

EUROPEAN UNION
THE COUNCIL

Brussels, 15 December 1998 (16.12)
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LIMITE

CRIMORG 199

"I/A" NOTE

from: the General Secretariat

to : COREPER/Council

No. prev. doc.: 7586/98 CRIMORG 52 + ADD 1 + COR 1(nl) + COR 2(p)

Subject: Joint Action on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union

1. The Council reached at its meeting on 19 March 1998 political agreement on the draft Joint Action on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union subject to a parliamentary scrutiny reservation by the Belgium delegation.

A revised version of the draft Joint Action prepared by the legal/linguistic experts is set out in document 7586/98 CRIMORG 52 + ADD 1 + COR 1(nl) + COR 2(p).

2. As the aforementioned reservation has now been lifted, subject to a decision which might be taken by the Belgian Parliament on 16 December 1998, the Permanent Representatives Committee is requested to ask the Council to:

- adopt, by unanimity, the text of the Joint Action as finalised by the legal/linguistic experts in document 7586/98 CRIMORG 52 + ADD 1 + COR 1(nl) + COR 2(p);
- decide its publication, together with the declarations contained in the abovementioned document ADD 1, in the Official Journal of the European Communities;
- decide to publish also the attached declaration made by the Belgian Delegation in the Official Journal of the European Communities.

**Draft Joint Action on making it a criminal offence to participate
in a criminal organisation in the Member States of the European Union**

Statement by the Belgian delegation on Article 1

"The Belgian delegation considers that the definition of "criminal organisation" given in Article 1 includes the modi operandi used by the perpetrators of the offence. The modi operandi cover the use of intimidation, threats, violence, fraudulent manipulation or corruption or the use of commercial or other structures to dissimulate or facilitate the perpetration of offences."
