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RESTREINT

EUROPOL 108

N O T E

from : the Netherlands delegation

dated: 17 October 1994

Subject: Annex of article 2 of the draft Convention on the
establishment of EUROPOL (doc. 9984/94 Europol 110)

Please find herewith a suggestion by the Netherlands delegation
on the annex of article 2 of the draft Convention on the
establishment of Europol.

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SUGGESTION BY THE NETHERLANDS DELEGATION

The Annex to Article 2 should read as follows:

"Annex

List of other forms of crime:

1. Crimes against life, physical integrity and personal freedom:
 - homicide
 - grievous bodily injury
 - kidnapping and hostage-taking
 - traffic in human beings
 - crimes concerning means of transport, traffic safety equipment, electricity works, or telecommunications equipment, where a general danger to persons is to be feared as a consequence.
2. Crimes against the property of others and fraud:
 - robbery and extortion
 - forgery of documents, false pretences, product piracy
 - computer crime
 - forgery of money, cheques and securities
 - misuse of inside information.
3. Forms of illegal trade:
 - illegal trafficking in arms, ammunition and explosives
 - unlawful trade in human organs
 - illegal trafficking in stolen or misappropriated works of art and antiquities
 - illegal trafficking in endangered animal species.
4. Environmental crime:
 - illegal transport and dumping or storage of chemical and other toxic wastes
 - illegal discharge of chemicals in surface waters
 - illegal discharge of chemicals at sea.

Evidence of a form of crime as described above in accordance with Article 2(2) of the Convention implies the associated illegal money laundering activities and other activities facilitating crime."

A statement should be annexed to the Convention along the following lines:

"With reference to the forms of crime listed in Article 2(2) of the Convention, the Council takes the view that they should be understood as follows:

- **unlawful drug trafficking** comprises the offences described in Article 3(1)(a)(i), (ii), (iii) and (iv) and (c)(iv) of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, concluded in Vienna on 20 December 1988;
- **crime connected with nuclear and radioactive substances** comprises the offences described in Article 7(1) of the Convention on the Physical Protection of Nuclear Material, concluded in Vienna/New York on 3 March 1980;
- **illegal immigrant smuggling** comprises deliberately and for profit facilitating entry to and residence in the territory of the Member States of the European Union, contrary to the regulations and conditions applicable in the Member States for the admission of aliens, of persons coming from third States who do not have any right of entry to that territory by virtue of any provision of international or Community law;
- **motor vehicle crime** comprises the theft or misappropriation of cars, lorries, semi-trailers, the loads of lorries or semi-trailers, buses, motorcycles, caravans and agricultural vehicles, and concealment of such objects by persons who know or may reasonably be expected to suspect that they have been stolen or misappropriated;
- **illegal money-laundering activities** comprises the offences described in Article 6 of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, concluded in Strasbourg on 8 November 1990;
- **other activities facilitating crime** comprise organization, management and funding, setting up bogus legal constructions, bribery or intimidation of civil, judicial and political functionaries, and the use of armed force."