

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0070/2001

27 February 2001

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REPORT

on the initiative of the French Republic and the Kingdom of Sweden with a view to the adoption of a Council Decision setting up a European crime prevention network
(13464/2000 – C5-0717/2000 – 2000/0824(CNS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Roberta Angelilli

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

By letter of 14 December 2000 the Council consulted Parliament, pursuant to Article 39(1) of the EU Treaty, on the initiative of the French Republic and the Kingdom of Sweden with a view to the adoption of a Council Decision setting up a European crime prevention network (13464/2000 – 2000/0824(CNS)).

At the sitting of 15 January 2001 the President of Parliament announced that she had referred the initiative to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and to all other Committees for their opinions (C5-0717/2000).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs had appointed Roberta Angelilli rapporteur at its meeting of 5 December 2000.

It considered the initiative by the French Republic and the Kingdom of Sweden and the draft report at its meetings of 24 January 2001, 5 February 2001 and 27 February 2001.

At the last meeting it adopted the draft legislative resolution by 20 votes to 5, with 3 abstentions.

The following were present for the vote: Graham R. Watson, chairman; Robert J.E. Evans, and Bernd Posselt, vice-chairmen; Roberta Angelilli, rapporteur; Charlotte Cederschiöld, Carmen Cerdeira Morterero (for Sérgio Sousa Pinto), Ozan Ceyhun, Carlos Coelho, Thierry Cornillet, Gérard M.J. Deprez, Giuseppe Di Lello Finuoli, Francesco Fiori (for Enrico Ferri pursuant to Rule 153(2)), Jorge Salvador Hernández Mollar, Margot Keßler, Timothy Kirkhope, Jean Lambert (for Alima Boumediene-Thiery), Baroness Sarah Ludford, Hartmut Nassauer, Elena Ornella Paciotti, Hubert Pirker, Ingo Schmitt (for Eva Klamt), Charles Tannock (for Daniel J. Hannan pursuant to Rule 153(2)), Anna Terrón I Cusi, Maurizio Turco (for Marco Cappato), Christian Ulrik von Boetticher and Jan-Kees Wiebenga.

The report was tabled on 27 February 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

Initiative of the French Republic and the Kingdom of Sweden with a view to the adoption of a Council Decision setting up a European crime prevention network (13464/2000 – C5-0717/2000 – 2000/0824(CNS))

The initiative is amended as follows:

Text proposed by the French Republic and the Kingdom of Sweden¹

Amendments by Parliament

(Amendment 1)
new indent

Having regard to EP resolutions of 24 January 1994² on small-scale crime in urban areas and its links with organised crime and of 17 November 1998 on prevention of organised crime³,

Justification:

For a number of years the European Parliament has been calling for a programme to combat crime in general and small-scale crime in urban areas in particular.

(Amendment 2)
Recital 2

(2) The Tampere European Council of 15 and 16 October 1999 concluded that there was a need to develop crime prevention measures, to exchange best practices and to strengthen the network of competent national authorities for crime prevention, as well as cooperation between national organisations specialising in this field, specifying that this cooperation could have as its chief priorities juvenile, urban and drug-related crime. To this end, a study of the possibility of a programme financed by

(2) The Tampere European Council of 15 and 16 October 1999 concluded that there was a need to develop crime prevention measures, to exchange best practices and to strengthen the network of competent national authorities for crime prevention, as well as cooperation between national organisations specialising in this field, specifying that this cooperation could have as its chief priorities juvenile, urban and drug-related crime ***including organized crime***. To this end, a study of the

¹ OJ C 362, 16.12.2000, p.15.

² OJ C 20, 24.1.1994, p.158.

³ OJ C 379, 7.12.1998, p.18.

the Community was called for.

possibility of a programme financed by the Community was called for.

Justification:

As the distinction between crime and organized crime is rather vague, it seems appropriate not to restrict the Network competences.

(Amendment 3)
Recital 2a (new)

(2a) The European Union Strategy for the beginning of the new millennium¹ in Recommendation 6 calls for the Council to be assisted by suitably qualified experts on crime prevention, such as the national focal points, or by establishing a network of experts from national crime prevention organisations.

Justification:

This, like all the other amendments, corresponds to a change proposed by the Council working party (see doc. 5893/01), which the rapporteur supports.

(Amendment 4)
recital 3

(3) Several significant seminars and conferences on crime prevention, most notably those held in Stockholm in 1996, in Noordwijk in 1997, in London in 1998 and in the Algarve in 2000 called for the establishment of a network within the European Union to develop cooperation on crime prevention. The High Level Conference in the Algarve also highlighted the need for a multidisciplinary, joint approach to crime prevention.

(4) Several significant seminars and conferences on crime ***including organized crime*** prevention, most notably those held in Stockholm in 1996, in Noordwijk in 1997, in London in 1998 and in the Algarve in 2000 called for the establishment of a network within the European Union to develop cooperation on crime prevention. The High Level Conference in the Algarve also highlighted the need for a multidisciplinary, joint approach to crime prevention. ***The***

¹ O.J. C 124, 3.5.2000, p 1.

conference in Zaragoza in 1996 also pointed to this need in highlighting the strong links between organised crime and crime in general.

Justification:

Amendment taken from the Council working party text. This clarification is useful in that it establishes the precedents for the Union's activities in this area. As the distinction between crime and organized crime is rather vague, it seems appropriate not to restrict the Network competences.

(Amendment 5)

Article 1

A European Crime Prevention Network, hereinafter referred to as "the Network" is hereby set up.

The Network shall have a Governing Board and a General Secretariat.

1. A European Crime Prevention Network, hereinafter referred to as "the Network" is hereby set up.

2. ***A Committee and a Secretariat shall ensure the proper functioning of the Network in accordance with this Decision.***

3. ***Crime prevention covers all measures that intend to reduce or otherwise contribute to reducing crime including organized crime and citizens' feeling of insecurity, both quantitatively and qualitatively, either through directly deterring criminal activities or through policies and interventions designed to reduce the potential for crime and the causes of crime. It includes work by government, competent authorities, criminal justice agencies, local authorities, the private and voluntary sectors, researchers and the public, supported by the media.***

Justification:

Amendment taken from the Council working party text, in particular the new paragraph 3 which sets out the aims of the future network more clearly than the original text. As the distinction between crime and organized crime is rather vague, it seems appropriate not to restrict the Network competences.

(Amendment 6)
Article 2, paragraph 1

1. The Network shall consist of contact points designated by each Member State.

The contact points, of which the number per Member State shall not exceed three, shall represent, at the least, the national authorities competent for crime prevention in its many aspects on the one hand and researchers or academics specialising in this field on the other. Others involved in the field, particularly non-governmental organisations, local authorities and the private sector may also be represented.

The Commission shall also designate a contact point. *A Europol contact point shall participate in the Network for the aspects which concern it.*

1. The Network shall consist of contact points designated by each Member State.

1a. Member States shall designate not more than three contact points.

1b. These contact points shall include at least one representative from the national authorities competent for crime including organized crime prevention in its many aspects.

1c. Researchers or academics specialising in this field, as well as other actors in crime including organized crime prevention, may be designated as contact points. In all instances Member States should ensure that researchers or academics, as well as other actors in crime prevention, such as non-governmental organisations, local authorities and the private sector, are involved through the appointed contact points.

1d. The Commission shall also designate a contact point. Europol, OLAF, Eurojust and the EMCDDA are associated with the work in matters with which they are concerned. Other relevant bodies may be associated with the work.

Justification:

Amendment taken from the Council working party text. In paragraph 5, however, we have added OLAF and Eurojust to the list of bodies involved in crime prevention. As the distinction between crime and organized crime is rather vague, it seems appropriate not to restrict the Network competences.

(Amendment 7)

Article 3

1. The Network shall contribute to developing the varied aspects of crime prevention at Union level and shall support crime prevention activities at local and national level.

2. In particular, the Network shall:

(a) report to the Council on its activities each year, through the competent working bodies, and *state* the areas for priority action in its work programme for the following year. ***This report shall be forwarded to the European Parliament. Although it will cover all types of criminality, the Network will pay particular attention to the fields of juvenile, urban and drug-related crime;***

(b) be available to the Council and to the Commission to assist them at their request with any question relating to crime prevention, and particularly to take account of preventive aspects of legislative acts, decisions and other instruments and to assist the Council and the Commission to identify effective strategies for crime prevention, particularly in connection with the implementation of the Community programme relating to crime prevention;

1. The Network shall contribute to developing the various aspects of crime prevention at Union level and shall support crime ***including organized crime*** prevention activities at local and national level. ***Although it will cover all types of criminality, the Network will pay particular attention to the fields of juvenile, urban and drug-related crime.***

2. In particular, the Network shall:

(h) report to the Council on its activities each year, through the competent working bodies, and ***indicate*** the areas for priority action in its work programme for the following year. ***The Council shall take note of the report and forward it to the European Parliament.***

(g) be available to the Council and to the Commission to assist them at their request with any question relating to crime prevention, and particularly to take account of preventive aspects of legislative acts, decisions and other instruments and to assist the Council and the Commission to identify effective strategies for crime prevention, particularly in connection with the implementation of the Union programme relating to crime ***including organized crime*** and prevention;

(c) facilitate cooperation, contacts and exchanges of information and experience between Member States and between national organisations, as well as between Member States and the Commission, other constituent entities of the Council and other groups of experts and networks specialising in crime prevention matters;

(d) collect and analyse information on existing crime prevention activities, the evaluation thereof and the analysis of best practices, and collect and analyse existing data on criminality and on its development in the Member States, in order to contribute to consideration of future national and European decisions. The Network shall also assist the Council and the Member States in replying to questionnaires on crime and crime prevention;

(e) contribute to identifying and developing the main areas for research, training and evaluation in the crime prevention field;

(f) organise conferences, seminars, meetings and other activities designed to promote consideration of these specific matters, and to disseminate the results thereof;

(g) organise the annual *award of the European Crime Prevention Prize*.

(a) facilitate cooperation, contacts and exchanges of information and experience between Member States and between national organisations, as well as between Member States and the Commission, other constituent entities of the Council and other groups of experts and networks specialising in crime *including organized crime* prevention matters;

(b) collect and analyse information on existing crime *including organized crime* prevention activities, the evaluation thereof and the analysis of best practices, and collect and analyse existing data on criminality and on its development in the Member States, in order to contribute to consideration of future national and European decisions. The Network shall also assist the Council and the Member States in replying to questionnaires on crime and crime prevention;

(c) contribute to identifying and developing the main areas for research, training and evaluation in the crime *including organized crime* prevention field;

Unchanged but becomes letter (d)

(e) organise the annual European Crime Prevention *Awards*;

(f) *develop cooperation with applicant countries, third countries and international organisations and bodies*;

Justification:

Amendment taken from the Council working party text, in particular the rapporteur supports cooperation with the applicant countries, non-member countries and international organisations (indent (f)). As the distinction between crime and organized crime is rather vague, it seems appropriate not to restrict the Network competences. The changes to the lettering reflect the new order of the paragraphs.

(Amendment 8)
Article 4

To accomplish its tasks, the Network shall:

(a) favour a multidisciplinary approach **and take urban policies connected with crime prevention into consideration;**

(b) be in close contact with crime prevention bodies, as well as research institutions and non-governmental organisations in the Member States;

(c) set up and operate a website, containing its regular reports and any other useful information, particularly a compendium of best practices;

(d) endeavour to use and promote the results of projects funded through **Community** programmes.

To accomplish its tasks, the Network shall:

(a) favour a multidisciplinary approach;

(b) be in close contact, **through the contact points**, with crime **including organized crime** prevention bodies, **local authorities, local partnerships and civil society** as well as research institutions and non-governmental organisations in the Member States;

(c) **(unchanged)**

(d) endeavour to use and promote the results of projects, **relevant for crime including organized crime prevention**, funded through **Union** programmes.

Justification:

Amendment taken from the Council working party text, the rapporteur particularly supports the involvement of local authorities and civil society. As the distinction between crime and organized crime is rather vague, it seems appropriate not to restrict the Network competences.

(Amendment 9)

Article 5

1. The Network shall hold its first meeting on *
2. *It* shall meet at least once every six months on the invitation of the Presidency of the Council at that time. Other meetings may be called at the request of the Council or Commission.
3. *The Governing Board* of the Network shall consist of *the representatives* of the Member States *who have been designated as contact points from the national authorities*.

It shall be chaired by the representative of the Member State which is holding the Presidency of the European Union at the

* three months after the adoption of this Decision.

1. The Network shall hold its first meeting on *
2. *The Network* shall meet at least once every six months on the invitation of the Presidency of the Council at that time. Other meetings may be called at the request of the Council or Commission.
3. *The Committee* of the Network shall consist of *one representative* of *each Member State*.

3a. *The Committee decides the Network's annual programme [including a financial plan]. It shall, in particular, determine:*

- *the priority fields to be examined;*
- *the main specific actions to be carried out (seminars and conferences, studies and research, training programmes....);*
- *the structure of the web site;*
- *the rules of the European Crime Prevention Awards.*

It shall also draw up the annual report on the activities of the Network.

The Committee's decisions shall be adopted by simple majority.

The Committee shall be chaired by the representative of the Member State which is holding the Presidency of the European

time.

Union at the time.

It shall meet at least once each Presidency. It shall draw up its Rules of Procedure, to be adopted by unanimity.

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4. The **General** Secretariat for the Network shall be provided by the Commission.

4. The secretariat for the Network shall be provided by the Commission.

5. The Governing Board shall decide the Network's annual programme and shall inform the Council and Commission thereof. It shall draw up the annual report on the activities of the Network. The report shall be forwarded to the European Parliament, the Council and the Commission. The Governing Board's decisions shall be adopted by unanimity.

Deleted (see paragraph 3a)

6. The Network shall be financed from the general budget of the European Union.

5. The Network **Secretariat and its activities** shall be financed from the general budget of the European Union.

Justification:

Amendment taken from the Council working party text. However, the rapporteur considers that decisions taken within the committee must be taken on the basis of the general rule established by the Treaty for voting in the Council, i.e. a simple majority.

(Amendment 10)
Article 6

The Council shall evaluate the activities of the Network in the **two** years following the adoption of this Decision.

The Council shall evaluate the activities of the Network in the **three** years following the adoption of this Decision.

Justification:

Amendment taken from the Council working party text.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the initiative of the French Republic and the Kingdom of Sweden with a view to the adoption of a Council Decision setting up a European crime prevention network (13464/2000 – C5-0717/2000 – 2000/0824(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the initiative by the French Republic and the Kingdom of Sweden (13464/2000¹),
 - having regard to Article 34(2)(c) of the EU Treaty,
 - having been consulted by the Council pursuant to Article 39(1) of the EU Treaty (C5-0717/2000),
 - having regard to Rules 106 and 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0070/2001),
1. Approves the initiative of the French Republic and the Kingdom of Sweden as amended;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again if the Council intends to amend the initiative by the French Republic and the Kingdom of Sweden substantially;
 4. Instructs its President to forward its position to the Council and Commission, and the government of the French Republic and the Kingdom of Sweden.

¹ OJ C 362, 16.12.2000, p. 15

EXPLANATORY STATEMENT

For several years, the European Parliament has been pointing out the need for crime prevention, whether it be small-scale crime (see resolution of 16 December 1993, published in OJ C 20 of 24 January 1994) or organised crime (see resolution of 17 November 1998, published in OJ C 379 of 7 December 1988). The Commission has incidentally recently published a very interesting communication (COM 2000/0786) which examines the whole problem of crime prevention and, more generally, the need for public bodies to continue to overcome the increasingly widespread feeling of insecurity among the public.

The problems of organised crime and small-scale crime naturally require a differentiated response on the part of the European Union; the fight against organised crime is one of the priority objectives for action by the Union and its Member States, whereas combating small-scale crime is primarily a matter for local, regional and national bodies.

As far as the prevention of organised crime is concerned, the Member States can enlist the support of Europol, which, although it does not yet have operational powers, can provide support for the actions of the Member States by circulating strategic analyses and providing databases which should make it possible to trace the development of criminal activities that may be of concern to several States.

On the other hand, as far as the prevention of small-scale crime is concerned, the Union's role could be confined to promoting the exchange of information between the national authorities in order to highlight best practice or the problems encountered in tackling small-scale crime. From this angle, the proposal to set up a structured network for the exchange of information between local, regional and national authorities proposed by the Presidency of the Council appears to be an appropriate response to this need.

It is of course obvious that the exchange of information will relate to crime in general and will enable the authorities responsible to take advantage of experience gained in other countries and the expertise of entities such as Europol itself, the European Drugs and Drugs Addiction Monitoring Centre and Eurojust. In connection with the Franco-Swedish proposal and the Commission communication, attention is also drawn to the need to establish a permanent dialogue with the academic world and civil society, firstly, to take advantage of the latest academic studies and, secondly, to obtain testimony that is as accurate as possible as well as suggestions from the NGOs involved in helping the victims of crime.

However, at this initial stage, the Franco-Swedish initiative does not seek to establish rigid structures but rather to create a working area that will enable problems to be overcome and establish a climate of mutual trust. As it is a pilot project, it is vital that a report on the operation of the network should be made to the European Parliament within a period of no more than three years.