20/03/1995

Key events			
03/03/1995	Non-legislative basic document published	COM(1995)0054	Summary
20/03/1995	Debate in Council	1835	
25/04/1995	Committee referral announced in Parliament		
03/06/1996	Vote in committee		Summary
03/06/1996	Committee report tabled for plenary	A4-0187/1996	
20/06/1996	Debate in Parliament		
21/06/1996	Decision by Parliament	T4-0371/1996	Summary
21/06/1996	End of procedure in Parliament		
08/07/1996	Final act published in Official Journal		

Technical information	
Procedure reference	1995/2031(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	JURI/4/06446

Documentation gateway					
Non-legislative basic document		COM(1995)0054	03/03/1995	EC	Summary
Committee report tabled for plenary, single reading		A4-0187/1996 OJ C 198 08.07.1996, p. 0004	03/06/1996	EP	
Text adopted by Parliament, single reading		T4-0371/1996 OJ C 198 08.07.1996, p. 0239-0245	21/06/1996	EP	Summary

Money laundering: implementation of the directive 91/308/EEC. 1st report

The Commission report describes for the first time the way in which the main provisions of the Directive on money laundering (91/308/EEC) have been implemented in twelve Member States and the principal difficulties they have encountered in the process. The Commission considers that the Directive has had a considerable impact on the establishment by Member States of systems to combat money laundering, the latter now being treated as a criminal offence in the twelve Member States. The eleven Member States which have implemented the Directive have all introduced rules to protect their financial systems against money laundering, while credit institutions and financial institutions are obliged to cooperate actively with the responsible authorities. The twelve Member States have made it a criminal offence to launder the proceeds of drugs trafficking, and eight of them have made it a criminal offence to launder the proceeds of any criminal activity or serious criminal offence. Ten Member States have gone beyond the compulsory field of application of the Directive and included in their provisions laundering of the proceeds of criminal activities other than drugs trafficking. The provisions adopted apply to the whole financial system (credit institutions, life insurance companies, investment companies, 'bureaux de change', credit card issuers and leasing and factoring companies). Despite the considerable work done by the Member States, further efforts are needed at national level: - surveillance systems need to be improved to ensure application of the Directive by all the institutions concerned; - guiding, supporting and surveying credit and financial institutions in establishing appropriate internal control and communication procedures and training programmes; - guidance in defining patterns of money laundering methods and suspicious operations; - reinforcing cooperation between the different authorities and bodies which have responsibilities in the field of money laundering. At Community level, the following action is required: - the Commission will ensure that the Directive is fully and duly implemented, devoting special attention to the transparency and effectiveness of sanctions; - the Commission and Member States should pursue their work in the framework of the Contact Committee on Money Laundering, ensuring the application of the provisions concerning professions beyond the financial system; they should consider the problem of applying the identification requirements in remote operations in order to find procedures which afford the right balance of flexibility and effectiveness. Beyond the scope of the Directive, enhancing the European anti-money laundering system calls for increased coordination and cooperation among the Member States in the administrative, police and judicial fields. Member States should therefore make every effort to ratify and implement the Vienna and Strasbourg Conventions, which harmonise certain essential aspects of criminal law and legal assistance procedures in the field of money laundering. The Union should also make full use of the possibilities afforded by Title VI of the Maastricht Treaty with regard to judicial and internal affairs cooperation, including use of Europol. ?

Money laundering: implementation of the directive 91/308/EEC. 1st report

The committee adopted, with two minor amendments, a draft report by Mr Klaus-Heiner LEHNE Council Directive 91/308/EEC of 10 June 1991 on the prevention of the use of the financial system for the purpose of money laundering defined money laundering as a criminal offence and imposed far-reaching supervisory obligations on credit and financial institutions represented in the Community. On balance, in its report (COM(95)0054) to Parliament and the Council, the Commission took a positive view of the directive's impact. The report adopted by the committee, however, took the view that the European Union's system for combating money laundering should be organized more efficiently and adapted in accordance with technical developments in financial transactions. It called on the Commission, therefore, to report on new types of money laundering arising from changes in business practices and money transfers and to submit appropriate proposals for combating them as part of a revision, as soon as possible, of the directive. The committee welcomed the Commission's aim of making explicit reference to the directive in all future partnership and association agreements. It also called on the Member States to continue their work on the Europol Convention with a view to conferring on the Court of Justice the jurisdiction called for by Parliament pursuant to the relevant provisions of Article K.3 of the Treaty. In addition, it asked the Commission to submit within the next two years a detailed report indicating the number of transactions reported, the number of proven cases of money laundering, the number of people convicted and the amounts confiscated. ?

Money laundering: implementation of the directive 91/308/EEC. 1st report

In adopting the report by Mr Klaus-Heiner LEHNE (PPE, D) on the implementation of Directive 91/308/EEC relating to money laundering, Parliament called on the Commission to submit a proposal for a revision of the directive as quickly as possible to include within the scope of the directive those occupations and types of enterprise which can definitely be considered to be involved or likely to be involved in money laundering. It took the view that the European Union's system for combating money laundering should be organized more efficiently and adapted in accordance with technical developments in financial transactions. It called on the Commission to put forward measures to act against the causes of illegal money transactions, and looked forward to the inclusion, in all future partnership and association agreements, of the provisions of the Money Laundering Directive. The report emphasizes that money laundering can only be tackled effectively if it is on a Europe-wide basis and working in close liaison with the USA. It calls on the Member States to continue their work on the Europol Convention with a view to conferring on the Court of Justice of the European Communities the jurisdiction called for by Parliament. The Member States are also called upon to extend their legislation on combating money laundering not only to money derived from drugs trafficking but to all money acquired from professional and organized crime. The Member States were called upon to ratify and apply the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and the Council of Europe Convention on laundering, tracing, seizure and confiscation of proceeds of crime. Finally, they were urged to introduce appropriate procedural provisions to make it possible, if there are grounds for suspecting a money laundering offence, for surveillance of telecommunications to be ordered and for recourse to summary procedures. ?