

Procedure file

| Basic information | | |
|---|--------------------------------|---------------------|
| COS - Procedure on a strategy paper (historic) | 1997/2091(COS) | Procedure completed |
| Fight against organized crime: a European action plan | | |
| Subject 7.30.30 Action to combat crime | | |

| Key players | | | | |
|-------------------------------|--|--|------------|--|
| European Parliament | Committee responsible | Rapporteur | Appointed | |
| | LIBE Civil Liberties and Internal Affairs | | 19/06/1997 | |
| | | PPE CEDERSCHIÖLD Charlotte | | |
| | Committee for opinion | Rapporteur for opinion | Appointed | |
| | JURI Legal Affairs, Citizens' Rights | | 18/06/1997 | |
| | | PSE MARTIN David | | |
| | CONT Budgetary Control | | 16/06/1997 | |
| | | PSE BÖSCH Herbert | | |
| Council of the European Union | Council configuration | Meeting | Date | |
| | General Affairs | 2104 | 08/06/1998 | |
| | Justice and Home Affairs (JHA) | 2099 | 28/05/1998 | |

| Key events | | | |
|------------|--|---|---------|
| 21/04/1997 | Non-legislative basic document published | 07421/1997 | Summary |
| 14/05/1997 | Committee referral announced in Parliament | | |
| 27/10/1997 | Vote in committee | | Summary |
| 27/10/1997 | Committee report tabled for plenary | A4-0333/1997 | |
| 20/11/1997 | Debate in Parliament |  | |
| 20/11/1997 | Decision by Parliament | T4-0570/1997 | Summary |
| 20/11/1997 | End of procedure in Parliament | | |
| 08/12/1997 | Final act published in Official Journal | | |
| 28/05/1998 | Debate in Council | 2099 | |

| Technical information | |
|----------------------------|--|
| Procedure reference | 1997/2091(COS) |
| Procedure type | COS - Procedure on a strategy paper (historic) |
| Procedure subtype | Commission strategy paper |
| Legal basis | Rules of Procedure EP 142 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | LIBE/4/08888 |

| Documentation gateway | | | | | |
|---|--|--|------------|-----|---------|
| Motion for a resolution | | B4-1330/1996 | 28/11/1996 | EP | |
| Non-legislative basic document | | 07421/1997 | 21/04/1997 | CSL | Summary |
| Committee report tabled for plenary, single reading | | A4-0333/1997 OJ C 358 24.11.1997, p. 0003 | 27/10/1997 | EP | |
| Text adopted by Parliament, single reading | | T4-0570/1997 OJ C 371 08.12.1997, p. 0165-0183 | 20/11/1997 | EP | Summary |

Fight against organized crime: a European action plan

OBJECTIVE: to present an action programme in the field of Justice and Internal Affairs on the fight against organized crime. **CONTENT:** the document presented by the high-level panel (experts from the Member States in the field of policing, justice and customs) sets out 15 political guidelines and some thirty recommendations in a detailed programme to be implemented in accordance with a specific timetable. The establishment of a European network between the judicial authorities of the fifteen Member States and the transformation of EUROPOL into a Federal Police Office with investigative powers is one of the most far-reaching measures. The main recommendations include: - adopting a multi-annual training and research programme on organized crime; - strengthening the potential offered by the structural funds (ESF and URBAN) in order to prevent cities from becoming the favoured haunt of organized crime; - compiling a black list of operators implicated in organized crime; - protecting means of payment against fraud and counterfeiting; - making better use of the potential of PHARE and TACIS in the fight against crime. The programme does not, however, institute a European judicial area. It merely represents the first step in this direction. The high-level panel notes in this respect that some Member States are still most reluctant to see criminal harmonization. However, a number of priorities have been consolidated, such as: - the effective implementation of instruments already adopted; - the implementation of judicial cooperation at a level comparable to that which exists between police forces; - closer cooperation with third countries (especially associated countries) and the international and other organizations involved; - the development of new preventive instruments. The implementation of this programme will be regularly monitored by the heads of state and government, who will hold an initial meeting in 1998.?

Fight against organized crime: a European action plan

In her report on the Action Plan to combat organised crime, Charlotte CEDERSCHIÖLD (EPP, S) expressed alarm at the scale of organised crime, particularly in areas such as trafficking in human beings and various offences against children, illegal trafficking in drugs and arms, corruption, money-laundering and large-scale fraud. She also voiced concern at the serious danger of individual EU Member States and the EU itself being infiltrated or subverted in certain areas by organised crime. The report, adopted almost unanimously by the Committee on Civil Liberties deplores the fact that co-operation between police forces and the judiciary in different Member States has not been adapted to reflect the realities of crime in the modern world. It therefore calls for action to be taken by the EU, including swift ratification (by the end of 1998 at the latest) of all conventions and other binding legal instruments. The report regrets the fact that Parliament was not involved in drawing up the programme but welcomes the fact that there is a programme at all, while nevertheless drawing attention to its shortcomings. Above all, it points out that the plan makes no clear decision on the most important issue of all, namely whether organised crime should in future be combatted by harmonising the definition of major criminal offences and provisions relating to criminal procedure, or by improving co-operation between the Member States. The rapporteur therefore proposes that, while priority should be given to improving co-operation between Member States (following the example of the Nordic countries), efforts should also be made to achieve harmonisation in areas where co-operation has not yet produced satisfactory results. As far as the recommendations of the Action Plan are concerned, the committee stresses: the importance of strengthening people's sense of civic responsibility in the fight against organised crime, in both urban and rural areas; the need for close co-operation between Member States and UCLAF (the Commission's anti-fraud unit); the value of measures - apart from codes of conduct - to provide members of professions under threat from organised crime (eg. lawyers) with a legal right to contact the authorities responsible for combating crime; the value of approximation of Member States' laws by setting minimum standards in areas where differing legal requirements concerning interference with fundamental rights hinder efficient cross-border investigations; the need to devise measures to resolve the main problems encountered in the course of direct contacts between the authorities (e.g. overcoming language barriers); the need, when the Europol Convention is revised, to provide for a central judicial control system for Europol, and for Europol to

report regularly on its activities to the European Parliament and national parliaments; the importance of standardising throughout the EU the list of money-laundering offences and including it in the category of serious forms of crime against property; the desirability of setting up a European fund to help victims and prevent crime, as an alternative to sharing confiscated assets. ?

Fight against organized crime: a European action plan

In adopting the report by Mrs Charlotte CEDERSCHIÖLD (PPE, S) on the action plan to combat organized crime, the European Parliament calls for the Union to pay close attention to the fight against organized crime and take comprehensive and coordinated measures based on the principles of democracy and respect for human rights, given the scope of the problem. It therefore: - calls on the Council to ratify, no later than the end of 1998, all the conventions and other binding legal acts which provide for measures to combat organized crime, - calls on the Commission to take the necessary measures to implement the recommendations resulting from the action plan by exercising the right of initiative vested in it by the Amsterdam Treaty in this respect, - calls on the applicant countries to participate fully in the planned measures. Parliament believes that the creation of the European judicial area must go hand-in-hand with the establishing of a European area for the rights of the defence and procedural guarantees, particularly with regard to extradition. On a general note, Parliament regrets that the action plan has been drawn up without its being consulted pursuant to Article K.6 of the Treaty. Whilst welcoming the political guidelines and the timetable of measures to be implemented, it draws attention to certain gaps in the choice of measures. In particular, it considers that the Council has ignored crucial issues while devoting attention to items of lesser importance. More specifically, it regrets the fact that the Council does not address the question of whether, in future, organized crime should be combated by harmonizing the definitions of major criminal offences and the provisions relating to criminal procedure, or by improving cooperation. Parliament regrets the fact that certain Member States continue to express reservations on grounds of sovereignty and proposes giving priority to improving cooperation between Member States in all fields in which cooperation is possible (quoting as an example the very effective Nordic cooperation on the harmonization of computer systems for the police, courts, customs and coastguards). In particular, it proposes that Member States should aim for harmonization in all areas in which cooperation has not produced satisfactory results and advocates the gradual approximation of the criminal justice systems in the Member States by setting minimum standards. Regarding the recommendations proper, it calls for: - a common definition of the concept of organized crime; - full involvement of applicant countries in Community measures to combat organized crime; - inclusion of Belarus among the countries with which the Union must cooperate; - exclusion from Member State and EU tendering procedures of persons who have committed offences linked with organized crime; - use of the Structural Funds to reinforce judicial bodies and law enforcement agencies (especially in less urbanized areas); - incorporation of the Europol budget into the Community budget; - reinforcement of cooperation between Member States and the Commission's Anti-Fraud Unit (UCLAF); - development of codes of conduct for certain 'threatened' professions such as notaries, lawyers, accountants and auditors; - a study of high-technology crime; - inclusion in international agreements of appropriate provisions relating to delays in implementing letters rogatory; - approximation of Member States' legislation on interference with fundamental rights where different definitions hinder efficient cross-border investigations; - approximation of legislation concerning evidence, offences, etc. Parliament also draws attention to gaps in the programme concerning civil society as a basic instrument in the fight against organized crime and advocates measures to promote education on the concept of legality. Finally, it calls for the establishing of appropriate surveillance systems for modern communication methods and the preparation of measures relating to special investigation methods, which must be strictly confined to the needs of inquiries in order to prevent the misuse of this type of investigation. ?