

J41A
94 7

EUROPEAN UNION
THE COUNCIL

Brussels, 15 March 1996 (18.03)
(OR. f)

5834/96

LIMITE

JAI 20

"A" ITEM NOTE

from : COREPER

to : Council

No. prev. doc.: 5448/96 JAI 11

Subject: **Draft declaration on organized crime, drawn up following the informal Council meeting (Rome, 26 January 1996)**

1. At its meeting on 14 March 1996 the Permanent Representatives Committee examined the draft declaration on organized crime on the basis of 5448/96 JAI 11 and a compromise solution put forward by the Presidency.
2. Following its discussions, agreement was reached in principle on the draft declaration as annexed.
3. The Council is asked to agree on the text of the annexed draft declaration.

DRAFT DECLARATION

on organized crime

THE COUNCIL,

HAVING REGARD to the Treaty on European Union,

BEARING in mind the discussions at the informal meeting of Ministers for Justice and Home Affairs in Rome on 26 and 27 January 1996,

NOTES that organized crime:

- may operate on a transnational scale;
- may pose a threat to Member States' security;
- may hamper the lawful conduct of economic and social activities and adversely affect the safety and quality of life of the Union's citizens;
- must not take advantage of differences between national laws on the subject;
- can be combated more effectively through concerted action by the competent authorities in each Member State;

CONSIDERS that combating organized crime is a prime objective of the European Union and a matter of common interest;

CONFIRMS, in accordance with the conclusions of the Council meetings ⁽¹⁾ on 29 and 30 November 1993 and on 23 November 1995 (in particular the La Gomera declaration) and the European Council meeting in Madrid on 15 and 16 December 1995, the need to impart greater impetus to the effective prevention of and action to combat all serious forms of organized crime as referred to in Article K.1(9) of the Treaty on European Union;

REAFFIRMS that need in the light of the outcome of the UN World Ministerial Conference on Organized Transnational Crime held in Naples in November 1994 and of the Madrid Transatlantic Summit held on 3 December 1995;

TAKES NOTE of the information contained in the report on organized crime in the European Union in 1994;

DECLARES that, in order to combat organized crime effectively, it is necessary to:

- improve judicial cooperation between Member States in this field and for that purpose, to the extent necessary, continue with steps to bring Member States' legislation more into line on criminal matters;
- consider the applicability, in Member States' judicial systems, of the crime-fighting measures already tried out with favourable results in some of them;
- press ahead with discussions with a view to completing the examination of the judicial cooperation instruments currently being drawn up, taking specific requirements relating to organized crime into account;
- see to it that the specific measures provided for in the judicial cooperation instruments that have already been adopted are implemented;

⁽¹⁾ Justice and Home Affairs

- ensure in all Member States the coordination of the collection of information on the structures and activities of transnational criminal organizations in order to evaluate the scale of and trends in organized crime within the European Union on the basis of comparable data;
- further develop training and specialization schemes for officers in the services responsible for preventing and combating crime, as part of concerted action and cooperation regarding investigative techniques, forensic science and technology and the administration of justice;
- improve cooperation between Member States and relations with non-member countries in order to ensure an improved, fast and reliable exchange of information and better shared knowledge of criminal organizations, their structures and their criminal and economic activities;
- develop the role and tasks of Member States' liaison officers in non-member countries, where Member States have such officers in place, to improve consultations between Member States as regards intelligence and action to combat organized crime;
- consider the possibility of encouraging the establishment of a framework for posting or exchanging liaison magistrates and the possibility of setting up a system of contact magistrates in the interests of solving the problems posed in the area of organized crime more effectively;

- improve cooperation between Member States, in particular in criminal investigations and proceedings, in order to ensure that the activities of transnational criminal organizations do not go unpunished. With this in mind, the Member States should use their best endeavours to ensure early ratification of the Council of Europe Convention of 8 November 1990, which is designed to facilitate the search for, seizure and confiscation of the laundered proceeds from crime, and to deprive the said organizations of such proceeds;
- consider the exchange of information on investigative techniques, controlled deliveries, under-cover operations, the protection of witnesses, the right of hot pursuit and procedures for exchanging information;
- ensure that the coordination of information on the structures and activities of transnational criminal organizations receives support from EDU/Europol.

Done at ,

=====