

Statement by
the European Commission
at the Eleventh Congress on Crime Prevention and Criminal Justice,

18-25 April 2005

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Madam President/Mr President,

I have the honour to speak on behalf of the European Commission.

Madam President/Mr President, please allow me to thank the Thai Government and the United Nations bodies for their excellent work in preparing this Congress.

Since the congress started a week ago we have witnessed that the discussions in both plenary sessions and the various experts' workshops have been interesting and constructive. Today at the last day of the Congress, the "Ministerial — high level segment", I would like to highlight the Commission's determination to prevent and its efforts to combat crime.

Since the last Crime Congress was held in Vienna in 2000, the world had to react to global challenges such as terrorism and organised crime.

The EU has addressed these new global challenges in its multi-annual Programme for strengthening the area of freedom, security and justice - the so-called Hague Programme was endorsed by the European Council of 4-5 November 2004. This Programme is the successor to the Tampere Programme, which was endorsed by the European Council in 1999.

Let me briefly outline the main aspects of the Hague Programme. It reaffirms the importance that the EU attaches to the area of freedom, security and justice, placing it as a high priority on the Union's agenda as this new Programme deals with all aspects of policies relating to the area of freedom, security and justice. It addresses both general orientations (fundamental rights, implementation and evaluation) and specific orientations, focusing on (1) strengthening freedom; (2) strengthening security; (3) strengthening justice, and (4) external relations.

In order to carry out the Hague Programme, the Commission is to present an Action Plan to the Council in which the aims and priorities of the Programme are to be translated into concrete actions, including a timetable for the adoption and implementation of all actions. The Commission intends to adopt this Action Plan in 2005.

Following the invitation of the 'Hague Programme, the Commission is preparing a Communication "Developing a strategic concept on tackling organised crime" which the Commission intends to present in 2005.

Madam President/Mr President

In the present era of open borders and global integration and inter-dependence, the internal security of the EU is inseparably linked to external aspects of security. The external dimension of the EU's response to organised crime, and other security threats, has developed considerably over recent years. Bi-lateral, regional and international initiatives, need to be further refined.

Co-operation to tackle organised crime should be developed further with third countries, through agreements and other instruments. Such cooperation should include the promotion of relevant EU benchmarks and international standards. The Commission promotes and supports the development of regional approaches and cooperation to combat organised crime, particularly in those regions bordering the EU. A key challenge lies in the Western Balkans region where the EU is strengthening existing regional structures to improve the fight against organised crime.

Taking into account the evolving EU acquis in Justice, Freedom and Security matters, the European Security Policy and an effective multilateral system, the Commission is actively promoting compliance with recognised international standards in third countries, notably in the fight against organised crime, cyber crime, corruption, money laundering and terrorist financing. This can be achieved via the promotion of legislation, co-operation agreements and/or financial assistance.

The Commission values the importance of the UN fora in this regard and strongly supports the development of multilateral approaches to combat organised crime, working to ensure comprehensive ratification and implementation of international instruments, such as the UN Conventions against Transnational Organised Crime and Corruption, and the development of international standards and provisions developed in other fora such as the Council of Europe, G8, FATE, OSCE and OECD.

Therefore, the Commission has developed a close co-operation with the various UN organisations. We are proud to say that the cooperation of the European Commission and the UNODC in field of combating organised crime and illicit drug trafficking dates back to the 1980s. In order to deepen this co-operation in areas of combating organised crime and drugs, the European Commission and UNODC have signed a formal exchange of letters to strengthen their co-ordination, co-operation and partnership on 18 January 2005 which shows our determination to strengthen the common efforts of both parties to combat organised crime and illicit drugs. As a practical result a joint high-level meeting took place in Brussels on 1 March 2005 which defined the common interests and

projects. Concrete co-operation could focus on possibilities to jointly develop new international instruments in the area of combating organised crime and terrorism.

Visible joint activities and initiative on combating terrorism, organised crime and illicit drugs should address the increased links between them especially in priority areas such as Western Balkans, EU neighbourhood and Afghanistan.

The last years have shown an increase of the European Union's powers and responsibilities in the field of justice and home affairs. In the light of the discussions at this UN Crime Congress please allow me to share some thoughts with concerning the European Commission's main priorities.

Money laundering/cyber crime

The fight against organised crime could also become more effective if measures are taken to fight money laundering and to deprive criminals from their illegal sources of income. In the crime chain, the moment dirty money emerges back into the legal economy is often a time when criminals are vulnerable. This opportunity should be exploited to the full, in particular as it allows law enforcement authorities to challenge kingpins and not only the rank-and-file of criminal gangs.

We would like to stress our commitment to remain at the forefront of the fight against money laundering and the financing of terrorism by constantly improving our anti-money laundering framework applicable to EU countries. In this regard, the third EU money laundering directive represents an important step that fully mirrors the updated recommendations of the FATF. The European Commission has shown in the past its willingness to enhance international cooperation and adoption of international standards by providing technical assistance for countries eager to apply global standards. We know that such a global challenge can be only won together.

We heard in this Congress calls for more international regulation in the field of money laundering and we think it is an encouraging sign of awareness from many countries. We think that the best contribution countries can make to the fight against money laundering would be to adhere and implement the recommendations of FATF, a body of which we are part, support fully, and which has achieved a lot in only little more than a decade. We are firmly convinced that such adoption should be a worldwide priority. At the same time, remarks from developing countries should make us think further how we can optimise our current set of anti-money laundering rules for cash-based economies. This could be, we think, a promising way of reflection for the future.

Moreover, the European Commission recognizes the efforts undertaken by the different UN organisations in the area of cybercrime, also at this Congress, and welcomes these. We are ready to continue to work with the UN in trying to address this truly global phenomenon.

Corruption

On 14 April 2005 the EU Justice and Home Affairs Ministers adopted the first ever resolution on corruption which is based on the Commission's Communication to the Council of May 2003 on a comprehensive EU policy against corruption. Besides a clear high-level political commitment against all forms of corruption, this resolution sets out a comprehensive workplan for Council, Member States and the Commission to further promote their efforts in this area.

Today on 25 April 2005 the General Affairs Council is likely to adopt the Decision authorising the Council President to empower the persons to sign the UN Convention against Corruption on behalf of the European Community. The signing act will then prepare the ground for the subsequent draft conclusion of the Convention on behalf of the EC. The conclusion instrument will concern issues of Community competence for inclusion of which the Commission intensively fought during negotiations of the Ad Hoc Committee in Vienna.

Furthermore, I would like to underline the importance of the **UN Convention against Transnational organised crime** (UNTOC) as a milestone in combating organised crime worldwide. The Convention entered into force on 29 September 2003 and is the first legally binding UN instrument in the field of organised crime. The very high number of signing states (147) and ratifying states (102) underline the significance of this Convention. I am glad to highlight that all EU Member States and the European Community have signed the UNTOC and 16 Member States and the European Community have ratified it to date.

Counter terrorism

The Union is determined to relentlessly fight terrorism and all forms of violent action. Many Member States have suffered terrorism at home in the past and developed expertise in dealing with it. The international dimension that the threat has taken, however, has left Member States not so well-equipped anymore to deal with it individually. I should like to add that the EU makes no distinction between different kinds of terrorism when it comes to condemning or fighting it. Nevertheless, it would be absurd to deny that different strands of terrorism do exist. To be effective, we have to know in depth the particularities of each and adapt our strategy accordingly. We are committed to confront with equal vigour all types and forms of terrorism. The use of violence and terror on innocent people, irrespective of the 'ideal' behind it, has no place in our societies. The EU supports the key role of the United Nations in the fight against terrorism and will continue to work to ensure universal adherence to all UN Security Council Resolutions, UN Conventions and Protocols relating to terrorism. As well as working together at the political level, there is clearly

scope for international co-operation on technical assistance to help countries implement UNSCR 1373.

Financing terrorism

The Commission's October 2004 Communication on terrorist financing, based on the, maps out key areas where the Commission will undertake further work in 2005 and beyond. These include assessment of best practice in Member State domestic cooperation and information exchange structures, work on improving data exchange between law enforcement/intelligence services and the private sector, and elaboration, in consultation with interested parties, of an EU Code of Conduct to address vulnerabilities of the non-profit sector to terrorist financing abuse.

We are also looking at how the mechanisms for the freezing of listed persons' assets can be made more effective in order to ensure that the EU designation and freezing system is fully in line with international best practice.

An effective fight against terrorist financing requires a broad and multi-disciplinary approach drawing on the very different skills and expertise of a range of entities including law enforcement, intelligence services, Financial Intelligence Units and of course the private sector, most notably financial institutions. Only by ensuring effective coordination and information sharing among these and other bodies both domestically and internationally, will we be able to ensure a truly intelligence lead approach to the fight against terrorist financing allowing us to identify and disrupt terrorists as well as to trace and cut off their funding

Crime prevention

In addition to its role in fighting organised crime, the EU contributes to the prevention of volume or general crime, especially urban, juvenile and drug-related crime. Preventing these forms of crime is the particular objective of the European Crime Prevention Network, established in 2001 and bringing together national representatives of the Member States, the Commission, specialist bodies and others active in the field. Though the fight against general crime is carried out primarily at local level, the EU has co-financed transnational crime prevention projects to the extent of several millions of euro since 2000, formerly through the HIPPOKRATES programme and now through its successor, the AGIS programme. The Hague Programme adopted by the European Council last November confirmed the EU's continuing commitment to action on crime prevention.

Madam President/Mr President,

One of the key methods of both preventing crime and enforcing punishment is through the

application of the principle of mutual recognition which is considered to be the cornerstone of judicial cooperation in the European Union.

The European Commission has been working extensively in this area which allows a judicial authority in one Member State to recognise and enforce a judicial decision made in another Member State with minimal formality. Its operation is reliant on the mutual trust that exists between Member States and on the protection of fundamental rights and guarantees throughout the European Union. Ultimately this will result in a common area of freedom security and justice where criminals cannot avoid punishment simply through crossing borders.

The first instrument in this area to have been implemented is the European Arrest Warrant Framework Decision which provides a fast and efficient procedure for the surrender of people within the European Union whilst maintaining fundamental guarantees. Today, the surrender of a person takes on average 45 days between Member States instead of 9 months under the old extradition system.

The Asset Freezing Framework Decision enables judicial authorities to recognise and execute freezing orders issued by judicial authorities from other Member States. Related to this is the Framework Decision on mutual recognition of confiscation orders which is expected to be adopted this summer. The Framework Decision foresees the confiscation of property on the basis of mutual recognition as well as a procedure for the sharing of confiscated assets. Together, these instruments will provide effective mechanisms in depriving criminals of their illegally gained assets.

In addition, the Council adopted in February the Framework Decision on the mutual recognition of financial penalties. Again applying the same principle, it will allow the speedy recognition and execution of cross border financial penalties by judicial authorities.

The Commission is also currently working on improving the transmission of evidence through a European Evidence Warrant, on the better circulation of information on criminal convictions, and on resolving issues surrounding conflicts of jurisdiction and *ne bis in idem*. High importance is also placed on the rights of the individual and work is under way on a Framework Decision on pre-trial supervision measures to reduce the use of detention orders on non-nationals and on a Framework Decision on establishing minimum procedural safeguards. The latter is the first of several initiatives covering procedural and other fair trial rights. A series of Green Papers is planned on the presumption of innocence, on the handling and admissibility of evidence and on *in absentia* judgments.

Thank you very much for your attention