



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 June 2012

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NOTE

from: General Secretariat of the Council
to: Delegations

Subject: Summary record of the meeting of the European Parliament **Special committee on organised crime, corruption and money laundering (CRIM)**, held in Brussels on 19 June 2012

The meeting was chaired by Ms ALFANO (ALDE, IT). The agenda was adopted. The committee approved the minutes of the meeting of 21 May 2012.

Cluster 1: Assessing the extent and impact of organised crime in the EU (definitions, key figures and evaluations, typology of transnational organisations, geographical mapping, main fields of activities)

Item 4 on the agenda

Exchange of views on the extent and impact of organised crime in the EU and fraud regarding the EU budget - with Mr Kessler, Director- General of the European Anti-Fraud Office (OLAF)

Mr Kessler stressed that organized crime was clearly not related to a specific Member State and that, accordingly, the fight against fraud could not be carried out at a national level alone. He pointed out that, in his view, many instruments of judicial cooperation were too slow and inadequate as they inevitably comprised a national perspective on an issue that was transnational in nature.

Referring to the work of OLAF he explained that the investigations that had been undertaken were of an administrative nature and that in order to bring the case before a national court a separate investigation needed to be carried out. He considered that a possible quantitative step forward could be taken if OLAF and EUROJUST could carry out judicial investigations and an EU Prosecutor were able to prosecute directly before national courts.

During the discussion the following issues were raised: the new institutions or organs that could be set up to ensure that organised crime could be addressed more effectively (Mr NEWTON DUNN, ALDE, UK); the definitions of organised crime used in OLAF (Mr SØNDERGAARD, GUE/NGL, DK); the embryonic nature of EUROJUST and OLAF structures (Ms BORSELLINO, S&D, IT).

Mr Kessler replied that the EU clearly needed the requisite tools and that law enforcement could be improved. He advocated a fully fledged EU investigative body with a Prosecutor's office invested with powers of indictment. He stressed that the Commission had been preparing some proposals for next year. He also supported the idea of having more EU substantive criminal law which would help reduce the likelihood of exploiting differences between legal systems.

Ms LUDFORD (ALDE, UK) acknowledged that one could agree that some harmonisation was needed, but expressed doubts regarding whether the EU Prosecutor's office would be able to effectively cooperate with national authorities in practice. Mr Kessler explained that it was essential to move from a cooperative approach to an integrated approach, and that a small office was envisaged that would depend on a network of national prosecutors (national offices), coordinated by the EU Prosecutor (central office).

Item 5 on the agenda

Exchange of views on the extent and impact of organised crime in Italy and its extension at European and international levels - with Alfonso D'Alfonso, Director of the Anti-Mafia Investigation Department (Italy)

Mr D'Alfonso gave a historical overview regarding various forms of the Italian Mafia and explained how these have shifted from mainly illegal activities (such as drug trafficking) towards operations affecting various sectors of economy (such as the real estate sector), which were not so visible and which extended geographically beyond Italy.

He expressed his support for setting up an analytical unit within the Europol, which would have the added value of making available "investigative know how" across the EU Member States.

During the discussion the following issues were raised : cooperation with authorities from Western Balkan countries (Ms FAJON, S&D, SI); the question whether there was a need to further harmonise criminal legal systems (Ms ALFANO, ALDE, IT).

Mr D'Alfonso replied that cooperation with the Western Balkan authorities was excellent and that he supported further harmonisation of legislation on organized crime so as to ensure that such criminal phenomena were fully recognized in the criminal laws of all EU Member States.

Item 6 on the agenda

Exchange of views on the extent and impact of organised crime in the EU as assessed by Europol (Organised Crime Threat Assessment) - with Rob Wainwright, Director of Europol

Mr Wainwright briefly presented Europol's work and expressed his support for the work of CRIM. He advocated more coordination at EU level in order to develop a more coherent and effective response. Referring to the most recent assessment issued by Europol in 2011 on the threat of organised crime in the EU, he explained that there were four to five key nodal points for organised crime activities in the EU, and that trends showed diversification of portfolios with new opportunities for online fraud, counterfeiting medicines as well as emerging connections to the financing of terrorism. He also pointed out that the role of the EP was to act as the voice of the general public and to assure democratic legitimacy.

During the discussion Mr KIRKHOPE (ECR, UK) expressed his deep dissatisfaction with the decision of the EP's Conference of Presidents to suspend work on the PNR report (for which he was the Rapporteur) over the issue of the Council's decision on the legal basis of the Schengen evaluation mechanism. In addition, he asked Mr Wainwright what new powers Europol might have in the future. Mr MIRSKY (S&D, LT) stressed the need to focus on corruption, in particular, in the context of the present economic crisis and Ms MATHIEU asked about connections between organised crime and terrorism.

Mr Wainwright replied that it seemed that there were some links between terrorist activities and organised crime although the body of evidence was not yet compelling. He stressed that Europol's powers were clearly defined by the Treaty, and Europol would not become an executive agency but that its unique added value was to improve the common response to EU-wide threats.

Item 7 on the agenda

Exchange of views on the extent and impact of organised crime in the EU with a practitioner and leading expert on the subject - with Jean-François Gayraud, Commissaire divisionnaire (France)

Mr Gayraud spoke about evolving trends in organised crime (money laundering, cyber crime, tax fraud, fiscal havens, systemic corruption) and said such crime was no longer socially marginal but presented a serious threat to financial interests of the EU and a strategic challenge. He also said that, in his view, the origin of the current global financial crisis was to be found in criminal roots attributable to loopholes and deregulated financial markets.

During the discussion Mr IACOLINO (EPP, IT) asked about improving police and judicial cooperation with a view to protecting EU financial interests. Mr SCHMIDT (ALDE, SW) argued against placing too much emphasis on the criminal origins of the current financial crisis, and explained that CRIS had identified 38 different reasons that explained its origins.

Cluster 2: Exploring ways to improve synergies and cooperation between institutions and agencies involved in the fight against organised crime at national, European and international levels

Item 8 on the agenda

Exchange of views on how to enhance cooperation between the judicial authorities of the Member States involved in the fight against organised crime and the role of Eurojust - with a representative of Eurojust Mr Carlos Zeyen

Mr Zeyen, National Member for Luxembourg and Vice-President of Eurojust, presented the mission and tasks of his organisation which covers 27 Member States and 30 legal systems, the tools and instruments at its disposal and some current statistics.

He explained that the revised Eurojust Decision from 2009 had not yet been implemented in all Member States and that this clearly presented an impediment in everyday work. He highlighted, in particular, on-call coordination working on a 24/7 basis and the creation of joint investigative teams (JITs).

During the discussion the following issues were raised: reasons for the unwillingness of certain Member States to participate in JITs (Ms MATHIEU, EPP, FR); cooperation between Europe and Eurojust (Mr SØNDERGAARD, GUE/NGL, DK); the possible creation of an EU Prosecutor (Mr NEWTON DUNN, ALDE, UK), how to improve funding and cooperation between Member States (Ms BORSELLINO, S&D, IT).

Mr Zeyen replied that the refusals to cooperate in JITs were often legitimate and that there was no fundamental problem in cooperation between Europol and Eurojust. He said that cooperation between Member States could be further improved and that he thought the creation of an EU Prosecutor could be useful and should not be limited to financial interests of the EU alone, but could also cover organised crime.

Item 9 on the agenda

Exchange of views on cooperation between institutions and agencies involved in the fight against organised crime in Italy and how Italian authorities cooperate with their counterparts at European and international levels - with Pietro Grasso, National Antimafia Prosecutor (Italy)

Mr Grasso spoke about the Mafia's operations on a global basis (Central and South America, Russia, Africa) and stressed that modern organised crime provided services (arms, drugs, people) to its clients in a business-like manner. He explained that dangerous waste, natural resources as well the financial crisis, owing to limited access to liquid funds, provided new opportunities. He said that, in his view, the EU regulatory framework was not as complete and effective as it could be and that many instruments have not been implemented at national level. He underlined the need to have sufficient time limits for the retention of data of telephone calls in order not to undermine the efficiency of police and judicial investigations.

During the discussion the following issues were raised: how did the abolishment of internal EU borders influence organised crime (Ms MATHIEU, EPP, FR); what would be the added value of EU legislation (Mr ZWIEFKA, EPP, PL); the possible creation of an EU Prosecutor (Mr NEWTON DUNN, ALDE, UK).

Mr Grasso stressed that exchange of information was important so that simultaneous results could be achieved in different Member States. He welcomed any further steps towards EU criminal law harmonisation and mutual recognition. He also said the EU should have a unified position regarding third countries, such as China, in order to secure cooperation of foreign authorities. He supported the idea of an EU Prosecutor, but only for the protection of EU financial interests.

Item 10 on the agenda

Exchange of views on cooperation between institutions and agencies involved in the fight against organised crime in France and how French authorities cooperate with their counterparts at European and international levels - with Jean-Jacques Colombi, Commissaire divisionnaire, Head of the International Relations Unit, Ministry of Interior (France)

Mr Colombi spoke about the characteristics of organised crime, particularly in relation to cannabis trafficking in France. He also outlined how international cooperation (Europol, Interpol, Prüm, Schengen, system of world wide liaison officers) was carried out in practice. He said he fully agreed with Mr Grasso on the issue of data retention as well as the necessity to include intra-EU flights in the PNR files.

During the discussion the following issues were raised: trafficking of human beings in France (Ms FAJON, S&D, SI), the possible creation of an EU Prosecutor (Mr NEWTON DUNN, ALDE, UK).

Owing to lack of time, the Chair invited Mr Colombi to submit a written reply.

Item 11 on the agenda

Exchange of views on the role of authorities in charge of the confiscation of criminal assets and how Irish authorities cooperate with their counterparts at European and international levels - with Eugene Corcoran, Chief Bureau Officer, Criminal Assets Bureau (Ireland)

Mr Corcoran presented the structure and functioning of the Criminal Assets Bureau (CAB), which was established in 1996. He stressed its particular feature was that it was based in civil law procedures and that confiscation did not necessitate a criminal conviction.

In the subsequent debate, Ms Costello (S&D, EI) spoke about the need to reinvest confiscated property in local communities.

Owing to lack of time, the Chair invited Mr Corcoran to submit a written reply.

Cluster 3: Assessing the impact of both organised crime and the fight against organised crime on civil society and civil rights

Item 12 on the agenda

Exchange of views with Franco La Torre, President of the Network of civil society organisations committed to the social struggle against transnational organised crime (FLARE)

Mr La Torre explained that FLARE was a network of civil society organisations committed to the social struggle against transnational organised crime. Their aim was to promote social use of confiscated property as well s to provide educational programmes for young people.

Item 13 on the agenda

Next meeting(s)

11 July 2012, 9.00-12.30 and 15.00-18.30

12 July 2012, 9.00-12.30