

Bruxelles, November 8th 2011

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Dear Colleagues,

I have been asked by some of you to explain why I voted against the report on "Organized Crime in the EU" recently approved by the Plenary. I was also asked to explain why I had not intervened in the course of the drawing up of the same report.

My answer to this last question is very simple. Nobody informed me about the very existence of such a document, so I was not in a position to express an opinion or provide a contribution to it.

Regarding the main question, I have to say that the report was a wasted opportunity for Parliament to make its contribution to the fight against a serious evil like organized crime. The text is a confused array of rhetorical statements, repetitive arguments and demagogical exhortations based on the wrong assumption that Europe is at a quasi-zero point in the fight against organized crime.

Considering that for 25 years I have contributed to the drafting and adoption of both Italian and global legislation against organized crime. as a scholar, a parliamentarian and as the UN Undersecretary General for all matters related to human security from 1997 to 2002, my opinion on this topic is not entirely amateurish.

The rapporteur shows a total ignorance of the basic legal standards for countering organized crime already in place in almost all the 27 EU Member States.

In the report, the Commission and Member States are therefore requested to introduce measures that have already been in force in domestic legislation for a long time, and in some cases for more than a decade. I refer to the provisions on the confiscation of criminal assets, crime conspiracy, witness protection programmes and joint investigative teams.

These provisions, and the legal definition of organized crime, lie at the core of the Palermo Convention on Transnational Organized Crime, signed in the year 2000 by 123 countries, and ratified (as of today) by 147, including all EU Member States.

Any country that has ratified the Palermo Convention, and incorporated it into its legislation, has at its disposal a very powerful instrument. Any action undertaken by the European Parliament should have started with a review of the actual implementation of this Convention in each member state and at global level instead of giving the false impression that the so-called “Italian standard” in fighting organized crime. is still an isolated example.

One baffling mistake in the report is the call to the Commission to promote a study on something - the legal definition of organized crime – that was already agreed upon 11 years ago, after four decades of discussions between experts and multilateral actors. Article two of the Treaty deals precisely with this issue, and it is considered a masterpiece of precision and depth. The path followed by member states to reach a conclusive agreement on such a difficult topic is considered a model example for achieving a similar result in the area of the definition of terrorism.

Another substantial mistake in the report is its cursory treatment of a such a fundamental subject as the expansion of a unified EU juridical space for countering organized crime.

The slipshod/inaccurate approach of this document reveals itself even more fully in the only four lines devoted to what should have been the pillar of any parliamentary effort: the creation of an EU Public Prosecutor for organized crime, with EU-wide jurisdiction.

In conclusion, we are starting to commit our time and public money to the establishment of an instrument which is no more than a temporary Committee on organized crime. devoid of any focus or meaning. Can we afford this in these straitened times?

Pino Arlacchi (S&D)

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