Organised crime in the European Union

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The European Parliament adopted a resolution on organised crime in the European Union.

A growing phenomenon: Parliament notes that the mafia-style criminal organisations operating in Europe have an impressively large turnover, particularly in the case of Italian organised crime groups, which are conservatively estimated to have revenues of at least **EUR 135 billion**, a figure which is higher than the combined GDP of 6 EU Member States. Accordingly, it welcomes the measures to curb organised crime proposed in theStockholm Programme, in the relevant action plan and in the internal security strategy and hopes that under the new trio Presidency combating organised crime will be included among the **political priorities**.

Convinced that organised crime, whether or not of the mafia type, is among the key threats to the internal security of the EU and the freedom of its citizens, Parliament stresses the **real risk that criminal organisations may cooperate increasingly frequently with terrorist organisations** and calls for a specific, horizontal EU strategy on the issue, including legislative and operational measures, the allocation of funds and a strict implementation timetable.

Endorsing the Council conclusions of 8-9 November 2010 on the EU policy cycle for organised crime, it calls on the Council to **revise the decision and make provision for Parliament's involvement in this area**.

Parliament goes on to ask Member States to:

- strengthen their judicial authorities and police forces on the basis of the best current experience;
- assign adequate human and financial resources for that purpose;
- pursue a proactive approach to investigation, and draw up national plans to combat organised crime;
- provide for central coordination of activities by appropriate specific structures.

At the same time, Parliament stresses that all measures to counter organised crime must respect fundamental rights in full and be proportionate to the objectives pursued without unduly restricting the freedom of individuals. It expresses deep concern at the attempts by organised crime to infiltrate the sectors of politics, government at all levels, the economy and finance.

Criminal assets: Parliament calls on the Commission, the Council and the Member States to focus their dissuasive action on attacking criminal assets, including those which are often hidden behind a network of front men and supporters, political institutions and lobby groups and make efforts to combat organised crime taking full account of 'white collar' crime.

Improving the EU legislative framework: given that organised crime is growing, Parliament calls on Member States to improve cooperation and coordination and to approximate their legislation, especially with reference to the development of **common, standard procedures and types of criminal offence**, drawing on the good practices. It also asks for the ratification and/or transposition of all European and international legal instruments relating directly or indirectly to action to combat organised crime.

Amongst other measures, and taking account of the extremely limited impact of Framework Decision 2008/841/JHA on organised crime, Parliament calls on the Commission to submit, **by the end of 2013**, **a proposal for a directive** which: i) contains a more concrete definition of organised crime and better identifies the key features of the phenomenon, focusing in particular on the key concept of **organisation**;

ii) proposes the abolition of the current dual approach which criminalises both membership and conspiracy and the identification of a range of typical offences which could be deemed to constitute such a criminal offence; and iii) focuses on attacking **criminal assets**, including those that are indirectly linked to criminal organisations and their affiliates, which are often hidden behind a network of front men and supporters.

The Commission is also called upon to:

- submit a framework proposal for a directive on the procedure for the seizure and confiscation of the proceeds of crime;
- propose European standards on the re-use of crime proceeds for social purposes;
- strengthen the role and competences of Asset Recovery Offices;
- draw up a study by the end of 2013 on the investigative practices employed in the Member States, with particular reference to the use of tools such as telephone interception, environmental interception, search procedures, delayed arrest, delayed seizure, undercover operations and controlled and supervised delivery operations;
- **submit a proposal for a directive, by the end of 2014, on common investigative techniques to combat organised crime**, pursuant to Article 87(2)(c) of the TFEU;
- propose EU legislation covering court witnesses, informers, whistleblowers and their families with all types of victim to be treated equally (in particular the victims of organised crime and of terrorism);
- establish a European fund to protect and assist victims of organised crime and court witnesses;
- promote the role of associations of victims' families.

Eradicating entrenched mafia-style organised crime in the EU: Parliament urges the Commission to draw **up a proposal for a directive to make associating with mafias or other criminal rings a punishable crime in all Member States**, in order to be able to punish criminal organisations which profit from their very existence, through their ability to intimidate even without any specific acts of violence or threats. It states its intent to set up a Parliamentary special committee on the dissemination of criminal organisations which operate across borders, including mafias, one of whose aims will be to investigate the extent of the phenomenon.

Improving the functioning of European structures involved in combating organised crime: Parliament calls on Member States to transpose and implement immediately Council Decision 2009/426 /JHA on the strengthening of Eurojust and to comply with all its recommendations. It asserts the importance of strengthening Eurojust in countering transnational organised crime, with reference to its powers of initiative, particularly the power to initiate investigations.

It also calls on Europol to engage more effectively with organised crime. Closer cooperation between EUROPOL, EUROJUST, OLAF and the European Anti-Trafficking Coordinator is also recommended.

Developing the principle of the mutual recognition of criminal decisions and improving judicial and police cooperation in the EU and with third countries: Parliament considers that considerable attention needs to be paid to informing and raising awareness among judicial and police authorities. They want to ensure the strengthening of judicial cooperation, including that between Member States, in order to establish a **common area of security and justice**.

Included among the measures that Parliament recommends are the following:

- the effective implementation of the European Arrest Warrant;
- ensuring that the European arrest warrants they issue are always forwarded to Interpol;
- giving a new impetus to the work of joint investigation teams both by ensuring full implementation of Framework Decision 2002/465/JHA;

- honing the effectiveness of and regularly update agreements on judicial and investigative cooperation with non-EU countries aimed at combating cross-border organised crime;
- strengthen public sector transparency (in particular the use of public funds);
- introduction of an appropriate system of penalties and suitable detention provisions for offences relating to organised crime, both to discourage the commission of offences and to prevent prisoners from continuing to lead organisations during their sentences.

Counter-measures relating to specific areas of action of organised crime: Parliament stresses the need for a proactive approach to combating corruption and calls on the Commission to place emphasis on measures to counter both public and private sector corruption.

The measures favoured by Parliament include the following:

- prevention of companies linked to organised crime and mafias from taking part in public tenders and public procurement management;
- ensuring the traceability of financial flows in connection with public works, service and supply contracts;
- the drawing up of **black-lists** to prevent the misappropriation of public funds in the EU;
- improvement of policies on offshore financial centres;
- anti-money-laundering measures;
- provision for forms of financial support for companies whose directors report corruption;
- provision for the confiscation of illicit and counterfeit goods across the EU.