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DRAFT REPORT

on the fight against corruption and follow-up of the CRIM resolution
(2015/2110(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Laura Ferrara

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

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The European Parliament,

- having regard to Article 3 of the Treaty on European Union, to Article 67 and Articles 82-89 of the Treaty on the Functioning of the European Union, and to the Charter of Fundamental Rights of the European Union, in particular Articles 5, 6, 8, 17, 32, 38 and 41, Articles 47-50, and Article 52 thereof,
- having regard to the JHA Council conclusions of 16 June 2015 on the Renewed European Union Internal Security Strategy 2015-2020,
- having regard to the European Council conclusions of 25-26 June 2015 concerning security,
- having regard to the relevant UN conventions, in particular the United Nations Convention against Transnational Organised Crime and the United Nations Convention against Corruption (UNCAC),
- 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, and to resolutions (98) 7 and (99) 5, adopted by the Committee of Ministers of the Council of Europe on 5 May 1998 and 1 May 1999 respectively, establishing the Group of States against Corruption (GRECO),
- having regard to Recommendation CM/Rec(2014) 7 on the protection of whistle-blowers, adopted by the Committee of Ministers of the Council of Europe on 30 April 2014,
- having regard to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, opened for signature in Paris on 17 December 1997, to the recommendations set out therein and to the latest country-specific monitoring reports,
- having regard to Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union,
- having regard to Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters,
- having regard to Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA,
- having regard to Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the

purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC,

- having regard to Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006,
- having regard to Regulation (EU) No 513/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management and repealing Council Decision 2007/125/JHA,
- having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA,
- 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,
- having regard to the proposal for a regulation of the European Parliament and of 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 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 strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings (COM(2013)0821),
- 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),
- having regard 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 its resolution of 29 April 2015 on the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office¹,
- having regard to the proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) (COM(2013)0173),
- having regard to the report from the Commission to the Council and the European Parliament – EU Anti-Corruption Report, of 3 February 2014 (COM(2014)(0038),
- having regard to the communication from the Commission to the European Parliament and the Council on 'The European Agenda on Security' of 28 April 2015 (COM(2015)0185),
- having regard to the Europol Serious and Organised Crime Threat Assessment (SOCTA) of March 2013 and the Internet Organised Crime Threat Assessment (IOCTA) of 30 September 2015,
- having regard to its resolution of 9 July 2015 on the European Agenda on Security²,
- having regard to its resolution of 23 October 2013 on organised crime, corruption and money laundering: recommendations on action and initiatives to be taken (final report)³,
- having regard to the studies drawn up by the European Parliamentary Research Service on the cost of 'non-Europe' in the area of organised crime and corruption,
- having regard to Rule 52 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Development and the Committee on Budgetary Control (A8-0000/2016),

Introduction

1. Reiterates the substance of, and recommendations set out in, its resolution of 23 October 2013 on organised crime, corruption and money laundering;
2. Wishes to focus its attention on specific areas requiring action as a matter of priority in the current circumstances;

Monitoring the application of existing rules and assessing whether they are effective

3. Points out that as part of the fight against organised crime, corruption and money laundering the Member States should transpose and apply existing EU and international instruments;

¹ Texts adopted, P8_TA(2015)0173.

² Texts adopted, P8_TA(2015)0269.

³ Texts adopted, P7_TA(2013)0444.

4. Calls for the Commission to complete, as soon as possible, its assessment of the measures taken to transpose these instruments, to inform Parliament in full of the findings and, if necessary, to initiate infringement proceedings;
5. Recommends that the EU become a member of GRECO;
6. Calls for Member States to invest more heavily in fostering a culture of legality;

Priorities and operational structure for the fight against organised crime and corruption

7. Takes the view that the current round of EU proposals concerning the fight against organised crime should place the emphasis on combating crimes of association (i.e. the fact of belonging to a criminal organisation), rather than simply combating so-called target crimes (i.e. crimes which such organisations are set up to commit); reiterates that this round of proposals should also include the combating of money laundering among its priorities;
8. Calls for priorities to be set which are consistent with EU crime prevention policies and with economic, social, employment and education policies, and for Parliament to be fully involved in that process;
9. Calls for the establishment of a specialist Europol unit to combat organised criminal groups which operate in several sectors at the same time; takes the view that the Member States should set up a body with responsibility for ensuring that investigations into organised crime are properly coordinated;

A stronger legislative framework

10. Calls for a basic set of rules to be drawn up concerning the definition of criminal offences and penalties in the field of organised crime and corruption, in order to improve cross-border judicial cooperation; calls, in particular, for:
 - (a) a common definition of organised crime, which could be construed as being a structured group that has existed for a period of time and is made up of more than two persons who work together for the purpose of obtaining, directly or indirectly, a financial and/or material advantage, and which seriously undermines the social and economic cohesion of the EU and its Member States;
 - (b) a definition of 'public official';
 - (c) legislation to protect whistle-blowers, witnesses and persons who cooperate with the judicial process;
 - (d) legislation to combat environmental crimes;
11. Reiterates its call for the establishment of an independent European Public Prosecutor's Office with clearly defined responsibilities and powers;

More effective police and judicial cooperation at EU level

12. Deplores the fact that cross-border police and judicial cooperation involves excessively

lengthy, bureaucratic procedures that hamper its efficiency and jeopardise the effectiveness of the fight against organised crime at EU level; calls on the Member States to increase the resources they devote to cross-border police and judicial cooperation, to guarantee the mutual admissibility of evidence between Member States, to ensure that greater use is made of joint investigation teams and to employ a common system for communication and for exchanging information relevant to the fight against organised crime and corruption;

Seizing the assets of criminal organisations and facilitating their re-use for social purposes

13. Believes that the EU and its Member States should implement properly and strengthen EU measures concerning the tracing, freezing and confiscation of proceeds of crime, the management of frozen and confiscated property and its re-use for social purposes;

Preventing organised crime from infiltrating the legal economy

14. Points out that corruption, in particular in the context of the award of public contracts, makes it easier for organised crime to infiltrate the legal economy;
15. Calls for the implementation of a comprehensive 'e-procurement' system throughout the EU in order to reduce the risk of corruption in public procurement;
16. Calls on Member States to implement public procurement monitoring instruments and to bar any undertaking which has proven links with organised crime from entering into an economic relationship with a public authority; calls on the Member States, accordingly, to introduce anti-organised crime certification for companies and calls for the relevant information to be exchanged at EU level;
17. Calls on the Member States to take measures to curb the activities of professionals, banks, civil servants and politicians, who, although not members of criminal organisations, support them at various levels;
18. Calls on the Commission to take legislative action with the aim of simplifying bureaucratic administrative procedures and thus improving transparency and reducing corruption;
19. Regards it as essential to strengthen legislative provisions designed to guarantee greater transparency and traceability of financial flows, in particular as far as EU funds are concerned, including by means of a final audit to check that the funds have been properly used;

Specific areas requiring action

20. Condemns the increasingly widespread counterfeiting of goods, medicines and agri-food products in the EU; points out that this criminal activity, which involves distribution networks managed by transnational organised crime, has insinuated its way into the markets of the Member States; suggests that a holistic approach be taken in combating criminal organisations of this kind;

21. Points out that drug trafficking is a major money spinner for criminal groups and must be countered by means of both law enforcement and prevention;
22. Condemns criminal interests that revolve around gambling, including lawful gambling, and urges the Commission to introduce legislation to combat and prevent this phenomenon;
23. Points out that tax havens are ideal places in which to collect and launder the proceeds of criminal activities, and as such should be abolished;
24. Points out that the complex activities of criminal organisations often prepare the ground for identity-based terrorism; believes that if the fight against terrorism is to be effective, EU legislation on combating organised crime needs to be strengthened;
25. Condemns the way in which organised crime has infiltrated the bodies responsible for managing funds for the reception of migrants, and calls for specific measures to combat trafficking in human beings, which is mostly conducted by criminal groups;
26. Instructs its President to forward this resolution to the Council and the Commission.