EUROOPA PARLAMENT

2004 *2009*

Kodanikuvabaduste, justiits- ja siseasjade komisjon

ESIALGNE
2005/0003(CNS)

20.6.2005

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RAPORTI PROJEKT

Ettepanek võtta vastu nõukogu raamotsus organiseeritud kuritegevuse vastase võitluse kohta
(KOM(2005)0006 – C6-0061/2005 – 2005/0003(CNS))

Kodanikuvabaduste, justiits- ja siseasjade komisjon

Raportöör: Bill Newton Dunn

Kasutatud tähised

*	nõuandemenetlus *antud häälte enamus*
**I	koostöömenetlus (esimene lugemine) *antud häälte enamus*
**II	koostöömenetlus (teine lugemine) *antud häälte enamus ühise seisukoha heakskiitmiseks, parlamendi liikmete häälteenamus ühise seisukoha tagasilükkamiseks või muutmiseks*
***	nõusolekumenetlus *parlamendi liikmete häälteenamus, v.a EÜ asutamislepingu artiklites 105, 107, 161 ja 300 ning ELi lepingu artiklis 7 toodud juhtudel*
***I	kaasotsustamismenetlus (esimene lugemine) *antud häälte enamus*
***II	kaasotsustamismenetlus (teine lugemine) *antud häälte enamus ühise seisukoha heakskiitmiseks, parlamendi liikmete häälteenamus ühise seisukoha tagasilükkamiseks või muutmiseks*
***III	kaasotsustamismenetlus (kolmas lugemine) *antud häälte enamus ühise teksti heakskiitmiseks*

(Antud menetlus põhineb komisjoni esitatud õiguslikul alusel.)

Õigusloomega seotud tekstide kohta esitatud muudatusettepanekud

Euroopa Parlamendi muudatusettepanekutes tõstetakse muudetud tekst esile ***paksus kaldkirjas***. *Tavalises kaldkirjas* märgistus on mõeldud asjaomastele osakondadele abiks lõpliku teksti ettevalmistamisel ja tähistab neid õigusakti osi, mille kohta on tehtud parandusettepanek lõpliku teksti vormistamiseks (nt ilmselged vead või puudused antud tõlkeversioonis). Selliste parandusettepanekute puhul tuleb saada vastavate osakondade nõusolek.

SISUKORD

lehekülg

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EUROOPA PARLAMENDI ÕIGUSLOOMEGA SEOTUD RESOLUTSIOONI PROJEKT

ettepaneku kohta võtta vastu nõukogu raamotsus organiseeritud kuritegevuse vastase võitluse kohta
(KOM(2005)0006 – C6-0061/2005 – 2005/0003(CNS))

(Nõuandemenetlus)

Euroopa Parlament,

– võttes arvesse komisjoni ettepanekut (KOM(2005)0006)[1];

– võttes arvesse ELi lepingu artikli 34 lõike 2 punkti b;

– võttes arvesse ELi lepingu artikli 39 lõiget 1, mille alusel nõukogu konsulteeris Euroopa Parlamendiga (C6-0061/2005);

– võttes arvesse kodukorra artikleid 93 ja 51;

– võttes arvesse kodanikuvabaduste, justiits- ja siseasjade komisjoni raportit ja väliskomisjoni ning xx arvamusi (A6-0000/2005);

1. kiidab komisjoni ettepaneku muudetud kujul heaks;

2. palub komisjonil oma ettepanekut vastavalt muuta, järgides EÜ asutamislepingu artikli 250 lõiget 2;

3. palub nõukogul Euroopa Parlamenti teavitada, kui nõukogu kavatseb kõrvale kalduda Euroopa Parlamendi poolt vastu võetud tekstist;

4. teeb presidendile ülesandeks edastada parlamendi seisukoht nõukogule ja komisjonile.

Komisjoni ettepanek	Euroopa Parlamendi muudatusettepanekud
	Muudatusettepanek 1 Põhjendus 4 a (uus)
	(4 a) Võttes arvesse kolmanda samba andmekaitsevahendi heakskiitmist, tuleks arendada Interpoli ja Europoli koostööd, pidades silmas teabe ühist kasutamist rahvusvahelise organiseeritud kuritegevuse uurimise eesmärgil.

[1] ELT C ... / ELTs seni avaldamata.

Justification

The relationship between EuroPol and InterPol is not clearly defined and there is overlap. Each has assets that should be shared to effectively combat transnational organised crimes, in particular with a view to information sharing and subject to the third pillar data protection instrument that the European Parliament has been asking for and which the Commission has promised to propose before the end of the year.

Muudatusettepanek 2
Põhjendus 4 b (uus)

(4 b) Sõltuvalt nõukogu raamotsuse vastuvõtmisest Euroopa tõendite kogumise määruse kohta, millega nähakse ette esemete, dokumentide ja andmete kogumine nende kasutamiseks kriminaalmenetluses, peaksid liikmesriigid hõlbustama rahvusvaheliste organiseeritud kuritegude toimepanijate vastu saadud tõendite vastastikust tunnustamist.

Justification

The mutual recognition of evidence is a corner stone in improving the combating of international organised crimes. The European Evidence Warrant must therefore be adopted and implemented as soon as possible.

Muudatusettepanek 3
Artikli 6 punkt e a (uus)

e a) artiklis 2 viidatud kuritegude toimepanekul saadud kaupade, vahendite ja tulu konfiskeerimine;

Justification

Confiscating goods, instruments and proceeds from offences is one of the most effective ways of effectively combating crime as it removes the financial basis of their criminal activities.

Muudatusettepanek 4
Artikli 6 punkt e b (uus)

e b) kaupade hävitamine;

Muudatusettepanek 5
Artikli 6 punkt e c (uus)

e c) kohtuotsuste avaldamine.

Muudatusettepanek 6
Artikkel 8 a (uus)

Artikkel 8 a

Iga liikmesriik moodustab raskete ja organiseeritud kuritegude uurimise üksuse ja varade tagasinõudmise üksuse, et tagada tegevuse kooskõlastatus riiklikul tasandil ja tegutseda ühtse kontaktpunktina.

Justification

It is important to ensure proper and simplified coordination and to hit the criminals in the pockets where it hurt the most. Based on recent and successful introduction of such units in the UK and Ireland, Member States ought to consider setting up similar units.

Muudatusettepanek 7
Artikli 10 lõige 1 a (uus)

1 a. Liikmesriigid koguvad statistilisi andmeid artiklis 2 viidatud kuritegude kohta ja edastavad need andmed komisjonile, mis koostab alates 2006. aastast ühtlustatud ja võrreldavat statistikat.

Justification

Without proper statistics that are coherent and comparable, the Union is not in a position to effectively deal with or quantify the problem of organised crime.

EXPLANATORY STATEMENT

International Organised Crime is huge, and growing. If it were a country, it would be the fourth largest economy in the world.

The public knows little about it. Local police forces in each member state are supervised democratically so the public is aware of local successes and failures. But there is no democratic oversight or control of international crime-fighting at European or world level.

Local crime is fuelled by international crime. For example, it is estimated that each kilo of heroin sold in our streets causes over two hundred street muggings or house-burglaries.

Who are the international criminal gangs ?They are based mainly outside the EU in places where law enforcement is weak and opportunity for corruption is strong - such as Russia, eastern Europe, central Asia, China, Nigeria, Brazil. Anywhere where there are clever people without opportunities for legitimate employment. They target where the money is, which is inside the EU and inside the USA.

Their principal activities are:
a. drugs - importing heroin from Afghanistan, and cocaine from Columbia, and exporting Ecstasy from Europe.
b. smuggling counterfeit goods which are made cheaply and are of low quality - such as CDs and DVDs, imitation jeans and perfumes, but also fake condoms, aircraft parts, car brakes, medicines, baby-foods and much more. These undermine honest EU workers' jobs and oblige taxpayers to pay extra to compensate for what is lost.
c. identity theft, mainly on the internet, persuading gullible Europeans to voluntarily reveal their bank details, or social security numbers, to enable the thieves to steal their money
d. trafficking of women for prostitution, children for paedophilia, and illegal immigrants into the EU
e. currency counterfeiting
f. violent theft of luxury cars for sale in eastern Europe
g. smuggling of cigarettes and alcohol because of very different local taxes
h. money-laundering to conceal the criminal origins of money - such as the Mafia buying banks in Latvia before EU Enlargement, and the IRA seeking to buy a Bulgarian bank before that state joins the EU.

Some terrorist groups use organised crime to finance their political activities. The Madrid bombers sold fake CDs and DVDs to hep finance their activities.

How is the European Union fighting against the organised criminal gangs ? The answer is : probably badly, but we are not being told so we do not know. The member states do not know either because there are no standard statistics across the EU to record and reveal the overall extent of organised crime. Nobody has a clear overall picture.

In the EU, our internal borders are open. For businessmen and individual travellers this a huge advantage. So it is for criminals. But Europe's law enforcement agencies are all national, their officers cannot cross frontiers, and their efforts are therefore limited.

The EU has EuroPol. It is our intelligence-coordinating centre at The Hague in the Netherlands. However its officers do not have power of arrest and EuroPol does not have power to compel any national agency to take action. It was left leaderless by the bickering Council of Ministers for several months in 2004-5. EuroPol is an EU agency but its budget is inter-governmental, so EU citizens have no control or even insight over its spending and resources.

There is also InterPol, at Lyon in France. This is a policemen's club entirely financed by contributions from police forces around the world. It has no officers who can make arrests either. The relationship between EuroPol and InterPol is not clearly defined and there is overlap. Each has assets cannot be shared with the other agency because national governments have rules which impede cooperation.

The EU has an even worse problem. It is simple "lack of trust". Just as the Americans discovered after "9/11", that the CIA and the FBI were not cooperating together but were behaving as rivals, so the same phenomenon exists in Europe but on a greater scale.

Inside member states there is lack of trust between separate local police forces. Information is power, and owners of information are reluctant to share it.

Across EU internal borders, the lack of trust is much greater. What little cross-border police cooperation there is done on the basis of personal contacts. There is no EU centre where the contact numbers and names for police in all 25 member states can be quickly obtained. The EU Directive to enable Joint Investigation Teams has still not come into effect because not all member states have ratified it into their own law. The European Arrest Warrant has still not been ratified by Italy.

Why do national leaders, who know most about the problem because they control national police forces, do so little to fight organised international crime ? Psychologically it is because they want to win national elections, not European elections. They keep their police resources for combating crimes within their own state, even though international crimes fuel local crimes. They win few votes from their public for diverting scarce police resources for fighting international crime elsewhere because the public does not know the extent of organised international crime.

Europe's voters need to know the true picture - of the surprising extent and sophistication of organised criminal gangs, and of the failure of EU member states to agree on action and powers at the EU level. Perhaps only the European Parliament can press for the needed transparency, for an end to national bickering, and for action at EU level before it is too late.

A fundamental question. Are the police supposed to agents of governments or protectors of the public? Those who believe the latter should press for more transparency and for democratic control at EU level.

Notes on particular Articles:

Article 1: The sense of the LIBE committee is that this Article is necessary, although the UK

government has communicated that it believes that it is not necessary because it would have to create new offences in UK law

New Article 8B Admissibility of Evidence
Agreement needs to be reached about what evidence is admissible in courts - for example, evidence against criminals from intercepts obtained from telephone tapping or from the UK's worldwide listening centre at Cheltenham, the GCHQ (Government Communications Headquarters) cannot be used in UK courts.
New Article 8D New Agencies

The UK, which has over eighty separate police forces, is creating one central SOCA (Serious & Organised Crime Agency) to coordinate the fight against the criminals. It is known as the UK's new FBI. Other member states should take steps to coordinate their internal agencies' work. The Republic of Ireland was the first to create an Assets Recovery Bureau, which can seize the assets of accused criminals. Hitting the criminals in the pocket hurts them most. Other member states should follow the Irish example.