

**Question for written answer E-001987/2023
to the Commission**

Rule 138

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Subject: Legal impunity for infiltrators in criminal organisations

The report entitled ‘Good Practices Guide on Drug Matters’¹ was released in 2022 by the RFAI (Network of Anti-Drug Prosecutors of the Ibero-American Association of Public Ministries). It addresses various aspects related to organised crime and drug enforcement. Spain and Portugal are the only EU members of the RFAI.

One particular section, ‘La Cooperación eficaz o imputado colaborador’ (‘Effective Cooperation or Collaborating Defendant’), discusses the use of collaborators and informants who need to infiltrate criminal organisations. If permitted by the country’s law, the prosecutor can designate them as covert informants, accompanied by a police officer serving as the informant’s handler. This approach is perceived as granting a ‘free pass’ to infiltrators to act. This raises questions about transparency, accountability and potential risks to the rights of the defendants involved.

- 1) What is the Commission’s position on the use of effective cooperation or collaborating defendants, including the authorisation for them to infiltrate criminal organisations as covert informants?
- 2) What measures does the Commission have in place to ensure appropriate oversight and accountability when undercover informants are utilised in the fight against organised crime?
- 3) How does the Commission address concerns about potential abuses of power or misconduct by undercover informants and the officials who supervise them?

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¹ <https://www.mpf.gob.ar/procuniar/files/2022/12/AIAMP-RFAI-Gu%C3%ADa-de-Buenas-Pr%C3%A1cticas-en-Materia-de-Drogas.pdf>.