Legislative resolution embodying the opinion of the European Parliament on the proposal for a Council Regulation on the conclusion of the Protocol establishing for the period 1 July 1993 to 30 June 1996 the fishing rights and financial compensation provided for in the Agreement between the European Community and the Republic of the Gambia on fishing off the Gambia (COM(93)0338 — C3-0284/93)

(Consultation procedure)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(93)0338),

— having been consulted by the Council pursuant to Articles 43 and 228(2) and (3), first subparagraph, of the EC Treaty (C3-0284/93),

— having regard to the report of the Committee on Agriculture, Fisheries and Rural Development and the opinions of the Committee on Budgets and the Committee on Development and Cooperation (A3-0024/94),

1. Approves the Commission proposal subject to Parliament's amendments;

2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;

3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;

4. Instructs its President to forward this opinion to the Council and Commission.

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9. Criminal activities in Europe

A3-0033/94

Resolution on criminal activities in Europe

The European Parliament,

— having regard to the motions for resolutions by:

(a) Mr Moretti on criminal activities in Europe (B3-0677/91),

(b) Mrs Van Dijk and others on trafficking in women (B3-0290/92),

(c) Mr Moretti on the new criminal activities of the mafia in central and eastern Europe (B3-0438/93),

(d) Mr Lafuente López on a Community information unit on drug trafficking (B3-1147/93),

— having regard to the report of its committee of inquiry on the spread of organized crime linked to drug trafficking in the Member States of the European Community (1),

— having regard to Articles B, fourth indent, F, K.1, points (5), (7), (9), K.6, third subparagraph, of the EU Treaty and Articles 8a, 220 and 235 of the EC Treaty,

— having regard to the declaration on police cooperation contained in the final act of the EU Treaty,

— having regard to Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering (2),

(1) OJ C 150, 15.6.1992, p. 16.
(2) OJ L 166, 28.6.1991, p. 77.

Friday, 11 February 1994

— having regard to its resolution of 16 December 1993 on small-scale crime in urban areas and its links with organized crime (1),

— having regard to its resolution of 16 December 1993 on combating international fraud (2),

— having regard to the European Council statement of 29 October 1993 on justice and internal affairs and the opinions expressed by the Ministers of Justice and Internal Affairs of the Community, in particular at the meetings of 18 September 1992 and 27/28 September 1993,

— having regard to the Commission's Communication to the Council and the European Parliament on the principle of subsidiarity (SEC(92)1990),

— having regard to Rule 45 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties and Internal Affairs (A3-0033/94),

A. whereas organized crime, with its strong destabilizing and corrupting influence, is a political, social and cultural problem which undermines public institutions and democracy itself,

B. stressing that the fight against organized crime is an issue which affects all the Member States and that therefore the bilateral agreements on the subject between the states concerned are not sufficient to counteract the problem,

C. whereas the spread of crime, especially in its new forms and because of its scale, is a serious danger to the Member States and to their international relations and threatens to jeopardize the attainment of the objectives which the Union has set itself,

D. considering that economic crime is a serious obstacle to the growth of investment and employment and jeopardizes the well-being of society and healthy economic development,

E. stressing that organized crime operates inside the system of the lawful economy, using illegally acquired capital and exploiting the distortions resulting from differences in the legislations of various Member States and the vulnerability of legitimate markets,

F. convinced that the success of organized crime is very often assisted in various Member States by collusion on the part of political leaders, complicity at the highest levels of the economy and the financial world and by favours granted directly and indirectly by the authorities,

1. Defines organized crime as an organized criminal association operating at international level, the activities of which range from actual criminal offences to the direct or indirect control of economic activities, public works concessions, licences, contracts and services;

2. Considers that the main objective of the political forces and government authorities must be to combat organized crime by taking coherent and consistent steps to this end;

3. Draws attention to the danger of organized crime being strengthened as a result of 'arrangements' to divide up areas among mafia-type criminal groups whose aim is the financial control of certain markets, particularly in the eastern European countries;

4. Wishes to draw attention to criminal organizations which specialize in particular in kidnapping, a crime which is extremely frightening because of the inhuman and often irreparable suffering inflicted on the victims and the members of their families, and, in this connection, urges that appropriate and specific measures be taken at European level against this form of crime, which has proved easy to commit and is easily exported;

(1) Minutes of that Sitting, Part II, Item 13.
(2) Minutes of that Sitting, Part II, Item 12.

5. Calls on the Member States to avoid regulations which provide for forms of 'internment' for criminals in areas other than where they reside, since this may promote the spread of crime from one area to another;

6. Reiterates the requests it made in its resolutions on small-scale crime in urban areas and its links with organized crime and on combating international fraud and stresses in particular

— the importance of information and public awareness in a Community crime prevention policy,

— that the Commission should submit a proposal to harmonize penal provisions and procedures applicable to certain categories of crime,

— that the Member States must incorporate in their legal systems definitions of certain types of offence which will be the same throughout the European Union; for example, requests that membership of a 'mafia-style' association should be considered as a criminal offence in all the Member States, in line with current Italian legislation on the subject,

— that an action programme must be adopted aimed at abolishing 'tax havens',

— the need to revise Directive 91/308/EEC,

— the need to step up the operation of Europol to ensure that its field of action covers the whole sector of organized crime, including offences in the economic and property sectors,

— the fight against political and administrative corruption;

7. Considers it essential to extend international cooperation on fighting crime to third countries and, in this connection, calls for the Community programmes Tacis and Phare to make provision for setting up police and investigation services in the countries of eastern Europe;

8. Stresses that the general public are an effective weapon in the fight against organized crime and that therefore citizens should be given broader scope for action in the government, administration and control of the state; what is needed is nothing less than social mobilization which can be achieved by better information, thereby increasing the transparency of decision-making processes and exploiting co-decision to the maximum;

9. Is convinced that in order to fight organized crime there is an urgent need for a global response launching coordinated measures to tackle it and that the European Community is the most suitable point of departure for this response; the phenomenon must not be treated as an isolated problem and be tackled with piecemeal solutions but calls for rational strategies and diversified and multi-sectoral methods;

10. Urges therefore that at the next Intergovernmental Conference the fight against organized crime should, on the basis of a correct application of the principle of subsidiarity, become a matter of Community competence for the following reasons:

(a) in accordance with the terms of the second paragraph of Article 3b of the EC Treaty, because of the international scale of the problem 'the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community',

(b) action at Community level is fully justified as a corollary of full implementation of the principle of freedom of movement and the effective carrying out of controls at external borders,

(c) a comprehensive and thorough examination of the problem based on the criteria of necessity, efficacy, proportionality, conformity and communication clearly shows the potential advantages for the operation of the Single Market and, in particular, the achievement of the objectives of Articles 8a and 113 of the EC Treaty of coordinated action on the part of the Member States at Community level commensurate with the need to fight organized crime,

(d) the large democratic deficit existing in this area, since in accordance with Article K.3(2), second indent of the EU Treaty, the right of initiative in the sectors of cooperation between the judiciary in matters of criminal law and the fight against crime is conferred exclusively on the authorities of the Member States; this means that any action decided on in this sphere in the context of inter-state cooperation would be completely outside the control of either the European Parliament or the national parliaments,

(e) action at Community level to fight crime would be more transparent and would have the advantage of democratic legitimacy;

11. Considers that the fight against organized crime should be the subject of an integrated approach which takes into account the effects of crime in the drafting of legislation concerning economic and monetary policy, agriculture, transport, directives on bank safety and the establishment of rules on controls at external borders and calls on the Commission to draw up as soon as possible

— a study on the 'impact of organized crime' on the Community's main policies and

— a communication on the possibility of applying the principle of subsidiarity to the fight against organized crime;

12. Calls on all the national parliaments of the Member States to set up a parliamentary committee, like the one which already exists in the Italian Parliament, to deal specifically with measures to combat mafia-style or similar criminal associations;

13. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the countries which have applied for accession.

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10. Occupied Territories **I

A3-0062/94

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Proposal for a Council Regulation on financial and technical cooperation with the Occupied Territories (COM(93)0719 — C3-0036/94 — SYN94002)

The proposal was approved with the following amendments:

TEXT PROPOSED BY THE COMMISSION (*)	TEXT AMENDED BY PARLIAMENT
(Amendment 1)	
Article 2(1)	
1. The priority areas for projects and meaures implemented under the programme referred to in Article 1 shall be: infrastructure, production, urban and rural development, education, health, the environment, services, foreign trade, and the setting-up and improvement of institutions necessary for the proper working of the public administration.	1. The priority areas for projects and meaures implemented under the programme referred to in Article 1 shall be: infrastructure, production, urban and rural development, education, health, the environment, services, foreign trade, and the setting-up and improvement of institutions necessary for the proper working of the public administration **and the promotion of democracy and human rights.**

(*) OJ C 24, 28.1.1994, p. 9.