(Acts adopted pursuant to Title VI of the Treaty on European Union)

COUNCIL RESOLUTION

of 21 December 1998

on the prevention of organised crime with reference to the establishment of a comprehensive strategy for combating it

(98/C 408/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the action plan to combat organised crime of 28 April 1997 (the action plan) (1),

Conscious of the advances made in implementing the action plan, in particular recommendations 6 to 12 thereof,

Having regard to the European Parliament's resolution of 20 November 1997 on the action plan (2), which calls for closer consideration of the prevention aspect,

Considering the importance of a greater awareness of the dangers of organised crime to democracy and the rule of law, for freedom, human rights and self-determination, values which are the *raison d'être* of any fight against organised crime,

Conscious of the fact that this resolution is not intended to replace the specific prevention measures provided for in the action plan but to supplement and back up those efforts,

Having regard to the results of the seminar on police and urban criminality (Zaragoza, February 1996), the European Union Conference on Crime Prevention (Stockholm, May 1996), the seminar on European Union measures to combat the drug problem (Dublin, November 1996), the conclusions of the European Union Conference on Crime Prevention (Noordwijk, May 1997) and the seminar 'Partnerships in reducing crime' (London, June 1998),

Having regard to the conclusions of the Conference on achieving a corruption free commercial environment, the EU's contribution (Brussels, April 1998),

Having regard to the work of other international organisations and forums, in particular the Council of Europe recommendations R(81)12 on economic crime and R(87)19 on the organisation of crime prevention, resolution R(97)24 on 20 guiding principles for the fight against corruption, the work under the United Nations programme on crime prevention and criminal justice, as well as the results of the United Nations General Assembly on Drugs (New York, June 1998), and in particular the declaration on demand reduction guidelines,

Having due regard for, and emphasising, the Commission's responsibilities for enabling the promotion of important aspects of prevention,

(1) CONSIDERS that the combating of international organised crime backed up by effective, sustainable law enforcement also requires a wide range of preventive measures, developed with due regard to fundamental human rights;

(2) EMPHASISES the important role that effective and coordinated national criminal intelligence units, and Europol, as laid down especially in Articles 2 and 3 of the Convention on the establishment of a European Police Office (Europol Convention) (3) also play in preventing organised crime;

(3) CONFIRMS that in preventing and combating organised crime individual States and the international community play a key role; none the less, the prevention of organised crime is not the task of law enforcement agencies and judicial authorities alone but requires an effort on the part of civil society as a whole, taking joint responsibility for community life;

(4) UNDERLINES in this context the important role played by institutions and groups of persons that contribute to shaping the cultural environment and

(1) OJ C 251, 15.8.1997, p. 1.
(2) OJ C 371, 8.12.1997, p. 183.
(3) OJ C 316, 27.11.1995, p. 2.

individual responsibility in a community at national, regional and local level (e.g. schools and NGOs), by carrying out substantial preventive work, both in devising policy and implementing concrete measures;

(5) RECOGNISES that an effective policy in the field of prevention of organised crime will also benefit from efficient social security, education and training systems which are as comprehensive as possible, coupled with measures to combat unemployment and poverty as well as creative and humane urban planning and urban design geared to prevention;

(6) ENDORSES efforts to assist the social integration of marginalised groups in order to reduce possible dangers that vulnerable members of those groups may devote themselves to crime;

(7) STRESSES the particular importance of measures to assist the social reintegration of offenders, diversion measures and enforcement of sentences for purposes of preventing repetition of offences;

(8) ENCOURAGES Member States, while stressing the importance of action by public authorities, to examine whether any tasks relating to the prevention of organised crime could not, in conformity with the basic principles of their legal system and internal policies, be carried out by non-public bodies at national, regional and local level which could assist in compiling information, defining programmes, implementing measures and in educational work in the field of prevention;

(9) CONSIDERS that every possibility must be investigated, and all the necessary steps taken, to counteract the development and spread of illegal markets which provide room for manoeuvre and operational scope for organised crime;

(10) ENCOURAGES Member States to continue and step up their endeavours and coordination efforts regarding all aspects of drug prevention in line with international drug control instruments, in order to reduce demand for illegal drugs, which account for a significant part of the operations of organised crime;

(11) ENCOURAGES Member States to look into the development and spreading of technical equipment, such as special safety devices, to prevent crimes which tend to be committed by criminal organisations, and also to consider the possible implications, as for instance a switch to other forms of crime;

(12) EMPHASISES also that professions which might be confronted with organised crime (especially those mentioned in recommendation 12 of the action plan), and their interest groupings, have responsibilities in the area of prevention of organised crime, with particular reference to the drafting of codes of conduct and other measures to counteract corruption and infiltration by organised crime;

(13) EMPHASISES that transparency and controls in connection with the award of public contracts make a significant contribution to the prevention of corruption and organised crime and, therefore, calls on Member States to implement the relevant directives and support their objectives with appropriate and concrete measures relating to law enforcement and judicial aspects;

(14) EMPHASISES that, in particular in the context of fighting corruption and its links with organised crime, openness and transparency in public affairs, including lawful and transparent funding of political parties and organisations, play an important preventive role;

(15) RECALLS the importance in the drafting of legal instruments, and in reviewing existing laws, to take into account crime prevention aspects, in order to ensure that the rules do not invite or facilitate fraud or other abuse, and to consult in the legislative process, where appropriate, with authorities having experience in the field of prevention of organised crime;

(16) IS CONVINCED that adequate information and education about the causes, nature, dangers and consequences of the advance of organised crime is particularly relevant to prevention and that the mass media play an important role in the process of information;

(17) RECOGNISES that several Member States, basing themselves on comprehensive multidisciplinary analyses of a specific situation, have developed national programmes to combat organised crime as

it has manifested itself in their territory and have also adapted those programmes to changing circumstances; therefore, Member States are encouraged to keep each other fully informed of those programmes, to draw on these examples and experiences, and to develop, where appropriate and in accordance with their legal systems and traditions, such national programmes to combat organised crime;

(18) RECOGNISES that, when analysing problems and defining programmes as well as implementing prevention measures, several Member States, in accordance with their national law, provide for the possibility that law enforcement agencies and judicial authorities, the social groups concerned, tradesmen and civil administration bodies (at both local and regional level) confer on a regular basis (examples of this are the 'crime prevention boards' which exist in a number of Member States, and the Netherlands 'trilateral commissions'); therefore, Member States are encouraged to set up comparable structures at national, regional and local level, where appropriate and in accordance with their legal systems and traditions, to discuss and study questions of prevention, in particular the prevention of organised crime, and to draw up proposals to promote prevention;

(19) ENCOURAGES Member States furthermore to coordinate prevention between local, regional and national levels as well as between various authorities and departments having a specific role in preventing organised crime;

(20) NOTES in this context, the intention of the Commission to build on work already undertaken on an interface inventory of Community instruments which contribute to the prevention of crime and to enhance internal coordination and exchange of information in this respect;

(21) CALLS ON Member States to increase their knowledge of how to prevent organised crime, for example through adequately funded multidisciplinary research programmes which are as comprehensive as possible and which should include research on the evaluation of specific preventive measures;

(22) ENCOURAGES Member States and relevant institutions to use appropriate Community programmes, particularly the Joint Action of 19 March 1998 establishing a programme of exchanges, training and cooperation for persons responsible for action to combat organised crime (Falcone programme) (1), also for activities relating to the prevention of organised crime;

(23) CONSIDERS it necessary to evaluate ongoing prevention activities, examining in particular to what extent the experience gained can be applied generally;

(24) INVITES Member States to draw up, at the request of the Presidency of the Council, a summary of their experiences, at local, regional and national level, with measures which have helped to prevent organised crime, and to make it available to the other Member States;

(25) INVITES Member States therefore to inform one another about any findings on the prevention of organised crime, whether obtained through new scientific work or practical experience and evaluation, and to consider ways of facilitating, and, if appropriate, institutionalising such an exchange of information, possibly also bilaterally or between regions and municipalities;

(26) CALLS ON Member States to designate, where they have not already done so, national contact and focal points for the exchange of information, relating to all aspects of prevention of organised crime, between States and to notify those points to the General Secretariat of the Council taking into account the agreement of the Council on 28 May 1998 relating to arrangements providing for an improved exchange of information and best practice in the field of crime prevention;

(27) CONSIDERS it desirable to include also non-member countries, particularly applicant countries and neighbouring countries, in such an exchange of information and that a strategy for the prevention of organised crime could also be envisaged in the context of aid for, and cooperation with, non-member countries;

(28) CONSIDERS it desirable that the Member States and the Community exchange information on issues related to the prevention of organised crime with other itnernational organisations;

(1) OJ L 99, 31.3.1998, p. 8.

(29) CONSIDERS it necessary that future prevention activities should include concrete projects which provide practical know-how to the bodies concerned in each case (local authorities, regions, Member States, Council, Commission) in order to create a basis for drawing up codes of good practice for preventing organised crime in specific areas, that should be constantly updated and submitted to the other Member States for checking against their own initiatives;

(30) CONSIDERS it desirable that Member States and the Commission agree as far as possible on common definitions, standards and methods of prevention in order to enable any findings to be exchanged and used;

(31) INVITES the Commission to examine how it can help, in the context of and within the scope of its responsibilities, to increase knowledge on how to prevent organised crime;

(32) REQUESTS the Commission to keep fully up-to-date its interface inventory of Community instruments which contribute to the prevention of organised crime and to continue analysing and evaluating other existing Community instruments to consider to what extent they help to prevent organised crime;

(33) INVITES the Member States, Europol and the Commission, each within their respective competencies, to study the matter and related questions. Thereafter, the Commission and Europol are invited to cooperate in the preparation of a comprehensive report by the end of 2000, which in particular:

— makes proposals on how prevention measures could be promoted in future work at European level, and in particular on how they could be reflected in the legislative process,

— analyses what measures for the prevention of organised crime, by which bodies and at what level, seem appropriate with a view to optimum effectiveness,

— analyses proposals for the encouragement of the evaluation of measures for the prevention of organised crime,

— analyses to what extent prevention measures can be taken at European level (particularly in the light of the Treaty of Amsterdam),

— makes proposals for drawing up and keeping up to date a repertory of good practice in the area of organised crime prevention,

— analyses to what extent ideas and measures for the prevention of organised crime could be taken into account in the process of enlargement and relations with third States;

(34) CALLS ON both the Member States and the Commission to report to the Council before the end of 2000 also on other measures taken to prevent organised crime;

(35) RESOLVES then to review and evaluate the implementation of this resolution in the light of these reports and to decide on further measures on the prevention of organised crime.