

Combating crime: money laundering, confiscation of instrumentalities and proceeds. Framework Decision. Initiative France

2000/0814(CNS) - 30/06/2000 - Document attached to the procedure

This document relates to the French initiative regarding the adoption of a Council Framework Decision on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime. This document constitutes the reformatting of the initial initiative into a framework decision and is confined to those provisions of the 1998 Joint Action that can be incorporated into a binding agreement. The framework decision consequently omits some of the Joint Action's provisions, which will continue to apply. The text has been changed in two respects: - its scope has been reduced to serious offences as defined jointly by the 1990 Convention and the present Framework Agreement; - this restriction of scope is offset by a toughening of the obligations arising from it: in the first indent by the use of the expression "shall take the necessary steps"; in the second by making it impossible to invoke, between Member States, some of the optional grounds for refusal listed in Article 18 of the 1990 Convention. Specifically, the grounds concerned are those allowing the requested State: 1) to refuse a coercive action sought for tracing purposes or a provisional measure with a view to a confiscation if such a measure could not be applied under its domestic law in a similar case (Article 18(2)); 2) to refuse a confiscation decision if its legislation does not provide for confiscation for the type of offence to which the request relates (Article 18(4)(a)); 3) to refuse the measure sought or any other measures having similar effects if they would not be permitted under the law of the requesting Party (first of the grounds in Article 18(3)).