2299th Council meeting

- JUSTICE, HOME AFFAIRS AND CIVIL PROTECTION -

Luxembourg, 17 October 2000

President : Ms Elisabeth GUIGOU
Keeper of the Seals, Minister for Justice

Mr Daniel VAILLANT
Minister for the Interior

of the French Republic
PARTICIPANTS

ITEMS DEBATED

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PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

**Belgium** :
Mr Frans VAN DAELE
Ambassador, Permanent Representative

**Denmark** :
Mr Frank JENSEN
Minister for Justice

**Germany** :
Mr Otto SCHILY
Federal Minister for the Interior

**Greece** :
Mr Michalis STATHOPOULOS
Minister for Justice
Mr Michalis CHRISOCHİĐIS
Minister for Public Order

**Spain** :
Mr Angel ACEBES PANIAGUA
Minister for Justice

**France** :
Mr Daniel VAILLANT
Minister for the Interior
Ms Elisabeth GUIGOU
Keeper of the Seals, Minister for Justice

**Ireland** :
Mr John O'DONOGHUE
Minister for Justice, Equality and Law Reform

**Italy** :
Mr Enzo BIANCO
Minister for the Interior, with responsibility for coordinating civil protection
Mr Franco CORLEONE
State Secretary for Justice

**Luxembourg** :
Mr Luc FRIEDEN
Minister for Justice

**Netherlands** :
Mr Benk KORTHALS
Minister for Justice

**Austria** :
Mr Ernst STRASSER
Federal Minister for the Interior
Mr Dieter BÖHMDORFER
Minister for Justice

**Portugal** :
Mr António COSTA
Minister for Justice

**Finland** :
Mr Johannes KOSKINEN
Minister for Justice

**Sweden** :
Mr Thomas BODSTRÖM
Minister for Justice

**United-Kingdom** :
Mr Jack STRAW
Home Secretary

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**Commission** :
Mr António VITORINO
Member
MONEY LAUNDERING, THE IDENTIFICATION, TRACING, FREEZING, SEIZING AND CONFISCATION OF INSTRUMENTALITIES AND THE PROCEEDS OF CRIME - DRAFT FRAMEWORK DECISION

Without prejudice to the consideration of the European Parliament's Opinion in due course, the Council reached provisional agreement on the draft Framework Decision on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime.

The draft Decision aims, inter alia, by using this new instrument, the Framework Decision, to make Member States' commitment more binding and to make progress in certain areas as compared with the 1998 Joint Action on the identification, tracing, freezing, seizing and confiscation of instrumentalities and proceeds of crime. It also aims to lift, under Article 2 of the 1990 Council of Europe Convention on money laundering, tracing, seizing and confiscation of the proceeds of crime, reservations concerning penalties for money-laundering crimes by imposing a threshold of a four-year prison sentence to be implemented in a manner compatible with the law enforcement system of each Member State.

IMPROVING MUTUAL ASSISTANCE IN CRIMINAL MATTERS - DRAFT CONVENTION

The Council examined certain key issues concerning the draft Convention on improving mutual assistance in criminal matters, with particular reference to the fight against organised crime, the laundering of the proceeds of crime and financial crime.

The Council recorded its political agreement on the principles that fiscal secrecy and banking secrecy may not be invoked in response to requests by the competent judicial authorities of the Member States. Furthermore, the Council agreed to pursue discussions on the prompt provision of lists of bank accounts of a person or entity and details of transactions through such accounts.

The Council has authorised its preparatory bodies to continue the discussions on the draft Convention with a view to reaching a final agreement as soon as possible on these issues.
CONCLUSIONS OF THE SEMINAR HELD FROM 13 TO 15 SEPTEMBER 2000 ON THE LAUNDERING OF THE PROCEEDS FROM ORGANISED CRIME IN EUROPE

The Council took note of the conclusions of the seminar organised by the Presidency from 13 to 15 September in Paris on the laundering of the proceeds from organised crime in Europe. In this context, Commissioner VITORINO stated his intention to present a communication on crime prevention, particularly in relation to economic crime, at the JHA Council on 30 November to 1 December 2000.

The seminar analysed the aspects connected with preventive and law enforcement action in the field of money laundering.

Among the preventive aspects, attention was drawn to the need to increase capacity for the analysis of money laundering, particularly through appropriate training and a central structure incorporating all the public-service players involved in the fight against money laundering.

The law enforcement aspects include the use of international structures (Interpol, Europol) and the setting up of specialist structures at national level.
COMMUNITY MECHANISM FOR THE COORDINATION OF CIVIL PROTECTION INTERVENTION IN THE EVENT OF EMERGENCIES

The Council heard a presentation by the Commission of its recent proposal concerning a Community mechanism for the coordination of civil protection intervention in the event of emergencies.

During the discussion which followed this presentation, the following questions were raised:

- the improvement of cooperation and coordination between the Member States' intervention services, so as to achieve greater efficiency of intervention, avoid duplication and make economies of scale,
- making available to the Member States' civil protection services an updated inventory of the civil protection capabilities existing in the Community,
- the training of teams,
- informing the public,
- continued liability of Member States for their civil protection teams,
- taking into account decentralised civil protection structures existing in certain Member States,
- assistance to the countries applying for accession and to the surrounding countries,
- links with civilian crisis management and with the bilateral agreements concluded by the Community and the Member States,
- appeal to voluntary organisations,
- need for lightweight management structures.

The Council instructed the Permanent Representatives Committee to continue its discussions on the Commission's proposal.
OTHER BUSINESS

– **CHIEF POLICE OFFICERS**

The Council took note of a statement from the United Kingdom delegation concerning the development of joint operational actions at the level of the Working Party of Chief Police Officers and asking the Presidency to examine the advisability of a legal instrument which could give formal expression to this kind of cooperation.

– **OLAF**

The Council took note of a contribution from the Italian delegation expressing its wish for greater involvement by the JHA Council as regards the examination of the annual report on the activities of the Supervisory Committee of OLAF.
ITEMS APPROVED WITHOUT DEBATE

(Decisions for which statements for the Council minutes have been made available to the public are indicated by asterisks; the statements in question may be obtained from the Press Office.)

JUSTICE AND HOME AFFAIRS

Financial Intelligence Units

The Council adopted a Decision concerning arrangements for cooperation between Financial Intelligence Units (FIUs) of the Member States on exchanging information to assist the competent national authorities in the fight against money laundering.

The Decision stipulates inter alia that the Member States should ensure that, for each Member State, the FIU is a single unit which, in order to combat money laundering, is responsible for receiving (and to the extent permitted, requesting), analysing and disseminating to the competent authorities disclosures of financial information which concern suspected proceeds of crime or are required by national legislation or regulation. It is in response to the appeal from the Tampere European Council for improved international cooperation on money laundering.

Meeting of Chief Police Officers

The Council took note of the Presidency's conclusions following the meeting of Chief Police Officers held in Paris on 14 and 15 September 2000 with the participation of the European Commission, the General Secretariat of the Council and Europol.

The Paris meeting was a logical result of conclusion 44 of the Tampere European Council and followed on from the previous meeting of Chief Police Officers which took place in Lisbon on 7 and 8 April 2000.

C.SIS installation and exploitation budget for 2001

The Member States concerned (participants in the Schengen Information System (SIS)), meeting within the Council, adopted the C.SIS installation and exploitation budget for 2001. It will be recalled that expenditure in relation to the SIS is charged to the Member States concerned and to Iceland and Norway, with their contribution being calculated according to the distribution key laid down in the C.SIS financial regulation.
Combating money laundering

The Council took note of a final report on the operation to supervise cross-border transportation of cash. This report is the result of the implementation by the Council's Customs Cooperation Working Party of a joint operation to monitor the cross-border transportation of cash (MONEYPENNY), the aims of which are as follows:

– to ascertain the scale on which cash and equivalent means of payment are physically carried across the borders between the Member States of the European Union and across the external borders of the European Union;
– to identify ways of improving the fight against money laundering, also as a basis for revising the legal instruments in force or introducing new ones;
– cooperation and closer collaboration between customs authorities in combating money laundering.

The final report sets out the situation in the different Member States as regards the legislation for monitoring cash transport and reviews the various national practices and experiences in this area.

Joint Supervisory Data Protection Bodies*

The Council adopted a Decision establishing a Secretariat for the Joint Supervisory Data Protection Bodies set up by the Convention on the establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders.

Minimum security standards for travel documents of Member States of the EU - Resolution *

The representatives of the Governments of the Member States, meeting within the Council, adopted a Resolution laying down the strictest possible criteria with regard to protection against forgery of travel documents, making certain that the design of the documents and the security devices which they contain ensure efficient recognition of attempted forgeries at passport control.

It was agreed that:

– the minimum security standards in the production and issue of new travel documents would be introduced at the earliest opportunity, and at the latest on 1 January 2005 (for passports) and not later than on 1 January 2006 (for identity cards and short-term passports with more than six months' validity);
– the option of laying down more stringent security measures for their travel documents would be retained;
– the minimum security standards would apply to all the travel documents of the Member States listed in Annex II;

– the minimum security requirements for travel documents of Member States as set out in the Annex to the Resolution would be accepted.

Annex I, paragraph B, of the Resolution of 30 June 1982 has hitherto contained merely references to options for the security protection of passports, without reference to a definite level of security; this has led to the passports of the individual Member States having very different security characteristics; as a result, forgeries of EU passports and other travel documents of the Member States have multiplied.

Combating forgery of documents is an important element in the fight against organised crime and illegal immigration in the European Union and is therefore regarded by the Member States as an especially important matter of common interest.