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31. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and the Council of Europe.

17. Prevention and control of organised crime

B5-0506/2000

European Parliament resolution on the Council's action plan for 'the prevention and control of organised crime: a European Union strategy for the beginning of the new millennium'

The European Parliament,

- having regard to the Council's action plan for 'the prevention and control of organised crime: a European Union strategy for the beginning of the new millennium' ⁽¹⁾,
 - having regard to Title VI of the EU Treaty, and in particular Article 29 thereof,
 - having regard to the Presidency conclusions of the Tampere European Council of 15/16 October 1999, and in particular points 41-62 thereof,
 - having regard to the Commission's draft 'scoreboard', with the aid of which progress in carrying out the measures required to achieve an area of freedom, security and justice, where they relate to the Union-wide fight against crime is assessed,
- A. whereas organised crime has substantially increased within the EU over the last decade, and whereas in the fields of cyber crime, terrorism, trafficking in human beings, drugs and arms, child pornography, money laundering, corruption and fraud in particular action is urgently needed, and whereas the European Union must adopt a harmonised definition of organised crime which includes these fields,
- B. whereas Title VI of the EU Treaty rightly describes the combating of crime, organised or otherwise, as essential to the progressive establishment of an area of freedom, security and justice,
- C. whereas within the sphere of Title VI of the EU Treaty, as amended by the Treaty of Amsterdam, consultation is required only for the adoption of specific legal acts (Article 39(1)), but whereas in Article K.6, second paragraph, of the EU Treaty, as amended by the Treaty of Maastricht, consultation was required 'on the principal aspects of activities' in respect of cooperation in the fields of justice and home affairs, and whereas one of the basic principles underlying the Treaty of Amsterdam was to strengthen Parliament's position,
- D. whereas the control of organised crime is a central concern of the European public, given that organised crime can use its considerable financial strength to infiltrate the politics, police and economy of a State and hence undermine society as a whole,
- E. whereas, in some third countries, organised crime has already infiltrated certain sectors within public bodies, the economy and the financial world, and whereas this requires the Member States to exercise greater vigilancy and to adopt a more rigorous approach to the political, trade and economic relations which are to be established (or which have already been established) with those countries,

⁽¹⁾ OJ C 124, 3.5.2000, p. 1.

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- F. whereas the subversion of society by organised crime represents a specific danger to the fundamental principles of the rule of law, such as the independence of the judiciary and the legality of administration, but whereas the European Union, pursuant to Article 6(1) of the EU Treaty, has given a commitment to the principles of 'liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law', and is thus under a legal and moral obligation to help in the fight against organised crime,
- G. whereas organised crime is profiting from the Community's past policy in connection with the introduction of fundamental freedoms and abolishing border checks within the EU and whereas every effort must be made to ensure greater cooperation between national police forces and judicial authorities in order to combat the spread of all forms of organised crime and the threat it represents to society and the Community as a whole,
- H. concerned that criminal organisations, which normally operate across borders, are using their high degree of mobility to exploit the provisions restricting the powers of the authorities to their own national territory, and are also exploiting the diversity of administrative and criminal justice systems, taking up residence in accordance with their 'requirements',
- I. whereas disparities exist between national prosecution systems and there is therefore a need for greater cooperation between Member States for the purpose of determining areas in which national prosecution systems can be more closely aligned in order to secure the effective prosecution of criminals and criminal organisations operating across borders,
- J. whereas, as the risk of detection is one of the primary deterrents to crime, effective measures to combat crime will at the same time have a substantial preventive effect, but whereas, in any case, in addition to prosecution, prevention should play a major role in the EU's strategy to combat organised crime;
- K. whereas establishing an area of freedom, security and justice requires effective action against organised crime and this will be possible only if the EU Member States act in concert and are prepared to put aside their national interests if joint measures offer greater prospects of success,
- L. whereas it is essential in the fight against organised crime that cooperation with administrations in third countries be stepped up and information be shared that will lead to the successful countering of organised crime which operates across international borders worldwide,
- M. whereas a longer-term joint strategy is therefore required, embodying not only objectives but also deadlines, and setting priorities,
- N. whereas the objectives set in such an action plan cannot be based on wishful thinking, but must be feasible,
- O. convinced that some politically highly contentious matters also need to be tackled promptly, as delays will not increase the chances of improvement,
- P. whereas new technology has made it easier for organised crime to gain a hold on society by providing it with a new means of doing so; whereas, therefore, ever-greater attention will need to be paid to the improper use of information technology and illegal use of the Internet,
- Q. whereas serious paedophile offences are being committed on and around the Internet,

Failure to consult Parliament on strategic papers

- 1. Confirms the need to combat organised crime at Union level whilst ensuring that fundamental freedoms, the rights of the individual and procedural guarantees are upheld, in particular the rights of the defence and respect for privacy;
- 2. Welcomes, therefore, as a matter of principle, the drafting of a new action plan setting out a European Union strategy for the prevention and control of organised crime for the beginning of the new millennium, thus ensuring joint action;

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3. Points out, however, that the Treaty of Maastricht provided for obligatory consultation of Parliament 'on the principal aspects of activities' in the areas of justice and home affairs;
4. Points out that one of the aims of the Treaty of Amsterdam was to remedy the lack of democratic legitimisation of EU legal acts, so that any reduction of Parliament's rights would run counter to the spirit of that Treaty;
5. Firmly opposes, therefore, the Council's attitude, which appears to be signalling that it regards informing Parliament of work on strategic papers as a mere act of courtesy, and thus sees consultation of Parliament as unnecessary;
6. Calls on the Council in future to consult Parliament on all strategic papers, which entails not simply awaiting Parliament's opinion, but taking it into account and giving it proper consideration;

Substance of the action plan

7. Notes that the priority given to individual recommendations in the action plan does not always reflect the urgency of the objectives, but often their practicability;
8. Emphasises that maximum priority should be given to measures designed to achieve major objectives such as the tracing, freezing, seizure and confiscation of the proceeds of crime and the recycling of money or other benefits derived from illegal activities, since illegal accumulation is the aim pursued by criminal organisations, whose strength lies precisely in their having huge financial and economic resources at their disposal;
9. Fears that the fact that the action plan is supposed to be based on a scale of priorities from 1 to 5, but that no items are given priority 5 and only one receives priority 4, might call into question the seriousness of the work undertaken;
10. Calls on the Council, therefore, to review the priorities set in their entirety;

Council Presidency conclusions on crime prevention

11. Welcomes the decision of the Portuguese Council Presidency to emphasise the urgency and importance of this subject by organising a high-level conference on crime prevention;
12. Calls on the Council to implement the mutual-evaluation scheme and to notify the European Parliament, the national parliaments and the general public of the results achieved, with a view to ensuring greater transparency in the actions undertaken by the Member States in order to combat organised crime;
13. Congratulates the Council Presidency on the drawing-up of the conclusions on crime prevention at this conference, conclusions which incorporate some of the matters called for by Parliament's Committee on Citizens' Freedoms and Rights, Justice and Home Affairs;
14. Requests the Council also to take the following points into account:
 - the Member States and the Commission should be urged, in the course of their legislative work, to seek to make crime more difficult to commit and a greater risk to the perpetrator and to eliminate the benefits criminals may gain from their actions;
 - all sections of society must be mobilised to reduce the demand for illegal goods and services, which would also reduce the crime rate;
 - industry and the authorities must be encouraged to introduce technical preventive measures; the Commission should consider the degree to which criminals might be deterred by the judicious use of technical aids such as electronic vehicle immobilisers, special security standards for credit cards etc.;
 - the Commission and Council should submit to Parliament a proposal for a legal act to ensure that all legal decision-making processes at national and EU level can be assessed in terms of their impact on crime;

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- amongst the various crime prevention measures, particular emphasis should be placed on introducing policies designed to improve difficult living conditions and to reduce social marginalisation since these, within the EU strategy, are identified as factors which generate crime;
- in order to prevent any increase in drug dependency and, therefore, to ensure more effective prevention of all related crimes (particularly crime against property), emphasis should be placed on introducing proper damage-reduction policies;
- the Council and Commission should undertake to combat crime committed via the Internet, with particular attention being paid to sites which contain acts of violence against children and propagate paedophile material;

15. Hopes that the conclusions will lead to a specific action programme laying down detailed responsibilities and deadlines for crime prevention, especially as Chapter 2.3 of the Action Plan on organised crime, devoted to stepping up prevention, contains many valuable insights on prevention which have not been matched by recommendations;

16. Calls on the Council to keep Parliament informed of further work on crime prevention, and to consult Parliament before any strategic papers on this subject are adopted;

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