

Tackling organised crime

European Parliament recommendation to the Council of 24 May 2007 on developing a strategic concept on tackling organised crime (2006/2094(INI))

The European Parliament,

- having regard to the proposal for a recommendation to the Council by Bill Newton Dunn on behalf of the ALDE Group on developing a strategic concept on tackling organised crime (B6-0073/2006),
 - having regard to the Communication from the Commission to the Council and the European Parliament on ‘Developing a strategic concept on tackling organised crime’ (COM(2005)0232),
 - having regard to Rule 114(3) and Rule 90 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0152/2007),
- A. whereas progress has been achieved in police and judicial cooperation on tackling organised crime since the first steps were taken 30 years ago,
- B. whereas significant progress has been achieved in cooperation between law enforcement agencies and judicial bodies (as set out in the 2005 annual reports of the Member States, Europol, Eurojust and the Customs Cooperation Working Group (CCWG)), and whereas such cooperation is the cornerstone of any effective, EU-wide policy on tackling organised crime,
- C. whereas these efforts, having led to an increase in information exchange and an intensification of training initiatives for services that are required to work together, have borne fruit by helping to overcome the lack of mutual trust, which is always the principal obstacle to any cooperation in this field,
- D. whereas all EU institutions and agencies involved in the fight against organised crime should fully respect the civil liberties and fundamental human rights of EU and third-country nationals, including the highest standards of data protection,
- E. whereas, however, the fight against organised crime today will not continue to make progress without a radical change of perspective enabling increasingly complex internal constraints to be resolved at the same time as meeting the growing challenge of exponentially increasing external constraints,
- F. whereas the geographical spread of organised crime, in a Europe more open than ever before, has already taken full advantage of its absolute command of the new means of travel, exchange and communication, while the law enforcement agencies are often still weighed down by legal and administrative burdens hindering their day-to-day activities,
- G. whereas organised criminal groups are becoming increasingly complex and structured

business organisations capable of penetrating economic and financial markets and of distorting them in their pursuit of legal economic environments into which to channel illegally acquired income, often by means of sophisticated money-laundering operations,

- H. whereas the establishment and/or acquisition, often through the use of 'shell company' arrangements, of companies in sectors in which enormous sums of money circulate is one of the main instruments used by organised criminal groups,
- I. whereas enforcement is, of itself, an inadequate means of combating organised crime and needs to be accompanied by a careful analysis of the spread of the phenomenon and the ability of mafia-style organisations to gain a foothold, particularly in areas where social structures are weak,
- J. whereas action to combat organised crime should be supported by thorough investigations into capital accumulation capacity and inter-relationships between legal and illegal economic activities at global level, with steps being taken to prevent organised crime from infiltrating public administrations and forging links with institutions, mass organisations and political figures,
- K. whereas organised crime operates by securing tacit acceptance and establishing control over a given territory by means of illegal activities,
- L. whereas organised crime can offer terrorist organisations opportunities to engage in illegal trafficking through the channels which it normally uses itself, thus generating illegal profits to be used for terrorist activities,
- M. whereas, in this battle against time and space, the fight against organised crime must urgently adapt the means and methods available to it while developing an ability to anticipate, based principally on the appropriate and maximum use of potential intelligence sources,
- N. whereas only a proactive policy will make it possible to catch up with the reality of ultra-sophisticated cooperation between the various criminal groups and to remove, by means of a prevention policy involving new actors, but always fully mindful of fundamental rights, the bulk of the threats these organisations pose to our societies,
- O. whereas there is a general need to improve knowledge of criminal phenomena and to make that knowledge available to all actors involved in the fight against crime,
- P. whereas the support of the public, which is generally insufficiently informed, is one of the keys to winning this fight in the medium and long term,
- Q. whereas the available Community tools – such as Europol and Eurojust – will only become fully effective when they are able to act with real autonomy, and whereas there is therefore an urgent need to grant them the means to act with greater freedom than they have today, at the same time as establishing appropriate Parliamentary control in order to assess the usefulness and real added value of their actions in the field of security and the full observance of fundamental rights as laid down in the European Union Charter of Fundamental Rights,
- R. whereas it is interesting to note that with the Organised Crime Threat Assessment

(OCTA)¹, published this year by Europol, Member States have at their disposal a dynamic analysis which will help them to set their strategic priorities, and that this first step should encourage the Council to continue working towards an appropriate structure for an area bringing together the still widely differing elements of the fight against crime, in particular by deepening the internal security architecture concept initiated by the Austrian Presidency and through the operational development of the interoperability principle; these two elements, combined using intelligence-led law enforcement, should help to develop new synergies and eradicate all ‘parasitic competition’ between analytical and/or law enforcement agencies at the strategic, technical and operational levels;

1. Addresses the following recommendations to the Council:

- (a) calls on the Council to ask all Member States to ratify the United Nations Convention against Transnational Organized Crime (the Palermo Convention) and the protocols thereto on trafficking in persons and migrants, and to enforce these legal instruments;
- (b) calls on the Council to encourage Member States strongly to remain steadfast in their support for training and exchange programmes between the competent agencies and authorities involved in tackling organised crime, and calls on the Member States to allocate to these programmes – within the financial perspectives and the corresponding general programme, as well as the ‘security’ section of the seventh Framework Programme for Research and Development – sufficient budgetary resources for them to be genuinely effective, and to make the best practices available to the other Member States too;
- (c) reminds the Council that strengthening police and judicial cooperation instruments today requires adapting internal structures in line with the triple need for procedure modelling, fluidity of information transmission channels and improved knowledge of the phenomenon of organised crime;
- (d) calls on the Council, in order to bring about more effective action at EU level, to ensure that Member States approximate their criminal-law provisions in close cooperation, with special reference to the definitions of concepts and offences in the fields of organised crime and terrorism, and approximate the Member States' criminal procedures while fully maintaining procedural guarantees;
- (e) suggests to the Council that it should call on the Member States to extend, as soon as possible, the use of special investigation techniques and promote the creation of joint investigation teams, established by the Council Framework Decision of 13 June 2002 on joint investigation teams², the content of which has been very largely transposed by the Member States³, and to systematically incorporate the aspect of cooperation on the ground into the various ‘best practice’ manuals setting out the operational framework for the agencies concerned;

¹ ‘*Organised Crime Threat Assessment*’ – available at:
<http://www.Europol.eu.int/publications/OCTA/OCTA2006.pdf>

² OJ L 162, 20.6.2002, p.1.

³ See Report from the Commission on national measures taken to comply with the Council framework decision of 13 June 2002 on Joint Investigation Teams (COM (2004) 0858).

- (f) draws the attention of the Council and the Member States to the fact that it is necessary to adopt rules on organised crime and terrorism for the particular protection of the legal order and financial interests of the European Union ;
- (g) emphasises to the Council the need for information channels between actors in the fight against crime to be more fluid, requiring significant legislative progress both in specific areas, such as the obtaining of evidence and its admissibility, or financial information for the purpose of identifying and then neutralising the proceeds of crime, and on outstanding questions of principle, such as the principle of availability, which needs to be clearly defined and include safeguards, in particular as regards the protection of personal data in the context of the third pillar; to this end, urges the Council to adopt as a matter of urgency the proposal for a Council framework decision (COM(2005)0475) on data protection in the third pillar, taking due consideration of the position adopted almost unanimously by Parliament on 27 September 2006⁴;
- (h) observes that both Member States and the EU institutions may call on the expertise of the newly established Fundamental Rights Agency in order to protect the rights laid down in the Charter of Fundamental Rights and to investigate cases which have arisen in the field of cooperation in home affairs and justice; calls on the Council, furthermore, if necessary, with special reference to Article 7 of the Treaty on European Union, likewise to take advantage of this opportunity and to promote it in the case of the Member States too;
- (i) IT calls on the Council to draw Member States' attention to the need to bolster investigatory strategies and take effective action to combat organised crime by systematically targeting illegally acquired economic and financial resources;
- (j) calls on the Council, in the light of the Commission's action plan for statistics in the field of crime and criminal justice (COM(2006)0437), to support the Member States' efforts in seeking to improve understanding of these criminal phenomena by focusing and networking statistical tools developed within a dynamic framework (as is already the case with OCTA) and on the basis of common indicators, in such a way that the intelligence disseminated not only provides an accurate assessment of organised crime but is comparable and proposes intelligible strategies and recommendations for action which the agencies active on the ground can apply;
- (k) calls on the Council to give the necessary autonomy to Europol and Eurojust by granting them full powers of initiative within their respective fields of responsibility so that they can extend their role from coordinators to leaders in the fight against organised crime on a Europe-wide scale, while taking due account of the need for appropriate links with the competent national authorities, so as not to undermine the activities of those authorities or give rise to imbalances or duplication; stresses that any such expansion of their responsibilities must be accompanied by the establishment of genuine Parliamentary oversight, which, for reasons of legitimacy and effectiveness, only Parliament is capable of performing correctly;
- (l) calls on the Council to acknowledge that no angle should be ignored with regard to prevention, which deserves particular attention, especially through initiatives

⁴ OJ C 300 E, 9.12.2006, p. 231, and OJ C 306 E, 15.12.2006, p. 263

intended to protect effectively not only the victims but also the witnesses of crimes, so as to free up sources of information who are often forced into silence by the constant pressure of blackmail and terror from criminal organisations;

- (m) suggests to the Council that a genuine Europe-wide debate should be organised on the appropriateness of a formal status for collaborators of justice at European level and its compatibility with our core common values of respect for human rights and human dignity, with a view to establishing the optimum information search in a pre-established legal framework accepted by all;
- (n) convinced that, in the medium and long term, public support is one of the conditions for success in the fight against organised crime; calls therefore on the Council to ask Member States to make a significant effort to inform the general public of the successes achieved through good cooperation between the various law enforcement agencies and legal bodies, and particularly of the contribution by Community instruments and actors, with a view to raising awareness of the value added by EU initiatives in this area of vital importance for citizens;
- (o) suggests to the Council that full account should be taken of the key findings of periodic Eurobarometer surveys (such as that carried out in March 2006 on organised crime and corruption⁵), which should be given the task of assessing European citizens' perception of the role played by the EU in this field and the desired changes at European level;
- (p) calls on the Council, therefore, on the basis of the White Paper on a European Communication Policy⁶, to help develop a genuine strategy for organising these messages and disseminating them to the general public, a strategy with which the EU Crime Prevention Network could be closely involved if its responsibilities are expanded⁷;
- (q) advises the Council to ask the Member States to promote programmes in particular at local level for raising the public awareness regarding human trafficking for the sexual or labour exploitation mainly of women and children;
- (r) urges the Council to apply the proactive approach in EU policy on tackling organised crime to EU cooperation agreements with non EU-countries, while at the same time adopting a strict framework, including binding guarantees as regards fundamental rights; points out, in that regard, that OCTA clearly shows the way by helpfully denouncing the sectors and associations of criminal groups whose geographical location has been identified;
- (s) advises the Council, in view of the susceptibility to criminal activity which is still too prevalent in the State apparatus of certain EU border countries, to adopt a specific approach built around a new transparency and anti-corruption initiative aimed at structuring relations with non-EU countries, particularly those in the EU's neighbourhood;

⁵ http://ec.europa.eu/public_opinion/archives/ebs/ebs_245_

⁶ http://ec.europa.eu/communication_white_paper/doc/white_paper_en.pdf

⁷ www.eucpn.org: http://www.eucpn.org/keydocs/l_15320010608en00010003.pdf

- (t) advises the Council to urge Member States to maintain the utmost vigilance with regard to possible links between terrorist organisations and organised criminal groups, particularly in connection with money laundering and the funding of terrorism;
- (u) calls, furthermore, on the Council to take due account of the fundamental role played by the EU Counter-Terrorism Coordinator, who is responsible for oversight of counter-terrorism instruments and intelligence and the coordination and collation of information coming in from police forces and security services in the Member States;
- (v) calls on the Council presidency to continue and intensify the considerations begun under the Austrian Presidency with a view to developing a genuine 'Internal Security Architecture'.
- (w) calls on the Council to take steps aimed, as a priority, at intercepting movements of capital generated by money-laundering operations and confiscating assets generated by criminal and mafia-style activities;
- (x) calls on the Council to urge all Member States that have not yet done so to ratify the United Nations Convention against Corruption;
- (y) calls on the Council to promote in the Member States – particularly in those areas where the cultural and social influence of organised crime is strongest – the conduct in high-risk schools and neighbourhoods of projects to educate people about living within the law, thus combating organised crime by means of a major educational campaign;
- (z) calls on the Council to monitor the administrative and governmental activities of elected institutions at national, regional and local level whose members include political figures against whom criminal charges have been brought for links with organised or mafia-style crime;

2. Instructs its President to forward this recommendation to the Council and, for information, to the Commission.