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Committee on Civil Liberties, Justice and Home Affairs

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AMENDMENTS 1-35

Draft report

(PE 378.797v01-00)

Bill Newton Dunn

Proposal for a European Parliament recommendation to the Council on developing a strategic concept on tackling organised crime
(2006/2094(INI))

Proposal for a recommendation

Amendment by Adamos Adamou, Giusto Catania

Amendment 1

Recital C a (new)

Ca. *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. In no circumstance should EU data collecting bodies or agencies transfer information concerning either EU or foreign nationals to third countries without this being in complete conformity with the rule of law,*

Or. en

Amendment by Adamos Adamou, Giusto Catania

Amendment 2

Recital D a (new)

Da. *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. In*

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no circumstance should EU data collecting bodies or agencies transfer information concerning either EU or foreign nationals to third countries without this being in complete conformity with the rule of law,

Or. it

Amendment by Magda Kósáné Kovács

Amendment 3

Recital E

- E. having regard, in particular, to the geographic spread of organised crime which, 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 still often weighed down by legal ***and*** administrative ***(deletion)*** burdens hindering their day-to-day activities; ***whereas, because the enlarged Union has incorporated people and countries with extremely different historical pasts and socialisations, it is necessary, even in the definition of fundamental concepts (crime, corruption), to base attempts to control organised crime on different conceptual approaches,***

Or. hu

Amendment by Giuseppe Castiglione, Antonio Tajani

Amendment 4

Recital E a (new)

- Ea. 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,***

Or. it

Amendment by Giuseppe Castiglione, Antonio Tajani

Amendment 5

Recital E b (new)

Eb. 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,

Or. it

Amendment by Giusto Catania, Adamos Adamou

Amendment 6

Recital I a (new)

Ia. 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,

Or. it

Amendment by Giusto Catania, Adamos Adamou

Amendment 7

Recital I b (new)

Ib. whereas action to combat organised crime should be supported by thorough investigations into capital accumulation capacity and interrelationships 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,

Or. it

Amendment by Giusto Catania

Amendment 8
Recital I c (new)

Ic. whereas organised crime operates by securing tacit acceptance and establishing control over a given territory by means of illegal activities,

Or. it

Amendment by Giuseppe Castiglione, Antonio Tajani

Amendment 9
Recital K a (new)

Ka. 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,

Or. it

Amendment by Giuseppe Castiglione, Antonio Tajani

Amendment 10
Paragraph 1, point (-a) (new)

(-a) calls on the Council to ask all Member States to ratify the United Nations Convention against Transnational Organised Crime and the protocols thereto on trafficking in persons and migrants, and to enforce these legal instruments;

Or. it

Amendment by Magda Kósáné Kovács

Amendment 11
Paragraph 1, point (a)

(a) 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 them to allocate to these

programmes – within the financial perspectives and the corresponding general programme, as well as the ‘security’ section of the seventh FPRD – sufficient budgetary resources for them to be genuinely effective, ***and to make the best practices available to the other Member States too;***

Or. hu

Amendment by Adamos Adamou Giusto Catania

Amendment 12

Paragraph 1, point a) a (new)

aa) Considers that EU policies, such as the management of the borders, aiming at unveiling and tracing criminal networks involved in organised crime, especially human trafficking and drugs smuggling, should not run in the expense of immigrants; when applying any relevant measures the authorities should act in conformity with the goals of social inclusion and integration of the immigrants;

Or. en

Amendment by Magda Kósáné Kovács

Amendment 13

Paragraph 1, point (b) a (new)

(ba) calls on the Council, in order to bring about more effective action at European 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;

Or. hu

Amendment by Magda Kósáné Kovács

Amendment 14

Paragraph 1, point (c) a (new)

(ca) draws the attention of the Council and 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 and for the adoption of rules on the Institutions' officials;

Amendment by Kathalijne Maria Buitenweg

Amendment 15

Paragraph 1, point d)

- d) 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 question of the availability, ***which needs to be clearly defined and include safeguards in particular as regards (deleted), 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 Framework Decision on data protection in the 3rd pillar, taking due consideration of the opinion adopted almost unanimously by the Parliament;***

Or. en

Amendment by Magda Kósáné Kovács

Amendment 16

Paragraph 1, point (d) a (new)

- (da) observes that both Member States and the European Institutions may call upon 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;***

Or. hu

Amendment by Giuseppe Castiglione, Antonio Tajani

Amendment 17

Paragraph 1, point (d a) (new)

- (da) 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;***

Or. it

Amendment by Giuseppe Castiglione, Antonio Tajani

Amendment 18

Paragraph 1, point (e)

- (e) calls on the Council, in the light of the Commission's action plan on statistics (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 the 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;

Or. it

Amendment by Kathalijne Maria Buitenweg

Amendment 19

Paragraph 1, point f)

- f) calls on the Council to **reinforce the competencies of (deleted)** Europol and Eurojust **(deletion)** so that they can extend their role from coordinator to leader in the fight against organised crime on a Europe-wide scale; stresses that any such expansion of their responsibilities must be accompanied by **judicial control and** the establishment of genuine parliamentary oversight, which, for reasons of legitimacy and effectiveness, only the European Parliament is capable of performing correctly;

Or. en

Amendment by Giuseppe Castiglione, Antonio Tajani

Amendment 20

Paragraph 1, point (f)

- (f) 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 coordinator to leader 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 the European Parliament is capable of performing correctly;

Or. it

Amendment by Giuseppe Castiglione, Antonio Tajani

Amendment 21

Paragraph 1, point (h)

- (h) 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;

Or. it

Amendment by Magda Kósáné Kovács

Amendment 22

Paragraph 1, point (k) a (new)

- (ka) ***recommends that, in its strategy on fighting organised crime and terrorism, the Council should take account of the recommendations made by Parliament in connection with the report of the Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners;***

Or. hu

Amendment by Adamos Adamou, Giusto Catania

Amendment 23

Paragraph 1, point k) a (new)

- ka) ***Asks 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;

Or. en

Amendment by Kathalijne Maria Buitenweg

Amendment 24

Paragraph 1, point l)

- l) urges the Council to apply the proactive approach in European 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 the OCTA clearly shows the way by helpfully denouncing the sectors and associations of criminal groups whose geographic location has been identified;

Or. en

Amendment by Magda Kósáné Kovács

Amendment 25

Paragraph 1, point (l) a (new)

- (la) recommends that, in the case of fields of prime importance which may become targets of organised crime and corruption in the European Union (e.g. energy policy), the Member States, cooperating with the Commission, should devise strategies based on an approach similar to the system of ideas for defending national security, in so far as it lends itself to generalisation;***

Or. hu

Amendment by Giuseppe Castiglione, Antonio Tajani

Amendment 26

Paragraph 1, point (m a) (new)

- (ma) 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;***

Or. it

Amendment by Giuseppe Castiglione, Antonio Tajani

Amendment 27

Paragraph 1, point (m b) (new)

(mb) *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;*

Or. it

Amendment by Giusto Catania

Amendment 28

Paragraph 1, point (n a) (new)

(na) *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, as well as to promote legislative action at national and Community level with a view to such assets and capital being re-used for the benefit of society;*

Or. it

Amendment by Giusto Catania, Adamos Adamou

Amendment 29

Paragraph 1, point (n b) (new)

(nb) *calls on the Council to set up projects under which individuals and businesses would be given economic assistance in freeing themselves from racketeering and extortion, which are becoming an increasingly important source of funding for organised crime;*

Or. it

Amendment by Giusto Catania, Adamos Adamou

Amendment 30

Paragraph 1, point (n c) (new)

(nc) ***calls on the Council to urge all countries that have not yet done so to sign and ratify the United Nations Convention against Transnational Organised Crime (Palermo Convention) and to ratify the United Nations Convention against Corruption;***

Or. it

Amendment by Giusto Catania

Amendment 31

Paragraph 1, point (n d) (new)

(nd) ***calls on the Council to take steps to alter the prohibitionist slant of the United Nations Convention on Drugs, with a view to enabling one of the main sources of funding for organised crime to be more effectively blocked off;***

Or. it

Amendment by Giusto Catania

Amendment 32

Paragraph 1, point (n e) (new)

(ne) ***calls on the Council to approach Member States with a view to ensuring that international drug trafficking is combated not just by means of enforcement measures but also by significantly increasing aid to drug-producing countries, involving programmes to fund the growing of sustainable alternative crops and a radical reduction of poverty, with thought also being given to the possibility of promoting and supervising the production for medical and scientific use of crops such as opiates, and to consider the possibility of launching pilot projects for the industrial use of the legal by-products of plants covered by the 1961 convention, such as Indian hemp and coca leaves;***

Or. it

Amendment by Giusto Catania

Amendment 33

Paragraph 1, point (n f) (new)

(nf) *calls for the setting up of pilot projects which run counter to the prohibitionist approach currently being followed in the Member States, with a view to combating the illegal distribution and sale of 'soft drugs', which are an extremely important source of funding for organised crime;*

Or. it

Amendment by Giusto Catania, Adamos Adamou

Amendment 34

Paragraph 1, point (n g) (new)

(ng) *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 in living within the law, thus combating organised crime by means of a major educational campaign;*

Or. it

Amendment by Giusto Catania

Amendment 35

Paragraph 1, point (n h) (new)

(nh) *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;*

Or. it