3. Congratulates Commissioner Flynn on his initiative of drafting a Green Paper on European social policy as a basis for consultation and hopes to take part in discussions on it; expects the Commission in the near future, however, to convert the Green Paper into a White Paper setting out specific measures and bring it into line with the existing White Paper on employment policy;

4. Notes that the Council has briefly discussed the Commission proposals on social and employment policy and points out that it still has to express its own opinion on those proposals;

5. Believes, in view of the current levels of unemployment, that the social policy of the European Union should be especially focused on the unemployed;

6. Regrets all the more that, despite having submitted these proposals, the Commission has given so little consideration to social affairs in its legislative programme for 1994 and intends next year to submit only four initiatives for implementing the social dimension of the internal market;

7. Notes that the agreement on the protection of young people at the workplace is an important cornerstone of any serious social policy;

8. Points out to the Commission, however, that the Council's decision on the protection of young people at work can not be accepted in its present form;

9. Is of the opinion that the adoption of the proposal on the protection of workers on fishing vessels is another step forward in connection with minimum health and safety conditions in general at the workplace in the European Union;

10. Calls on the Commission once again to bring its influence to bear on the Council so that the Directives which have not yet been adopted, in particular the Directive on atypical employment, are in fact adopted;

11. Notes that the 12 Member States have not succeeded in reaching an agreement on the Directive on European Works Councils;

12. Welcomes the fact, therefore, that the Commission has initiated the procedure which has been made possible owing to ratification of the Maastricht Treaties, and in particular the Agreement on Social Policy;

13. Regrets, however, that the Commission has not reached an agreement with Parliament on the identity of the social partners who, under Article 2(4) of the Agreement on Social Policy, are to be entrusted with reaching an agreement in this field;

14. Calls on the Commission, therefore, to reach such an agreement with Parliament as soon as possible so that the Agreement on Social Policy may be applied;

15. Expects the Commission, with the Council and Parliament as mediators, to give its backing, on the basis of the declarations issued by these institutions on policy on the elderly, to a joint declaration by all the institutions on policy on the elderly and, on that basis, to formulate a policy programme in this area;

16. Instructs its President to forward this resolution to the Council and the Commission.

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12. International fraud

A3-0346/93

Resolution on combating international fraud

The European Parliament,

— having regard to Articles 8a, 100, 220 and 235 of the EC Treaty and Title VI of the Treaty on European Union,

Thursday, 16 December 1993

— having regard to its resolutions of 24 October 1991 (1) on the legal protection of the Community's financial interests, of 11 March 1993 (2) on respect for human rights in the Community and of 15 July 1993 (3) on cooperation in the fields of justice and home affairs under the Treaty on European Union (Title VI and other provisions),

— having regard to its resolution of 13 May 1992 (4) on the work of the Committee of Inquiry into Drugs Trafficking,

— having regard to the statements made at the hearings of the Committee on Civil Liberties and Internal Affairs of 18 and 19 March 1993 and 7 June 1993 respectively with representatives of the national parliaments and with the chairman of the anti-Mafia committee of the Italian Parliament,

— having regard to Rule 148 of its Rules of Procedure,

— having regard to the report by the Committee on Civil Liberties and Internal Affairs (A3-0346/93),

A. having regard to the increase in the scale of international fraud in the context of financial crime and the growing interconnection between financial crime as such and organized Mafia-type crime,

B. whereas, though not new, the internationalization of crime has today acquired a scope, spread and speed of growth due mainly to the internationalization of economic relations,

C. whereas the European system of combating organized crime has many internal differences which helps the perpetrators of organized crime to choose the areas and zones of jurisdiction which suit them best in each sector of activity,

D. whereas, without underestimating the step forward made in including cooperation in the fields of justice and home affairs in the institutional framework of European Union, the legal provisions of Title VI have considerable limitations both with regard to democracy and the protection of fundamental individual rights and guarantees and with regard to the effectiveness and coordination of anti-fraud measures,

E. wishing to be informed adequately and promptly on the measures of common interest which the appropriate ministers intend to take to combat international fraud and to ensure judicial, customs and police cooperation in this sphere; whereas this is essential if Parliament is to be able effectively to exercise its right to make suggestions; whereas interinstitutional consultations on the treatment of these parliamentary suggestions are urgently needed,

F. whereas the fight against the various forms of financial crime, in particular international fraud, must be pursued by combining a strategy of repression and punishment, primarily through the seizure of profits and the confiscation of property, with preventive measures and self-regulation on the part of the private sector and government services,

G. having regard to the particular importance of financial crime in general and, in the case of fraud in particular, of political and administrative corruption,

International fraud

1. Expresses reservations concerning the legal framework as defined under Article K1 of the Treaty on European Union, in particular with regard to the separation established between a general — and no more precisely defined — area of 'combating fraud on an international scale' (point 5) and judicial cooperation in criminal matters, customs cooperation and police cooperation (points 7, 8 and 9);

(1) OJ No C 305, 25.11.1991, p. 106.
(2) OJ No C 115, 26.4.1993, p. 178.
(3) OJ No C 255, 20.9.1993, p. 168.
(4) OJ No C 150, 15.6.1992, p. 41.

2. Expresses concern at the possible negative consequences which this separation could have at operational level and on the effectiveness of anti-fraud measures;

3. Therefore:

(a) calls for an end to the dual system of action to combat fraud on an international scale depending on whether administrative assistance or judicial cooperation in criminal matters are involved and calls for this point to be one of the priority areas for revision at the new Intergovernmental Conference provided for under the Treaty on European Union for 1996,

(b) pending this revision, calls on the Commission to take steps to promote, in accordance with Article K3(2), immediate initiatives aimed at acquiring better common awareness of the most important cases of fraud and the possible instruments for cooperation and assistance,

(c) calls on the Council to endeavour to coordinate as soon as possible initiatives for administrative assistance and for judicial and police cooperation,

(d) calls on the President of the European Parliament to take immediate steps to request interinstitutional consultations on the supply of information to the European Parliament and the treatment of its suggestions regarding the exercise of powers in the areas referred to in Article K.1 of Title VI of the Treaty on European Union,

(e) in this context calls for the promotion of initiatives to amend the laws (Directives 77/799/EEC and 79/1070/EEC on the control of evasion in the field of direct taxation and VAT, Regulation (EEC) No 1468 of 19 May 1981 on fraud in agriculture and the Convention of 7 September 1967 on mutual assistance in customs matters) in order to include the judicial authorities in the exchange of information, originally only envisaged for the administrative authorities;

Community fraud

4. Considers that Articles 100a and 209a of the EC Treaty provide an appropriate legal basis to eliminate the differences and confusion in the procedural rules of the 12 Member States, which are an obstacle to action to protect the Community's financial interests; in this context calls on the Commission to submit, by June 1994 at the latest, a legal instrument fixing the judicial requirements for harmonization of the criminal rules of the Member States protecting financial interests;

5. Calls once again for the simplification of rules, especially those on agriculture and the Structural Funds, since it may preclude many cases of fraud;

Financial crime and organized crime

6. Calls on the Commission to launch in-depth research into the various forms of financial crime at international level and their interconnection with organized Mafia-type crime; urges the Commission, therefore, to initiate research on the subject by the most competent European university research institutions and always to put the contracts concerned out to public tender;

7. Believes that, with a view to the creation of a Community legal and judicial area, the Commission should have a study undertaken on the degree to which such general legal principles as discretionary powers, legality, protection of the victim, presumption of innocence and balance between the parties are applied and/or considered desirable;

8. Considers it advisable, with a view to achieving a Community legal and judicial area, for the Member States to have the same definition of this type of crime in their own laws ('criminal associations along Mafia lines') or at least the same aggravating circumstances ('crime committed with the intention of abetting an organization akin to the Mafia') and also to provide for banks and credit institutions to be accurately identified, for the burden of proof to be reversed where large sums of suspect money are transferred and for banking secrecy to be waived to permit judicial inquiries, which could give rise to particular forms of international judicial cooperation;

9. Considers it necessary to overcome some of the limitations of Directive No 91/308/EEC on money laundering, by providing for an amendment widening the scope of Article 1 on criminal activity to include organized financial crime such as fraudulent bankruptcy and tax and financial fraud;

10. Calls for a programme of action to be launched by the Commission and Council within the scope of Title VI to get rid of tax 'paradises' and 'havens';

11. Considers it essential, in order to separate the legal economy from the criminal economy and to protect the 'clean' market from infiltration by the 'dirty' market, for consistent action to be instigated by the Commission and the Council in the Member States to make the private sector responsible through the adoption of rules, codes of conduct and other self-regulatory measures to complement administrative and criminal law measures taken by the state;

12. Calls for the problem of political and administrative corruption to be tackled by the Commission and Council as a 'matter of common interest' by developing appropriate initiatives both in the field of judicial and police cooperation and the rules on transparency and codes of conduct which administrations and political parties must establish;

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13. Instructs its President to forward this resolution to the Commission, the Council, the national parliaments and the governments of the countries which have applied for EC membership.

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13. Small-scale crime

A3-0289/93

Resolution on small-scale crime in urban areas and its links with organized crime

The European Parliament,

— having regard to the motions for resolutions tabled by:

(a) Mr De Piccoli on the spread of urban crime and petty crime in the Community Member States (B3-0725/92),

(b) Mrs Domingo Segarra on the spread of violence in the Member States of the Community (B3-0790/93),

(c) Mrs Braun-Moser on a Community-wide Criminal Investigation Bureau and cross-border prosecution of criminal offences (B3-0823/93),

— having regard to the preamble and Articles 8a, 220 and 235 of the EC Treaty,

— having regard to Article B, third indent, Article F(2) and Article K.1 of the Treaty on European Union,

— having regard to the Universal Declaration of Human Rights, particularly Articles 3 and 8, and the International Covenant on Civil and Political Rights, particularly Articles 7 and 17,

— having regard to the final declarations in the Final Act of the Treaty on European Union, particularly the Declaration on Police Cooperation and the Declaration on Cooperation with Charitable Associations,