Fight against organised crime. Framework Decision

2005/0003(CNS) - 26/10/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Bill Newton Dunn (ALDE, UK) and made some amendments to the Commission's proposal:

-A new article states that Member States shall ensure that Europol is strengthened in its role as a channel of information to combat crime, in order to enable it to perform the task of supplying Member States with information and intelligence making for more effective results in terms of preventing and fighting organised crime. Europol may not be strengthened unless it becomes a European Union body subject to democratic control by the European Parliament.

-Each Member State shall establish a Serious and Organised Crime Unit and an Asset Recovery Unit, to ensure coordination at national level and to act as a single contact point.

-There are new provisions on witness protection and police protection: each Member State must adopt the necessary measures to ensure that persons who supply information useful for the prevention, detection and /or punishment of crimes committed by criminal organisations, whether they are witnesses or offenders are adequately protected against the risks of retaliation, threats or direct intimidation targeting themselves or their relatives.

-Member States will collect statistics on the offences referred to in the legislation and forward those statistics to the Commission, which will draw up harmonised and comparable statistics as from 2006.

-Each Member State must take measures to ensure that, in addition to the penalties already laid down, persons found guilty of offences may also be made subject to a prescribed list of penalties such as the seizure of articles which were used to commit the offence concerned, publication of judicial decisions, and disqualification from public office.

The offences referred to in the legislation must be punishable by a term of imprisonment longer than those already prescribed where the aim of the criminal organisation is terrorism, or the criminal organisation organises trafficking in human beings, or where the criminal organisation is of the mafia type, i.e. it makes use of the intimidation inherent in bonds of association and of the power over others and code of silence which arise from that intimidation for the purposes of committing offences, acquiring directly or indirectly the power to manage or control economic activities, licences, authorisations, public contracts and services, gaining unjust enrichment or advantage for itself or others, impeding or obstructing the free exercise of the right to vote, or procuring votes for its members or for others in elections.