

EUROPEAN UNION
THE COUNCIL

Brussels, 22 September 1995
(OR. f)

10042/95

LIMITE

JUSTPEN 125

"A" ITEM NOTE

to: Council (JHA)

Subject: Draft action programme of the Member States of the European Union and the associated countries of Central and Eastern Europe, including the Baltic States, on judicial cooperation in the fight against international organized crime

At its meeting on 20 and 21 June 1995 the JHA Council held a meeting with the Ministers for Home Affairs and Justice of the associated CCEE, including the Baltic States. At that meeting the wish was expressed that a meeting be held in the framework of Steering Group III (judicial cooperation) with the representatives of these associated countries in the context of the structured dialogue.

The European Council, meeting in Essen in December 1994, also expressed the wish that planning extend beyond the six-month period of each Presidency. Moreover, in Cannes in June 1995 the European Council noted that the structured dialogue was continuing, particularly in the fields of justice and home affairs.

In this context and in preparation for the JHA Council on 25 and 26 September 1995, the Working Party on International Organized Crime prepared at its meeting on 18 September 1995 a draft work programme and a schedule for further work (judicial cooperation on criminal matters) within the framework of the structured dialogue.

The Working Party also held a meeting with the representatives of the associated countries of Central and Eastern Europe, including the Baltic States, on 19 September 1995 at which agreement in principle of all delegations was achieved on a draft action programme.

The Permanent Representatives Committee (Part 2) agreed on the attached draft at its meeting on 20 September 1995.

With a view to its talks with the associated countries of Central and Eastern Europe, including the Baltic States, on 25 September 1995, the Council (JHA) is accordingly invited to record its agreement on the attached draft action programme.

Subject: Draft action programme of the Member States of the European Union and the associated countries of Central and Eastern Europe, including the Baltic States, on judicial cooperation in the fight against international organized crime

The increasing links between the Member States of the European Union and the associated countries of Central and Eastern Europe, including the Baltic States, necessitate a better mutual understanding of the legal situation in order to address common problems.

To this end, the Member States of the European Union and the CCEE adopted on 8 September 1994 the Berlin Declaration on Increased Cooperation in Combating Drug Crime and Organized Crime in Europe.

The Essen European Council in December 1994, and more particularly the Cannes European Council in June 1995, made reference to the wish to initiate work in the context of the structured dialogue with a view to establishing as far as possible, a programme extending beyond the six-month period, particularly in the fields covered by Title VI.

For these reasons:

Convinced that increasing approximation of legal systems for the purpose of improving judicial cooperation is an objective shared by all European States, in their search for common solutions to the problems confronting them;

Having regard to the fact that the development of judicial cooperation between all European countries requires participation in the various international instruments concerning judicial cooperation, the definition of common principles of crime policy and progress towards the criminalization of certain forms of criminal conduct;

Noting the growth of international organized crime, as well as the emergence of new forms of crime, such as trafficking in human organs;

Bearing in mind that the increase in trafficking in stolen vehicles calls for a firm response, particularly through measures in the framework of judicial cooperation;

Recognizing that illicit manufacture of and trafficking in drugs and psychotropic substances in Europe constitute a serious problem for citizens and contribute to a rise in crime;

Bearing in mind that the establishment of a more open European area requires measures affording greater guarantees of security to the citizen, particularly in view of the steady increase in trafficking in radioactive and nuclear materials;

Convinced of the need for a more thorough reciprocal knowledge of social and legal realities with a view to future enlargement of the European Union;

Taking into account the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms.

The Ministers responsible for questions relating to Justice and Home Affairs of the Member States of the European Union and of Bulgaria, Romania, Hungary, Poland, the Czech Republic, Slovakia, Estonia, Latvia and Lithuania held a meeting with the participation of the Representative of the European Commission.

The Ministers declare that it is necessary to improve judicial cooperation by means of the following measures:

1. **Practical aspects of judicial cooperation** (in the fight against international organized crime)

- Establishment of a list of departments or authorities responsible for the exchange of information in the field of mutual assistance, extradition and, more generally, judicial cooperation in criminal matters:

- Establishment of a network of contact judges or authorities and, where appropriate, designation of liaison judges or authorities in other States, in accordance with bilateral arrangements, in order to assist in meeting requests for judicial cooperation;
- Study of practical means, for the purposes of judicial cooperation, in order better to combat organized crime in general, and specifically those types of crime that call for special measures, in particular regarding trafficking in drugs, works of art and human organs as well as trafficking in stolen vehicles including, where necessary, approximation of legislation on the return of vehicles.

2. Training

Measures to be taken in 1996:

- organization of seminars aimed at facilitating and simplifying judicial cooperation in criminal matters;
- establishment of exchange programmes for judicial authorities aimed at improving mutual understanding of the various legal systems of Member States; and
- development of training projects of a practical nature for judicial authorities.

3. Legislative measures

In order to respond to the phenomenon of organized crime, international judicial cooperation needs to be improved by the signing and ratification, according to the State in question, of the following Conventions:

- the 1957 European Convention on Extradition and its second Protocol;
- the 1959 European Convention on Mutual Assistance in Criminal Matters and its 1978 Additional Protocol;
- the 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. With a view to widening the possibilities of combating international organized crime, the States should refrain from limiting that Convention's scope by reservations;
- the 1961 Single Convention on Narcotic Drugs as amended by the 1972 Protocol; the 1971 Convention on Psychotropic Substances; the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
- the 1980 Convention on the Physical Protection of Nuclear Material, concluded in the framework of the International Atomic Energy Agency.

Moreover, it would be appropriate to criminalize the theft of and trafficking in radioactive and nuclear material not covered by the 1980 Convention on the Physical Protection of Nuclear Material.

4. Flanking measures

The progress of the measures provided for under 1, 2 and 3 above will need to be examined at the end of 1996.
