

RESTARTING THE
FUTURE

PROPOSAL FOR THE INTERGROUP AGENDA: 6 POINTS TO FIGHT AGAINST CORRUPTION AND ORGANISED CRIME

www.restartingthefuture.eu

Restarting the Future is a campaign aimed at fighting corruption and organised crime on a European level promoted in different countries by NGOs such as Libera, Anticor, Mafia Nein Danke. It is the sister campaign of **Riparte il futuro**, launched during the Italian general election of 2013, which has become the biggest digital campaign in Italy, with 650.000 citizens signing the petition and more than 350 MPs involved in the proposals against corruption.

The European campaign, launched before this year's EU elections, has been signed by 142.000 European citizens. Around 400 candidates from 27 Member States subscribed to the cause.

Before the European Elections of 2014 candidates from across Europe were asked to set aside national and political differences to join the campaign and create the first ever Intergroup with the aim of fighting corruption and organised crime.

The major points that Restarting the Future would like to include in the Intergroup agenda, signed by more than 60 MEPs, are:

WHISTLEBLOWING

Whistleblowing is the act of any person who 'blows the whistle' on a corrupt episode at work or in the public arena, contributing to the unmasking of serious offences. Because this role is critical, it must be adequately protected from reprisals.

We strongly believe the solution is a European Directive on whistleblowing (promoted by an European Parliament Resolution) to protect those throughout the European Union who 'whistle' to report wrongdoing. Countries with innovative whistleblowing protection systems already in place have produced tangible results.

WHAT WE PROPOSE

The European Directive should contain:

- A coordinated European strategy to standardise minimum requirements for whistleblower protection;
- The creation of reporting channels which are safe, reliable, clear, easy to approach and guaranteed in all Member States;
- The promotion of a European culture of integrity, transparency and condemnation of corruption and bribery;
- The establishment of a European Authority for whistleblowing.

21ST MARCH - DAY OF MEMORY AND COMMITMENT

Since 1996 in Italy on every 21st March there has been a 'Day of memory and commitment' to remember the innocent victims of organised crime.

WHAT WE PROPOSE

- Extended recognition of this day at European level is a strategic and symbolic step. The first day of spring would be a symbol of hope and commitment across Europe. It is important to remember that CRIM Committee has already voted for a 'day of memory' but there should be a concrete decision taken by the Parliament or the Council. The intergroup should work in this direction.

Where there is no memory, there is no future

LIBERA is a major promoter of Restarting the Future campaign and one of the largest European organisations fighting against corruption and organised crime. Hand in hand with Restarting the Future and in line with the core values of their own organisation, Libera have been particularly involved with outlining the following additional points as part of the Intergroup agenda.

It is our common belief that there is a deep structural connection between all the points outlined in the agenda. The strategic unity of the individual aims is fundamental to the eradication of corruption and the fight against organised crime.

CONFISCATED ASSETS

The European Parliament Directive 2014/42/EU on "freezing and confiscation of instrumentalities and proceeds of crime" in the issue of 3rd April 2014 is the main legal reference on the issue even if did not conceive preventive confiscation as an enabling tool.

As shown in the example of the Italian legislation, preventive confiscation is an efficient tool to prevent the concealment and transfer of personal assets to another State. This has been acknowledged at european level in the parliament's resolution of the 23rd October 2013. However, there remains some way to go until this is implemented at national level. This should be implemented now.

WHAT WE PROPOSE

In order for efficient and effective action on organised crime goods assets, we strongly stand for:

- The creation of a European judicial tool that allows cross-border collaboration on preventive confiscation, overriding conflicting national legislature and insufficiently co-ordinated national procedures;
- The extension and development of the EU legislative provision starting from the Directive 2014/42/EU update, in particular art. 10.3 related to "the social reuse of confiscated assets".

EUROPOL AND EUROJUST: THE ROLE OF THE EU AGAINST ORGANISED CRIME

Europol was established in order to help Member States co-operate more closely and effectively in the effort to fight transnational organised crime by the collaborative pooling, exchanging and interpreting of data.

Due to the transnational nature of organised crime, the Member States proposed that an effective response could only be developed through a European-led coordination and by strengthening the cooperation among Member States.

Thanks to a de facto adherence by Member States to its policy recommendations, Europol has expanded its role and importance in EU organised crime policy-making.

WHAT WE PROPOSE

- Following the conclusions of the CRIM Committee, we ask for a greater jurisdiction for Eurojust and Europol regarding the fight against organised crime;
- We ask for the establishment of the European Public Prosecutor's office, as proposed by the European Commission in July 2013: the establishment of a coordinated European answer. This would help counter the general feeling of impunity amongst perpetrators.

MONEY LAUNDERING

The EU is currently reviewing its third Anti-Money Laundering Directive (AMLD). The adoption of the Council general approach was scheduled for May 2014, and was finally agreed to in June 2014 under the Greek Presidency.

We agree with Transparency International's proposal on this topic:

EU money laundering regulations need to be better enforced, and more information is required so that the source of funds can be better identified. Information on who ultimately owns and controls companies, trusts and other legal structures needs to be made publicly available in registers across the EU

The European Parliament voted in March on its first reading of the draft legislation, and handed it over to the next Parliament. MEPs newly elected last May will have something to build on.

WHAT WE PROPOSE

- We ask for an enforcement of the existing legislation regarding money laundering;
- We ask for public beneficial ownership information provided by companies, trusts and other legal structures in the EU, available in public registers in open-data format;
- We want to chair discussions at the Trialogue to achieve a consensus on establishing mandatory EU-wide public registers of beneficial ownership information as part of the final EU Directive.

ENVIRONMENTAL CRIMES

Organised crime entities are often involved in environmental crimes.

The so-called “environmental crime” defines acts that breach environmental legislation and cause significant harm or risk to the environment and human health. This includes the illegal emission or discharge of substances into air, water or soil, the illegal trade of wildlife and ozone-depleting substances, and the illegal shipment or dumping of waste.

Due to the cross-border nature of many of these crimes, they are usually under the International jurisdiction. Only coordination at EU level can help tackle the issue and bring about more effective and dissuasive measures. The huge amount of illegal cross-border eco-traffic and eco-crime is facilitated by the exceptional “low risk-high profit” margin. Europol reported in its 2011 ‘Organised crime threat assessment’ that eco-crimes are often facilitated by legitimated business operations such as financial services and import/export sectors.

WHAT WE PROPOSE

- We demand to reinforce the existing criminal sanctions that are not sufficiently binding to ensure a high level of environmental protection throughout the European community;
- Starting at the very definition of “Eco-crimes” or “Environmental crime” we ask for the recognition and monitoring of this emerging form of transnational organised crime, requiring in-depth analysis and better-coordinated responses at national, regional and international levels.