Basic information

2003/0812(CNS) CNS - Consultation procedure Decision	Procedure lapsed or withdrawn
Trafficking in human beings: prevention and control of trafficking in human organs and tissues. Framework Decision. Initiative Greece **Subject** 7.30.30.02 Action to combat violence, trafficking in human beings and migrant smuggling	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	EVANS Robert (PSE)	23/04/2003

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health, Consumer Policy	LIESE Peter (PPE-DE)	22/05/2003
FEMM Women's Rights and Equal Opportunities	The committee decided not to give an opinion.	

Council of the European Union

European Commission

Commission DG	Commissioner
Justice and Consumers	FRATTINI Franco

Key events

Date	Event	Reference	Summary
28/03/2003	Legislative proposal published	07247/2003	Summary
10/04/2003	Committee referral announced in Parliament		
30/09/2003	Vote in committee		Summary
30/09/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0326/2003	
22/10/2003	Debate in Parliament		
23/10/2003	Decision by Parliament	T5-0457/2003	Summary

Technical information	
Procedure reference	2003/0812(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Treaty on European Union (after Amsterdam) M 039-p1 Treaty on European Union (after Amsterdam) M 031- Treaty on European Union (after Amsterdam) M 034-p2b Treaty on European Union (after Amsterdam) M 029
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	LIBE/5/19435

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0326/2003	30/09/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0457/2003 OJ C 082 01.04.2004, p. 0321-0580 E	23/10/2003	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	06290/2003	13/02/2003	Summary
Legislative proposal	07247/2003 OJ C 100 26.04.2003, p. 0027-0030	28/03/2003	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Trafficking in human beings: prevention and control of trafficking in human organs and tissues. Framework Decision. Initiative Greece

2003/0812(CNS) - 23/10/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Robert EVANS (PES, United Kingdom). It made several amendments to the Commission's proposals. (Please see the summary dated 30/09/03.) The resolution was passed by 432 votes in favour and 25 abstentions. Parliament inserted a definition for "illegal trafficking," and gave examples of payments which do not constitute financial gain, such as payment of a fee for medical expenses in connection with transplant.

Trafficking in human beings: prevention and control of trafficking in human organs and tissues. Framework Decision. Initiative Greece

2003/0812(CNS) - 28/03/2003 - Legislative proposal

PURPOSE : to present a Greek initiative which aims to adopt a Council Framework Decision concerning the prevention and control of trafficking in human organs and tissues. CONTENT : to recall, the Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice, the Tampere European Council on 15 and 16 October 1999 and the Santa Maria da Feira European Council on 19 and 20 June 2000, as listed in the scoreboard, indicate or call for legislative action against trafficking in human beings, including common definitions, incriminations and sanctions. Trafficking in human organs and tissues is a form of trafficking in human beings, which comprises serious violations of fundamental human rights and, in particular, of human dignity and physical integrity. Such trafficking is an area of activity of organised criminal groups who often have recourse to inadmissible practices such as the abuse of vulnerable persons and the use of violence and threats. In addition, it gives rise to serious risks to public health and infringes on the right of citizens to equal access to health services. Finally, it undermines citizens' confidence in the legitimate transplantation system. Opposition to the sale of the human body and its parts has been addressed repeatedly by many international organisations and has been the subject of regulation by international conventions. It is therefore necessary to introduce penalties on perpetrators sufficiently severe to allow for trafficking in human organs and tissues to be included within the scope of instruments already adopted for the purpose of combating organised crime, such as Council Joint Action 98/699/JHA of 3 December 1998 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime and Council Joint Action 98 /733/JHA of 21 December 1998 on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union. The draft Framework Decision stipulates that each Member State shall take the necessary measures to ensure that the following acts are punishable: - the recruitment, transportation, transfer, harbouring or eception of a person, including any exchange or transfer of control over that person, where use is made of force or threats, including abduction, or use is made of fraudulent means, or there is an abuse of authority or of a position of vunerability which is such that the person concerned has no real or reasonable possibility of avoiding such abuse, or payments, or benefits are given or received in order to obtain the consent of a person having control over another person with the aim of removal of an organ or tissues from the latter; - the removal of an organ from a living donor effected using force, threats or fraud; - the removal of an organ from a donor who has consented thereto further to the payment or promise of financial consideration; - the payment, offer or promise of a financial consideration, directly or via third parties, to a donor in order to obtain his consent to the removal of an organ; - the receipt of or demand for financial consideration by a donor or a third party so that the donor will agree to the removal of an organ; - the demand for, receipt, payment, offer or promise of financial consideration with the aim of offering or acquiring or, more generally, trafficking in human organs and tissues. - the purchase, possession, storage, transport, import, export or transfer of possession of human organs; - participation by medical or nursing staff in the transplantation of an organ in the knowledge that it has been the object of one of the abovementioned acts. In addition, each State shall take the necessary measures to ensure that the instigation of, aiding and abetting or attempt to commit an offence is punishable. As regards penalties, each Member State shall take the necessary measures to ensure that an offence is punishable by terms of imprisonment with a maximum penalty that is not less than 10 years where it has been committed in any of the following circumstances: - the offence has deliberately or by gross negligence endangered the life of the victim, - the offence has been committed against a minor, - the offence has caused further serious physical harm to the victim, - the offence has been committed within the framework of a criminal organisation. Each Member State shall take the necessary measures to ensure that legal persons can be held liable where the lack of supervision or control by a person have rendered possible the commission of an offence referred to above for the benefit of that legal person by a person under its authority. Liability of legal persons shall not exclude the punishment of persons who are perpetrators, instigators or accessories in an offence.

Trafficking in human beings: prevention and control of trafficking in human organs and tissues. Framework Decision. Initiative Greece

2003/0812(CNS) - 13/02/2003 - Document attached to the procedure

This document consists of the explanatory note to the delegations concerning the Greek Initiative for the adoption by the Council of a draft Framework Decision on the prevention and control of trafficking in human organs and tissues. As stated in the initial proposal, the aim of the proposed draft is to contribute to combating trafficking in human organs and tissues as a form of organised crime. The draft text sets out to describe the basic forms of trafficking in human organs and tissues which must be treated as offences in all the Member States. In addition, minimum penalties are proposed which are deemed necessary, proportionate and just given the seriousness of the crimes involved. The need for common action to combat trafficking in human beings and, thus, trafficking in organs and tissues was stressed by the European Council at Tampere (1999) and confirmed by the Santa Maria da Feira European Council in June 2000. Common action specifically concerned with combating trafficking in human organs and tissues is particularly necessary in view of the considerable differences in Member States' legislation on the matter, both as regards the elements constituting the relevant crimes and as regards the potential penalties. These differences are an obstacle to combating this form of organised crime within the single European area. It should be stated that Council Framework Decision 2002/629/EC on combating trafficking in human beings did not include trafficking in human organs. It is necessary to introduce penalties on perpetrators sufficiently severe to allow for trafficking in human organs and tissues to be included within the scope of instruments already adopted for the purpose of combating organised crime, such as Council Joint Action 98/699/JHA on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime and Council Joint Action 98 /733/JHA on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union. Therefore, it is necessary that the serious criminal offence of trafficking in human organs and tissues be addressed not only through individual action by each Member State but by a comprehensive approach, of which the definition of the elements of the offence, common to all the Member States, and effective, proportionate and dissuasive penalties should form an integral part.