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### ***Combining family and professional life***

29. Underlines the fact that the Member States and public and private organisations should give priority to work-life balance by introducing more family-friendly working conditions such as flexible working hours and teleworking and by developing child facilities, nurseries etc.;

30. Stresses that in order to facilitate work-life balance for single mothers, greater involvement of fathers is necessary; notes in this regard that shared *care* is almost non-existent in some Member States;

31. Urges that, in accordance with the principle of equal opportunities, all initiatives and actions in favour of single mothers be extended also to single fathers;

32. Urges the Commission and the Member States to compile comparative data on this subject at EU level and on the various prevailing trends, with a view also to comparing welfare provisions and systems;

33. Takes the view that those who devote their time and skills to looking after and bringing up children or caring for the elderly should receive social recognition, and whereas this could be achieved by granting such people entitlements in their own right, particularly as regards social security and pensions,

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34. Instructs its President to forward this resolution to the Council and the Commission.

## **Organised crime in the European Union**

P7\_TA(2011)0459

### **European Parliament resolution of 25 October 2011 on organised crime in the European Union (2010/2309(INI))**

(2013/C 131 E/08)

*The European Parliament,*

— having regard to Article 3 of the Treaty on European Union, Article 67, Chapter 4 (Articles 82-86) and Chapter 5 (Articles 87-89) of the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union,

— having regard to the Stockholm Programme on freedom, security and justice <sup>(1)</sup>, the Commission communication 'Delivering an area of freedom, security and justice for Europe's citizens – Action Plan Implementing the Stockholm Programme' (COM(2010)0171) and the Commission communication 'The EU internal security strategy in action: five steps towards a more secure Europe' (COM(2010)0673),

— having regard to the conclusions of the JHA Council of 8 and 9 November 2010 on the establishment and implementation of an EU policy cycle to combat international serious and organised crime,

— having regard to Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime <sup>(2)</sup>,

<sup>(1)</sup> OJ C 115, 4.5.2010, p. 1.

<sup>(2)</sup> OJ L 300, 11.11.2008, p. 42.

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- having regard to the UN Convention against Transnational Organised Crime, adopted by the General Assembly on 15 November 2000 (Resolution 55/25), and its Protocols, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition,
- having regard to Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence, Council Framework Decision 2005/212/JHA of 24 February 2005 <sup>(1)</sup> on confiscation of crime-related proceeds, instrumentalities and property and Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders,
- having regard to Council Decision 2007/845/JHA of 6 December 2007 <sup>(2)</sup> concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime and having regard to Commission report COM(2011)0176 based on Article 8 of that decision,
- having regard to the Council Conclusions on Confiscation and Asset Recovery (7769/3/10),
- having regard to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No 198),
- having regard to the study 'Assessing the effectiveness of EU Member States' practices in the identification, tracing, freezing and confiscation of criminal assets' (2009), commissioned by the Commission,
- having regard to the European Parliament study entitled 'The EU role in fighting transnational organised crime' <sup>(3)</sup>,
- having regard to the OCTA (European Organised Crime Threat Assessment) reports drawn up each year by Europol <sup>(4)</sup>, in particular that of 2011,
- having regard to the Joint Report by Europol, Eurojust and Frontex on the state of internal security in the EU (2010),
- having regard to the annual reports of the European Monitoring Centre for Drugs and Drug Addiction on the state of the drugs problem in Europe,
- having regard to the annual reports of the Italian National Antimafia Directorate; having regard to the reports of the Bundeskriminalamt (BKA, German federal criminal investigation department) on the presence of the 'Ndrangheta in Germany, in particular the most recent of these reports entitled 'Analysis of the activities of the San Luca clan in Germany',
- having regard to the ROCTA (Russian Organised Crime Threat Assessment) report, drawn up by Europol in 2008,
- having regard to the General Report on Europol's activities (2009),

<sup>(1)</sup> OJ L 68, 15.3.2005, p. 49.

<sup>(2)</sup> OJ L 332, 18.12.2007, p. 103.

<sup>(3)</sup> PE 410.678.

<sup>(4)</sup> <http://www.europol.europa.eu/index.asp?page=publications&language=>

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- having regard to the EP-commissioned study entitled ‘Improving coordination between the EU bodies competent in the area of police and judicial cooperation: moving towards a European Prosecutor’,
- having regard to Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union,
- having regard to Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime <sup>(1)</sup>,
- having regard to Eurojust’s annual activity reports (2002-2010) <sup>(2)</sup>,
- having regard to Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network <sup>(3)</sup>,
- having regard to the Communication from the Commission to the Council and the European Parliament on the role of Eurojust and the European Judicial Network in the fight against organised crime and terrorism in the European Union (COM(2007)0644),
- having regard to Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) <sup>(4)</sup>,
- having regard to Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters <sup>(5)</sup>,
- having regard to the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union <sup>(6)</sup> and the Council Acts of 16 October 2001 establishing the protocol thereto and of 18 December 1997 concerning the Convention on mutual assistance and cooperation between customs administrations (Naples II) <sup>(7)</sup>,
- having regard to Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States and subsequent amending acts <sup>(8)</sup>,
- having regard to the Commission communications pursuant to Article 34 of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (COM(2005)0063 and COM(2006)0008),
- having regard to the report on the implementation of the European arrest warrant published by the Commission on 11 July 2007 and the information note from the General Secretariat of the Council of 11 June 2008 concerning the ‘Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant - Year 2007’ <sup>(9)</sup>,

<sup>(1)</sup> OJ L 138, 4.6.2009, p. 14.

<sup>(2)</sup> [http://www.eurojust.europa.eu/press\\_annual.htm](http://www.eurojust.europa.eu/press_annual.htm)

<sup>(3)</sup> OJ L 348, 24.12.2008, p. 130.

<sup>(4)</sup> OJ L 121, 15.5.2009, p. 37.

<sup>(5)</sup> OJ L 350, 30.12.2008, p. 60.

<sup>(6)</sup> OJ C 197, 12.7.2000, p. 3.

<sup>(7)</sup> OJ C 24, 23.1.1998, p. 1.

<sup>(8)</sup> OJ L 190, 18.7.2002, p. 1.

<sup>(9)</sup> 10330/2008.

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- having regard to its recommendation to the Council on the evaluation of the European arrest warrant <sup>(1)</sup>,
- having regard to Council Framework Decision 2002/465/GAI of 13 June 2002 on joint investigation teams <sup>(2)</sup>, and the report from the Commission on national measures taken to comply with the Council Framework Decision of 13 June 2002 on Joint Investigation Teams (COM(2004)0858),
- having regard to the 2009 European Parliament study entitled 'Implementation of the European Arrest Warrant and joint investigation teams at EU and national level' <sup>(3)</sup>,
- having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 <sup>(4)</sup> on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA,
- having regard to the 40 recommendations of the Financial Action Task Force (FATF) to combat money laundering,
- having regard to Directive 2005/60/EC of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing <sup>(5)</sup>,
- having regard to Regulation (EC) No 1889/2005 of 26 October 2005 on controls of cash entering or leaving the Community <sup>(6)</sup>,
- having regard to Regulation (EC) No 1781/2006 of 15 November 2006 on information on the payer accompanying transfers of funds <sup>(7)</sup>,
- having regard to Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector <sup>(8)</sup> and the report from the Commission to the Council based on Article 9 of Framework Decision 2003/568/JHA (COM(2007)0328),
- having regard to the UN Convention against Corruption (known as the 'Merida Convention'),
- having regard to the Council of Europe's Criminal Law and Civil Law Conventions on Corruption; having regard to the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions,
- having regard to Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 <sup>(9)</sup> on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, as subsequently amended,
- having regard to the European Parliament study entitled 'Financial institutions and Structural Funds implementation in southern Italy' (2009),
- having regard to the EU Drugs Strategy (2005-2012) and the EU Action Plan on Drugs (2009-2012),

<sup>(1)</sup> OJ C 291 E, 30.11.2006, p. 244.

<sup>(2)</sup> OJ L 162, 20.6.2002, p. 1.

<sup>(3)</sup> PE 410.671.

<sup>(4)</sup> OJ L 101, 15.4.2011, p. 1.

<sup>(5)</sup> OJ L 309, 25.11.2005, p. 15.

<sup>(6)</sup> OJ L 309, 25.11.2005, p. 9.

<sup>(7)</sup> OJ L 345, 8.12.2006, p. 1.

<sup>(8)</sup> OJ L 192, 31.7.2003, p. 54.

<sup>(9)</sup> OJ L 134, 30.4.2004, p. 114.

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- having regard to the World Drug Report 2010 of the United Nations Office on Drugs and Crime (UNODC),
  - having regard to the 2010 annual report of the European Monitoring Centre for Drugs and Drug Addiction on the state of the drugs problem in Europe,
  - having regard to the study by the Centre for the Study of Democracy ordered by the Commission, entitled 'Examining the Links between Organised Crime and Corruption' (2010),
  - having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein and the Commission recommendation of 13 June 2007 <sup>(1)</sup> identifying a set of actions for the enforcement of the Regulation,
  - having regard to the 'Study on extortion racketeering: the need for an instrument to combat activities of organised crime', carried out by Transcrime in 2008 and financed by the Commission,
  - having regard to the Council resolution of 25 September 2008 on a comprehensive European anti-counterfeiting and anti-piracy plan and the Council resolution of 23 October 2009 on a reinforced strategy for customs cooperation,
  - having regard to Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law <sup>(2)</sup>,
  - having regard to Written Declaration 2/2010 of the European Parliament on the Union's efforts in combating corruption,
  - having regard to the Communication from the Commission to the European Parliament and the Council of 20 November 2008 – Proceeds of organised crime: ensuring that 'crime does not pay' (COM(2008)0766),
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Women's Rights and Gender Equality (A7-0333/2011),
- A. whereas it is one of the primary objectives of the European Union to create an area of freedom, security and justice without internal borders, in which crime is prevented and combated (Article 3 of the TFEU), and to ensure a high level of security through measures to prevent and combat crime and measures for coordination and cooperation between police and judicial authorities and other competent authorities, as well as through the mutual recognition of judgements in criminal matters and, if necessary, through the approximation of criminal laws (Article 67 TFEU);
- B. whereas organised crime has a substantial social cost, in that it violates human rights, undermines democratic principles, diverts and wastes financial, human and other resources, distorting the free internal market, contaminating businesses and legitimate economic activities, encouraging corruption and polluting and destroying the environment;
- C. whereas alarming evidence that has emerged from the courts and from investigations by police and journalists indicates that, in some Member States, organised crime has infiltrated, and become solidly entrenched in, political circles, the public sector and legitimate economic activities; whereas it is conceivable that similar inroads have also been made, thereby strengthening the position of organised crime, in the rest of the European Union;

<sup>(1)</sup> OJ L 61, 3.3.1997, p. 1.

<sup>(2)</sup> OJ L 328, 6.12.2008, p. 28.

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- D. whereas the purpose and basis of organised crime is to make an economic profit and consequently if action to prevent and combat the problem is to be effective, it must focus on identifying, freezing, seizing and confiscating the proceeds of crime; whereas the legal framework which currently exists at EU level does not appear to be an adequate basis for serious action to tackle the problem and there is a need for legislation which would, for example, allow so-called 'extended confiscation' and action targeting assets registered in the name of front persons and organisations; whereas, moreover, the re-use of confiscated assets for social purposes fosters a positive attitude to strategies aimed at tackling organised crime, since confiscating an asset is no longer regarded solely as a means of depriving a criminal organisation of resources but is doubly constructive in that it both helps to prevent organised crime and has the effect of boosting economic and social development;
- E. whereas criminal organisations are concentrating their activities on a large number of ever-expanding fields including, for example, international drug trafficking, trafficking in and the exploitation of human beings, financial crime, international arms trafficking, counterfeiting, cybercrime, environmental crime, the diversion of public funds, fraud and extortion, most of which activities are trans-national and pan-European by nature; whereas a large proportion of the proceeds of these criminal activities is laundered;
- F. whereas illegal immigrant women and girls are more vulnerable to organised crime, for example through prostitution and trafficking, than women and girls who are EU nationals;
- G. whereas, although no comprehensive study exists, the mafia-style criminal organisations operating in Europe have an impressively large turnover, particularly in the case of Italian organised crime groups, which, as found by many studies (including the Eurispes study) and confirmed by the joint Eurojust, Europol and Frontex report in 2010, 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, the foremost example being the 'Ndrangheta, the most deeply entrenched mafia group in the EU countries and in the world, which has an estimated annual turnover of at least EUR 44 billion;
- H. whereas the threat to the European Union from organised crime goes beyond the borders of the Union and must, therefore, be addressed with due regard to the need for a global and international approach requiring close cooperation with third countries and with international organisations such as, for example, Interpol and the United Nations Office on Drugs and Crime (UNODC);
- I. whereas corruption is the standard means by which organised criminals employ blackmail or dispense rewards in order to divert public resources and worm their way into local politics, government and the private sector;
- J. whereas money laundering is one of the most insidious channels enabling legitimate activities to be contaminated by illicit activities and an indispensable transition process, without which the purchasing power acquired through crime would remain merely potential, usable within illegal circles but incapable of translating into real economic power; whereas cooperation and international collaboration are essential in order to tackle money laundering effectively;
- K. whereas international drug trafficking is the main source of profit for organised criminals and mafias, providing the basis for them to establish themselves economically and socially; whereas the EU is both one of the largest markets for drug trafficking (heroin, cocaine, and cannabis) and a producer (more often than not of synthetic drugs); whereas the trafficking also extends to many clearly identifiable non-European production and transit countries, especially in Latin America, West Africa and Asia;

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- L. whereas extortion, racketeering and usury are among the ways in which organised criminals infiltrate the legal economy, severely distorting any form of free market and curtailing the rights of citizens, entrepreneurs, workers and professionals; whereas, as was shown by the 2008 Commission-funded Transcrime study entitled 'Study on Extortion Racketeering: the Need for an Instrument to Combat Activities of Organised Crime', this phenomenon is assuming alarming proportions in at least half of the EU Member States and exists on a significant scale in the other half; whereas the spread of extortion racketeering stands in a direct relationship to the extent of the control of a country and its economic/business and political activities exercised by organised criminals; whereas the first essential steps to take to combat extortion racketeering effectively are to encourage victims to report offences and to ensure that official authorities maintain a strong presence;

### **Introduction**

1. Welcomes the measures to curb organised crime proposed in the Stockholm 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 and tangible results achieved;

2. Is 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; considers that, although there is a risk that criminal organisations may cooperate increasingly frequently with terrorist organisations, organised crime should be treated separately from terrorism, 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; endorses the Council conclusions of 8-9 November 2010 on the EU policy cycle for organised crime and calls on the Council to revise the decision and make provision for Parliament's involvement in determining priorities, discussing the strategic objectives and assessing the outcome of the policy cycle;

3. Supports Member States in their actions to combat organised crime and encourages them to strengthen their judicial authorities and police forces on the basis of the best current experience, including by comparing the legislation and resources designed to support their activities, and to assign adequate human and financial resources for that purpose; calls on the Member States to pursue a proactive approach to investigation, draw up national plans to combat organised crime, and provide for central coordination of activities by appropriate specific structures, taking their cue from the most successful experiences of some Member States; calls for the COSI to organise an annual meeting attended at least by Member States, the Commission, the Council, the European Parliament, Europol and Eurojust where the results achieved and the future plans for combating organised crime at EU and national level can be presented;

4. Stresses that all measures to counter organised crime must respect fundamental rights in full and be proportionate to the objectives pursued and that these objectives must be necessary in a democratic society, in accordance with Article 52 of the Charter of Fundamental Rights, without unduly restricting the freedom of individuals, as enshrined in the European Convention on Human Rights, the EU Charter of Fundamental Rights and constitutional principles common to the Member States;

5. Noting that Article 222 TFEU establishes the legal obligation of the European Union and its Member States to implement the solidarity clause, expresses deep concern at the attempts by organised crime to infiltrate the sectors of politics, government at all levels, the economy and finance; 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; stresses that efforts to combat organised crime must take full account of 'white collar' crime;



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**Improving the EU legislative framework**

6. Given that international criminal networks are highly active and that organised crime is growing in scale and sophistication, 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 of the legal systems that are the most highly developed in terms of countering organised crime; calls on the Member States to ensure the timely and effective ratification and/or transposition of all European and international legal instruments relating directly or indirectly to action to combat organised crime;

7. Taking account of the extremely limited impact on the legislative systems of the Member States of Framework Decision 2008/841/JHA on organised crime, which has not made any significant improvement to national laws or to operational cooperation to counter organised crime, calls on the Commission to submit, by the end of 2013, a proposal for a directive which 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 and also taking into account new types of organised crime; requests, as regards the offence of membership of a criminal organisation and with due regard to the different and specific characteristics of the various national legal systems, a study of the abolition of the current dual approach (which criminalises both membership and conspiracy) and the identification of a range of typical offences which, regardless of the maximum sentence permitted in the legal system of Member States, could be deemed to constitute such a criminal offence; calls also for more rigorous scrutiny of the question of criminalising all forms of support for criminal organisations;

8. Calls on the Commission to submit, as soon as possible, a framework proposal for a directive on the procedure for the seizure and confiscation of the proceeds of crime, as provided for in its 2011 Work Programme, and therefore calls on the Commission, having regard to the requirement to respect fundamental rights as enshrined in the Charter of Fundamental Rights and the European Convention on Human Rights:

- to elaborate rules on the effective use of instruments such as extended and non-conviction-based confiscation;
- to elaborate rules concerning the mitigation of the burden of proof after the conviction of an offender for a serious offence (including offences related to organised crime) concerning the origin of assets held by the offender;
- to encourage the introduction of instruments in national legal systems which, under criminal, civil or fiscal law, as appropriate, mitigate the burden of proof regarding the origin of assets held by a person accused of an offence related to organised crime;
- to include in its proposal rules allowing for the seizure and subsequent confiscation of assets assigned to third parties; also calls for the actions of the front man in such cases to be treated as a criminal offence, since their aim is to sidestep the enforcement of asset protection measures or facilitate the commission of the offences of receiving, laundering and using money obtained illegally; therefore calls on the Commission to stipulate in its legislative proposals that the concept of the proceeds of crime set forth in the United Nations Convention of Palermo and included in Framework Decision 2008/841/JHA extends beyond the notion of profit; calls on the Member States with immediate effect to incorporate this concept into their laws so as to ensure that any revenue directly or indirectly connected with the commission of offences related to organised crime may be subject to seizure and confiscation;

9. Calls on the Commission to accept and support the urgent need for European legislation on the re-use of crime proceeds for social purposes, including court witness protection, so that the capital of criminal organisations or their associates can be reinjected into legal, clean, transparent and virtuous economic circuits;



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10. Is in favour of closer cooperation between Member States on recognition and proper execution of seizure and confiscation orders; believes that Asset Recovery Offices are a vital tool in combating organised crime and that they have to be provided with the necessary resources, expertise and powers as soon as possible; endorses the Commission's analysis of the main difficulties encountered by existing Asset Recovery Offices; calls on the Commission to strengthen the role and competences of Asset Recovery Offices and give them more flexible and uniform access to information, respecting EU fundamental rights and data protection standards;

11. Calls on the Commission to draw up a study by the end of 2013 on the investigative practices employed in the Member States to combat organised crime, 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; calls on the Commission to 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 Treaty on the Functioning of the European Union;

12. Stresses the importance of providing appropriate protection for primary and secondary victims of organised crime, court witnesses, informers, whistleblowers and their families; in this regard welcomes the Commission's proposal for a directive establishing minimum standards for the rights, support and protection of victims of crime but calls for EU legislation covering also court witnesses, informers, whistleblowers and their families; calls for all types of victim to be treated equally (in particular the victims of organised crime and of terrorism and those injured in the course of their duties) and for the protection of court witnesses, informers, whistleblowers and their families to be extended over and beyond the duration of the court proceedings; stresses that minors need special attention, treatment, protection, assistance and guidance when they are victims of organised crime; calls on the Commission to set out clear guidelines for assisting court witnesses, informers, whistleblowers and their families, according them European transnational legal status and extending any protection granted to them within the Member States, if so requested by the Member State of origin of the informers, witnesses or whistleblowers; proposes establishing a European fund to protect and assist victims of organised crime and court witnesses, including via support for nongovernmental anti-mafia and anti-racketeering associations recognised by Member States; welcomes the adoption by some Member States of legislative provisions designed to improve the protection of witness and informers in cases related to organised crime (e.g. by allowing the use of remote court hearings);

13. Calls on the Commission and Member States to promote the role of associations of victims' families, dialogue between such associations and the institutions and the establishment of an EU forum of associations of victims' families;

#### ***Eradicating entrenched mafia-style organised crime in the EU***

14. Urges on the Commission to draw up a proposal for a directive to make associating with mafias or other criminal rings apunishable 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 – with the aim of committing crimes, influencing the running of the economy, general government, public services and the electoral system;

15. Intends to set up, within three months of the adoption of this resolution, a 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 and the negative social and economic impact it has throughout the EU, including the issue of the misappropriation of public funds by criminal organisations and mafias and their infiltration into the public sector, as well as the contamination of the legal economy and financial system, while another aim will be to identify a range of legislative measures in order to address this tangible and acknowledged threat to the EU and its citizens; calls, therefore, on the Conference of Presidents to put forward a proposal under Rule 184 of the Rules of Procedure;

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16. Calls on the Commission, in cooperation with Europol and Eurojust, to conduct a study by June 2013 to assess the negative impact of transnational organised crime in the European Union; calls on Europol to draw upon a thematic OCTA on the threat posed by the presence of mafia-type criminal organisations in the EU by 2012;

17. Stresses that according to the OCTA report (an assessment carried out by the European Union into the threat posed by organised crime) published by Europol in 2011, criminal organisations are displaying a genuine capacity to adapt and are identifying and rapidly exploiting new illegal markets; considers it necessary, therefore, not only to combat traditional organised crime activities but also to pay particular attention to the new forms of organised crime;

***How to improve the functioning of European structures involved in various ways in fighting organised crime and to strengthen relations with other international institutions***

18. Calls on the Member States to immediately transpose and implement Council Decision 2009/426/JHA on the strengthening of Eurojust and to comply with all its recommendations; calls on the Member States to ensure that their Eurojust national members will be informed without delay in the case of crimes involving at least two Member States and in which there are clear indications that a criminal organisation is involved; asserts the importance of strengthening Eurojust in order to improve its effectiveness in countering transnational organised crime, with reference to its powers of initiative, particularly the power to initiate investigations, and to those conferred upon it under Article 85 of the Treaty on the Functioning of the European Union; calls on the European institutions to bring their political influence to bear at international level to launch a review of the possibilities of exchanging some of the experience acquired by the EU, including by Eurojust, at international level and, possibly, making available the know-how acquired to date at EU level;

19. Calls on the Commission to draft, as soon as possible, an impact assessment on the added value of the European Public Prosecutor's Office, considering the possibility of extending its remit to include the combating of serious cross-border organised crime and corruption, as provided for under Article 86(4) of the Treaty on the Functioning of the European Union, and taking into account the impact on fundamental rights and the rights of the defence in particular and the need for prior harmonisation of standards of procedural and substantive criminal law and criminal jurisdiction rules; calls on the Commission to enter into consultations with all relevant stakeholders, including the Fundamental Rights Agency, the European Data Protection Supervisor, the Council of Europe, the European Parliament, national parliaments and civil society, to discuss the implications of the possible establishment of the European Public Prosecutor's Office;

20. Endorses the five-year strategy for the development of Europol outlined in 2009; calls on Europol to step up meetings and relations with the European Parliament in order jointly to review progress with this strategy and any problems at periodic intervals; calls on Europol to engage more effectively with organised crime and mafia-style crime by setting up and strengthening a specific section in its organisation and by making more of the allocated funding on this area; calls on Europol to collaborate even more closely with Interpol with a view to combating criminal organisations at international level, with particular reference to the issue of information-sharing; calls on Europol to establish closer links and conclude strategic and operational agreements with the competent authorities of third countries;

21. Calls on the Member States and the Commission to improve cooperation between national police services in practice, removing formal obstacles as far as possible;

22. Reiterates the importance of improved practical cooperation among police and judicial authorities of the Member States in order to exchange data on criminal organisations and to coordinate investigations; calls upon the Commission and Eurojust to set up a more effective network of national focal points to this effect; furthermore, requests the Commission to submit annual reports on progress made with intensified cooperation among police and judicial authorities in the field of organised crime;

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23. Recognises that, despite the protocols and bilateral agreements between Europol, Eurojust and OLAF, there is still significant room for improvement as far as cooperation between these institutions is concerned; calls, therefore, on Europol, Eurojust and OLAF and the European Anti-Trafficking Coordinator to make tangible, joint efforts both to assess and constantly update the cooperation agreements and to implement them, notably with reference to exchanges of case summaries, information relating to cases and strategic information and data; considers that, for cooperation between Europol, Eurojust and OLAF to be fully effective, a clear breakdown of responsibilities needs to be established with a view to avoiding any duplication of effort; calls on the Commission to conduct a study to assess the effectiveness of EU and Member States' crime-fighting agencies;

***Developing the principle of the mutual recognition of criminal decisions and improving judicial and police cooperation in the EU and with third countries***

24. Is aware that, in order to overcome practical obstacles to judicial cooperation, considerable attention needs to be paid to informing and raising awareness among the judicial and police authorities and calls on the Member States to consider judicial and police training a political priority; at the same time, calls on the Commission to mobilise the appropriate resources, including financial ones, to support the activity of the Member States;

25. Recognises that judicial cooperation, including that between Member States, is one of the pillars for combating transnational organised crime and for establishing a common area of security and justice, and calls on the Member States to honour their commitments and immediately transpose all the judicial cooperation instruments that already exist at EU level, in particular the 2000 Convention on Mutual Assistance in Criminal Matters and its 2001 Protocol and the Framework Decision on joint investigation teams; is aware that, in order to overcome practical obstacles to judicial cooperation, considerable attention needs to be paid to informing and raising awareness among the judicial and police authorities and defence lawyers and calls on the Member States to consider judicial and police training plus defence rights a political priority; at the same time, calls on the Commission to allocate the appropriate resources, including financial ones, to support the activity of the Member States;

26. Calls on the Member States and the Commission to continue their efforts with a view to the effective implementation of the European Arrest Warrant; calls on the Commission to consider whether the grounds for optional non-execution of the European arrest warrant referred to in Article 4 of the framework decision could be redrafted to meet the Union's fundamental rights obligations and in the light of experience gained with subsequent mutual recognition instruments in respect of offences generally associated with organised crime, including the offence of mafia association; calls on the judicial authorities of the Member States to make every effort to ensure that the European arrest warrants they issue are always forwarded to Interpol;

27. Acknowledges the fundamental role played by joint investigation teams in combating cross-border organised crime and voices its concern at the fact that, owing to inadequate transposition of the relevant framework decision and to foot-dragging on the part of some national judicial authorities, this investigative instrument is not being used to best effect; calls on the Commission and the Council to give a new impetus to the work of joint investigation teams both by ensuring full implementation of Framework Decision 2002/465/JHA in all Member States and by providing adequate financial support; stresses that the results achieved by joint investigation teams can be assessed at European level (e.g. on the basis of the value of items confiscated) and at national level (e.g. on the basis of the effectiveness of individual team members), and calls on the Commission to address this issue in cooperation with Eurojust and Europol;

28. Points out that borders are not an obstacle to organised crime; considers it necessary, therefore, for the external dimension of organised crime to be integrated into the framework of Europe's effort to combat the phenomenon; notes that it is important, to that end, to involve more deeply the European External Action Service and the Joint Situation Centre (SitCen); calls on the Commission to continue to hone the effectiveness of and regularly update agreements on judicial and investigative cooperation with non-EU countries aimed at combating cross-border organised crime; calls, furthermore, for due account to be taken when drafting such agreements of the specific threats that organised crime in the individual countries poses to the EU's internal and external security; calls on Europol to produce more frequent and more detailed

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analyses of non-European criminal organisations whose activities have a direct or indirect impact on the European Union; considers it essential to continue and step up the efforts being made by the EU and the international institutions in the Balkans, particularly in connection with action to combat organised crime; calls on the Commission, in collaboration with Europol, to develop a joint project with Interpol to support the establishment and implementation of a regional system for the exchange of police and judicial information with West Africa, while making available to the Economic Community of West African States the necessary know-how and resources, not least in the field of training and follow-up;

#### ***Other recommendations to counter organised crime***

29. Stresses the importance of promoting a culture of legality and increasing awareness and knowledge of the issue among citizens and, in general, public opinion; highlights, in this regard, the fundamental role of the press, free from all outside influences, enabling it to investigate and publicise the links between organised crime and vested interests; considers that the pursuit of these activities must be guaranteed with due respect for the fundamental rights to personal dignity, honour and privacy; calls on the Commission to put forward specific action plans with a view to developing a culture of legality, involving among other things the creation of specific budget lines for this purpose;

30. Emphasises that the European institutions and Member States need to take a holistic approach to child trafficking which mainstreams multi-sectoral interventions to protect the rights of trafficked children and children at risk of trafficking; insists that Member States should participate actively in the fight against illegal adoption and develop a framework to ensure transparency and effective monitoring of the development of abandoned and adopted children;

31. Emphasises the vital importance of public sector transparency in the fight against organised crime and calls on the Commission to take action to lay down the necessary rules and ensure that the allocation and use of EU funds is fully traceable and monitored both by the competent institutions and the citizens and press; calls for this information to be promptly made available on an appropriate internet site in a format which is machine-readable, comparable and open-data, and in at least one of the EU's working languages, to ensure that such information is easily accessible and can be re-used and processed by civil society; calls on the Member States to adopt similar measures to make all transactions using public funds transparent, with particular reference to local authorities, which are more liable to infiltration by organised crime, taking into account the inherently secretive nature of measures to fight organised crime;

32. Calls, with respect for all human rights and fundamental freedoms, for the 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 or from helping them to achieve their aims by committing further crimes;

#### ***Counter-measures relating to specific areas of action of organised crime***

33. Is convinced of the intrinsic link between organised crime and corruption and emphatically reiterates the request it expressed when adopting Written Declaration 02/2010, both with reference to the creation of a mechanism of an objective and quantifiable nature to assess and monitor the policies of the 27 Member States in combating corruption and with regard to the framing of a comprehensive anti-corruption policy by the EU institutions; 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; considers it, moreover, a priority to develop effective measures to combat corruption in the neighbourhood policy, in the area of pre-accession and in the use of development aid funds, in particular by the European Investment Bank and the new bodies being set up under the auspices of the European External Action Service; calls on the Commission to inform Parliament and introduce effective monitoring of the measures taken and results achieved;

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34. Calls on the Member States immediately to ratify international anti-corruption instruments, in particular the United Nations Convention against Corruption and the Council of Europe's Criminal Law and Civil Law Conventions on Corruption (1999);

35. Undertakes to lay down rules to ensure that those who have been convicted, by a judgment which has the force of *res judicata*, of membership of criminal organisations or of offences typically committed in connection with such organisations (such as trafficking in human beings, international drug trafficking, money laundering, fraud, corruption and extortion) will be unable to stand for election to the European Parliament; calls on the Member States to lay down similar rules for national and local elections;

36. Calls on the Commission to draw up clear guidelines and adequate legislative proposals to prevent companies linked to organised crime and mafias from taking part in public tenders and public procurement management; calls on the Commission and Member States to ensure the traceability of financial flows in connection with public works, service and supply contracts and to evaluate the introduction of rules to punish the obstruction of administrative selection procedures for the award of contracts by public authorities; calls on the Commission to ensure that Article 45 of Directive 2004/18/EC is applied fully and correctly, by excluding in principle the 'self-cleaning' mechanisms, making it clear that convictions against both legal entities and physical persons will give rise to exclusion, and ensuring that these grounds for exclusion are permanent or for a reasonable period rather than being confined to the period of conviction; calls on the Commission to present proposals setting out grounds for exclusion from public procurement procedures and special precautions in respect of people who are currently under investigation or being prosecuted; calls for an extension of the range of offences giving rise to exclusion to all those offences typically committed in connection with organised crime and for action to prevent the relevant legislation being evaded through the use of front men and supporters; calls on the Member States to adopt similar measures in respect of all types of contract, concession, licence and State aid, even where these are not covered by EU legislation; calls on the Commission to develop appropriate legislative and operational instruments for the exchange of information between Member States and between Member States and EU institutions and agencies and for the drawing-up of black-lists to prevent the misappropriation of public funds in the EU;

37. Welcomes the adoption of Directive 2011/36/EU on preventing and combating trafficking in human beings, a phenomenon often related to the activities of organised crime in the form of the exploitation of prostitution and labour, the removal of organs and enslavement; stresses the extreme importance of rapid and effective implementation of this Directive;

38. Urges the Member States and the EU institutions to give due consideration to the fact that organised crime is continuing to further its own activities and interests, including by means of drug trafficking, and endeavouring to extend the global market in illegal drugs to new markets and new substances;

39. Calls on the European Investment Bank and all the European development finance institutions of the Member States to improve their policies on offshore financial centres and uncooperative jurisdictions, in particular by adopting a list of jurisdictions that should be monitored more stringently by reference to the OECD's black list and grey list and by carrying out specific 'due diligence' of every country as necessary, while prohibiting any form of support for financial intermediaries in jurisdictions which are regarded as high-risk and requiring the relocation of registered companies resident in uncooperative jurisdictions and offshore financial centres as an essential prerequisite for financial support for specific activities; calls on the European institutions and the Member States to actively commit to ensuring the correct implementation of all 40 recommendations of the Financial Action Task Force through the adoption of specific policies for each institution, including enhanced due diligence, particularly in politically sensitive cases;

40. Stresses that organised crime uses communication and information technologies for illegal purposes, to commit offences involving identity theft, cybercrime, fraud, illegal gambling and rigged sports events; calls, in this connection, for the development of a coherent European legislative framework; calls on EU institutions to call on as many as possible of their international partners to sign and ratify the 2001 Convention on Computer Crime; emphasises the trend that criminal organisations increasingly focus on opportunities for money laundering or financial crime which could result in an increasingly widespread development of internet-based criminal activities;



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41. Calls on the European institutions to send out a clear message at EU and international level with a view to curbing all forms of money laundering through the use of the financial markets, in particular by: envisaging possible capital control measures, as recently suggested by the International Monetary Fund itself; encouraging a reduction of the pervasiveness of the financial markets in the context of short-term operations; imposing increased transparency on the use of public funds, first and foremost on those to support private-sector development, and carrying out an effective offensive against tax havens by imposing country-by-country financial reporting on all multinational economic operators; promoting a multilateral agreement on the exchange of tax-related information whilst revising the definition of 'tax haven' and the list of these secret jurisdictions; calls on the Commission to draw up clear guidelines on the traceability of money so as to make it easier to identify cases involving the laundering of money deriving from illegal activities; calls on the Commission, with a view to its legislative proposal to update the Money Laundering Directive, to generalise as far as possible the criminalisation of laundering of the proceeds of crime and to establish a legal basis for the widest possible range of investigative powers in this area; calls, in this connection, for all the Member States to be required to criminalise 'self-laundering', or the laundering of illicit funds by the very person or entity having obtained those funds by unlawful means; also calls on the Commission, in its proposal, to consider the possibility of extending the criminalisation of laundering to cases where the perpetrator should have known that the assets in question were the proceeds of crime;

42. Calls on the Commission carefully to monitor the transposition by the Member States of the EU directive on the protection of the environment through criminal law, to ensure that it is done promptly and effectively; calls on the Commission to develop innovative instruments for the prosecution of those who commit environmental offences in which organised crime plays a role, for example by submitting a proposal to extend to the EU Italy's positive experience with the offence of 'organised illegal waste trafficking', since 2011 classed as an offence with a major social impact (and thus dealt with by the District Anti-mafia Bureau); calls for stronger action by the CITES offices and closer coordination between those offices at European level in combating illegal trafficking in protected and endangered animal and plant species;

43. Calls on the Member States to adopt a proactive approach to investigating cases of extortion, for example through incentives and forms of financial support to enable complainants to continue their business activities, together with the launch of investigations on the basis of intelligence work; believes it is essential to strengthen both the role of civil society and partnerships between civil society and the judicial system and the police, and that this is to be encouraged; calls on Member States to encourage the signing of memorandums of understanding between the public and traders and entrepreneurs complaining of racketeering, in order to enable them to work despite the attendant difficulties; calls on the Commission, in its proposal for a directive on the confiscation of the proceeds of organised crime, to extend the measures currently provided for in Article 3(1) of Framework Decision 2005/212/JHA to the offence of extortion;

44. Calls on the Commission to incorporate specific provisions on the role of organised crime in the legislative framework applicable to the fight against counterfeiting; endorses the decisions set out in the Council resolution of 23 October 2009 on a reinforced strategy for customs cooperation, with particular reference to the development of new forms of cooperation and new investigative techniques, the adoption of an institutional approach based on cooperation between customs services, the police and other competent authorities, and improvements to the existing cooperation process in order to develop an effective approach to fighting cross-border organised crime and allow the confiscation of illicit goods across the EU; maintains that the greatest possible emphasis must be placed on these aspects in the context of the adoption and implementation of the Fifth Action Plan for Customs Law Enforcement Cooperation;

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45. Instructs its President to forward this resolution to the Council, the Commission, the national parliaments, Europol, Eurojust, the European Investment Bank, Interpol and the UNODC.

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