

EUROPEAN UNION ACTION PLAN ON COMMON ACTION FOR THE RUSSIAN FEDERATION ON COMBATING ORGANISED CRIME

The Council of the European Union

IN FULFILMENT of the EU Common Strategy on Russia which was endorsed by the European Council meeting in Cologne in June 1999,

TAKING ACCOUNT of the medium-term strategy for development of relations between the Russian Federation and the EU (2000 to 2010), adopted by the Russian Federation,

TAKING ACCOUNT of the Union's action plan on organised crime, approved by the European Council at Amsterdam in June 1997, and in particular recommendation 4 thereof,

TAKING ACCOUNT of the European Union drug strategy (2000 to 2004) endorsed by the European Council in December 1999,

TAKING FURTHER INTO ACCOUNT that the Agreement on Partnership and Cooperation between the European Communities and their Member States and the Russian Federation entered into force on 1 December 1997,

BEARING IN MIND the special federal programme to intensify the fight against crime 1999 to 2000 approved by the Government of the Russian Federation on 10 March 1999, with particular reference to its aspects concerning organised crime,

EMPHASISING the commitment of the European Union to democracy, human rights and the rule of law and aware that organised crime constitutes a serious threat to these values because it penetrates, contaminates and corrupts the structure of governments, legitimate commercial and financial business and society at all levels,

TAKING ACCOUNT of the requirements of the European Convention on Human Rights and Fundamental Freedoms of 1950 and other international instruments in the field of human rights,

DETERMINED to combat organised crime and to improve international cooperation with the Russian Federation to tackle that phenomenon, while fully respecting human rights and various international conventions relating to the protection of those rights,

TAKING INTO ACCOUNT the discussions on organised crime which have taken place at the meetings of liaison officers from Member States based in Russia,

HAVING CONSIDERED the results of the seminars on EU-Russia cooperation in the fields of migration and judicial cooperation held in Lappeenranta in July 1999,

ACKNOWLEDGING the work on organised crime already undertaken by the relevant subcommittee established under the EU-Russia Agreement on Partnership and Cooperation,

TAKING INTO ACCOUNT the conclusions of the conference between the EU and Russia on organised crime in Helsinki on 15 and 16 December 1999,

RECALLING the discussion on organised crime which took place at the EU-Russia Summit in Helsinki on 22 October 1999,

RECOGNISING that important work on combating organised crime is taking place in other international forums, including the United Nations, the Council of Europe and the Baltic Sea Task Force on Organised Crime,

NOTING the conclusions of the Ministerial Conference of the G 8 countries on combating transnational organised crime in Moscow in October 1999,

ADOPTS this action plan on common action for the Russian Federation in combating organised crime.

A. GENERAL FRAMEWORK

I. Introduction and origin of plan

To strengthen the partnership between the European Union and the Russian Federation, the European Council, meeting in Cologne in June 1999, underlined its commitment to set up durable and effective cooperation with the Russian Federation in the area of justice and home affairs. In that respect it recognised the need to establish an action plan focused on common action with the Russian Federation in the fight against organised crime.

Paragraph 59 of the conclusions of the Tampere European Council on 15 and 16 October 1999 underlined the fact that all competences and instruments, and in particular, in external relations must be used in an integrated and consistent way to build an area of freedom, security and justice throughout the Union.

In addition, the European Union action plan to tackle organised crime, which was approved at the Amsterdam Council in June 1997, acknowledged the need to develop relations and closer cooperation with the Russian Federation. This was confirmed in recommendation 4 which called for the development by the Council and the Commission of concrete proposals to ensure improved cooperation, for instance, in cooperation with Europol. Moreover, the Agreement on Partnership and Cooperation (PCA) between the European Communities, their Member States and the Russian Federation made reference to cooperation between the Parties to prevent illegal activities, including money laundering and drug trafficking.

The importance of developing further and more effective cooperation between the EU and the Russian Federation has also been highlighted at numerous international meetings involving law enforcement and other personnel with an active role in the field of organised crime. Similar conclusions have emerged from work undertaken by other international and regional bodies, including the G 8, the Council of Europe and the Baltic Sea Task Force against Organised Crime. The Russian Federation has adopted a medium term strategy for the development of its relations with the European Union for the period 2000 to 2010. One of the elements of that strategy is concerned with cooperation in the field of law enforcement and it refers specifically to the establishment of operative cooperation with EU bodies in fighting transnational organised crime including money laundering and illegal drug trafficking.

II. Basis for plan

This action plan gives effect, in part, to the common strategy of the European Union on Russia endorsed by the European Council in Cologne. The common strategy confirmed that the Russian Federation and the European Union have a common interest in stepping up their cooperation in the fight against common scourges, including organised crime. In that context the European Union indicated that it proposed to put increased cooperation in place by creating the necessary tools and forms of cooperation between the competent bodies and by developing exchanges of

experts. In addition it made clear its readiness to offer relevant expertise, particularly in the development of legislation and competent institutions. The common strategy also stated that a plan should be established to focus on common action with the Russian Federation in the fight against organised crime, including action to combat corruption, money laundering, trafficking in drugs, human beings and illegal immigration. In addition, a non-exhaustive list of specific issues to be covered by the plan was given.

III. General principles

As envisaged in the common strategy, this action plan is designed to promote close cooperation between the European Union and its Member States, and the Russian Federation in the fight against organised crime. This is a process in which the relevant activities should be addressed, in particular, judicial and law enforcement cooperation, in order to ensure that organised crime can be tackled at the widest possible level. Particular attention should also be paid to the fact that prevention can play a significant role in combating organised crime by reducing the circumstances in which that phenomenon can operate.

Furthermore, account should be taken of related work already pursued by individual Member States or carried out in other international forums and of the possible need for coordination in that regard. As indicated in the common strategy, existing actions, programmes, instruments and policies are to be reviewed to ensure their consistency with the strategy and to make the necessary adjustments.

Organised crime is increasingly affecting legal business and commercial activities conducted between the Member States and the Russian Federation. In particular, it is using the legitimate commercial environment to conceal its activities, for example through the use of legally registered companies. One tool which it is employing in its activities is double invoicing which causes severe losses to the Russian Federation and at the same time creates conditions for organised crime to infiltrate legitimate businesses both within the European Union and in the Russian Federation.

Organised crime groups in the Member States of the European Union and in the Russian Federation are cooperating to a significant extent in all fields of criminal activity and especially in relation to trafficking in people, drugs, arms and stolen property, money laundering, corruption, high-technology crime, financial crime and illegal immigration. This action plan applies, in particular, to these forms of criminal activity.

B. AREAS OF COOPERATION

I. Judicial cooperation

(I) Provision of judicial cooperation

Improving international judicial cooperation is a priority for this plan and a prerequisite for its success. Efforts should be made to ensure that a legislative framework suitable for such cooperation exists. This will require:

- a. adoption of appropriate legislative and other measures for the development of arrangements under which judicial cooperation can be provided for and obtained from other States, and
- b. ratification and full implementation of the international instruments to which States are parties and which are of particular importance in combating organised crime. These instruments include:

- European Convention on Extradition 1957(1) and its additional Protocols from 1975 and 1978
- European Convention on Mutual Assistance in Criminal Matters 1959 and its additional Protocol 1978
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Strasbourg 1990
- Agreement on Illicit Traffic by Sea, implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Strasbourg 1995
- UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988
- European Convention on the Suppression of Terrorism 1977 (signed by the Russian Federation on 7 May 1999)
- Council of Europe Criminal Law Convention on Corruption 1999 (signed by the Russian Federation on 27 January 1999)
- Council of Europe Criminal Law Convention on Corruption 1999
- Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data 1981.

Several other Conventions may also be relevant to the fight against organised crime. Among those conventions are the Convention for the Suppression of Counterfeiting Currency, Geneva 1929 as well as the Council of Europe Convention on the Protection of the Environment through Criminal Law, Strasbourg 1998.

The Russian Federation should be encouraged to become a party to each of the instruments with particular priority to be assigned to the conventions relating to extradition, mutual assistance in criminal matters, money laundering and corruption. The Russian Federation authorities should also be assisted so that they will be in a position to cooperate with other countries in conformity with internationally accepted standards such as those laid down in the 40 recommendations of the financial action task force.

- c. ratification and full implementation of international instruments for the protection of human rights.

(II) Framework for judicial cooperation

To enhance the effectiveness of Russian Federation judicial cooperation in the field of organised crime, the European union will work with the Federation to encourage efforts to ensure that:

- a. special attention can be devoted by the Russian Federation judicial authorities to priority issues. These issues could be identified jointly by the Russian Federation and the European Union, for example on the basis of the EU annual organised crime situation report, and should be reviewed on a regular basis. Examples of possible priority areas include financial crime such as money laundering, trafficking in people for sexual exploitation or other purposes, drugs, arms and explosives, stolen property (including stolen vehicles and works of art), corruption, counterfeiting of money, illegal immigration, high-technology crime such as computer crime, and serious environmental crime;
- b. central Russian Federation contact points are identified and established for judicial cooperation purposes;

- c. links are established by the Russian Federation judicial cooperation authorities with their counterparts in the Member States and, as appropriate, with the European Judicial Network.

The European Union will, in this respect, assist the Russian Federation in:

- d. developing procedures which conform to the best practices in international judicial cooperation;
- e. arranging regular meetings and seminars to promote the adoption of good practice in judicial cooperation;
- f. training judicial cooperation practitioners, for example through exchanges of personnel;
- g. working with the Member States to provide a manual on judicial cooperation between Member States and the Russian Federation and a statement of good practice in relation to such cooperation;
- h. making joint efforts with third country offshore centres to ensure efficient and transparent cooperation in mutual legal assistance on the basis of the relevant recommendations made by the financial action task force.

II. Law enforcement cooperation

(I) Framework for cooperation

For the purpose of further enhancing the training of law enforcement officials and the overall operation of law enforcement, steps will be taken by the European Union to promote the development with the Russian Federation authorities of arrangements under which:

- a. special attention can be devoted by the Russian Federation law enforcement authorities to priority issues. These issues could be identified jointly by the Russian Federation and the European Union, for example on the basis of the EU annual organised crime situation report drafted in cooperation with Europol. These issues should be reviewed on a regular basis. Examples of possible priority areas include financial crime such as money laundering, and trafficking in persons for sexual exploitation or other purposes drugs, arms and explosives, stolen property (including stolen vehicles and works of art), corruption, counterfeiting of money, illegal immigration, high-technology crime such as computer crime, and serious environmental crime;
- b. technical, operational and strategic information and intelligence can be exchanged between Member States of the EU and Russian Federation law enforcement agencies on the widest range of topics in the field of organised crime, taking into account the need to ensure that legislative and other measures are put in place so that appropriate confidentiality and data-protection requirements are satisfied in relation to operational and strategic information provided to the Russian Federation law enforcement authorities;
- c. central Russian Federation contact points will be identified to exchange information with EU Member States law enforcement authorities;
- d. the development of common principles as appropriate, that would permit the authorities of the Russian Federation and the European Union to use special investigative techniques, such as controlled deliveries, in serious cases involving organised crime;
- e. training courses will be held with Russian Federation law enforcement personnel to develop good practice in the field of international cooperation;
- f. joint meetings will take place between law enforcement experts from EU Member States, and the Russian Federation operating in the field of organised crime, for instance to promote exchanges of information on trends in organised crime and other relevant

- matters or to discuss, in appropriate cases, investigations of common interest in relation to the activities of organised crime groups;
- g. exchange-programmes involving law enforcement cooperation experts will be organised with EU Member States;
 - h. border controls should be strengthened to combat illegal trafficking in drugs as effectively as possible;
 - i. financial institutions will be provided with appropriate rules and guidelines for reporting suspicious transactions to the competent designated Financial Intelligence Unit and fully support investigations by law enforcement authorities into suspected money laundering;
 - j. exchanges of information about suspicious transactions may, in appropriate cases, take place between the Financial Intelligence Units of EU Member States and the corresponding competent Russian Federation authority, taking into account the need to ensure that legislative and other measures are put in places that appropriate confidentiality and data-protection requirements are satisfied in relation to information provided to the Russian Federation law enforcement authorities;
 - k. special attention will be devoted to ensuring the integrity of data which can assist law enforcement authorities in combating organised crime (e.g. registers of vehicle ownership);
 - l. appropriate efforts will be made to encourage individuals to break away from criminal organisations and to ensure the protection of individuals who cooperate with the judicial process;
 - m. information campaigns and international programmes will be undertaken to promote the prevention and reduction of organised crime, in line with the preparation of the European strategy to prevent organised crime, carried out in cooperation between the European Commission and Europol;
 - n. academic studies of problems of mutual interest should be encouraged;
 - o. comparable methods of analysis should be developed.

(II) Liaison officers

To further develop cooperation between the EU Member States' liaison officers in Russia, the European Union will seek to ensure that these officers meet on a regular basis involving Europol and the European Commission as well. Where appropriate, liaison officers from the competent Russian Federation authorities stationed in the EU Member States should be invited to attend such meetings. In addition to exchanging relevant information, the liaison officers should have the opportunity to consider the implementation of the action plan and to put forward proposals for strengthening that process. Favourable consideration should also be given to the deployment of Russian Federation liaison officers in EU Member States.

Independently of this, meetings to promote information exchange should be held between liaison officers of EU Member States and liaison officers from other countries posted to the Russian Federation. When it is appropriate, the authorities of the Russian Federation should be invited to such meetings.

(III) Europol

As provided for in the EU common strategy on Russia, cooperation between Europol and the competent Russian Federation agencies will be developed in accordance with the Europol Convention and the relevant Council decisions and according to agreed priorities.

III. Cooperation in other forums

The European Union and its Member States should work, in so far as possible, with the Russian Federation authorities to ensure appropriate cooperation in relation to organised crime matters within other international forums. For example, such cooperation could apply in the case of the negotiations on the draft United Nations Convention against Transnational Organised Crime and its protocols and within the Baltic Sea task force on organised crime and the "Budapest Group". It should also apply to possible cooperation in respect of the relevant technical assistance programmes being carried out by other bodies such as the Council of Europe and the United Nations.

C. COORDINATION OF ACTIVITIES UNDER THE ACTION PLAN

To enable this action plan to operate as successfully and effectively as possible, it will be necessary to ensure that appropriate cooperation takes place between the relevant parties, including the EU Member States, the Council, the Commission and the Russian Federation authorities. It will also be essential that, in accordance with the common strategy, the maximum amount of coordination is achieved in relation to Community and Member States' bilateral actions, programmes, instruments and policies, which have a bearing on the action plan and that any necessary adjustments are made. In particular, the following measures will be put in place.

- I. Link between Community programmes and the bilateral initiatives of Member States
In the planning of EU (Community and Member State funded) programmes and in order to ensure coherence and avoid duplication, coordination between the Member States and the Commission must be consolidated. In addition, Member States shall make additional efforts to coordinate their actions vis-a-vis Russia. As a first step, an indicative inventory of all relevant EU and Member State programmes, instruments and resources will be established.
- II. EU and Russian Federation activities
Steps will be taken to maintain an up-to-date inventory of Community and of Member States' cooperative activities with the Russian Federation in organised crime matters and of the legal instruments concluded in that field. In addition the opportunity will be provided for the Member States to share with the Russian Federation authorities their experience of implementing measures adopted at EU level to combat organised crime. Similarly, the Russian Federation authorities should be encouraged to supply details of relevant developments with particular reference to the implementation of the international cooperation provisions of the special federal programme against organised crime which was approved by Decree of the Government of the Russian Federation on 10 March 1999 and other relevant Russian Federation legislation. An exchange of information on activities conducted in other (non-EU) forums will also be encouraged.
- III. PCA subcommittee

The subcommittee which addresses the fight against crime under the framework of the EU-Russia Agreement on Partnership and Cooperation should include in its activities exchanges of information concerning ongoing anti-organised crime projects initiated by international organisations and forums other than the EU, for example the United Nations, the Council of Europe and the Baltic Sea task force on organised crime. The subcommittee could also usefully play a role in assessing:
 - a. the implementation of projects financed by the European Union, and
 - b. elements of future, coordinated, technical assistance.
- IV. Technical programmes

All future technical assistance programmes involving the EU, its Member States and the Russian Federation which are concerned with the fight against organised crime or related issues,

including matters arising under the Tacis programme, should take due consideration of the objectives and provisions of this action plan. Efforts should be made to provide mutual practical support, including through Community and Member State assistance programmes, to implement the action plan. All future technical assistance programmes in the field of combating organised crime should be consistent with the action plan.

D. IMPLEMENTATION OF THE ACTION PLAN

The European Union will seek the full and active cooperation of the relevant Russian Federation authorities in the implementation of this action plan. In so far as possible and appropriate, steps will be taken to enable the Russian authorities to be associated with relevant programmes and instruments adopted within the EU. In addition, the countries, which are candidates for accession to the EU will be invited to become associated with its provisions. The European Union will also urgently consider the question of developing an agreement under Article 38 TEU with the Russian Federation for the purpose of implementing this action plan. In addition EU Member States should examine closely the possibility of concluding appropriate multilateral and bilateral agreements with the Russian Federation to improve the fight against organised crime within the framework of the action plan.

E. MONITORING AND EVALUATION OF THE ACTION PLAN

Regular meetings will take place at senior level between the European Union, including the Commission and the Russian Federation to assess the implementation of the action plan. These meetings should also provide the opportunity for the launch of new initiatives. In addition, the operational aspects of the action plan should be periodically considered by the appropriate subcommittee, established under the EU-Russia Agreement on Partnership and Cooperation.

Not later than the end of 2001, the European Council will review the operation of this action plan and may decide to carry out further reviews in relation to this matter.

(1) The European Union welcomes the fact that the Russian Federation ratified the Conventions on Extradition and Mutual Assistance and their Protocols on 25 October 1999.