

EUROPEAN UNION
THE COUNCIL

Brussels, 4 October 1994

9714/94

RESTREINT

EUROPOL 103

N O T E

from : the Belgian Delegation

dated: 21 September 1994

to : Working Group "Europol"

Subject: Proposal concerning article 2, paragraph 2 of the draft
Convention on the establishment of Europol

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Proposal concerning article 2 § 2 of the draft EUROPOL Convention

Delegations will find herewith a drafting proposal concerning article 2 § 2 and the Appendix of the draft Convention setting up EUROPOL.

This proposal takes into account the different concerns expressed by the delegations during these latest weeks of negotiations. It foresees a three-step gradual system as far as the implementation of the powers conferred upon Europol are concerned.

In a first stage, as soon as the Convention comes into force, Europol will have to deal with four different serious forms of organised crime as well as money-laundering connected to it. It will then be allowed to deal with other serious forms of organised crime either by unanimous decision of the Management Board as far as the cases provided in §2, b, are concerned, or by a two-third majority decision of the Council of Ministers for the cases mentioned in the Appendix of this Convention.

This proposal should enable Europol to exert considerable powers in the major fields of activity of international crime organisations without being rapidly overwhelmed with tasks which it could not physically assume.

EUROPOL CONVENTION : PROPOSAL CONCERNING ARTICLE 2 § 2

§ 2 The general goal laid down in § 1 is to be reached according to the hereafter conditions :

a) As soon as this Convention comes into force, Europol will combat the forms of organised crime whose major factors are :

- 1) drug trafficking;
- 2) the traffic of nuclear products and radioactive substances;
- 3) networks of illegal immigration and the trade of human beings;
- 4) illegal trafficking in arms, ammunitions and explosives
- 5) as well as money-laundering connected to these forms of crime.

b) Upon decision of the Management Board, deciding unanimously, Europol will have to combat the forms of organised crime whose major factors are :

- 1) common law offences linked to terrorist activities;
- 2) illegal trafficking in vehicles;
- 3) illegal trafficking in works of art;
- 4) money forgery;
- 5) as well as money-laundering connected to these forms of crime.

c) The Council of Ministers, rendering its decisions by a two-third majority, can decide at any time to entrust Europol with other forms of crime among those listed in the appendix of this Convention or with specific aspects of those forms of crime. Before taking its decision, the Council shall instruct the Management Board to prepare its decision and to explain its subsequent consequences on the general working of Europol.

APPENDIX : List of other serious forms of crime

1° Crime against life, freedom from bodily harm and personal freedom :

- homicide
- serious bodily injury
- kidnapping and hostage-taking
- unlawful trade in organs
- procuring

2° Crime against the State :

- unlawful transfer of technologies
- forgery of official documents
- crime against the environment

3° Crime against the property of others :

- theft with assault and extortion of funds
- piracy of products
- computer crime
- fraud as provided in the article K.1.5 of the Treaty on European Union
- fraud in the field of investments

4° Money-laundering linked to these forms of crimes
