

Procedure file

Basic information		
INI - Own-initiative procedure	2006/2094(INI)	Procedure completed
Tackling organised crime: developing a strategic concept		
Subject 7.30.30 Action to combat crime		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	ALDE NEWTON DUNN Bill	04/10/2005
Council of the European Union	Council configuration Justice and Home Affairs (JHA)	Meeting 2732	Date 01/06/2006
European Commission	Commission DG Justice and Consumers	Commissioner FRATTINI Franco	

Key events			
18/01/2006	Non-legislative basic document published	B6-0073/2006	
27/04/2006	Committee referral announced in Parliament		
01/06/2006	Resolution/conclusions adopted by Council		Summary
11/04/2007	Vote in committee		Summary
20/04/2007	Committee report tabled for plenary	A6-0152/2007	
23/05/2007	Debate in Parliament		
24/05/2007	Results of vote in Parliament		
24/05/2007	Decision by Parliament	T6-0213/2007	Summary
24/05/2007	End of procedure in Parliament		

Technical information	
Procedure reference	2006/2094(INI)
Procedure type	INI - Own-initiative procedure
Legal basis	Rules of Procedure EP 134o

Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/35802

Documentation gateway

Non-legislative basic document	B6-0073/2006	19/01/2006	EP	
Committee draft report	PE378.797	27/11/2006	EP	
Amendments tabled in committee	PE386.474	08/03/2007	EP	
Committee report tabled for plenary, single reading	A6-0152/2007	20/04/2007	EP	
Text adopted by Parliament, single reading	T6-0213/2007	24/05/2007	EP	Summary
Commission response to text adopted in plenary	SP(2007)3179	14/06/2007	EC	

Tackling organised crime: developing a strategic concept

The Council concludes the following on the EU priorities and approach to fight organised crime :

Definition: The Europol Organised Crime Threat Assessment (OCTA) 2006 is a first attempt to develop a threat assessment of current and expected trends in organised crime across the EU. Concretely, the OCTA conclusions should be focused on in national priorities, with a view to also promote co-operation with Member States with shared regional problems.

1. On that basis, the Council sets the following priorities in the fight against organised crime:

- in South West Europe, attention should be paid to the impact of African OC groups in the field of smuggling and trafficking of human beings, smuggling of illegal immigrants as well as drug trafficking, thereby promoting co-operation between, initially, French and Spanish law enforcement authorities. African OC groups should be focused upon and their involvement in cannabis smuggling and further distribution into the EU.
- the focus in South East Europe should be on ethnic Albanian OC and its involvement both in heroin trafficking and distribution and in trafficking in human beings. This would promote co-operation initially between Italy, Slovenia and Greece and partners in the Balkan region.
- priorities in North East Europe should be focused on OC groups, including Russian speaking OC groups, primarily involved in commodity smuggling, promoting co-operation in the Baltic Sea region.
- activities in the Atlantic region should be focused on the production of synthetic drugs by OC groups based in Belgium and the Netherlands and their ensuing distribution within the European Union and via Germany and the UK across the Atlantic into the US and Canada. This would promote co-operation between these countries and across the Atlantic.
- the fight against money laundering and illicit arms trafficking should be included in all of these priorities.

The priorities set by these conclusions and in the OCTA need to be combined with priorities

- o set in crime areas other than organised crime
- o established at national level (in matters of organised crime)
- o following from previous and other Council conclusions and/or action plans, such as the Drugs Action Plan and the Action Plan on trafficking in human beings

Priorities have to be understood as areas in which the EU, through its Member States, institutions and bodies should (increasingly) coordinate and enhance its action, which should be reactive, but also preventative and proactive. Together, these concerted activities will ensure an in-depth understanding and provide tools for enhanced targeting of OC impacting on the EU.

2. The fight against organised crime requires a multi-disciplinary intelligence-led approach in order not only to disrupt criminal activities but also dismantle criminal organisations, bring the offenders to justice and deprive them of the proceeds of crime, thereby providing much more effective and longer-term results and reducing the harm caused by organised crime.

This implies that (specialised) resources are dedicated to and structures organised with a view to using all information that is available to law enforcement and thus identifying and tackling the most threatening criminal groups. As a consequence, law enforcement action, in particular investigations and prosecutions, should, where possible, mainly focus on the upper levels of the organised crime groups, including logistics, financing and assets. As a consequence, Member States are invited to increase their efforts in the financial aspects of the investigations and prosecutions, for example seizure of assets, in order to sanction all the levels of organised crimes groups.

3. For Member States to mutually benefit from one another's efforts, information on the outcomes of and difficulties in such investigations and prosecutions should be communicated to Europol and, where appropriate, Eurojust and OLAF so that a stronger EU position can be taken.

Implementation of the priorities :

- All relevant authorities in the Member States should, alongside other national considerations, take account of the strategic priorities adopted by the Council and the OCTA in planning their individual and joint responses to the threats they face from organised crime. In so doing, they should use the mechanisms and structures mentioned in the action plan in annex 2 but also implement the priorities through national, bilateral and regional means and in their external relations, in accordance with national legislation.
- All relevant EU bodies, agencies, working groups shall take account of these priorities and reflect them in their strategic planning,

working programmes, budgets, annual reporting and external relations. They shall also be taken into account in the mid-term review and updating of the Hague Programme (Action Plan). Regular and practical measures shall be taken to ensure a horizontal coordination and cooperation between the different parties involved.

- In concreto, the tasks as set out in the (non-exhaustive) action plan in annex should be carried out. Member States, the Commission and relevant EU Agencies agree to carry out the tasks as set out in annex II. The Presidency, in association with the Commission, is responsible for overseeing this implementation. Member States, in taking forward the priority setting as specified in paragraph 4 and the concrete responses, should consider setting up meetings to ensure the co-ordination of activities between the relevant authorities responsible for organised crime. The Article 36 Committee shall monitor the implementation of this action plan and the coordination applied in doing so and shall provide an interim report to the Council in December 2006.

Methodology: It is necessary to evaluate and refine the methodology for producing the OCTA. Europol and the Member States will optimise the OCTA procedures in line with the experience gained with the 2006 OCTA, and in particular ensure enhanced preliminary coordination with the Member States on the drafting of the OCTA and include a clearer explanation on the sources used for the OCTA and the way the conclusions are drawn. Europol will hold a meeting before the end of July 2006 in order to clarify the methodology for the production of the OCTA, in particular with regard to the criteria for the selection of open sources and private sector sources as well as for the evaluation of information originating from these sources.

To that end, Europol will issue a structured and detailed Intelligence Requirement, where necessary specified for certain areas/respondents. Member States and other relevant stakeholders invited to contribute (PCTF, Eurojust, Frontex, OLAF, ECB, SitCen, private sector ?), will reply to this Requirement by 31 October 2006 at the latest. Europol is invited to submit an update of the OCTA by end of February 2007.

Information of the European Parliament: The European Parliament shall be informed of these conclusions.

Tackling organised crime: developing a strategic concept

The Committee on Civil Liberties, Justice and Home Affairs adopted by a very large majority the own-initiative report of Mr. Bill NEWTON DUNN (ADLE, UK) on a proposal for a European Parliament recommendation to the Council on developing a strategic concept on tackling organised crime.

The recommendation calls on the Council to:

- ask all Member States to ratify the United Nations Convention against Transnational Organized Crime and the protocols thereto on trafficking in persons and migrants, and to enforce these legal instruments;
- encourage Member States strongly to remain steadfast in their support for training and exchange programmes between the competent agencies and authorities involved in tackling organised crime, and calls on them to allocate to these programmes the necessary budgetary resources;
- remind Member States to adapt their internal structures in line with the triple need for procedure modelling, fluidity of information transmission channels and improved knowledge of the phenomenon of organised crime;
- ensure that Member States approximate their criminal-law provisions in close cooperation, with special reference to the definitions of concepts and offences in the fields of organised crime and terrorism;
- call on the Member States to extend, as soon as possible, the use of special investigation techniques and promote the creation of joint investigation teams, established by the Council Framework Decision of 13 June 2002 on joint investigation teams;
- call on the Member States to adopt rules on organised crime and terrorism for the particular protection of the legal order and financial interests of the European Union;
- adopt as a matter of urgency the framework decision on data protection in the third pillar, taking due consideration of the opinion adopted almost unanimously by Parliament;
- draw Member States' attention to the need to bolster investigatory strategies and take effective action to combat organised crime by systematically targeting illegally acquired economic and financial resources;
- call upon the expertise of the newly established Fundamental Rights Agency in order to protect the rights laid down in the Charter of Fundamental Rights and to investigate cases which have arisen in the field of cooperation in home affairs and justice;
- give the necessary autonomy to Europol and Eurojust by granting them full powers of initiative within their respective fields of responsibility so that they can extend their role from coordinators to leaders in the fight against organised crime on a Europe-wide scale;
- support the Member States' efforts in seeking to improve understanding of these criminal phenomena by focusing and networking statistical tools developed within a dynamic framework (as is already the case with OCTA) and on the basis of common indicators;
- give the necessary autonomy to Europol and Eurojust by granting them full powers of initiative within their respective fields of responsibility, accompanied by the establishment of genuine Parliamentary oversight;
- strengthen initiatives intended to protect effectively not only the victims but also the witnesses of crimes, so as to free up sources of information that are often forced into silence by the constant pressure of blackmail and terror from criminal organisations;
- organise a genuine Europe-wide debate should be organised on the appropriateness of a formal status for collaborators of justice at European level and its compatibility with our core common values of respect for human rights and human dignity;
- ask Member States to make a significant effort to inform the general public of the successes achieved through good cooperation at European level;
- take account of the key findings of periodic Eurobarometer which should be given the task of assessing European citizens' perception of the role played by the EU in this field and the desired changes at European level;
- help develop a genuine strategy for organising these messages and disseminating them to the general public;
- promote programmes in particular at local level for raising the public awareness regarding human trafficking for the sexual or labour exploitation mainly of women and children;
- apply the proactive approach in EU policy on tackling organised crime to EU cooperation agreements with non EU-countries;
- adopt a specific approach built around a new transparency and anti-corruption initiative aimed at structuring relations with non-EU countries, particularly those in the EU's neighbourhood;
- maintain the utmost vigilance with regard to possible links between terrorist organisations and organised criminal groups;
- take due account of the fundamental role played by the EU Counter-Terrorism Coordinator;
- continue and intensify the considerations begun under the Austrian Presidency with a view to developing a genuine ?Internal Security

In parallel, the Council is called upon to take steps aimed, as a priority, at intercepting movements of capital generated by money-laundering operations and confiscating assets generated by criminal and mafia-style activities.

Committee members also ask the Council to promote in the Member States ? particularly in those areas where the cultural and social influence of organised crime is strongest ? the conduct in high-risk schools and neighbourhoods of projects to educate people in living within the law, thus combating organised crime by means of a major educational campaign.

Council is also invited to monitor the administrative and governmental activities of elected institutions at national, regional and local level whose members include political figures against whom criminal charges have been brought for links with organised or mafia-style crime.

Tackling organised crime: developing a strategic concept

The European Parliament adopted a resolution based on the own-initiative report by Bill NEWTON DUNN (ADLE, UK) making a recommendation to the Council on developing a strategic concept on tackling organised crime. (Please see the summary of 11/04/2007).

The recommendation calls on the Council to:

- ask all Member States to ratify the United Nations Convention against Transnational Organized Crime and the protocols thereto on trafficking in persons and migrants, and to enforce these legal instruments;
- encourage Member States strongly to remain steadfast in their support for training and exchange programmes between the competent agencies and authorities involved in tackling organised crime, and - calls on them to allocate to these programmes the necessary budgetary resources;
- remind Member States to adapt their internal structures in line with the triple need for procedure modelling, fluidity of information transmission channels and improved knowledge of the phenomenon of organised crime;
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- strengthen initiatives intended to protect effectively not only the victims but also the witnesses of crimes, so as to free up sources of information that are often forced into silence by the constant pressure of blackmail and terror from criminal organisations;
- organise a genuine Europe-wide debate should be organised on the appropriateness of a formal status for collaborators of justice at European level and its compatibility with our core common values of respect for human rights and human dignity;
- ask Member States to make a significant effort to inform the general public of the successes achieved through good cooperation at European level;
- take account of the key findings of periodic Eurobarometer which should be given the task of assessing European citizens' perception of the role played by the EU in this field and the desired changes at European level;
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- take due account of the fundamental role played by the EU Counter-Terrorism Coordinator;

continue and intensify the considerations begun under the Austrian Presidency with a view to developing a genuine ?Internal Security

Architecture?

In parallel, the Council is called upon to take steps aimed, as a priority, at intercepting movements of capital generated by money-laundering operations and confiscating assets generated by criminal and mafia-style activities.

Parliament asked the Council to promote in the Member States ? particularly in those areas where the cultural and social influence of organised crime is strongest ? the conduct in high-risk schools and neighbourhoods of projects to educate people in living within the law, thus combating organised crime by means of a major educational campaign.

The Council is also invited to monitor the administrative and governmental activities of elected institutions at national, regional and local level whose members include political figures against whom criminal charges have been brought for links with organised or mafia-style crime.