Combating fraud and counterfeiting: security of non-cash means of payment. Framework Decision

1999/0190(CNS) - 11/04/2000

The committee adopted the report (consultation procedure) by Gerhard SCHMID (PES, D) amending the proposal on combating fraud and counterfeiting of non-cash means of payment. The committee felt that the formulations set out in the proposal were fundamentally sound and constructive. However, it proposed a number of amendments designed to amplify and clarify certain provisions. It felt, for example, that the definition of 'non-cash payment instrument' should focus not on whether such an instrument enabled only its legitimate holder, or also unauthorised holders, to effect transactions, but on the fact that the basic idea behind the creation of such an instrument was to enable legitimate holders to obtain money or valuable consideration. It also adopted an amendment deleting the provision identifying types of conduct as actions preparatory to money laundering as it felt that the whole issue of the prosecution of money laundering should be covered in a separate legal instrument. Another amendment aimed to make criminal proceedings against a family member dependent on the decision taken by the injured party, on the grounds that most criminal law codes in the Member States take a different approach to property offences if these have been committed by family members. The committee felt that the territoriality provision in the proposal needed to be amplified so that it also focused on where the proceeds of an offence are realised, so that, for example, an unauthorised third-country national who uses a French citizen's credit card to pay for goods outside the EU can be prosecuted in France in respect of that offence. Lastly, the committee rejected the article on cooperation between Member States on the grounds that arrangements concerning cooperation in criminal law matters should continue always to be governed by the Convention on Mutual Legal Assistance in Criminal Matters between Member States of the EU.