

Note from the Council Presidency on the role of the Multidisciplinary Group on Organised Crime (22 December 2000)

Caption: In a note sent to the Multidisciplinary Group on Organised Crime (MDG) on 22 December 2000, three years after it was first established, the Presidency of the Council of the European Union considers the future role of the MDG and suggests some areas for discussion.

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Note from the Presidency to the Multidisciplinary Group on Organised Crime (22 December 2000)

The role of the Multidisciplinary Group on Organised Crime

The MDG, which has now been in existence for three years, was set up pursuant to Recommendation 22 of the European Union Action Plan to combat organised crime, a plan drawn up by a high-level Working Party and adopted by the Amsterdam European Council in 1997.

In contrast with earlier Council Working Parties, the MDG is specifically designed to bring together, on an equal footing, representatives of the judicial authorities and representatives of the police services, thus opening the way for an integrated approach to combating organised crime.

Under its terms of reference, the Group has a variety of tasks. Not only is it in charge of implementing or monitoring the implementation of the Action Plan to combat organised crime, it is also responsible for putting to the Council the outline for a European Union strategy and policy for combating organised crime, including the need to draw up new instruments or new means of practical cooperation. These tasks were confirmed and elaborated in the light of the Vienna action plan, the conclusions of the Tampere European Council and most recently the European Union strategy for the beginning of the new millennium.

Plainly, the MDG's tasks as defined in its terms of reference reveal the freedom the Group enjoys to take action and drive forward the European Union's action against cross-border crime.

Over the past three years successive Presidencies have, with the help of the General Secretariat and national experts on secondment, enabled Member States of the European Union to make good and rapid progress in setting up the legal framework for combating organised crime. The European Union now has at its disposal new and innovative tools of many kinds, reflecting a real determination to raise awareness and draw in the large number of players with potential for involvement in combating organised crime.

It seems unnecessary to give an exhaustive list here of all that the MDG has done, the value of which cannot be challenged. However, the importance of some of these achievements needs to be underlined, such as the **evaluation mechanism**, which should lead to useful reforms and organisational arrangements in the field of mutual assistance in criminal matters and the **establishment of the European Judicial Network**. These two achievements form a valuable basis for the MDG's future work.

At the beginning of its Presidency, France stressed the importance with which it viewed this Group, whose multidisciplinary make-up and level of representation make it not only an exceptional forum within the third pillar but also effective in fighting organised crime by combining both prescriptive and practical aspects in a balanced and complementary approach.

As regards strategy, the European Union currently has sufficient information on which to base its measures to counter organised crime both within the European Union and in its partnerships with candidate countries or indeed with Russia.

In the light of the experience acquired, the French Presidency feels that the time has come to consider the future of the MDG and suggests the areas for discussions outlined below.

Ideas around which the Presidency believes future discussion of the role of the MDG should be based

- Are the MDG tasks, as described in its terms of reference, still relevant? In considering that question, to clarify the allocation of tasks, would it not be a good idea for the MDG to refocus on its original aim, namely the fight against major transnational crime? To do this, the MDG could bring together different strands and act as a forum for the exchange of views.
- For the sake of transparency, the MDG should, the Presidency believes, be clearly placed under the control and authority of the Article 36 Committee, whose institutional role is laid down in the Amsterdam Treaty.

However, it might be worthwhile discussing the place and role of the MDG in relation to the CATS.

Bringing together the various strands

As indicated earlier, the Presidency considers the Multidisciplinary Group to be an appropriate forum for discussing ideas for improving and enhancing cooperation in combating organised crime. Its specialised nature gives it a role to play in bringing together the various strands of horizontal matters under discussion in working parties, including working parties not in any legal sense part of the third pillar.

Hence the Presidency proposes that consideration be given to asking the Multidisciplinary Group to examine plans for drawing up new instruments and the impact these would have on practical cooperation in order to set guidelines and assess the main difficulties involved.

The Presidency also suggests giving the Multidisciplinary Group a greater role in drawing up common positions so as to help underpin negotiations on agreements in other fora. It is thinking in particular of the forthcoming negotiations within the UN on a legal instrument against corruption. It is important to strengthen the European Union's cohesion within such bodies as the Council of Europe and the UN so that it can be a representative force in defining policy.

A forum for dialogue

The development of bodies within the European Union such as Europol, Eurojust (as soon as the provisional Unit is set up), the European Judicial Network, the CIS and OLAF, makes it necessary to institute a dialogue between these bodies, including those which do not fall within the third pillar. Given the areas in which these bodies operate, the MDG would appear to be the appropriate forum for this interinstitutional dialogue would it not? This framework could be used for detailed discussions on the joint investigation teams and ways in which these bodies could assist them.

As regards the Union's external relations, this Group might be able to handle cooperation agreements negotiated in European Union fora other than the JHA Council in order to assess and perhaps draw up policy and positions (EU-Switzerland Agreement on combating fraud, Euro-Mediterranean Partnership). It might also be appropriate, might it not, for it to follow up the work of JHA/Ecofin with exchanges of views on how FATF should approach the question of States harbouring off-shore centres.

These initial thoughts are intended as a launchpad for the discussion at the MDG meeting on 21 December 2000.

As these ideas have not yet stabilised, they will have to be examined further, a task which the Presidency hopes the incoming Swedish Presidency will take up during its term. The French Presidency reserves the option of making additional comments.