

Trilogue Negotiations on Planned Directive to Counter Money Laundering by Means of Criminal Law

Thomas Wahl

On 17 January 2018, the European Parliament paved the way for the start of [trilogue negotiations](#) between MEPs, the Council, and the Commission as regards the legislative proposal for a directive on countering money laundering by means of criminal law.

The [mandate](#) for MEPs was deemed approved after no objections were received by the deadline of midnight on 16 January 2018. This procedure is in line with [Rule 69c](#) of the Rules of Procedure of the European Parliament, according to which MEPs can enter into negotiations after having voted to do so in the respective committee responsible for the legislative file. A plenary vote is only necessary if a MEP or a political group requests it before the expiry of a set deadline. Therefore, a full first reading in the plenary of the EP may not be necessary if not requested. This can speed up the start of trilogue negotiations with the Council and the Commission.

The LIBE committee already approved the underlying [report](#) of MEP *Ignazio Corrao* (EFDD/IT) on 11 December 2017. It contains several amendments to the initial Commission proposal of December 2016 ([COM\(2016\) 826 final](#)). For a summary, see [euclid 4/2016](#), pp. 159-160. They include *inter alia* the following issues:

- Crimes defining the term “criminal activity” for the purposes of the directive;
- Punishability of money laundering offenses;
- Extension of the penalties possible for natural persons (particularly including a temporary or permanent ban on entering into contracts with public authorities), temporary disqualification from the practice of commercial activities, and a long-term ban on running for elected offices or holding a position of public servant;
- Tightening up of the circumstances regarded as aggravating circumstances;
- Introduction of provisions on confiscation of property and the proceeds of criminal activities;
- Improved rules on cooperation for the prosecution of money laundering offenses.

The new legislation not only aims at harmonising the criminal offense of money laundering across the EU but also targets the financing of terrorism and organised crime. It is part of the Commission’s [Action Plan against terrorist financing](#), proposed in December 2016.

The trilogue talks can start immediately, as the JHA Council already agreed on its general approach to the draft in June 2017.

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