

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.1.2005
COM(2005) 6 final

2005/0003 (CNS)

Proposal for a

COUNCIL FRAMEWORK DECISION

on the fight against organised crime

(presented by the Commission)

EXPLANATORY MEMORANDUM

In the past decade, organised crime groups have built up large-scale international networks and amassed substantial profits. Fortunes have been accumulated from illicit trafficking in drugs, trafficking in human beings, in particular women and children, trafficking in weapons and ammunition, counterfeit products and piracy, and international fraud generally[1]. Enormous amounts of capital derived from these crimes are laundered and re-injected into the economy. Organised crime has therefore expanded considerably.

The European Union has taken the lead in the fight against organised crime since the Treaty of Amsterdam and the Amsterdam European Council of 16 and 17 June 1997, which adopted the first action plan to combat organised crime.

In 1998, the Council adopted a Joint Action on participation in a criminal organisation[2]. However, it is now necessary to provide the Union with a more powerful and ambitious instrument to approximate more closely Member States' criminal legislation and improve cooperation in order to combat organised crime more effectively, inter alia by harmonising the minimum thresholds of criminal penalties.

The European Council, meeting in Vienna in December 1998, already called for the Union to strengthen EU action against organised crime in the light of the new possibilities opened up by the Amsterdam Treaty.

Point 6 of the Tampere European Council conclusions of 15 and 16 October 1999 states: "People have the right to expect the Union to address the threat to their freedom and legal rights posed by serious crime. To counter these threats a common effort is needed to prevent and fight crime and criminal organisations throughout the Union." Point 40 adds: "The European Council is deeply committed to reinforcing the fight against serious organised and transnational crime."

In addition, the European Union strategy for the prevention and control of organised crime for the beginning of the new millennium states that organised criminal activity is dynamic by nature. It need not be confined to rigid structures. It has shown itself to have the capacity to be entrepreneurial, business-like and highly flexible in responding to changing market forces and situations. Organised criminal groups are generally not confined by national borders. They often form partnerships within and outside the territory of the European Union, either with individuals or with other networks for the commission of one-off or multiple offences. These groups appear to be increasingly involved now in the licit as well as the illicit market, using non-criminal business specialists and structures to assist them in their criminal activities. Moreover, they are taking advantage of the free movement of capital, goods, persons and services across the European Union. As a result of the increased sophistication of many organised criminal groups, they are able to utilise legal loopholes and differences between Member States, exploiting the anomalies in the various systems. Although the threat from organised crime groups outside the territory of the European Union appears to be increasing, it is the groups which originate in and operate throughout Europe, composed predominantly of EU nationals and residents, that appear to pose the significantly greater threat. These

---

1 It is difficult, however, to measure organised crime precisely as Member States do not systematically publish figures on the basis of common definitions.

2 OJ L 351, 29.12.1998, p.1. A criminal organisation is defined as "a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, whether such offences are an end in themselves or a means of obtaining material benefits and, where appropriate, of improperly influencing the operation of public authorities".

groups are strengthening their international criminal contacts and targeting the social and business structure of European society, for example through money laundering, drug trafficking and economic crime. They appear to be able to operate easily and effectively both within the European area and elsewhere in the world, responding to illegal demand by acquiring and supplying commodities and services ranging from drugs and arms to stolen vehicles and money laundering. Their concerted efforts to influence and hamper the work of law enforcement and the judicial system illustrate the extent and professional capability of these criminal organisations. This situation requires an energetic and coordinated response by all the Member States.

Lastly, in its Communication of 29 March 2004 on measures to be taken to combat terrorism and other forms of serious crime[3], the Commission considered that the facilities available for combating crime in the EU should be reinforced. It stated that it would draw up a framework decision to replace Joint Action 98/733/JHA which should in particular:

– harmonise effectively the definition of offences and penalties as regards individuals and legal persons;

– provide for a specific offence of "directing a criminal organisation";

– where necessary, determine specific aggravating circumstances (commission of an offence in association with a criminal organisation) and mitigating circumstances (reduced penalties available for those who assist the police with their inquiries);

– include provisions to facilitate cooperation between judicial authorities and coordinate their activities.

Reformatting the Joint Action on membership of a criminal organisation into a framework decision will make it possible to take a similar approach to criminal groups, whether they are terrorist organisations or organised crime.

The new text also takes account of parameters that have changed since 1998:

– the Treaty of Amsterdam, which succeeded the Maastricht Treaty, introduced new types of legal instruments, more effective than the "joint action"; the framework decision is now the proper instrument for approximating criminal law in the Union in this area;

– the United Nations Convention against Transnational Organised Crime, known as the "Palermo Convention"[4], now provides an international framework which details the offences connected with participation in an organised criminal group; the Convention was approved by the European Community on 21 May 2004;

– Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism[5] is a reference point which must be taken into account; it defines a "terrorist group" on the basis of the definition of "criminal organisation" in Joint Action 1998/733/JHA, but it is a more comprehensive instrument[6].

---

3 COM(2004) 221 final.

4 United Nations Convention Against Transnational Organised Crime adopted by Resolution A/RES/55/25 of 15 November 2000 at the 55th UN General Assembly. The 40th instrument of ratification was deposited with the Secretariat-General of the United Nations on 1 July 2003; it accordingly came into force on 29 September 2003.

5 OJ L 164, 22.6.2002, p. 3.

6 The Framework Decision 2002/475/JHA makes punishable the direction of a terrorist group and different forms of participation in the activities of a terrorist group (by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such

Article 1 (Definitions)

The first paragraph of Article 1 partly takes over the definition of "criminal organisation" from the first paragraph of Article 1 of Joint Action 98/733/JHA.

It means a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or by a more serious penalty.

As specified in the United Nations Convention against Organised Transnational Crime, the objective of the organisation is to obtain financial or other material benefits. The idea that the offence of participating in an organised criminal group assumes that the aim is to commit a "serious offence" is maintained. The criterion selected, as in the Joint Action, is that of an offence punishable by deprivation of liberty for a period of at least four years or by a more serious penalty.

This method is judged preferable to drawing up a list of specific offences. The four-year threshold also corresponds to the one used by the United Nations Convention against Organised Transnational Crime. Likewise, the objective of the organisation, which is to obtain financial or other material benefits, corresponds to the criteria of the UN Convention.

Under Article 2(b) of that Convention, “serious offence” means “conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty”.

For the rest, it has not been felt useful to take over in this Framework Decision the second paragraph of Article 1 of the Joint Action relating to offences for which Europol is competent, since the prison sentence threshold also applies to these offences. It seems necessary to maintain this threshold. Abandoning this condition and retaining all the offences referred to in the Europol Convention would considerably enlarge the concept of criminal organisation at the risk of reducing its scope. The concept of criminal organisation must remain connected to the concept of serious offence. This is in perfect accordance with the UN Convention against Transnational Organised Crime.

On the other hand, the text takes over the definition of structured association from Article 2 of Framework Decision 2002/475/JHA. A “structured association” is an association that is not formed on an ad hoc basis for the immediate commission of an offence.

---

participation will contribute to the criminal activities of the terrorist group); it also provides for inciting, aiding or abetting, and in most cases attempting these offences. Regarding penalties, it introduces a principle of "aggravating circumstance" by providing that "terrorist offences" and certain offences linked to terrorism must be punishable by custodial sentences heavier than those imposable under national law for such offences in the absence of a terrorist intent; it sets the minimum level of the maximum penalty at 15 years for directing a terrorist group and 8 years for participation in a terrorist group; it enumerates a series of penalties that can be imposed on bodies corporate (in particular exclusion from entitlement to public benefits or aid, temporary or permanent disqualification from the practice of commercial activities, placing under judicial supervision, judicial winding-up order and closure of establishments); it provides for a system of "repentis" by providing for specific circumstances in which Member States may reduce prison sentences where the terrorist renounces terrorist activity and provides the administrative or judicial authorities with information. And it establishes rules of jurisdiction and provides for measures to facilitate coordination between Member States and the centralisation of prosecutions.

Article 2 (Offences relating to participation in a criminal organisation)

Article 2 imposes on the Member States an obligation to define offences consisting of the various forms of participation in a criminal organisation.

It creates offences of certain forms of participation not expressly provided for by Joint Action 98/733/JHA nearly all of which appear, in an identical or similar formulation, in the United Nations Convention against Transnational Organised Crime.

Each Member State will have to take the necessary measures to ensure that directing a criminal organisation is made a punishable offence. Each Member State must also define as an offence conduct by any person who, with intent, actively takes part in the organisation's criminal activities or in other activities of the organisation, including the provision of information or material means, the recruitment of new members and all forms of financing of its activities, knowing that such participation will contribute to the achievement of the organisation's criminal activities.

Article 3 (Penalties)

Article 3 concerns penalties. It aims to create an effective approximation of penal legislation within the Union.

Unlike the Joint Action, which only required the Member States to provide for effective, proportional and dissuasive criminal penalties, it is now necessary to go further and set minimum thresholds for prison sentences, to reflect the degree of participation in the criminal organisation.

Paragraph 1 sets the minimum penalty incurred for offences connected with participation in a criminal organisation in accordance with the "minimum maximum" method used hitherto in framework decisions. For directing a criminal organisation, the maximum term of imprisonment may not be less than ten years. For other offences, the maximum term of imprisonment may not be less than five years.

Paragraph 2 provides for more severe penalties for certain offences committed within an organised criminalstructure.

It is designed to cover acts actually consisting of the commission of offences rather than various other acts such as creating or directing the organisation, recruitment, material or financial assistance. The aim is to provide for more severe penalties for serious offences where they are committed in the context of a structured association acting in concert. It highlights the particularly dangerous nature of offences committed in such circumstances.

Hence provision is made for Member States to take the necessary measures to ensure that the offences referred to in Article 1, where they involve participation in a criminal organisation, incur longer terms of imprisonment than are provided for by national law for such offences when committed outside the framework of a criminal organisation, except where the penalties are already the maximum terms provided for by national law (paragraph 1).

This is a type of aggravating circumstance which consists of taking into account in sentencing for a serious offence the specific risk of individuals acting in a mafia-type or other criminal organisation.

Such an approach is also present in Framework Decision 2002/475/JHA on combating terrorism but, in the case of terrorism, the penalty is increased for a given list of offences whereas, in the present case, the aggravating circumstance applies to all offences where the term of imprisonment incurred is at least four years.

Article 4 (Special circumstances)

Article 4, which takes into account the Council Resolution of 20 December 1996 on individuals who cooperate with the judicial process in the fight against organised crime, refers to mitigating circumstances when the perpetrator of an offence gives up his criminal activities and provides the administrative or judicial authorities with useful information.

The text takes over Article 6 of Framework Decision 2002/475/JHA, which introduces measures to strengthen cooperation with the law enforcement authorities as provided by Article 26 of the United Nations Convention against Transnational Organised Crime.

In addition, Recommendation 25 of the European Union strategy for the beginning of the new millennium for the prevention and the control of organised crime (2000/C124/01) calls for the preparation of an instrument relating to persons who participate or who have participated in criminal organisations, and who are prepared to cooperate with the judicial process by supplying information useful for investigative and evidentiary purposes or by providing information that may contribute to depriving criminal organisations of their resources or of the proceeds of crime. The proposal should consider the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in such cases.

Article 5 (Liability of legal persons)

In accordance with the approach followed by a number of legal instruments adopted by the EU to combat various forms of crime, situations where legal persons are involved in organised crime should also be covered. To this end, Recommendation 9 of the European Union strategy for the beginning of the new millennium for the prevention and the control of organised crime states that the Commission is invited to prepare a proposal for an instrument on the criminal, civil or administrative liability of legal persons where the legal person has been involved in organised crime.

Article 5 accordingly contains provisions making it possible for legal persons to be held liable for the offences or conduct referred to in Article 2, where the offences are committed or the conduct effected on their behalf by any person, acting either individually, or as a member of an organ of the legal person, who exercises de facto or de jure managerial authority. The term liability should be construed so as to include either criminal or civil liability.

In addition, according to standard practice, paragraph 2 provides that a legal person can also be held liable when the lack of supervision or control by a person in a position to exercise control, has rendered possible the commission of the offences for its benefit. Paragraph 3 indicates that legal proceedings against a legal person do not preclude parallel legal proceedings against a natural person.

This Article takes over Article 7 of Framework Decision 2002/475/JHA and not Article 3 of Joint Action 98/733/JHA in order to base the rules for the liability of legal persons on the most recent instrument and to align with the text relating to the fight against terrorism.

Article 6 (Penalties for legal persons)

Penalties must be provided where legal persons are held liable for the offences or conduct referred to in Article 2. It requires effective, proportionate and dissuasive penalties, where the minimum obligation is to impose criminal or non-criminal fines.

Other penalties that typically could apply to legal persons are also indicated.

This Article is taken over from Article 8 of Framework Decision 2002/475/JHA and not Article 3 of Joint Action 98/733/JHA, for the same reasons as the previous Article.

Article 7 (Jurisdiction and coordination of prosecutions)

This is a new Article in relation to Joint Action 98/733/JHA. It takes over certain principles from Framework Decision 2002/475/JHA.

Without regulating all aspects of jurisdiction, the text nevertheless envisages a minimum rule whereby each Member State would ensure that its jurisdiction covers at least the cases in which any of the offences referred to in Article 2 was committed in whole or in part in its territory, irrespective of where the criminal organisation is based or pursues its criminal activities.

If several Member States have jurisdiction, they must cooperate and consult each other to coordinate their action and decide which Member State will prosecute the alleged offenders. To this end, they shall, if necessary, have recourse to the services of Eurojust.

Sequential account shall be taken of the following factors:

– the Member State in whose territory the acts were committed;

– the Member State of which the offender is a national or resident;

– the Member State of origin of the victims;

– the Member State in whose territory the offender was found.

Article 8 (Protection of and assistance to victims)

The European Union attaches particular importance to protecting and assisting victims. A Framework Decision was adopted by the Council on 15 March 2001 on the standing of victims in criminal proceedings. In addition, the Commission has prepared a Green Paper concerning compensation to victims of crime.

In cases involving organised crime, and in particular trafficking in human beings, provision must be made to ensure that a complaint or statement by the victim is not necessary for initiating prosecution. There are many cases where victims are afraid of reprisals by mafia-type organisations against themselves or their families.

This Article reflects Article 25 of the United Nations Convention against Transnational Organised Crime, relating to assistance to and protection of victims, and Articles 6 to 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

This Article is taken over from Article 10 of Framework Decision 2002/475/JHA.

Article 9 (Repeal of existing provisions)

This Article repeals Joint Action 98/733/JHA, which is replaced by this Framework Decision, and makes consequential changes to the reference to that Joint Action in measures based on the Union and EC Treaties. Participation in a criminal organisation within the meaning of this Framework Decision replaces references in measures adopted pursuant to Title VI of the Treaty on European Union to participation in a criminal organisation within the meaning of the Joint Action.

Article 10 (Implementation and reports)

Article 10 concerns the implementation and follow-up of this Framework Decision. Paragraph 1 sets the date by which the Member States must take the measures necessary to comply with it.

Paragraph 2 requires the Member States to transmit by that date to the General Secretariat of the Council and to the Commission the text of the provisions transposing the obligations imposed on them under this Framework Decision into national law. On this basis, the Commission is then to report to Parliament and the Council on the implementation of the Framework Decision. Lastly, the Council must assess whether Member States have taken the measures necessary to comply with it.

Article 11 (entry into force)

2005/0003 (CNS)

Proposal for

COUNCIL FRAMEWORK DECISION

on the fight against organised crime

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 29, 31(1)(e) and 34(2)(b) thereof,

Having regard to the proposal of the Commission[7],

Having regard to the Opinion of the European Parliament[8],

Whereas:

(1) The objective of the The Hague Programme is to improve the shared capacities of the Union and the Member States for the purpose, among others, of combating transnational organised crime. This objective is to be pursued by, in particular the approximation of legislation[9]. There needs to be closer cooperation between the Member States of the European Union in order to counter the dangers and spread of criminal organisations and to respond effectively to citizens' expectations and their own requirements. In this respect point 14 of the conclusions of the Brussels European Council of 4 and 5 November 2004 states that the citizens of Europe expect the European Union, while guaranteeing respect for fundamental freedoms and rights, to take a more effective, combined approach to cross-border problems such as organised crime.

(2) In its Communication of 29 March 2004 on measures to be taken to combat terrorism and other forms of serious crime[10], the Commission considered that the facilities available for combating organised crime in the EU needed to be strengthened and stated that it would draw up a Framework Decision to replace Joint Action 1998/733/JHA on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union[11].

(3) Point 3.3.2 of the The Hague Programme states that the approximation of substantive criminal law serves the same purposes and concerns areas of particular serious crime with cross border dimensions and that priority should be given to areas of crime that are specifically mentioned in the treaties. The definition of offences relating to participation in a criminal organisation should therefore be approximated in all the Member States. Moreover, penalties corresponding to the seriousness of these offences

---

7 OJ C [], [], p. [].

8 OJ C [], [], p. [].

9 Annex 1 to the Conclusions of the Brussels European Council, 4 and 5 November 2004 (Introduction, paragraph 6)

10 COM(2004) 221 final.

11 OJ L 351, 29.12.1998, p.1.

should be envisaged against natural and legal persons who committed them or are responsible for their commission.

(4) Provision should be made for a specific offence of "directing a criminal organisation", with provisions to facilitate cooperation between the judicial authorities and coordination of their action via Eurojust.

(5) On 15 March 2001 the Council adopted Framework Decision 2001/221/JHA on the standing of victims in criminal proceedings[12]. Since the victims of offences committed by criminal organisations are particularly vulnerable, specific measures must be adopted in their regard.

(6) The Union must build on the important work done by international organisations, in particular the United Nations Convention known as the "Palermo Convention"[13], which was approved by Council Decision 2004/579/EC of 29 April 2004 on the conclusion, on behalf of the European Community, of the United Nations Convention Against Transnational Organised Crime[14].

(7) Since the objectives of the action to be taken cannot be sufficiently achieved by the Member States, and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Framework Decision does not go beyond what is necessary to achieve those objectives.

(8) This Framework Decision respects the fundamental rights and principles recognised by the Charter of Fundamental Rights of the European Union, and in particular Articles 6 and 49 thereof,

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Definitions

For the purposes of this Framework Decision, "criminal organisation" means a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty in order to obtain, directly or indirectly, a financial or other material benefit.

"Structured association" means an association that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

Article 2

Offences relating to participation in a criminal organisation

---

12 OJ L 82, 22.3.2001, p.1.

13 The United Nations Convention against Organised Transnational Crime was adopted by Resolution A/RES/55/25 of 15 November 2000 at the 55th United Nations General Assembly. The 40th instrument of ratification was deposited with the Secretariat-General of the United Nations on 1 July 2003; it accordingly came into force on 29 September 2003.

14 OJ L 261, 6.8.2004, p. 69.

Each Member State shall take the necessary measures to ensure that the following are regarded as offences:

(a) the fact of directing a criminal organisation;

(b) conduct by any person who, with intent and with knowledge of either the aim and general activity of the organisation or its intention to commit the offences in question, actively takes part in the organisation's criminal activities, including the provision of information or material means, the recruitment of new members and all forms of financing of its activities, knowing that such participation will contribute to the achievement of the organisation's criminal activities.

Article 3

Penalties

1. Each Member State shall take the necessary measures to ensure that the offence referred to in Article 2(a) incurs a maximum term of imprisonment which is no lower than ten years and that the offences referred to in Article 2(b) incur a maximum term of imprisonment which is no lower than five years.

2. Each Member State shall take the necessary measures to ensure that the offences referred to in Article 1, where committed within the framework of a criminal organisation, incur longer terms of imprisonment than are provided for by national law for such offences, except where the penalties provided for are already the longest terms of imprisonment provided for by national law.

Article 4

Special circumstances

Each Member State may take the necessary measures to ensure that the penalties referred to in Article 3 may be reduced if the offender:

(a) renounces criminal activity, and

(b) provides the administrative or judicial authorities with information which they would not otherwise have been able to obtain, helping them to:

- prevent or mitigate the effects of the offence;
- identify or bring to justice the other offenders;
- find evidence;
- deprive the criminal organisation of illicit resources or of the proceeds of its criminal activities; or
- prevent further offences referred to in Article 2 being committed.

Article 5

Liability of legal persons

(1) Each Member State shall take the necessary measures to ensure that legal persons can be held liable for anyof the offences referred to in Article 2 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on one of the following:

(a) a power of representation of the legal person;

(b) an authority to take decisions on behalf of the legal person;

(c) an authority to exercise control within the legal person.

(2) Apart from the cases provided for in paragraph 1, 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 referred to in the first paragraph has made possible the commission of any of the offences referred to in Article 2 for the benefit of that legal person by a person under its authority.

(3) Liability of legal persons under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are perpetrators of or accessories to any of the offences referred to in Article 2.

Article 6

Penalties for legal persons

Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 5 is punishable by effective, proportionate and dissuasive penalties, which shall include criminal or non-criminal fines and may include other penalties, such as:

(a) exclusion from entitlement to public benefits or aid;

(b) temporary or permanent disqualification from the practice of commercial activities;

(c) placing under judicial supervision;

(d) a judicial winding-up order;

(e) temporary or permanent closure of establishments which have been used for committing the offence.

Article 7

Jurisdiction and coordination of prosecutions

Each Member State shall ensure that its jurisdiction covers at least the cases in which any of the offences referred to in Article 2 was committed in whole or in part in its territory, wherever the criminal organisation is based or pursues its criminal activities.

When an offence referred to in Article 2 falls within the jurisdiction of more than one Member State and when any one of the States concerned can validly prosecute on the basis of the same facts, the Member States concerned shall cooperate in order to decide which of them will prosecute the offenders with the aim, if possible, of centralising proceedings in a single Member State. To this end, the Member States shall, if necessary, have recourse to the services of Eurojust.

Sequential account shall be taken of the following factors:

(a) the Member State in whose territory the acts were committed;

(b) the Member State of which the offender is a national or resident;

(c) the Member State of origin of the victims;

(d) the Member State in whose territory the offender was found.

Article 8

Protection of, and assistance to, victims

(1) Member States shall ensure that investigations into, or prosecution of, offences covered by this Framework Decision are not dependent on a report or accusation made by a person subjected to the offence, at least if the acts were committed in the territory of the Member State.

(2) In addition to the measures laid down in Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings[15], each Member State shall, if necessary, take all measures possible to ensure appropriate assistance for victims' families.

Article 9

Repeal of existing provisions

Joint Action 98/733/JHA is repealed. References to participation in a criminal organisation within the meaning of Joint Action 98/733/JHA in measures adopted pursuant to Title VI of the Treaty on European Union and the Treaty establishing the European Community shall be construed as references to participation in a criminal organisation within the meaning of this Framework Decision.

Article 10

Implementation and reports

(1) Member States shall take the necessary measures to comply with this Framework Decision by [...] at the latest.

(2) The Member States shall transmit to the General Secretariat of the Council and to the Commission, by [...] at the latest, the provisions transposing into their national law the obligations imposed on them by this Framework Decision. The Council, acting on the basis of a report established on the basis of this information and a written report transmitted by the Commission, shall, by [...] at the latest, assess the extent to which Member States have taken the necessary measures to comply with this Framework Decision.

---

[15] OJ L 82, 22.3.2001, p. 1.

Article 11

Entry into force

This Framework Decision shall enter into force on the day of its publication in the Official Journal.

Done at Brussels, […]

For the Council
The President