COUNCIL OF
THE EUROPEAN UNION

Brussels, 23 June 2000
(OR.en)

9361/00

LIMITE

CRIMORG 93

OUTCOME OF PROCEEDINGS

Of: Multidiciplinary Group on Organised Crime (MDG) in its formation as the Pre-Accession Pact Expert Group (PAPEG)

On: 24 May 2000

1. Adoption of the agenda

The agenda was adopted.

2. The prevention and control of organised crime

A European strategy for the beginning of the new Millennium; Introduction of the document and discussion of its implications for the future cooperation in the framework of the Pre-Accession Pact

Doc. 6611/00 CRIMORG 36 + COR 1(en)

The Presidency briefly presented the document, explained its structure and especially focused on its chapter 2.9. The Presidency then opened the floor for contributions. Finland said that the recommendations in this chapter were intended to tackle the main problems regarding the cooperation between Accession Candidates and Member States. Germany and Austria underlined the importance of the document and asked whether Accession Candidates had the impression that these recommendations adequately mirrored the difficulties they had encountered in this area. The Commission emphasised the role that it played in the cooperation process. The French delegation said that also during the French Presidency this document would
be an important tool for the work of the Pre-Accession Pact Experts Group.

Cyprus asked to clarify how Applicant Countries could cooperate with Member States regarding the implementation of the Schengen Information System, as foreseen in recommendation 33. Malta was also interested in this question. Furthermore it said that Malta had started the process to find out to what extent the Maltese legislation was compatible with the EU acquis and thought that practical cooperation with Member States would be very useful in the process of the implementation of the acquis.

The Presidency said that the implementation of the Schengen Information System was subject to numerous technical and legal constraints. It also emphasised that Malta could join the Pre-Accession Pact at a future stage. Malta said that it was very much willing to do so and that negotiations were already running in this respect.

Europol mentioned that formal agreement could be reached among Member States regarding an instrument for the cooperation with “Third Countries”. It mentioned a seminar on the possibilities of practical cooperation before accession, hosted by Europol in April this year.

The Maltese delegation and Romania said that this seminar had been very instructive. Slovakia said that it would send a police attaché to The Hague, who at a later stage would become a Liaison Officer at Europol. It also asked Member States and Applicant Countries for information about their experience with the implementation of the data protection act, which now is being discussed in the Parliament.

Romania said that it saw no legislative possibility to send Liaison officers to Europol. It considered the “Twinning agreements” to be very useful.

The Presidency concluded that the work should be continued and further developed.

3. The negotiation regarding the draft UN Convention on Organised Crime and its additional protocols - report by the Presidency and discussion of some selected problematic items (Articles 2, 4, 9-10, 14-16)

In introducing this item, the Presidency referred to the importance the Union attached to the finalisation of the convention and the protocols. The overall position was that, while considerable progress had been achieved in relation to the preparation of the new instruments, much remained to be done. In that context the Presidency felt it would be useful if the PAPEG could discuss some of the more significant outstanding points. In particular, this would open the
way for delegations to achieve the maximum amount of cooperation between the Member States of the Group in the UN negotiations.

The Presidency reported on the current state of the UN discussions and highlighted the main issues, which it considered likely to arise in relation to the provisions of the draft convention during the next round of the UN negotiations. In addition it drew attention to the fact that a negotiating mandate had been conferred on the Commission in respect of Article 4 bis. That mandate would be exercised in conjunction with the practical arrangements set out in an accompanying declaration adopted by the Council.

The Polish delegation confirmed its support for the conclusion of the convention and the protocols. The amount of time available to complete the work was limited but it was confident that, with appropriate goodwill, the task could be successfully carried out.

The Finnish delegation acknowledged that the completion of the convention and the protocols by the end of the year would require substantial efforts by all concerned. Its overall assessment was that there was strong support for the project at UN level and that considerable progress could be made at the next drafting session. In terms of assisting the work, it stressed that it would be very helpful if PAPEG delegations could seek to work with other key delegations, advising and assisting them where appropriate. In addition it would be useful if delegations could intervene in the negotiations in order to seek to overcome difficulties which might otherwise give rise to delay.

The Presidency concluded that there was general agreement among delegations that every effort should be made to ensure that the work on the convention and the protocols would be concluded in good time. This was a process which could be facilitated through the development of contacts with appropriate delegations participating in the negotiations. In addition it would be necessary for delegations to show a certain amount of flexibility with a view to achieving general agreement in relation to specific matters. However, this should not lead to the situation where the provisions of the UN instruments would be diluted to the point where they would no longer prove to be effective in combating international organised crime.
4. Implementation of the Pre-Accession Pact. Questionnaire on special investigative techniques (Principle 6)

- Presentation of the results and discussion of follow-up
  doc. 13365/98 CRIMORG 185 PECOS 188

The Presidency presented the compilation of the answers to the questionnaire on special investigative techniques (doc. 13365/98 CRIMORG 185 PECOS 188). It underlined that the compilation was a first result and that possibilities will be explored to make the answers accessible on a CD-ROM, which would be similar to the CD-ROM issued by the European Judicial Network. Europol had already indicated that this might be possible by integrating the answers into a “best practices” electronic manual, which would be especially designed for the Applicant Countries.

5. New developments in the fight against organised crime

- short review of the current situation in Applicant Countries

Participants from Applicant Countries reported about latest trends and developments in the fight against organised crime in their respective country. Austria thought that these reports were very useful and underlined that its cooperation with Applicant Countries had been successful. The United Kingdom said that it would like to share its experience with building up a National Criminal Intelligence Service in the U.K. with interested Applicant Countries.

In its summary, the Presidency said that it had the impression that great efforts were made to restructure legal systems and administrative organisation. In a number of Applicant Countries a reduction of cases of organised crime had been stated. Criminal organisations from the former Soviet Union play a significant role in most of the CEECs. Trafficking in human beings still is an increasing problem. The contribution of Turkey is enclosed in the annex.
- introduction by Europol
  
doc. 14119/1/99 CRIMORG 192 CATS 38 REV 1 + COR 1 + COR 2

The Presidency introduced the topic by emphasising that the contributions of the Applicant Countries to the EU’s Report had been very useful.
Europol reported about the difficulties encountered with the 98 report and presented some of its conclusions. It asked Group members to make their contributions for the 99 report as soon as possible.
Sweden underlined the importance of the report for strategic decisions, nevertheless Sweden said the report was less useful for operative purposes, because the information would become outdated very quickly. Europol said that the needs of the operative level were taken care of in various other initiatives.

7. The European Council of Tampere and its implications for the work in the Third Pillar area
- report by Presidency on current developments

The Presidency reported on the conclusions of the European Council of Tampere in the field of Justice and Home Affairs and their implications for the work in the Third Pillar area. It introduced the work undertaken in the various Council fora so far.
8. Mutual evaluations; ongoing work

doc.: Joint Action of 5 December 1997 establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime

The Presidency introduced the topic. It gave an overview on the first round of mutual evaluations, which assessed Member States’ mutual legal assistance mechanisms and reported about their results. During the second round of evaluations, starting in June this year, experts will examine how successfully Member States combat organised drug criminality.

The Presidency raised the idea that delegations could consider extending this mechanism to the Applicant Countries and evaluating the mutual legal assistance systems with mixed teams of experts, resulting in country reports to be discussed by the PAPEG, in line with the provisions set up by the Joint Action of 5 December 1997.

Slovenia mentioned that good experiences had already been made with the mutual evaluation of countries of the GRECO in the framework of the Council of Europe.

The Presidency recommended pursuing this idea under future Presidencies.

9. Any other business

No items were raised under “Any other business”. 