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# REPORT

on organised crime, corruption and money laundering: recommendations on action and initiatives to be taken (final report)

(2013/2107(INI))

Special committee on organised crime, corruption and money laundering

Relatore: Salvatore Iacolino

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on organised crime, corruption and money laundering: recommendations on action and initiatives to be taken (final report)

(2013/2107(INI))

*The European Parliament,*

- having regard to its decision of 14 March 2012 on setting up a special committee on organised crime, corruption and money laundering, and its powers, numerical composition and term of office, adopted under Rule 184 of its Rules of Procedure,
- having regard to its decision of 11 December 2012 whereby the term of office of the Special Committee on Organised Crime, Corruption and Money Laundering is to be extended until 30 September 2013,
- having regard to Article 3 of the Treaty on European Union, to Article 67 and Part Three, Title V, Chapter 4 (Articles 82-86) and Chapter 5 (Articles 87-89) of the Treaty on the Functioning of the European Union, and to the European Union Charter of Fundamental Rights, in particular Articles 5, 6, 8, 17, 32, 38, and 41, Title VI (Articles 47-50), and Article 52 thereof,
- having regard to the Stockholm Programme on freedom, security and justice<sup>1</sup>, the Commission communication 'Delivering an area of freedom, security and justice for Europe's citizens – Action Plan Implementing the Stockholm Programme' (COM(2010)0171) and the Commission communication 'The EU internal security strategy in action: Five steps towards a more secure Europe' (COM(2010)0673),
- having regard to the conclusions of the European Council of 22 May 2013, with special reference to those concerning the need to combat tax fraud, tax evasion and money laundering,
- having regard to the conclusions of the JHA Council of 8 and 9 November 2010 on the creation and implementation of an EU policy cycle for organised and serious international crime, the conclusions of the JHA Council of 9 and 10 June 2011, which set out the EU priorities in the fight against organised crime over the period 2011-2013, and the conclusions of the JHA Council of 6 and 7 June 2013 setting out the priorities for 2014 to 2017,
- having regard to the Council Conclusions of 28 May 2010 on Confiscation and Asset Recovery (07769/3/2010),
- having regard to the 2005-2012 and the 2013-2020 EU drugs strategies and the EU Action Plan on Drugs (2009-2012),

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<sup>1</sup> OJ C 115, 4.5.2010, p. 1.

- having regard to the UN Convention against illicit traffic in narcotic drugs and psychotropic substances, adopted by the General Assembly on 20 December 1988 (resolution 1988/8) and opened for signature in Vienna, from 20 December 1988 to 28 February 1989, and thereafter in New York, until 20 December 1989,
- having regard to the UN Convention against Transnational Organised Crime, adopted by the General Assembly on 15 November 2000 (resolution 55/25), opened for signature in Palermo on 12 December 2000, the protocols thereto and the UNODC Digest of organised crime cases (2012),
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- having regard to the UN Convention against Corruption (UNCAC), opened for signature in Merida on 9 December 2003,
- having regard to the Council of Europe criminal and civil law conventions on corruption, opened for signature in Strasbourg on 27 January 1999 and 4 November 1999 respectively, and to resolutions (98) 7 and (99) 5, adopted by the Council of Europe Committee of Ministers on 5 May 1998 and 1 May 1999 respectively, establishing the Group of States against Corruption (GRECO),
- having regard to the Council Act of 26 May 1997 drawing up, on the basis of Article K.3(2)(c) of the Treaty on European Union, the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union<sup>1</sup>,
- having regard to the OECD Convention on Combating the Bribery of Foreign Public Officials in International Business Transactions, opened for signature in Paris on 17 December 1997, and to the recommendations supplementing it,
- having regard to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, opened for signature in Warsaw on 16 May 2005, and to the Council of Europe Committee of Ministers' Resolution CM/Res(2010)12 of 13 October 2010 on the Statute of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL),
- having regard to the Council of Europe Convention on Cybercrime, opened for signature in Budapest on 23 November 2001,
- having regard to the Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation 'Active Engagement, Modern Defence', adopted by NATO heads of state and government in Lisbon on 19-20 November 2010,
- having regard to the 40 recommendations and 9 special recommendations of the Financial Action Task Force (FATF) on combating money laundering,
- having regard to the work of the Basel Committee on Banking Supervision (BCBS),

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<sup>1</sup> OJ C 195, 25.6.1997, p. 1.

- having regard to the reports by the United Nations Office on Drugs and Crime (UNODC) entitled 'The Globalisation of Crime – a transnational organised crime threat assessment' (2010), 'Estimating illicit financial flows resulting from drug trafficking and other transnational organised crime' (2011) and 'A comprehensive study on cybercrime' (2013),
- having regard to Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime<sup>1</sup>,
- having regard to Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime<sup>2</sup>, Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence<sup>3</sup>, Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property<sup>4</sup>, and Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders<sup>5</sup>,
- having regard to Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime<sup>6</sup> and having regard to the Commission report based on Article 8 of that decision (COM(2011)0176),
- having regard to Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime<sup>7</sup>,
- having regard to Council Decision 2009/371/JHA of 6 April 2009, establishing the European Police Office (Europol)<sup>8</sup>,
- having regard to Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters<sup>9</sup>,
- having regard to Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States<sup>10</sup>, and the subsequent amending acts,
- having regard to Council Framework Decision 2002/465/JHA of 13 June 2002 on joint

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<sup>1</sup> OJ L 300, 11.11.2008, p. 42.

<sup>2</sup> OJ L 182, 5.7.2001, p. 1.

<sup>3</sup> OJ L 196, 2.8.2003, p. 45.

<sup>4</sup> OJ L 68, 15.3.2005, p. 49.

<sup>5</sup> OJ L 328, 24.11.2006, p. 59.

<sup>6</sup> OJ L 332, 18.12.2007, p. 103.

<sup>7</sup> OJ L 138, 4.6.2009, p. 14.

<sup>8</sup> OJ L 121, 15.5.2009, p. 37.

<sup>9</sup> OJ L 350, 30.12.2008, p. 60.

<sup>10</sup> OJ L 190, 18.7.2002, p. 1.

investigation teams<sup>1</sup> and to the Commission report on national measures taken to comply with that framework decision (COM(2004)0858),

- having regard to Council Decision 2009/902/JHA of 30 November 2009 setting up a European crime prevention network (EUCPN)<sup>2</sup>,
- having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA<sup>3</sup> and to the communication from the Commission 'The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016' (COM(2012)0286),
- having regard to Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing<sup>4</sup>, and to the Commission report to Parliament and the Council on the application of that directive (COM(2012)0168),
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- having regard to Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community<sup>5</sup>,
- having regard to Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds<sup>6</sup>,
- having regard to Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC,
- having regard to Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC and 2005/60/EC and repealing Directive 97/5/EC<sup>7</sup>,
- having regard to Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector<sup>8</sup> and to the Commission report to the Council based on Article 9 of that framework decision (COM(2007)0328),
- having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal service sectors<sup>9</sup>, Directive 2004/18/EC of the European

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<sup>1</sup> OJ L 162, 20.6.2002, p. 1.

<sup>2</sup> OJ L 321, 8.12.2009, p. 44.

<sup>3</sup> OJ L 101, 15.4.2011, p. 1.

<sup>4</sup> OJ L 309, 25.11.2005, p. 15.

<sup>5</sup> OJ L 309, 25.11.2005, p. 9.

<sup>6</sup> OJ L 345, 8.12.2006, p. 1.

<sup>7</sup> OJ L 319, 5.12.2007, p. 1.

<sup>8</sup> OJ L 192, 31.7.2003, p. 54.

<sup>9</sup> OJ L 134, 30.4.2004, p. 1.

Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, and the amendments thereto<sup>1</sup> ,

- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA<sup>2</sup> ,
- having regard to Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011, on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA,
- having regard to European Parliament and Council Regulation (EC) 273/2004 of 11 February 2004 on drug precursors<sup>3</sup>,
- having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data,
- having regard to the Commission Decision of 28 September 2011 setting up an expert group on corruption<sup>4</sup>; having regard to the Commission communication of 6 June 2011 to the European Parliament, the Council, and the European Economic and Social Committee entitled ‘Fighting Corruption in the EU’ (COM(2011)0308) and to the Commission Decision of 6 June 2011 establishing an EU anti-corruption reporting mechanism for periodic assessment (‘EU Anti-Corruption Report’) (C(2011)3673),
- having regard to the Commission Decision of 14 February 2012 setting up the Commission expert group on policy needs for data on crime and repealing Decision 2006/581/EC<sup>5</sup>,
- having regard to Commission Recommendation 2007/425 of 13 June 2007, identifying a set of actions for the enforcement of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein<sup>6</sup>,
- having regard to the initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters (2010/0817 (COD)),

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<sup>1</sup> OJ L 134, 30.4.2004, p. 114.

<sup>2</sup> OJ L 315, 14.11.2012, p. 57.

<sup>3</sup> OJ L 47, 18.2.2004, p. 1.

<sup>4</sup> OJ C 286, 30.9.2011, p. 4

<sup>5</sup> OJ C 42, 15.2.2012, p. 2.

<sup>6</sup> OJ L 159, 20.6.2007, p. 45.

- having regard to the Proposal for a directive of the European Parliament and of the Council of 9 March 2011 on the freezing and confiscation of the proceeds from crime in the European Union (COM(2012)0085),
- having regard to the proposal for a directive of the European Parliament and of the Council of 20 December 2011 on procurement by entities operating in the water, energy, transport and postal services sectors (COM(2011)0895) and the proposal for a Directive of the European Parliament and of the Council on public procurement (COM(2011)0896),
- having regard to the proposal for a directive of the European Parliament and of the Council of 5 February 2013 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (COM(2013)0045),
- having regard to the proposal for a regulation of the European Parliament and of the Council of 5 February 2013 on information accompanying transfers of funds (COM(2013)0044),
- having regard to the proposal for a regulation of the European Parliament and of the Council of 12 September 2012 on the statute and funding of European political parties and European political foundations (COM(2012)0499),
- having regard to the proposal for a regulation of the European Parliament and the Council of 29 November 2012, amending Regulation (EU, Euratom) No 966/2012 as regards the financing of European political parties (COM(2012)0712),
- having regard to the proposal for a directive of the European Parliament and of the Council on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (COM(2013)0042),
- having regard to the proposal for a directive of the European Parliament and of the Council on attacks against information systems and repealing Council Framework Decision 2005/222/JHA (COM(2010)0517),
- having regard to the proposal for a directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (COM(2012)0010),
- having regard to the proposal for a regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (COM(2012)0011),
- having regard to the proposal for a directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law (COM(2012)0363),



- having regard to the proposal for a Council regulation on the establishment of the European Public Prosecutor’s Office (COM (2013)0534) and to the proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust) (COM(2013)0535),
- having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions entitled ‘Better protection of the Union’s financial interests: setting up the European Public Prosecutor’s Office and reforming Eurojust’ (COM(2013)0532),
- having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions entitled ‘Improving OLAF’s governance and reinforcing procedural safeguards in investigations: a step-by-step approach to accompany the establishment of the European Public Prosecutor’s Office’ (COM(2013)0533),
- having regard to the joint communication from the Commission and the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions entitled ‘Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace’ (JOIN(2013)0001),
- having regard to the Commission communication to the European Parliament and the Council entitled ‘An Action Plan to strengthen the fight against tax fraud and tax evasion’ (COM(2012)0722),
- having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘Building an open and secure Europe: the home affairs budget 2014-2020’ (COM(2011)0749),
- having regard to the Commission communication to the European Parliament and the Council entitled ‘First Annual Report on the implementation of the EU Internal Security Strategy’ (COM(2011)0790),
- having regard to the Commission’s Green Paper on shadow banking (COM(2012)0102),
- having regard to the Commission communication to the Council and the European Parliament entitled ‘Tackling Crime in our Digital Age: Establishing a European Cybercrime Centre’ (COM(2012)0140),
- having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions entitled ‘Towards a comprehensive European framework for online gambling’ (COM(2012)0596),
- having regard to the Commission communication to the European Parliament and the

Council entitled 'Measuring Crime in the EU: Statistics Action Plan 2011-2015' (COM(2011)0713),

- having regard to the report from the Commission to the Council 'Evaluation report on the European Union Crime Prevention Network' (COM(2012)0717),
- having regard to the Commission report to the European Parliament and the Council on the implementation of Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ('Prüm Decision') (COM(2012)0732),
- having regard to the Commission Green Paper – Towards an integrated European market for card, Internet and mobile payment (COM(2011)0941),
- having regard to the Commission communication to the European Parliament and the Council on concrete ways to reinforce the fight against tax fraud and tax evasion including in relation to third countries (COM(2012)0351),
- having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Towards an EU Criminal Policy: Ensuring the effective implementation of EU policies through criminal law' (COM(2011)0573),
- having regard to the Commission report of 6 June 2011 to the Council on the modalities of European Union participation in the Council of Europe Group of States against Corruption (GRECO) (COM(2011)0307),
- having regard to the Commission communication to the European Parliament and the Council entitled 'Proceeds of organised crime: ensuring that “crime does not pay”' (COM(2008)0766),
- having regard to the communication from the Commission to the Council and the European Parliament on the role of Eurojust and the European Judicial Network in the fight against organised crime and terrorism in the European Union (COM(2007)0644),
- having regard to the Commission communication to the Council and the European Parliament on the prevention of and fight against organised crime in the financial sector (COM(2004)0262),
- having regard to the Commission working document on the feasibility of EU legislation in the area of protection of witnesses and collaborators with justice (COM(2007)0693),
- having regard to its recommendation to the Council on combating the financing of terrorism<sup>1</sup>,
- having regard to its resolution of 8 March 2011 on 'Tax and development – Cooperating

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<sup>1</sup> Text Adopted, P6\_TA(2005)0222.

with developing countries on promoting good governance in tax matters<sup>1</sup>,

- having regard to its resolutions of 15 September 2011 on the EU's efforts to combat corruption<sup>2</sup>, of 25 October 2011 on organised crime in the European Union<sup>3</sup>, of 22 May 2012 on an EU approach to criminal law<sup>4</sup>, and of 14 March 2013 on match-fixing and corruption in sport<sup>5</sup>,
- having regard to its resolution of 15 January 2013 with recommendations to the Commission on a Law of Administrative Procedure of the European Union<sup>6</sup>,
- having regard to its resolution of 21 May 2013 on the fight against tax fraud, tax evasion and tax havens<sup>7</sup>,
- having regard to its resolution of 11 June 2013 on organised crime, corruption, and money laundering: recommendations on action and initiatives to be taken (CRIM interim report),
- having regard to its written declaration 2/2010 on the Union's efforts in combating corruption<sup>8</sup>,
- having regard to the Joint Report by Europol, Eurojust and Frontex on the state of internal security in the EU (2010),
- having regard to the Eurojust Multi-annual Strategic Plan 2012-2014 and its annual report for 2011,
- having regard to the Europol SOCTA report (Serious and Organised Crime Threat Assessment) of March 2013,
- having regard to the Europol 2012 situation report on payment card fraud in the European Union,
- having regard to the joint report by the European Monitoring Centre for Drugs and Drug Addiction and Europol entitled 'EU Drug Markets Report – A Strategic Analysis', of January 2013,
- having regard to Opinion 14/2011 of 13 June 2011 on data protection issues related to the prevention of money laundering and terrorist financing, adopted by the Working Party established under Article 29 of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>9</sup>,

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<sup>1</sup> Texts adopted, P7\_TA(2011)0082.

<sup>2</sup> Texts adopted, P7\_TA(2011)0388.

<sup>3</sup> Texts adopted, P7\_TA(2011)0459.

<sup>4</sup> Texts adopted, P7\_TA(2012)0208.

<sup>5</sup> Texts adopted, P7\_TA(2013)0098.

<sup>6</sup> Texts adopted, P7\_TA(2013)0004.

<sup>7</sup> Texts adopted, P7\_TA(2013)0205.

<sup>8</sup> P7\_DCL(2010)0002.

<sup>9</sup> [http://ec.europa.eu/justice/policies/privacy/docs/wpdocs/2011/wp186\\_en.pdf](http://ec.europa.eu/justice/policies/privacy/docs/wpdocs/2011/wp186_en.pdf).

- having regard to the conclusions which have emerged from the public hearings, discussions on the working documents, mid-term report and exchanges of views with eminent figures, as well as from the delegation visits made by Parliament’s Special Committee on Organised crime, Corruption and Money Laundering,
- having regard to the contributions of high-level experts specifically called for by its Special Committee on Organised Crime, Corruption and Money Laundering,
- having regard to the responses to the questionnaire sent to the national parliaments on their role and experiences in the fight against organised crime, corruption and money laundering, and the outcome of the interparliamentary meeting on that same subject held in Brussels on 7 May 2013,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Special Committee on Organised Crime, Corruption and Money Laundering (A7-0307/2013),

***Organised crime, corruption, and money laundering***

- A. whereas the Special Committee on Organised Crime, Corruption and Money Laundering (CRIM) was mandated to investigate the extent of organised crime, corruption and money laundering supported by the best available threat assessments and to propose appropriate measures for the EU to prevent and address these threats and to counter them, including at the international, European and national level;
- B. whereas criminal organisations have gradually extended their operating range on an international scale, exploiting the opportunities offered by the opening of the internal borders of the European Union, as well as economic globalisation and new technologies, and entering into alliances with criminal groups in other countries (examples being the South American drug cartels and Russian-speaking organised crime) in order to carve up markets and spheres of influence; whereas increasingly criminal groups are diversifying in their operations, with links growing between drug trafficking, the trafficking of human beings, the facilitation of illegal immigration, weapons trafficking, and money laundering;
- C. whereas corruption and organised crime are serious threats in terms of costs to the EU economy; whereas the proceeds and infiltration capacity of criminal organisations have grown considerably due to the fact that they are operating in many sectors, most of which are subject to the control of government departments; whereas organised crime is increasingly resembling an economic global player with a strong business orientation, enabling it to supply different kinds of illegal – but also, to an increasing extent, legal – goods and services at the same time, and is having an increasing impact on the European and global economy, significantly affecting tax revenues of the Member States and the EU as a whole, and at a cost to business estimated at more than EUR 670 billion annually;

- D. whereas organised crime is a major cross-border internal security threat in the EU in terms of the number of victims; whereas organised crime makes huge profits from trafficking in human beings, illegal trafficking in and smuggling of organs, arms, drugs and their precursors, nuclear, radiological, biological and chemical substances, prescription drugs, counterfeiting of everyday consumer goods such as foodstuffs, protected animal and plant species and parts of them, tobacco in all its forms, works of art and various other – often counterfeit – products; whereas the above-mentioned trafficking entails losses to the revenue of the European Union and the Member States, damages consumers, public health and manufacturing companies and can also facilitate the spread of other forms of organised crime;
- E. whereas Mafia-type organised crime relating to the environment – involving various forms of illegal waste trafficking and disposal and the destruction of environmental, landscape, artistic, and cultural heritage – has now assumed an international dimension requiring all European countries to pool their efforts with a view to taking more effective joint action to prevent and combat ‘ecomafias’;
- F. whereas numerous criminal organisations have a network structure characterised by high levels of flexibility, mobility, connectivity and inter-ethnicity, as well as a heightened capacity for infiltration and camouflage; whereas criminal organisations have been tending increasingly to rely on mutual assistance enabling them – also through their new international structures and the diversification of their activities – to overcome their differences in terms of language, ethnic origin and commercial interests and engage in joint trafficking, thereby reducing costs and maximising profits at a time of world economic crisis;
- G. whereas the 2013 Europol SOCTA report estimates that 3 600 international criminal organisations are operating in the EU and that, of those, 70% have a geographically heterogeneous composition and range of action and more than 30% are poly-crime groups;
- H. whereas it is necessary for Europol, based on proper information provided by the Member States, to evaluate the extent to which certain organised crime groups operate across the EU's internal and external borders and which particularly serious crimes with a cross border dimension as listed in article 83 TFEU they commit focusing on a different specific domain every time, and for this evaluation to be closely scrutinised by the European Parliament, national parliaments and other relevant actors to better target, and ensure the added value of, EU action and collaboration between police and judicial authorities among Member States, with third countries and international organisations;
- I. whereas criminal organisations can take advantage of a grey area of collusion with other parties, merging for the purpose of carrying out certain activities with white-collar perpetrators (entrepreneurs, public officials at all levels of decision-making, politicians, banks, professionals, etc.), who, while not actually belonging to criminal organisations, have mutually lucrative business relations with them;
- J. whereas, according to UNODC, the financial flows generated by the international drug

traffic operated by Mafia-type organisations have, in a good many cases, been handled by banks in several parts of the world and whereas, therefore, investigations need to be coordinated at international level in order to thread a way through the banking circuits and trace the financial operators implicated in international drug trafficking;

- K. whereas the economic crisis of recent years has resulted in significant changes in the areas of interest of organised crime, which has been able quickly to identify the new opportunities being offered, and whereas this crisis, in prompting new waves of migrants to seek better living and working conditions, can sometimes provide it with new victims in terms of exploitation and labour;
- L. whereas entrepreneurship is one of the main traits of modern criminal organisations, which engage in forms of action geared strongly towards meeting market demand for goods and services and involving intensive cooperation with other operators, criminals or otherwise, and alternate constantly between the apparently lawful dimension of their business and methods of intimidation and corruption and illegal ends (pursued through money laundering, for example);
- M. whereas the transnational dimension of organised crime has been heightened by the ease with which criminal groups use every means of transport, tried and tested routes, and existing infrastructure, extending outside the European Union; whereas, in particular, the expansion in communications and transport infrastructure now under way in Africa is in danger of being exploited by organised criminals to facilitate their illicit trafficking operations;
- N. whereas European routes, in particular those crossing the Western Balkans, remain at the centre of trafficking in human beings, arms and drugs (and their precursors), in addition to money laundering, by most criminal groups operating in Europe; whereas the routes followed by the heroin destined for the European Union are constantly changing and south-eastern Europe, in any case, is one of the main stopover points for irregular migration, too;
- O. whereas operations involving trafficking in human beings and human organs, forced prostitution or enslavement and the establishment of labour camps are often run by transnational criminal organisations; whereas, in particular, trafficking in human beings generates an estimated profit of EUR 25 billion each year and this crime concerns all EU countries; whereas the revenues generated by the trafficking in wildlife species and body parts are estimated at EUR 18 to 26 billion per year, with the EU being the foremost destination market in the world;
- P. whereas, although the exact levels of human trafficking in the EU are still not easy to identify because they are often hidden within other forms of criminality or are not properly recorded or investigated, the total number of forced labourers in the EU Member States is estimated at 880 000, of which 270 000 are victims of sexual exploitation, with women constituting the majority of them; whereas trafficking in human beings and enslavement are very lucrative forms of crime often run by transnational criminal organisations; whereas all EU countries are affected, but not all of them have ratified all relevant international instruments, which would make the fight

against trafficking in human beings more effective; whereas, in particular, only nine Member States have fully transposed and implemented the 2011 directive on the preventing and combating of trafficking in human beings and the Commission is still to fully implement its EU strategy towards the eradication of trafficking in human beings 2012-2016;

- Q. whereas illegal trafficking in cigarettes results in an annual tax loss of approximately EUR 10 billion; whereas the estimated turnover generated by global small arms trafficking ranges between approximately EUR 130 million and 250 million a year and there are more than 10 million illegal weapons in circulation in Europe, posing a serious threat to the safety of citizens as well as to law enforcement; whereas false medicines, some health- or life-threatening, are offered to Europeans at bargain prices on 30 000 attractive websites, 97% of which are illegitimate, with the estimated impact on European public health at up to 3 billion per year with the majority of fake pharmaceuticals originating from China and India;
- R. whereas a fraudulent use of the internet enables organised crime to expand its illicit trafficking in psychoactive substances, firearms, materials used in the production of explosives, counterfeit money, counterfeit and other IPR infringing products and services and endangered animal and plant species, to evade excise and other taxes on sales of genuine goods, as well as to experiment with growing success in new criminal activities, thereby revealing a fearsome ability to adapt to modern technology;
- S. whereas cybercrime is creating increasingly significant economic and social damage affecting millions of consumers and is causing annual losses estimated at EUR 290 billion<sup>1</sup>;
- T. whereas, in many cases, for organised crime, the bribery of public officials aids its illegal trafficking in that, amongst other things, it provides access to confidential information, enables false documents to be obtained, public procurement procedures to be guided, proceeds to be recycled and law enforcement actions by the police and courts to be evaded;
- U. whereas cocaine from Central and South America is sold in Europe through ports in north-eastern Europe, the Iberian peninsula and the Black Sea;
- V. whereas in 2012 more than 70 new psychoactive substances came onto the EU market; whereas organised crime increasingly uses clandestine laboratories located in various parts of the EU to convert lawful chemicals into precursors of synthetic drugs and subsequently to produce the latter;
- W. whereas Member States and the EU need to identify and combat relatively new areas of organised crime, including the trade of rare minerals, stolen metals, and the disposal of toxic waste, which are having a negative effect on legitimate markets;

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<sup>1</sup> According to the Norton Cybercrime Report 2012.

- X. whereas opportunities for contact and forms of integration between the public and private sectors are now frequent and, therefore, situations presenting a potential risk of conflict of interest are increasingly common;
- Y. whereas amongst the enemies of the euro area is the divergence of productivity gains among the Member States; whereas this creates, in the medium and long term, a divergence in terms of competitiveness that cannot be dealt with by monetary devaluation and leads to harsh and politically unsustainable austerity programmes aimed at internal devaluation; whereas systemic corruption in the public sector, which is one of the main impediments to efficiency, foreign direct investment and innovation, is thus preventing the proper functioning of the monetary union;
- Z. whereas, according to the World Bank, corruption represents 5% of global GDP (US\$ 2.6 trillion) with over US\$ 1 trillion paid in bribes each year; whereas corruption adds up to 10% of the total cost of doing business on a global basis and 25% to the cost of procurement contracts in developing countries<sup>1</sup>;
- AA. whereas there are at least 20 million cases of petty corruption in the EU public sectors and it is obvious that the phenomenon also has a spillover effect in the government departments of the Member States (and relevant politicians) which are responsible for managing European Union funds and other financial interests;
- AB. whereas flows of dirty money through transfers of funds can damage the stability and reputation of the financial sector and threaten the internal market of the Union; whereas the full traceability of funds can be an important and highly valuable tool in the prevention, investigation and detection of money laundering or terrorist financing;
- AC. whereas although advances in new technology and payment methods should give rise to a more secure and a relatively cashless society, the use of cash remains commonplace, as indicated by ECB figures on the issuance of banknotes, which show that since 2002 the volume of euro banknotes has increased steadily (in particular as regards high denominations); whereas movements of vast amounts of cash from illicit sources remain a matter of concern for law enforcement and this is still one of the most favoured methods to repatriate criminal proceeds;

### *In defence of citizens and of the lawful economy*

- AD. whereas the safety of citizens and consumers, freedom of movement, the protection of businesses, free and fair competition, the need to prevent stockpiles of illicit financial assets and funds from distorting the lawful business cycle, and the fundamental democratic principles on which the EU and its Member States are based are being seriously threatened by the spread of organised crime, corruption and money laundering; whereas the eradication of such phenomena requires a resolute political will at all levels;

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<sup>1</sup> International Chamber of Commerce, Transparency International, UN Global Compact, World Economic Forum, Clean Business is Good Business, 2009.



- AE. whereas, in addition to acts of intimidation and violence, organised criminals are implicated in increasingly more sophisticated and lucrative forms of fraud which are draining substantial resources away from the lawful economy and damaging the prospects for growth, especially in difficult times such as the present; whereas, given the vast scale of their infiltration into the lawful economy, organised crime, corruption, and money laundering are having a devastating impact on Member States;
- AF. whereas the United Nations Office on Drugs and Crime (UNODC) estimates that the proceeds from illegal activities worldwide account for about 3.6% of global GDP and whereas the flow of laundered money in the world today amounts to approximately 2.7% of global GDP; whereas the Commission estimates that, in the EU alone, corruption costs roughly EUR 120 billion a year, that is to say, 1.1% of EU GDP; whereas substantial resources are thus being stolen from economic and social development, public finances and citizens' welfare;
- AG. whereas there are increasingly close links between criminal groups and terrorist groups; whereas, in addition to real structural links, these include the mutual supply of services, money, and of other forms of material assistance; whereas these links are a serious threat to the integrity of the European Union and the safety of its citizens;
- AH. whereas excessive red tape can discourage legitimate economic activity and provide incentives for bribing public officials; whereas high levels of corruption are a serious threat to democracy, the rule of law and the equal treatment of all citizens by the State in addition to being an unnecessary cost to businesses, preventing them from competing fairly; whereas corruption can undermine economic development through improper allocations of resources, especially at the expense of public services, in particular of social and welfare services;
- AI. whereas corruption is perceived by 74 % of European citizens to be a major national and supranational problem<sup>1</sup>, while cases of corruption apparently occur within all sectors of society; whereas corruption undermines citizens' confidence in democratic institutions and the effectiveness of elected governments in preserving the rule of law, since it creates privileges and hence social injustice; whereas distrust of politicians is heightened in times of dire economic crisis;
- AJ. whereas the Member States do not all have a system to standardise citizens' access to information and fully protect it and to that extent fall short of the requirements of monitoring and awareness raising and hence of a genuine EU-wide freedom of information act;
- AK. whereas, also due to the economic crisis, credit is more difficult to obtain for 'clean' companies, given the higher costs and the more stringent guarantees that banks require; whereas businesses in economic difficulty sometimes turn to criminal organisations in order to obtain funds for investments, which enables criminal groups to take money earned through criminal activities and invest it in legal economic activities;

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<sup>1</sup> Special Eurobarometer 374 on Corruption, February 2012.

- AL. whereas money laundering is becoming increasingly sophisticated and now includes, for example, illegal, and sometimes even legal, betting, in particular in relation to sporting events; whereas the gambling industry can be used for the purposes of money laundering; whereas organised crime is also often at the heart of match-fixing as a profitable form of criminal activity; whereas legal gaming, as an expression of business activity, must be supported on the basis of the principles of subsidiarity and proportionality;
- AM. whereas organised crime often makes use of personal data obtained fraudulently, also online, to create false documents or alter genuine documents and thus commit other crimes; whereas, according to research by the Commission<sup>1</sup>, 1.8% of Internet users in the European Union have been victims of identity theft or have at least had some experience of it, and 12% have been victims of some form of online fraud; whereas the protection of personal data online is an essential precondition for combating online crime and is an important tool for restoring citizens' trust in online services;
- AN. whereas the activities of organised crime increasingly include the counterfeiting of all kinds of products, from luxury goods to everyday items; whereas this poses a serious risk to the health of consumers, endangers job security, damages the businesses concerned and causes huge losses in revenue; whereas counterfeiting is sometimes seen as socially acceptable because it is perceived as not having any actual victims and this reduces the risk of detection for the criminal organisations involved;
- AO. whereas the increasing number of crimes being perpetrated against the agri-food sector are not only seriously endangering the health of European citizens but also causing considerable damage to those countries that have made food excellence their major asset;
- AP. whereas VAT fraud generates an annual loss of revenue to the European Union of EUR 100 billion; whereas the scale of tax fraud and tax avoidance undermines citizens' trust and confidence in the fairness and legitimacy of tax collection and the fiscal system as a whole;

### ***Need for a common Europe-wide approach***

- AQ. whereas Mafia-type criminal organisations have been singled out for attention within the priorities laid down by the JHA Council of 6-7 June 2013 for the 2014-2017 policy cycle focusing on cross-border organised crime, a fact which demonstrates the soundness of the work of the CRIM Committee – which has devoted many of its hearings to the above subject – and of Parliament as a whole and amounts to a recognition that the European institutions need to follow an unwavering joint policy approach in order to counteract the threat posed by Mafia-type crime and criminal systems;

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<sup>1</sup> See Eurobarometer, Special Report No 390 on Cybercrime, July 2012.

- AR. whereas, as Europol has noted in 2013, one of the biggest dangers, when it comes to fighting mafias, lies in the possibility of underestimating the complexity of organised crime and the extraordinary organisational skills of the criminals, who can adapt to different geographical and social environments and sometimes eschew ‘military control’ of the territory concerned in favour of an ‘underground’ strategy, enabling them to make huge profits while remaining invisible;
- AS. whereas criminal organisations are equipped to exploit to their advantage the free movement of persons, goods, services and capital in the European Union in addition to the differences in the legislation and legal traditions of the Member States; whereas tax havens and countries that pursue non-transparent or harmful tax practices play a vital role in money laundering; whereas the persistence of distortions caused by tax havens can lead to artificial flows and negative effects within the EU internal market; whereas harmful tax competition within European Union is clearly against the logic of the single market; whereas more efforts are needed to harmonise tax bases within an ever-closer economic, fiscal and budgetary Union;
- AT. whereas some work has already been done at European level to provide a balanced legislative and regulatory framework as regards organised crime, corruption, and money laundering; whereas certain objectives in the fight against organised crime, corruption and money laundering cannot be achieved by the Member States acting on their own; whereas, nonetheless, new law enforcement measures and harmonisation of national laws to combat such multi-faceted phenomena are necessary;
- AU. whereas, in order to tackle organised crime, legislators in the Member States must be able to react promptly and effectively to changing structures and new forms of crime, and even more so since, under the Treaty of Lisbon, all Member States are obliged to facilitate a Union of freedom, security and justice;
- AV. whereas the protection of the Union's financial interests and of the euro must be a priority; whereas, to that end, the growing phenomenon by which criminal organisations are misappropriating European funds (so-called Community fraud) and counterfeiting the euro needs to be stemmed; whereas programmes such as Hercule, Fiscalis, Customs and Pericles have been developed at the European level to protect the EU's financial interests and fight against transnational and cross-border criminal and illicit activities;
- AW. whereas mutual recognition is recognised as a fundamental principle underpinning judicial cooperation in civil and criminal matters between the EU's Member States;
- AX. whereas, as is stated in the 2012 UNODC Digest of organised crime cases, ‘Special investigative techniques are often irreplaceable for the successful investigation and prosecution of organised crime. They are at the root of the successful results achieved in the most serious and complicated investigations illustrated by the cases’; whereas Article 20(1) of the UN Palermo Convention calls on States Parties to use special investigative techniques ‘for the purpose of effectively combating organised crime’;
- AY. whereas the judicial independence is vital to the idea of separation of powers, furthermore an efficient, independent and impartial judicial system is important for the

rule of law, protection of human rights and civil liberties of our citizens; whereas courts shall not be subjected to any influence or interests;

***In support of a coherent uniform regulatory framework***

1. Reiterates the substance of its interim report, adopted by resolution of 11 June 2013, which this resolution seeks to confirm – also with regard to the provisions that are not explicitly mentioned herein – and supplement;
2. Calls on the Commission to launch a European action plan against organised crime, corruption and money laundering, which should include legislative measures and positive action designed to combat these criminal activities effectively;
3. Urges all Member States to promptly and correctly transpose into their national legislation all existing EU and international legal instruments concerning organised crime, corruption and money laundering; urges Member States and the Commission to complete the Roadmap on the rights of suspects and accused persons in criminal proceedings, including a directive on pre-trial detention;
4. Endorses the current (2011-2013) policy cycle for transnational organised crime and the cycle to be implemented in the next period (2014-2017), and calls on the Member States and European agencies to do their utmost to ensure that this initiative yields tangible results; believes that the policy cycle should be encompassed within a wider European action plan to combat organised crime and criminal systems; considers that once the policy cycle has been reviewed, as is due to happen in October 2015, corruption should be included among its cross-cutting priorities;
5. Calls on the Council, in due course, to revise its conclusions of 8 and 9 November 2010 on the creation and implementation of an EU policy cycle for organised and serious international crime in order to enable Parliament, in keeping with the spirit of the Treaty of Lisbon, to be involved in determining the priorities, discussing the strategic objectives, and assessing the results of the policy cycle; asks to be briefed by the Council on the outcome of the first (2011-2013) policy cycle and to hear COSI annually in order to obtain a detailed progress report on the annual plans for achieving the strategic objectives;
6. Reiterates its call to the Commission to propose common judicial standards to strengthen integration and cooperation among Member States; calls on the Commission, in particular, on the basis of an evaluation report on the implementation of the Framework Decision on the fight against organised crime and building on Member States' most advanced legislation, to submit, by the end of 2013, a legislative proposal setting out a common definition of organised crime, which should include, *inter alia*, the offence of participation in a transnational criminal organisation, emphasising the fact that criminal groups of this kind are business oriented, highly organised, technologically sophisticated, and often act through intimidation and blackmail; calls on the Commission, moreover, to take into account Article 2(a) of the UN Convention against Transnational Organised Crime;

7. Reiterates that the EU proposals concerning substantive criminal law provisions must respect fundamental rights and the principles of subsidiarity and proportionality, as well as the substance of Parliament's resolution of 22 May 2012 on an EU approach to criminal law;
8. Calls on the Commission to criminalise the use of services of the victims of all forms of exploitation of human being trafficking, and urgently to develop an EU comparable and reliable data collection system, based on common and agreed solid indicators, together with Member States and the relevant international institutions; calls on the Commission to implement, as soon as possible, all measures and instruments presented in the communication entitled 'EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016', and to establish an EU Anti-trafficking Observatory, open to governments, law enforcement agencies and NGOs; calls on the Commission and the EEAS to strengthen the external dimension and the preventive scope of measures and programmes, in particular through bilateral agreements with the countries of origin and transit and with special attention to unaccompanied minors; calls on the Commission and the Member States to make human being trafficking socially unacceptable through strong and sustained awareness-raising campaigns to be evaluated annually as part of the European Anti-Trafficking Day;
9. Calls on the Commission to develop a consistent global policy against corruption; recommends that, when drawing up its report on action taken by Member States and EU institutions against corruption, the Commission should propose and include a list of concrete recommendations for each Member State and EU institution, highlighting best practice examples in combating it to foster and encourage Member States and EU institutions to undertake peer-learning exercises in the longer term; recommends also that the Commission include a comprehensive overview of vulnerable areas of corruption on a national basis; calls on the Commission to ensure the publication of the next report in 2015 to track progress of the efforts in Member States and EU institutions to fight corruption over time; calls on the Commission to report regularly to Parliament on actions taken by Member States and to update existing European legislation where necessary;
10. Takes the view that defamation/libel laws dissuade possible reporting of corruption; urges therefore that all Member States to de-penalise defamation/libel laws in their legal systems, at least for cases when allegations of organised crime, corruption and money laundering in Member States and abroad are in question;
11. Calls on the Commission to report regularly to the European Parliament on actions taken by Member States against organised crime, corruption and money laundering;
12. Calls on the Commission to submit, by the end of 2013, a proposal to harmonise criminal law on money laundering, providing a common definition of the offence of self-laundering based on Member States' best practices;
13. Takes notes of the recent legislative proposals on the establishment of the European Public Prosecutor's Office (EPPO) and on the European Union Agency for Criminal

Justice Cooperation (Eurojust) and calls for their prompt adoption; considers it crucial that the EPPO is supported by a clear procedural rights framework and that the offences over which it will have authority are clearly defined;

14. Calls on the Commission, by the end of 2013, to submit a legislative proposal establishing an effective and comprehensive European whistleblower protection programme in the public and in the private sector to protect those who detect inefficient management and irregularities and report cases of national and cross-border corruption relating to EU financial interests and to protect witnesses, informers, and those who cooperate with the courts, and in particular witnesses testifying against mafia-type and other criminal organisations, with a view to resolving the difficult conditions under which they have to live (from risks of retaliation to the breakdown of family ties or from being uprooted from their home territory to social and professional exclusion); calls also on the Member States to put in place appropriate and effective protection for whistleblowers;
15. Stresses that an effective regulatory framework should duly take into account the interaction between anti-money laundering provisions and the fundamental right to the protection of personal data, in order to combat money laundering without lowering established data protection standards; in this regard, welcomes the data protection system used by Europol; in this regards welcomes the Commission's proposal on the Fourth Anti-Money Laundering Directive; furthermore proposes sufficient safeguards for law enforcement to be able to gather personal data needed for an investigation of an organised criminal activity; asks for it to be possible for criminal data about prisoners and suspects to be transferred across borders as is necessary;
16. Recommends that the European Parliament, the Member States, and the Commission, with the support of Europol, Eurojust and the EU Fundamental Rights Agency, devise indicators, on the basis of recognised systems and common criteria which should be as uniform and consistent as possible, to measure, at least, the extent and economic costs of, and social harm caused by, organised crime, corruption and money laundering at EU level; calls on the Commission and the Member States to investigate the social harm caused by environmental, economic and corporate crimes;
17. Points to the need for the full application, and the strengthening, of the existing mutual recognition instruments and for European legislation providing for the immediate enforceability of all judicial measures, with particular reference to convictions, arrest warrants and confiscation orders in Member States other than those in which they were issued, whilst fully respecting the principle of proportionality; calls on the Commission, as a matter of priority, to produce the concrete legislative proposal required in order to give effect to mutual recognition of seizure and confiscation orders, including those issued for civil purposes; considers that mutual legal assistance and the mutual admissibility of evidence between Member States should be improved; stresses the importance of updating and improving the mechanisms of letters rogatory; calls for requests to extradite members of criminal organisations to be treated as a priority by the recipient authorities;

18. Calls on the Member States and the Commission to continue common efforts to conclude the negotiations on the draft directive regarding the European Investigation Order in criminal matters with a view to simplifying evidence gathering in cross-border cases and bringing about smooth, effective judicial cooperation to combat transnational crime;
19. Considers it vitally important that the directive on the confiscation of proceeds of crime be rapidly adopted, and recognises the prime importance of having clear and effective rules that will ensure proper Europe-wide harmonisation; invites the Member States to transpose that directive in a timely and effective manner;
20. Calls on the Commission and the Member States to step up the fight against trafficking in human beings and forced labour; believes that the fight against forced labour should focus on the places where cheap forced labour is exploited; calls therefore on Member States to strengthen their labour inspections and to facilitate those organisations that can help in detecting forced labour such as trade unions;
21. Believes that chain responsibility for businesses is an important tool in the fight against forced labour; calls therefore on the Commission to come forward with a proposal for minimum standards for chain responsibility for businesses; encourages the Member States to ban subcontracts in connection with public contracts until an agreement on chain responsibility for business is in place;
22. Reminds the Commission that special treatment should be given to children who are victims of trafficking, as well as to improve the protection of unaccompanied minors or trafficked children by their own families (cases to be taken into account when proposing return to countries of origin, identification of guardians, etc.); urges that not only the gender-specific approach, but also the role of health problems and disabilities be taken into account;
23. Calls on the Commission to develop an EU Charter for Protection and Assistance of Victims of Trafficking in order to gather all existing indicators, measures, programmes and resources in a more coherent, efficient and useful way for all stakeholders involved with the objective to strengthen the protection of the victims; calls on the Commission to set up a helpline for victims of trafficking in human beings;
24. Underlines that the World Bank estimates that each year, US\$ 20 to US\$ 40 billion, corresponding to 20% to 40% of official development assistance, is stolen through high-level corruption from public budgets in developing countries and hidden overseas<sup>1</sup>; given the European Union's position as the world's leading donor, calls on the European Commission to consolidate the cooperation with other donors and the International Organisation of Supreme Audit Institutions to develop capacities of Supreme Audit Institutions in aid recipient countries, in order to implement the International Standards for Supreme Audit Institutions and ensure that the EU financial assistance serves its intended purposes instead of being diverted;

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<sup>1</sup> International Chamber of Commerce, Transparency International, UN Global Compact, World Economic Forum, Clean Business is Good Business, 2009.

*Halting organised crime by striking at the proceeds and assets that it generates*

25. Calls on the Member States, on the basis of the most advanced national legislation, to introduce models of non-conviction based confiscation, in those cases where, based on the available evidence and subject to the decision of a court, it can be established that the assets in question result from criminal activities or are used to carry out criminal activities
26. Considers that, in compliance with constitutional national guarantees and without prejudice to the right of property and the right of defence, provision could be made for preventive models of confiscation, which should be applicable only following a court decision;
27. Calls on the Commission to bring forward a legislative proposal aimed at effectively ensuring the mutual recognition of seizure and confiscation orders linked to the asset-protection measures adopted by the Italian judicial authorities and to the civil law measures adopted in various EU countries; calls on the Member States to immediately adopt the operational measures needed to render those provisions effective;
28. Calls on the Member States to foster administrative, police and judicial cooperation enabling criminal assets to be traced anywhere in EU territory with a view to their seizure or confiscation, including through full activation of the network of asset recovery offices and rapid access to national data records such as, for example, those of the tax authorities, the public registry of motor vehicles, the land registry and the bank registry;
29. Calls on the Commission to enhance the role and responsibilities of the asset recovery offices (AROs) and to create the conditions for their having swifter and across-the-board access to information, in a manner fully consonant with data protection and fundamental rights; invites the Member States to support this raising of the profile of AROs, including by providing the appropriate resources, in view of the potential those offices have for recovering criminal assets; commends the work performed by the ARO platform so far, and encourages it to continue that work so that current best practices and the activities of those offices can be turned to full advantage across the EU;
30. Considers it of vital importance, with a view to effectively countering the power of criminal systems by targeting their finances, to call into play every tool that can help pinpoint criminal and mafia-type assets, such as, for example, the creation of centralised registers for current bank accounts;
31. Encourages the Member States to promote the reuse of seized criminal assets for social purposes such as redirecting these proceeds to victims and communities which have been devastated by drugs and organised crime, and to use them to fund crime-fighting locally as well as cross-border actions by law enforcement agencies, and suggests that funds be released to finance measures to keep those assets intact;
32. Recommends that the Member States introduce rules for the criminal prosecution both



of persons who make others the fictitious owners or holders of goods, money or other assets with a view to preventing their seizure or confiscation and of third parties who agree to act as the fictitious owners or holders of such assets;

33. Recommends that an economic operator should be excluded for at least five years from participation in any public contract throughout the EU if that operator has been the subject of a conviction by final judgment for participation in a criminal organisation, money laundering or terrorist financing, exploitation of human beings or child labour, corruption or any other serious offence against the public interest wherever such offences undermine the fiscal capacity of the State or produce social harm, such as, for example, tax evasion and other tax-related offences, or for any other particularly serious crimes with a cross-border dimension, as referred to in Article 83(1) TFEU (so-called Eurocrimes), whilst fully respecting the rights of defence in accordance with the ECHR, the EU Charter and secondary EU legislation pertaining to the rights of suspects and accused persons in criminal matters, and that the above provision should apply even when the grounds for exclusion arise in the course of the award procedure; recommends further that economic operators registered in tax havens recognised as such by international organisations be excluded from participating in a public contract;
34. Considers that public procurement procedures must be based on the principle of legality and that, in this regard, the criterion of the economically most advantageous tender should be identified in order to ensure transparency (to be achieved not least through e-procurement) and prevent fraud, corruption and other serious irregularities;
35. Calls on the Member States to prevent the risks of criminal infiltration and corruption in public procurement by introducing appropriate controls and objective and transparent procedures;
36. Considers that, in order to combat organised crime, effective and proportionate action by judicial and police authorities, including Eurojust and Europol, should be able to benefit – without prejudice, where necessary, to the duties of confidentiality incumbent on the companies concerned, and without prejudice to fundamental rights, in particular the protection of personal data – from cooperation arrangements with the latter in the transport and logistics sectors, the chemical industry, Internet service providers, and banks and financial services, in both Member States and non-EU countries; furthermore, urges the Member States – in keeping with the solidarity principle – to make adequate resources and funding available for Europol, Eurojust, Frontex and the future EPPO, whose action is beneficial to Member States and citizens alike;
37. Calls on the Commission, the Member States and businesses to improve the traceability of products – for example by indicating the country of origin for agri-food products, providing C.I.P. proof marks on firearms, or digital identification codes, also for tax purposes, on cigarettes, alcoholic drinks and prescription drugs – in order to prevent counterfeiting, deprive organised crime of an important source of income and protect consumers' health; regrets that Member States did not want to include traceability in the modernisation of the Union Customs Code;

38. Calls on the Commission and the Member States to strengthen their maritime cooperation with a view to stamping out trafficking in human beings, drugs and tobacco smuggling, and other illegal or counterfeit products; acknowledges that inconsistent border management, including sea borders, is a gateway for organised criminals into the EU, and is an issue which must continue to be looked at, and calls upon EUROPOL, FRONTEX and the European Commission to examine the trends with regard to the EU's external borders and its vulnerabilities;
39. Takes note of the existing links between organised crime and terrorism, as highlighted by the judicial authorities and the police in some circumstances in connection with the financing of the illegal activities of terrorist groups via the proceeds of illicit trafficking at international level and calls on the Member States to strengthen their measures to combat such activities; in this regard notes the importance of data sharing between law enforcement bodies between Member States through the creation of an EU-PNR system and an EU-TFTP system, and through good cooperation at an international level between law enforcement bodies and agencies;
40. Encourages the joint training of anti-crime and anti-terrorism experts, also with a view to the establishment of common task forces operating at least nationally, in addition to the creation and use of EU-wide joint investigation teams;
41. Emphasises the major results achieved so far thanks to the introduction of joint investigation teams, and recognises the fundamental importance of these in terms of disseminating a culture of cooperation in the combating of cross-border crime; calls on the Member States to suitably transpose Framework Decision 2002/465/JHA and to encourage their competent authorities, and in particular their judicial authorities, to expand on this tool; acknowledges the great added value of joint investigation teams and stresses the need to continue funding such a useful investigating tool;
42. Notes with concern that organised crime is already managing to reach a vast number of potential victims through the fraudulent use of the Internet, by using, in particular, social networks, sending unsolicited emails (spamming) the facilitation of intellectual property theft, and using phishing websites and online auctions; in this regard encourages comprehensive national strategies, including education, public awareness campaigns, and best practice in businesses in order to create a better awareness of the dangers and consequences of online criminal activity;
43. Condemns the involvement of organised crime groups in the setting-up and running of illegal waste disposal areas and the illicit transportation of waste to third countries, particularly in Africa and Asia; calls on the Member States to severely punish criminal activities centring on the illicit disposal of waste, including toxic waste, and any involvement of corrupt public officials in such activities;
44. Underlines that independent investigative journalism plays a vital role in exposing fraud, corruption and organised crime schemes as demonstrated in April 2013 through 'Offshore leaks' that disclosed details of 130 000 offshore accounts following years-long investigations by the International Consortium of Investigative Journalists together with 36 international newspapers; is of the opinion that investigative journalism reports

represent a valuable source of information to be considered by OLAF and law enforcement or other relevant authorities in Member States;

45. Calls for European funding to be made available for projects and measures aimed at stopping mafia-type organisations taking root in the European Union;

***Strengthening judicial and police cooperation at European and international level***

46. Calls on the Member States to create national bodies for investigating and combating criminal and mafia-type organisations, with the possibility of developing – with Europol coordination and support from the Commission – a streamline and informal ‘anti-mafia operational network’ for exchanging information on the structural aspects of mafia activities, on criminal and financial projects, on the location of assets and on attempted infiltration of public procurement procedures;
47. Stresses the importance of stepping up cooperation by developing effective systematic communication and promoting information-sharing between judicial and law enforcement agencies among Member States, Europol, Eurojust, OLAF and ENISA, and with the corresponding authorities in non-EU countries, especially the EU's neighbouring countries, on the basis of proper data protection and procedural rights standards, with a view to improving systems for gathering evidence and to enabling data and information relevant to the investigation of offences, including those against the EU's financial interests, to be processed and exchanged effectively with increased accuracy and speed of exchange, in full compliance with the principles of subsidiarity and proportionality and with EU fundamental rights; reiterates that the collection, storing and processing of personal data in the course of addressing organised crime, corruption and money laundering must in all circumstances comply with the data protection principles laid down in the ECHR, the EU Charter and secondary EU legislation; furthermore, stresses the need to achieve a higher degree of democratic and fundamental rights accountability of the activities of Europol and Eurojust in their upcoming review;
48. Notes that often the lack of synergy between law enforcement and legislative bodies, delays in judicial response, and deficient legislation enable criminals to exploit loopholes and capitalise on demands for illicit commodities;
49. Considers that ensuring freedom of movement within the Schengen area and the effective combating of organised cross-border crime are closely related matters; welcomes, in this connection, the recent introduction of the second generation Schengen Information System, which will enable information to be exchanged more quickly and efficiently between the competent authorities of the Member States;
50. Calls on the Commission to commit itself to making full use of the synergies that exist between the European Judicial Network and Eurojust, with a view to achieving a very high level of intra-European judicial cooperation;
51. Stresses the importance of the EU facilitating good practice on how to combat organised

crime and terrorism, and in identifying its root causes, both within the EU, but also with third countries, especially those where these problems often originate;

52. Calls on the Commission to consider, in its association and trade agreements with third countries, specific cooperation clauses with reference to the combating of the illegal trafficking of organised crime and money laundering; notes the lack of international cooperation, in particular with non-EU countries and especially with neighbouring countries of transit or origin; recognises the need for strong diplomatic action to urge those countries to contract cooperation agreements or to comply with the agreements that they have signed;
53. Calls on the Member States and the Commission to strengthen the role of judges, prosecutors and liaison officers and to encourage judicial training, as well as training in financial investigation, in order to enable those concerned to fight all forms of organised crime (including cybercrime), corruption and money laundering, in particular through the use of CEPOL and the European Judicial Training Network and by making full use of financial instruments such as the Internal Security Fund for police cooperation or the Hercules III Programme; encourages the teaching of foreign languages in the training of the judicial authorities and the police, in order to facilitate transnational cooperation, and calls for support for a European best practice exchange and training programme for judges, prosecutors and police forces;
54. Calls on the Member States to develop specific strategies to ensure that their intelligence services and police and investigative authorities facilitate, in a manner fully involving Europol and enhancing its role, the circulation of information among themselves and carry out the necessary analyses to identify and, where possible, prevent emerging organised crime trends while at the same time respecting fundamental rights, and in particular the right to privacy and the right to personal data protection;
55. Believes that the globalisation of organised crime requires stronger cooperation among Member States, at EU and international level; encourages greater interaction between the EU, the UN, the OECD and the Council of Europe in the fight against organised crime, corruption and money laundering; supports the efforts made by the FATF to promote anti-money laundering policies; calls on the Commission to support Member States effectively in their efforts to combat organised crime and recommends that the EU join GRECO as a current member; also encourages the EU to not just look towards our most common allies and partners for cooperation, but to attempt to create a truly international and global response and solution to money laundering, corruption and the funding of terrorism;
56. Calls on the Commission and, in particular, the High Representative of the Union for Foreign Affairs and Security Policy, to take the necessary steps to ensure that the Union adopts a common approach in respect of third countries as regards links between organised crime and terrorism; calls on the Member States to police their own borders and exchange all necessary information in order to sever existing or potential links between organised crime groups and terrorist groups;

57. Strongly recommends the need to draw up, without further delay, a European action plan to combat cybercrime, with a view to achieving greater intra-European and international cooperation and with the support of the European Cybercrime Centre (EC3), with the aim of providing citizens (especially the most vulnerable, notably to prevent the exploitation of children), businesses and public authorities with a high level of security while fully guaranteeing the freedom of information and the right to the protection of personal data;
58. Supports the call by European leaders at the recent G8 summit for tax databases to be linked across Europe, and looks for further sharing of sovereignty to enhance the effectiveness of the fight to recover taxes from avoiders and evaders;
59. Recommends that joint action be taken to prevent and combat illegal environment-related activities connected to or resulting from organised mafia-type criminal activities, including by strengthening European bodies such as Europol and Eurojust, and international ones such as Interpol and the United Nations Interregional Crime and Justice Research Institute (UNICRI), as well as by sharing working methods and information held by the Member States that have been the most involved in combating this form of crime, with a view to developing a common action plan;
60. Points out that cross-border crime can only be tackled by cross-border judicial and police cooperation between Member States and that even if the EU needs more legal instruments in order to combat organised crime, there is already a toolbox for Member States to use; emphasises that the biggest obstacle to really fight organised crime on an EU level is the lack of political will in Member States; calls on the Member States, therefore, to use the instruments provided by the EU and its agencies;
61. Proposes that all innocent victims of organised crime, especially mafia-type crime, be commemorated, and that special tribute be paid to those who have died fighting organised criminal groups, by establishing a 'European Day of Memory and Responsibility in Remembrance of the Innocent Victims of Organised Crime and the Fight for Justice and Freedoms' to be held each year, starting from 2014, on the day of the adoption of this resolution by Parliament;

***In support of an efficient and corruption-resistant public administration***

62. Considers that, in addition to potentially marring the effectiveness of administrative action and harming the well-being of citizens, a disorganised bureaucracy and complex procedures can undermine the transparency of decision-making and frustrate citizens and businesses in their legitimate expectations, thus providing a fertile breeding ground for corruption;
63. Is of the opinion that investigative journalists, as well as NGOs and academics, play a vital role in identifying instances of corruption, fraud and organised crime and that they can consequently be exposed to security threats; recalls that over a period of five years a total of 233 investigative reports have been published on cases of fraud related to the

misuse of EU funds within the 27 Member States<sup>1</sup> and considers that investigative journalism should benefit from appropriate resources; in particular, supports the actions of the Commission aimed at recognising the role of investigative journalism in the discovery and reporting of facts relating to serious criminal offences;

64. Stresses that holders of high office should be subjected to adequate controls, *inter alia* by the tax authorities; recommends, in particular, that holders of public office submit declarations concerning their activities, income, responsibilities and interests;
65. Calls on the Council and the Member States to ratify and fully implement the Organisation for Economic Cooperation and Development (OECD) Convention on combating bribery of foreign public officials in international business transactions; stresses the negative impact that bribery of foreign officials has on the Union's fundamental rights, environment and development policies;
66. Stresses that the fight against corruption is an integral part of capacity building for tax administration; calls on the full implementation of the Merida Convention against Corruption (2003);
67. Recommends that stronger systems be put in place to bring transparency and integrity to, and eliminate 'red tape' from, government departments and other public bodies, with this meaning that there must be full access to information on every aspect of administrative organisation and activity, the performance of institutional duties and the use of public resources, including by guaranteeing the right of citizens to access documents (starting with the very sensitive area of public procurement); encourages the promotion of a culture of legality and integrity in the public and the private sector alike, not least by means of an effective protection scheme for whistleblowers;
68. Encourages, to enable official corruption to be uncovered more effectively, the use of the resources available for covert operations, within the boundaries of the principle of the rule of law and subject to democratic control mechanisms and the application of national law;
69. Calls for the introduction of clear, proportionate rules and the relevant enforcement and monitoring mechanisms, to be specified in a code of conduct to prevent the phenomena of 'revolving doors' or 'pantouflage', by prohibiting public officials who have certain managerial or financial responsibilities from moving to the private sector until a defined time has elapsed since their departure from service, if there is a risk of a conflict of interest with their preceding public function; considers, moreover, that whenever there is a risk of a conflict of interest, similar restrictions should apply to employees moving from the private to the public sector; calls for the harmonisation of conflict of interest rules and monitoring systems across the EU for the various supervisory bodies;
70. Calls on the Member States to develop a comprehensive system for protecting people who report cases of corruption and to extend the scope for reporting corruption

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<sup>1</sup> European Parliament, Study on the deterrence of fraud with EU funds through investigative journalism in EU-27, October 2012

anonymously; proposes that confidential channels for the reporting of corruption be created; calls for an extension of the scope for challenging the outcome of public procurement procedures;

71. Points out that much-needed investments in alternative energy solutions are linked to generous grants and tax subsidies from Member States and the EU; calls on both national and Union authorities to ensure that such grants do not benefit criminal organisations;

### *In support of more accountable politics*

72. Reminds political parties of their responsibility in putting forward candidates and, in particular, in the drawing-up of election lists at all levels; stresses that they have the duty of gauging the calibre of candidates, not least by requiring them to comply with a strict code of ethics, including – in addition to rules relating to conduct – clear and transparent rules on donations to political parties;
73. Maintains that persons should be ineligible for membership of the European Parliament or service for other EU institutions and bodies, with due regard for the principle of proportionality, if they have been convicted by final judgment of participation in organised crime, money laundering, corruption, or other serious offences, including of an economic and financial nature; calls for similar restrictions to be laid down with due regard for the principles of subsidiarity and proportionality, for all elective offices, starting with that of member of a national parliament;
74. Recommends that Member States provide, in their respective penalty systems, that those convicted by final judgement of participation in organised crime, money laundering, corruption, or other serious offences, including those of an economic and financial nature, be deemed ineligible for inclusion on the election lists; is of the view that such a penalty should be applied for a period of at least five years and that the same period of disqualification should apply to government posts at every level;
75. Recommends that Member States should require people to forfeit political office or management and administrative positions once they have been convicted of organised crime, corruption or money laundering offences;
76. Calls for greater transparency in the budgets of political parties, *inter alia* by tightening up income and expenditure reporting requirements; in order to avoid abuse and waste, calls for greater control of public and private funding, in order to ensure the accountability of political parties and those who support them financially and insists that strict, comprehensive and timely control followed by dissuasive financial and criminal sanctions should be imposed for breaches of the laws on funding political parties and campaigns;
77. Calls on the Member States to punish vote buying, stipulating in particular that the benefit given for a promise to vote can take the form not only of money, but also of other advantages, including intangible advantages and those accorded to third parties

not directly implicated in the illicit agreement; recommends that such a practice be prohibited as being illegal, in that it infringes the principle of democracy, regardless of evidence of any intimidation that might have taken place;

78. Believes that a lobby register is a useful transparency instrument; calls on Member States to adopt this tool where it does not already exist; further, encourages governments and public administrations to make registration in a lobby register a condition for a meeting with a business organisation, interest organisation or lobby-agency;

***In support of more credible criminal justice***

79. Recommends that the Member States establish effective, efficient, accountable and balanced criminal justice systems which can also guarantee defence rights in accordance with the European Charter of Fundamental Rights; also recommends that a uniform monitoring mechanism on the efficiency of criminal justice systems in fighting corruption be created at the European level, carrying out regular evaluations on the basis of common, clear, transparent and objective criteria and standards and publishing recommendations;
80. Believes that approximation measures on corruption should address the differences in statutes of limitations among Member States, with a view to taking account of both defence needs and the need for certain punishment, and recommends that such statutes of limitations should be organised according to the stages of the proceedings or the instance involved, so that a crime would be statute-barred only if the stage or step in question had not been completed within a defined time-frame; considers, moreover, that, with due regard for the principles of proportionality and of the rule of law, a corruption offence should not be allowed to be statute-barred where the relevant criminal proceedings are being implemented;
81. Is of the view that measures to combat organised crime should be based on a combination of effective, dissuasive systems for the confiscation of criminal assets, efforts to ensure that fugitives who deliberately elude police inquiries will be brought to justice, and measures to prevent imprisoned bosses of criminal groups, without prejudice to basic prisoners' rights, from continuing to run their organisation and give orders to members even though they themselves are in prison;
82. Encourages Member States to provide for both prison sentences and large fines for all types of serious offences that harm citizens' health and security; stresses, nonetheless, the importance of preventing organised crime; urges the Member States, therefore, to provide for punishments offering an alternative to imprisonment, such as fines or community service, in cases where this is permitted and taking account of all the circumstances, including the non-serious nature of the offence or the purely marginal role of the defendant, in order to give young offenders in particular a chance to create a life outside the criminal world;
83. Calls on Member States to introduce and apply penalties which will have a deterrent



effect and which, in the case of money laundering, are proportionate to the sums involved;

84. Recommends the adoption of a legislative instrument facilitating the designation of those transnational criminal organisations which pose a significant threat to the security of the EU, in order to promote the adoption of administrative measures against them and their associates, promoters and supporters aimed at blocking their properties, assets and interests in the EU;

#### ***In support of more honest business practices***

85. Recalls the paramount role of private business actors and enterprises in refusing, abstaining from and denouncing illegal or unfair practices fostering organised crime, corruption and money laundering or other serious crimes; calls them to collaborate fully and report to law enforcement authorities any criminal activity they might be aware of; calls for law enforcement agencies to protect from threats those who abide by the law and report illegal activities;
86. Urges businesses to practise self-regulation and ensure transparency through codes of conduct, and to introduce oversight procedures, including internal or external auditing and the provision of public registers of lobbyists working within the institutions, in order to avoid, in particular, corruption, collusion and conflicts of interest between the public and private sectors and to prevent unfair competition;
87. Calls on the Commission to consider formulating an EU public list of companies which have been convicted of corrupt practices or whose company officials are being indicted for corrupt practices in Member States or third countries; is of the opinion that such listing should exclude the company from participation in any public contract throughout the EU if that economic operator has been the subject of a conviction by final judgment; highlights that 'blacklisting' does much to dissuade companies from engaging in corrupt activities and provides a good incentive for them to improve and enforce their internal integrity procedures;
88. Calls on Member States to strengthen the role of chambers of commerce in preventing, providing information on and combating the most frequent money laundering risks in the business world and to fully implement the Action Plan to strengthen the fight against tax fraud and tax evasion; encourages the harmonisation of business taxes as a tool with which to combat tax fraud, tax evasion and money laundering and, in this regard, calls for uniform tax rules in all Member States; recommends that Member States use a fairer system of taxation in order to distribute wealth more effectively because high levels of inequality and poverty are exploited by criminal gangs and encourage organised crime;

#### ***In support of greater transparency in the banking system and the professions***

89. Emphasises the importance of common EU rules to ensure effective and accountable

instruments to protect the EU's financial interests; therefore welcomes the euro zone banking union with better supervision for the 6 000 banks in the euro area;

90. Calls for ever increasing cooperation with and greater transparency of the banking system and the professions, including the financial sector and the accounting professions, in all Member States and with non-EU countries, especially with a view to determining which IT tools and legislative, administrative and accounting measures would ensure the traceability of financial flows and ascertain criminal activity, and to laying down procedures for reporting such offences as might have occurred;
91. Calls on auditing firms and legal consultants to alert national tax authorities to any signs of aggressive tax planning of the audited or advised company;
92. Calls on the Commission and the other supervisory authorities having the necessary access to domestic and international cooperation channels to ensure provision of customer due diligence measures and related risk profiles by banks, insurance companies, and credit institutions in order to ensure that corporate or legal entities in the Member States obtain adequate, accurate and current information on their ultimate beneficial owners of companies, trusts, foundations and other similar legal structures, including from offshore tax havens, using intelligence tools to maximise incisiveness when identifying the beneficiaries of suspicious transactions, and that business registers are regularly updated and monitored for quality; considers that transparency of that information – also by means of publication of a country-by-country registry of real ownership and through cross-border cooperation – can contribute to combating phenomena such as money laundering, the financing of terrorism, tax evasion and tax avoidance;
93. Calls on the Commission to develop strong criteria concerning the substance of business to end the creation of shell companies or letterbox companies that aid the legal and illegal practises of tax avoidance and tax evasion;
94. Recommends that accurate assessment be brought to bear on the risks entailed in new banking and financial products where these allow anonymity or long-distance operations; calls, moreover, for a common definition and a clear set of criteria to identify tax havens, as proposed in the Parliament resolution on the fight against tax fraud, tax evasion and tax havens of 21 May 2013, since tax havens are often used by organised crime through companies or banks whose ownership is hard to ascertain;
95. Calls for common definitions and harmonisation of regulations concerning electronic (including prepaid cards, virtual currencies etc.) and mobile money products as regards their potential use for money laundering and terrorist financing purposes;
96. Considers that impenetrable bank secrecy can hide the illicit profits of corruption, money laundering and organised crime; recommends, therefore, that it be dispensed with;

***Ensuring that crime does not pay***

97. Calls on all stakeholders, public and private, to take resolute action to combat money laundering; calls for action to ensure full compliance with anti-money laundering requirements by professionals, for instance in the form of systems for reporting suspicious transactions and codes of conduct for professional bodies and trade associations;
98. Calls on non-EU countries, especially those which are members of the Council of Europe, or which, in any case, are on the European continent, to establish effective anti-money laundering systems;
99. Points out the essential role of financial intelligence units (FIUs) in guaranteeing the effectiveness of the fight against money laundering and welcomes its close cooperation with Europol; calls for their powers to be increased and harmonised and for their technical integration into Europol to be continued;
100. Considers that, owing to the vital part played by international cooperation between financial intelligence units (FIUs) in combating money laundering and international terrorism, it is necessary for the new regulatory approach also to include updated rules on the role and organisation of the FIUs, as well as the arrangements governing international cooperation between them, including in cases of non-compliance with the Egmont standards in which international cooperation is refused or is inadequate;
101. Recommends that the use of anonymous means of payment to settle bets placed online be banned and, in general, that anonymity in online gambling be prevented by enabling host servers to be identified and developing information systems to ensure that any movements of money made through online and offline games are fully traceable;
102. Emphasises that cooperation and information exchange between Member States, their regulatory bodies, Europol and Eurojust should be reinforced to combat criminal activities in cross-border online gambling activities;
103. Calls on the Commission to propose an appropriate legislative framework to combat money laundering linked to gambling and betting, in particular sports betting and betting on animals used in blood sports, by providing for new offences such as betting-related match fixing and laying down appropriate penalties and monitoring arrangements involving sports federations, associations, online and offline operators and, where necessary, national authorities;
104. Calls for more cooperation at European level – coordinated by the Commission – to identify and prohibit online gambling operators engaged in match-fixing activities and other illegal activities.
105. Urges sports organisations to establish a code of conduct for all staff with a clear prohibition on manipulating matches for betting or other purposes, a ban on gambling on own matches and an obligation to report awareness of match-fixing with an adequate whistleblower protection mechanism;

106. Recommends that, within the framework of their respective competencies, a Europe-wide supervisory role in money laundering matters be conferred on the European Banking Authority, the European Securities and Markets Authority, the European Insurance and Occupational Pensions Authority, as well as the Single Supervisory Mechanism, in cooperation with Europol and the other competent European bodies, not least with a view to establishing a genuine European banking union that helps to combat corruption and money laundering effectively; insists that in the meantime supervisory capacities, expertise and determination should be reinforced at national level, while enhanced cooperation between national authorities should be encouraged and facilitated;
107. Stresses that public and private partnerships are key in ensuring a collaborative and effective response which minimises vulnerabilities in legitimate markets, and that key players in online services and the financial sector should be identified and prioritised for information sharing and coordination in order to combat vulnerabilities in emerging technologies;
108. Calls for minimum standards of good governance in tax-related matters to be encouraged, in particular through joint initiatives by Member States regarding their relations with territories constituting tax havens, not least in order to obtain access to proprietary information relating to any shell companies that might be based there; calls for the swift and full implementation and follow up of the Commission communication of 6 December 2012 on an action plan to strengthen the fight against tax fraud and tax evasion (COM(2012)0722), including the revision of the parent-subsidiary and the royalties and interest payments directives;
109. Calls on the competent authorities in the Member States to consider that even activities that apparently have a purely local impact, such as car theft, theft of agricultural machinery and industrial vehicles, burglaries, armed robberies, or theft of copper and other metals for industrial use and of cargo from trucks, can actually be traced back to transnational organised crime and be aimed at committing further more serious crimes;
110. Regrets the differences in the legislation – in particular on penalties – of the Member States as regards euro counterfeiting and hopes that the negotiation concerning the ‘proposal for a directive on the protection of the euro and other currencies against counterfeiting by criminal law’, submitted by the Commission in February 2013, will be concluded shortly; calls on all parties concerned, both public and private, at EU and Member State level, to make a concerted effort to curb this phenomenon effectively;
111. Considers that the origin of wealth principle makes it easier for tax authorities to tax effectively and to avoid tax evasion; considers that a fair tax system is indispensable, especially in times of crisis, where the tax burden is shifted unfairly to small business and households, and that tax evasion is in part created by tax heavens inside the EU;
112. Underlines that stepping up the fight against tax fraud and evasion is a vital key to promoting sustainable growth in the EU; stresses that reduced levels of fraud and evasion would strengthen the growth potential in the economy by making public finances healthier and by making enterprises compete on an honest and level playing

field;

113. Stresses in particular the importance of identifying the banknote-handling phases in order to allow traceability along the cash-handling chain and therefore calls on the European Central Bank and national central banks to put in place a traceability system for euro banknotes, in particular those of high denomination, such as EUR 200 and EUR 500;

### ***New technologies to fight organised crime***

114. Believes that all satellite earth observation systems could help to identify the routes of vessels secretly transporting, unloading, or trans-shipping illegal goods; calls, therefore, for the judicial and law enforcement authorities to intensify the use of new technologies, including satellite observations, as a means of helping to combat the activities of organised crime;
115. Welcomes the recent establishment in Europol of the European Cybercrime Centre (EC3) and calls for it to be strengthened, in particular with a view to combating cross-border organised crime offences and to improving cooperation between stakeholders in the public, private and research sectors and stepping up cooperation with non-EU countries, especially those posing a specific threat to the EU in terms of cybercrime; regrets that financial resources and staff to set up the Centre have been taken from other operational fields; calls upon the Commission to reflect the new tasks of Europol in its financial statement and assign adequate funding to it in order to combat child pornography, VAT fraud and trafficking in human beings, etc.;
116. Considers that the European Border Surveillance System (EUROSUR) will be a major instrument in combating cross-border organised crime as a result of improved cooperation and exchanges of information between the Member State authorities and the use of new technologies for monitoring external borders and pre-frontier areas; urges the Member States, the Commission and Frontex to ensure that EUROSUR becomes fully functional by the end of 2014;
117. Welcomes the recent extension and enhancement of ENISA's mandate and considers that it has a key role to play in ensuring a high level of IT systems and network security within the European Union thanks to its technical and scientific expertise and its contribution to preventing and combating cyber incidents; urges ENISA to step up its efforts to improve the response and support capacities of computer emergency response teams (CERT) and help establish European security standards for electronic appliances, networks and services;
118. Recommends that a culture of prevention and cybersecurity be made more widespread, taking an integrated and multidisciplinary approach with the aim of raising public awareness and promoting research and technical and specialist training, cooperation between the public and private sectors and the exchange of information both nationally and internationally; welcomes the inclusion of cyber-attacks in the Strategic Concept for the Defence and Security of the Members of NATO; welcomes the establishment in

some Member States of national coordination bodies to combat the cyber threat and calls on all EU Member States to follow suit;

***Final recommendations for a European action plan to combat organised crime, corruption and money laundering***

119. Calls on the Commission, through OLAF, to introduce an adequate percentage of own-initiative investigations by the anti-fraud EU investigative authorities, aimed at sectors, areas or cases where systemic and large-scale corruption affecting EU financial interests is suspected and there are reasons for initiating such investigations;
120. Expresses concern over the fact that a whole range of so-called emerging crimes, such as illegal waste trafficking, illegal trafficking in works of art and protected species, and goods counterfeiting, are extremely profitable for criminal organisations;
121. Calls on the Commission and the Council to develop a European action plan against wildlife trafficking;
122. Urges the Member States to transpose, as soon as possible, Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime; calls on the Commission to ensure that the transposition into national law is completed correctly; urges Member States and the Commission to complete the Roadmap on the rights of suspects and persons accused of offences, including a directive on pre-trial detention;
123. Stresses the need to promote a culture of legality and to increase citizens' knowledge of the mafia phenomenon; recognises in this regard the fundamental role played by cultural, recreational and sports associations in raising public awareness of the fight against organised crime and the promotion of lawfulness and justice;
124. Asks the Commission to publish a scoreboard that demonstrates the implementation by each Member State into their own national law books of EU legislation for fighting organised crime;
125. Urges that this resolution be implemented by means of a European action plan for the period 2014-2019 to eradicate organised crime, corruption and money laundering, which shall provide a roadmap and adequate resources and, with due respect for the principles of subsidiarity and proportionality, include as priorities – on an indicative and non-exclusive basis – the following positive actions already set out in the previous paragraphs and hereby confirmed:
  - (i) decide on a definition of organised crime (to include, *inter alia*, the crime of involvement in a mafia-type organisation), corruption and money laundering (including self-laundering) to be based, *inter alia*, on a report on the implementation of the relevant European legislation;
  - (ii) abolish banking secrecy;

- (iii) eliminate tax havens throughout the European Union and put an end to tax evasion and tax avoidance by adopting the ‘origin of wealth’ principle recommended by the OECD;
- (iv) guarantee full access to information on the actual owners of companies, foundations and trusts ( ‘beneficial ownership’), also by adapting and interconnecting Member States' business registries accordingly;
- (v) introduce the principle of the legal liability of legal entities – in particular of holdings and parent companies for their subsidiaries – in cases of financial crime;
- (vi) eradicate trafficking in human beings and forced labour, especially as regards minors and women, through tougher sanctions, and make sure that the victims of trafficking are duly protected and supported;
- (vii) make sports-rigging a criminal offence in order to strengthen the fight against illegal sports betting;
- (viii) make vote buying a criminal offence, even where its benefits are intangible and accrue to third parties;
- (ix) introduce Europe-wide corporate taxation that is as uniform, equal and homogeneous as possible;
- (x) strengthen the agreements on judicial and police cooperation between the Member States and between the EU and third countries;
- (xi) promote instruments for the seizure and confiscation of criminal assets, including additional confiscation methods such as civil law asset forfeiture, and the reuse of confiscated assets for social purposes, in compliance with the subsidiarity principle;
- (xii) strengthen the fight against environmental crimes and drug trafficking;
- (xiii) ensure swift mutual recognition, whilst fully respecting the principle of proportionality, of all judiciary measures, with particular reference to criminal judgments, confiscation orders and European arrest warrants;
- (xiv) provide for economic players convicted by final judgement of organised crime, corruption or money laundering to be excluded from public procurement procedures anywhere in the European Union;
- (xv) establish and launch the European Public Prosecutor’s Office, equipping it with the necessary human and financial resources; at the same time support European Agencies, such as Europol and Eurojust, as well as JITs and AROs;
- (xvi) fully comply at both Member State and EU level with the obligations laid down in the international instruments dealing with organised crime, corruption and money laundering;
- (xvii) recognise the relevant role of investigative journalism in identifying serious crimes;
- (xviii) introduce standard pan-European rules on the protection of witnesses, informers and those who cooperate with the courts;

- (xix) provide for the possibility of persons who have been sentenced by final judgement for organised crime, corruption or money laundering not to be able to stand for or to hold public office, or to be removed from office;
  - (xx) define and introduce, also on the basis of a uniform reporting system, appropriate penalties for standard types of cybercrime;
  - (xxi) prevent corruption in the public sector through better public access to documents, specific rules on conflicts of interests and transparency registers;
126. Insists that Parliament continue to pay special attention to the issues dealt with by its Special Committee on Organised Crime, Corruption and Money Laundering and, to this end, instructs its Committee on Civil Liberties, Justice and Home Affairs, where necessary in cooperation with any other relevant parliamentary committee, to make sure that the recommendations included in this resolution have been duly implemented at political and institutional level and, where appropriate, to hear experts, set up working groups and adopt follow-up reports;
127. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, Eurojust, Europol, Frontex, CEPOL, OLAF, COSI, the European Investment Bank, the Council of Europe, the OECD, Interpol, UNODC, the World Bank and the FATF and the European Supervisory Authorities (EBA, ESMA, EIOPA).



## EXPLANATORY STATEMENT

The submission of this draft final report completes the work done so far by the Special Committee on Organised Crime, Corruption and Money Laundering set up by the European Parliament decision of 14 March 2012.

At the date this draft report was being drawn up, our committee had held 24 meetings, including 15 hearings with experts. It has heard, in particular, Commissioners Malmström, Šemeta, Reding and Barnier, in addition to over 100 representatives from the EU institutions and agencies, the United Nations, the World Bank, the Council of Europe and other international organisations, together with academics, judges, police officers, representatives of national authorities, and members of civil society. It has made fact-finding visits to Belgrade, Milan, Palermo, Rome, The Hague and Washington, where it heard, in all, nearly 150 authorities and experts, including members of national parliaments, judges, public prosecutors, prefects, members of specialist task forces, government agencies and customs authorities, academics, journalists, witnesses, representatives of non-governmental organisations, and various other stakeholders involved in different ways in measures to combat criminal activities, including transnational crime. It has held an interparliamentary meeting with representatives of the committees of national parliaments dealing with matters that fall within the remit of our committee.

Your rapporteur has therefore drawn inspiration from all the above-mentioned contributions, not to mention the ideas put forward by colleagues over the past few months, in an attempt to provide a text that meets the need – which can no longer be postponed – to combat organised crime, corruption and money laundering in an effective manner. These are phenomena which, having now become global, call for a response on the same scale. The European Union will have to meet this challenge and equip itself with the appropriate instruments with which to address it, based on the model of the most advanced laws in the Member States.

In addition to using violence and intimidation, organised crime now operates through corruption. As for money laundering, not only does it frequently go hand in hand with activities typically associated with organised crime, but it is also closely linked to corruption, tax fraud, and tax evasion. As a result, organised crime, corruption, and money laundering, though distinct phenomena, are, in reality, often interrelated and call for targeted action.

In turn, organised crime has ceased to be a historically and territorially circumscribed phenomenon: there are 3 600 international criminal organisations operating in the European Union. Of these, 70% have a geographically heterogeneous composition as they consist of members from several countries who operate freely across borders exploiting the opportunities offered by economic globalisation and the new technologies and entering into alliances with criminal groups from other countries.

In addition, more than 30% of these groups are poly-crime groups, i.e. they have a great ability to diversify their areas of operation, profiting from all kinds of illegal trafficking and thus polluting the lawful economy, in which they attain extremely high and alarming levels of infiltration.

Here we have thus tried to set out a consistent and uniform regulatory framework designed to strike at the economic heart of organised crime and strengthen judicial and police cooperation at European and international level. Efforts have been made, moreover to make government leaner and fitter and hence less prey to corruption, to make politics more accountable, to speed up criminal justice and enhance its credibility, to encourage more honest business practices, to call for more transparent systems for banks and the professions, to propose appropriate anti-money laundering measures in order to ensure that crime will not remain a lucrative business which damages the lawful economy, entrepreneurs, and honest citizens.

The new technologies and the opportunities offered by the Treaty of Lisbon, in particular as regards the establishment and operation of the European Public Prosecutor's Office, will hopefully help us to achieve the goals of this report.

## MINORITY OPINION

The position of the Green/EFA Group in the CRIM committee has always been in the direction of developing evidence-based law enforcement, preventing stigmatisation of migrants and ethnic minorities and prioritising white-collar and economic crimes as those inflict the highest social harm. For this reason it is very welcome that the CRIM Committee also covered the related issues of corruption and money laundering, which highlights the links between organised crime and tax havens.

The final report of the CRIM Committee unfortunately failed to provide a convincing answer to the challenges presented by organised crime, corruption and money laundering. We cannot oversimplify the various threats posed and recommend a one-size-fits-all approach based on repression and surveillance. It is particularly unfortunate that a majority of CRIM members endorsed an amendment calling for an EU passenger name records system and an EU terrorist finance tracking system. Therefore we abstained on the final vote. We will table amendments in plenary to take these references out.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	17.9.2013
<b>Result of final vote</b>	+: 29 -: 0 0: 8
<b>Members present for the final vote</b>	Jan Philipp Albrecht, Sonia Alfano, Mario Borghezio, Rita Borsellino, Salvatore Caronna, Françoise Castex, Carlos Coelho, Cornelis de Jong, Ioan Enciu, Hynek Fajmon, Tanja Fajon, Mariya Gabriel, Marielle Gallo, Ágnes Hankiss, Monika Hohlmeier, Salvatore Iacolino, Iliana Malinova Iotova, Timothy Kirkhope, Juan Fernando López Aguilar, Monica Luisa Macovei, Véronique Mathieu Houillon, Anthea McIntyre, Roberta Metsola, Bill Newton Dunn, Hubert Pirker, Olle Schmidt, Theodoros Skylakakis, Søren Bo Søndergaard, Rui Tavares, Axel Voss, Tadeusz Zwiefka
<b>Substitute(s) present for the final vote</b>	Heinz K. Becker, Preslav Borissov, Alain Cadec, Giuseppe Gargani, Ana Gomes, Anneli Jäätteenmäki, Gabriel Mato Adrover, Georgios Papanikolaou, Carl Schlyter, Bogusław Sonik, Peter Št'astný, Salvatore Tatarella
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Jean-Pierre Audy, Antonio Cancian, Birgit Collin-Langen, Kinga Gál, Juozas Imbrasas