Judicial cooperation in Europe

1997/2045(INI) - 13/03/1998 - Text adopted by Parliament, single reading

In adopting the report by Mr Rinaldo BONTEMPI (PSE, I) on judicial cooperation in criminal matters in the European Union, Parliament stressed the need to develop such cooperation with a view to combating organized crime more effectively. The Union's objective of creating an area of freedom, security and justice and attaining full free movement of persons would be impossible to achieve without establishing a common European legal and judicial area. Parliament welcomed in this connection the amendments made by the Amsterdam Treaty to Articles K.3 and K.6 of the Treaty. With reference to the provisions of Article K.12 of the Amsterdam Treaty (closer judicial cooperation in criminal matters), Parliament called on the Member States and the Commission to examine the possibility of applying these provisions in order to resolve major issues. Parliament's involvement in the legislative process relating to these matters was inadequate, and there was a need for greater democratic control. Parliament was concerned that the Amsterdam Treaty did not lay down as mandatory the jurisdiction of the Court of Justice to make preliminary rulings in criminal matters. With regard to conventions, Parliament called on national governments and parliaments to make every effort to speed up ratification procedures for conventions on judicial cooperation within the EU, and condemned the fact that conventions allowed the Member States to include reservations and derogations. It called, in particular, on the EU Member States to abandon or review the principle of dual criminality. It endorsed the requests and proposals contained in the 'Geneva Appeal'. It was in favour of agreements between European States on direct communication between magistrates responsible for an investigation, the setting of firm and prompt deadlines for complying with letters rogatory and action to forward evidence in criminal procedures. It called on governments and the Presidency to give fresh impetus to the work of drawing up a new convention on judicial assistance in criminal matters, which had been in progress since 1996. With regard to approximation of laws and protection of the Union's financial interests, Parliament called for provision to be made for joint indictments for some of the most serious crimes. It supported effective measures to combat the laundering of the proceeds of any kind of crime. The definition of 'corruption' should extend to any act of abuse committed by a public office-holder, regardless of nationality. All serious tax violations should constitute crimes, on condition that the term 'violations' was harmonized. With regard to third countries, Parliament called on the Commission to explore all possibilities of extending the Grotius and Phare programmes or other programmes under way to assist the applicant countries. In the long term, it called for funds to be made available for the Falcone programme so that in future it could incorporate countries outside the Union (Russia, Belarus, Ukraine). Parliament called on the Commission and Council to organize during the current year a joint conference with the national parliaments and the European Parliament on judicial cooperation and the strategies to improve the effectiveness of legal and judicial systems.