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REPORT

on the initiative of the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Republic of Hungary, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland with a view to the adoption of a Council Decision setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA
(11421/2009 – C7-0109/2009 – 2009/0812(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Sonia Alfano

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.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the initiative of the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Republic of Hungary, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland with a view to the adoption of a Council Decision setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA (11421/2009 – C7-0109/2009 – 2009/0812(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the initiative of the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Republic of Hungary, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (11421/2009),
 - having regard to Article 39(1) and Article 34(2)(c) of the EU Treaty, pursuant to which the Council consulted Parliament (C7-0109/2009),
 - having regard to Rules 100 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0072/2009),
- A. whereas the draft Council Decision setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA raises issues both in terms of content and in terms of procedure, as it is not ambitious enough, and whereas a new legal basis on crime prevention (Article 84 TFEU) is provided for in the Treaty of Lisbon expected to enter into force on 1 December 2009, that will grant co-decision powers to Parliament (in accordance with the ordinary legislative procedure);
1. Rejects the initiative of the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Republic of Hungary, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland;
 2. Calls on the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Republic of Hungary, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland to withdraw their initiative;
 3. Calls on the Council not to formally adopt the initiative prior to the entry into force of the Treaty of Lisbon so as to allow the final act to be finalised ensuring a full role and control by the Court of Justice of the European Union, the Commission and Parliament (Protocol

to the Treaty of Lisbon on transitional provisions); that being the case, is committed to considering any further proposal, notably for the creation of an observatory, by urgent procedure;

4. Instructs its President to forward its position to the Council and the Commission, and to the governments of the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Republic of Hungary, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

EXPLANATORY STATEMENT

European Crime Prevention Network

The European Crime Prevention Network (EUCPN) was set up in 2001 on the basis of Council Decision 2001/427/JHA¹. The decision states that the EUCPN shall be responsible for:

- facilitating cooperation and exchanges of information and experience at national and European level in respect of crime prevention;
- collecting and analysing information on the subject and exchanging best practices;
- organising conferences, seminars, meetings and other activities designed to encourage and promote exchanges of experience and best practices;
- provide its expertise in the area of crime prevention to the Council and to the Commission.

To this end, the decision provided that the EUCPN would consist of contact points, including one designated by the Commission and up to three national contact points designated by each Member State. These were to include at least one representative from the national authorities competent for crime prevention in its many aspects, while the other contact points could be researchers, academics specialising in this field or other actors in crime prevention. In any case, the Member States were to involve researchers, academics and other actors in crime prevention, such as non-governmental organisations, local authorities and the private sector. Europol and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) were to be associated with this work, along with other relevant bodies.

In 2005 the Network underwent internal restructuring leading to the establishment of two standing committees, one on its work programme and the other on research; the United Kingdom took over the task of managing the website from the European Commission, and has kept it up to date ever since².

In 2007 the national representatives carried out a further internal review of the EUCPN's performance, which highlighted the need to enlarge the Secretariat (hitherto consisting of one Commission official who ran the Network on a part-time basis) and address the issue of resources for the standing committees and the national representatives.

An external evaluation of the functioning of the EUCPN was published in March 2009; while it emphasised the relevance of the Network's objectives and tasks, it also identified organisational flaws that prevented it from maximising its potential and impact. The problems highlighted by the external report included a lack of adequate resources, an ineffective

¹ 2001/427/JHA: Council Decision of 28 May 2001 setting up a European crime prevention Network, see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31990R1588:EN:HTML>.

² The EUCPN's website is <http://www.eucpn.org/>.

Secretariat, a lack of commitment on the part of the national representatives, a scant work programme, the outsourcing of its criminological research function (carried out by the University of Vienna, with a part-time researcher working two days a week). The evaluation also raised the possibility of dismantling the Network.

The Network then formed a working group to discuss the recommendations made in the March 2009 external evaluation, and established that the decision setting up the Network would have to be amended. In particular, it was proposed that an external Secretariat be set up, funded by the Community programme entitled 'Prevention of and Fight against Crime' (under the general programme on 'Security and Safeguarding Liberties'). Although some Member States had also raised the possibility of dismantling the Network in view of the general dissatisfaction with its failure to fulfil expectations, a group of Member States presented a proposal for reforming it. The Swedish Presidency of the European Union made this proposal a priority, wishing it to be adopted during its six-month stint or in any event prior to the entry into force of the Lisbon Treaty.

Proposal for a Council Decision establishing a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA

The proposal under consideration provides for the repeal of Decision **2001/427/JHA**. The few changes proposed in the document include limited restructuring of the Network through the establishment of an external secretariat, and an effort to clarify the functions, roles and responsibilities of both the Network itself and the bodies operating within it.

Under the proposed new – and somewhat complicated – structure, the Network would consist of a Secretariat, contact points designated by each Member State, and a Board. The latter would be made up of national representatives appointed by the Member States, and headed by a Chair (chosen among the national representatives) who would lead an Executive Committee (composed of up to six further members of the Board and a Commission representative). It should be noted that the new proposal creates confusion between the contact points and the national representatives. In addition, it partially removes the references to the involvement of experts, academics, NGOs and civil society at both European and national level. Furthermore, it severs some of the structural links between the Network and other institutions and Community bodies dealing with crime prevention. In particular, it does not provide for any form of cooperation with the European Parliament. It also omits the previous requirement for language knowledge.

In the course of the discussion of the proposal by the Commission and the Member States in Council, the most contentious, controversial issues were the Secretariat, its funding, the possibility of outsourcing it, its independence, the leadership role to be played by the Commission and the Council, and staffing problems.

Rapporteur's position

The rapporteur is extremely disappointed by the Network's inability to operate in accordance with the decision setting it up, to fulfil expectations and to make a contribution commensurate with the crucial objective of preventing crime in the European Union. The lack of cooperation between the Commission, the Council and the Member States has helped to create a situation

that has essentially sabotaged the Network, as well as the European Union's wider objective of fighting crime, including organised crime, by means of prevention. Crime prevention, particularly in the area of organised crime, cannot be confined to exchanges of best practice conducted at poorly attended, badly organised meetings between national representatives unable to communicate with one another owing to a lack of language competence, thereby reducing the whole process to a tourist trip for national officials. Among other things, the failure to involve civil society, academia and NGOs, the failure to translate the documents and information featured on the Network's website, and the failure to develop material on prevention (such as documentation for schools, teachers and pupils) all meant the Network was overshadowed by the other institutions and players working in this sector.

The proposal under consideration seems utterly inadequate to solve the problems highlighted by the repeated evaluations of the Network – clearly indicating an awareness of its operational failings – since it appears to complicate them further rather than identifying suitable solutions. In addition, the rapporteur is of the view that, if the Network is at last to become functional, its powers and responsibilities must be explicitly broadened to include the prevention of organised crime, which is continually spreading its tentacles to more European states – especially since the activities of the Forum on Organised Crime Prevention were suspended. The rapporteur condemns some Member States' opposition to the idea, fearing that their stance in fact reflects a desire to avoid having to acknowledge and address the issue of criminal organisations' gradual, and increasingly worrying, penetration into an ever-growing number of European states.

The Swedish Presidency is calling for the EP to approve the decision under consideration before the Lisbon Treaty enters into force: the rapporteur is utterly opposed to this idea, given that the Lisbon Treaty will now enter into force in a matter of days. From an interinstitutional perspective, the EP is being asked to renounce institutional prerogatives to be conferred upon it by the new Treaty in respect of crime prevention: namely, co-decision powers. This would have been acceptable to the rapporteur only if the Commission and the Council had solemnly promised to present an ambitious proposal straight after the Lisbon Treaty enters into force, based on the possibility – already raised – of setting up an observatory on crime, in particular, organised crime, with wide-ranging powers and responsibilities, including specific powers to collect data, gather information, draw comparisons, conduct evaluations and make recommendations.

The rapporteur is of the view that, as the EP is preparing to do in respect of the Europol proposals, and as initially envisaged by a number of Member States and institutions, the initiative should be rejected in favour of more serious, structural and ambitious reform of the Network – based on a genuine European policy on the prevention of crime, including organised crime and terrorism – following the entry into force of the Lisbon Treaty, which establishes a specific legal basis for it. Without prolonging a wholly unsatisfactory situation, this will enable the European Parliament and the Council – via the co-decision procedure – to translate the fight against crime into action through EU-wide prevention, by setting up an observatory on crime, organised crime and prevention.

PROCEDURE

Title	The setting up of a European Crime Prevention Network (EUCPN)
References	11421/2009 – C7-0109/2009 – 2009/0812(CNS)
Date of consulting Parliament	28.7.2009
Committee responsible Date announced in plenary	LIBE 14.9.2009
Rapporteur(s) Date appointed	Sonia Alfano 29.9.2009
Discussed in committee	5.11.2009 12.11.2009
Date adopted	12.11.2009
Result of final vote	+: 41 -: 2 0: 0
Members present for the final vote	Jan Philipp Albrecht, Sonia Alfano, Viliija Blinkevičiūtė, Louis Bontes, Emine Bozkurt, Simon Busuttil, Carlos Coelho, Cornelis de Jong, Agustín Díaz de Mera García Consuegra, Cornelia Ernst, Kinga Gál, Kinga Göncz, Sylvie Guillaume, Jeanine Hennis-Plasschaert, Salvatore Iacolino, Lívia Járóka, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Juan Fernando López Aguilar, Monica Luisa Macovei, Claude Moraes, Antigoni Papadopoulou, Georgios Papanikolaou, Jacek Protasiewicz, Carmen Romero López, Judith Sargentini, Csaba Sógor, Renate Sommer, Rui Tavares, Axel Voss, Manfred Weber, Tatjana Ždanoka
Substitute(s) present for the final vote	Alexander Alvaro, Andrew Henry William Brons, Ioan Enciu, Ana Gomes, Nadja Hirsch, Monika Hohlmeier, Ramón Jáuregui Atondo, Franziska Keller, Petru Constantin Luhan, Cecilia Wikström
Substitute(s) under Rule 187(2) present for the final vote	Algirdas Saudargas
Date tabled	17.11.2009