

Tilburg University

The administrative approach to organised crime in Amsterdam

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Published in:

The administrative approach to (organised) crime in Amsterdam

Publication date:

2002

[Link to publication in Tilburg University Research Portal](#)

Citation for published version (APA):

Fijnaut, C. J. C. F. (2002). The administrative approach to organised crime in Amsterdam: Background and developments. In C. J. C. F. Fijnaut (Ed.), *The administrative approach to (organised) crime in Amsterdam* (pp. 15-30). Public Order and Safety Department.

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1 The administrative approach to organised crime in Amsterdam: background and developments

Cyrille Fijnaut

1.1 Introduction

Amsterdam's administrative policy around the problem of organised crime does not stand alone. As the *Introduction* infers it interweaves from several angles with relevant policy developed by the European Union. However, what goes for the European Union also goes for the Netherlands: the policy Amsterdam envisages for the administrative combating of organised crime is very largely conditioned by general Dutch policy on this issue. Moreover, it is so that – right from the start – the policy Amsterdam started up over the past several years was inspired by the administrative policy tested out in New York over the past fifteen years to bring an end to the hegemony of the *cosa nostra* in a number of the city's key economic sectors.

Hardly surprisingly, this introductory chapter opens with a brief treatment of developments in this area, in New York, since the late 1980s. Next, we will look at the targeted policy turnaround on organised crime, in the Netherlands, around 1990. Despite the initial “impossible” verdict on the administrative combating of organised crime, just a few years later the space was indeed created for such an approach to the issues arising with this type of crime.

Following on from this, successive paragraphs will outline Amsterdam's administrative policy in practice, in this area, over the past several years. Starting with notes on the origin of the projects already started up in the early 1990s, notably the project to enhance the integrity of the civil service apparatus, and the project to prevent organised crime becoming embedded in the construction sector.

Secondly we will look at how, in 1996 – in the wake of the parliamentary report on organised crime in the Netherlands, and more particularly in Amsterdam – the city not only combined existing policy in this area but also systematically developed new policy across a whole range of areas.

Lastly, with an eye to positioning of the foremost Amsterdam projects in action plans formulated by the European Union to combat organised crime, we will also outline the relevant sections of these plans.

1.2 The transatlantic connection: New York policy on the *cosa nostra*

In the late 1960s the United States federal government acquired far-reaching powers and facilities particularly to enforce criminal proceedings against organised crime and in particular the *cosa nostra*. Notable here are powers to tap phone calls – directly and indirectly – the use of long-term under-cover agents and the introduction of witness protection schemes linked to the use of so-called cooperative witnesses. It took the police agencies and state prosecutors around ten years to learn how to use this arsenal; but once well practiced, success mounted apace. James Jacobs calculated that between 1981 and 1992 entire *cosa nostra* families were decimated in the United States thanks to long sentences awarded to their *bosses* and important *made members*.

Self-evidently, as the *cosa nostra* had already occupied positions of power with five families in New York, from as far back as the early 1900s, covering a whole range of legal and illegal sectors of the city economy, the campaign also dealt blows to the Lucchese, Bonanno, Colombo and Genovese families, not forgetting the Gambinos. In many people's eyes the conviction and sentencing of the Gambinos' *don*, John Gotti, put the seal of success on the government campaign against organised crime in New York. Apparently, at long last it was not only possible to break the families' power in illegal gambling, prostitution and drugs, but also in the construction industry and the food markets, like Fulton Fish Market, as well as transportation and garbage collection/processing – to name but a few of the most important sectors.

However, in the late 1980s it was far from certain just how the power of the families could be broken in these legal sectors. No single city agency had meaningful experience in this context and it was virtually a trial and error approach, from sector to sector. It was quite clear to everyone that success would depend on more than a succession of new prosecutions of heads of *cosa nostra* families. Certainly these would mean an element of successive destabilisation of the families and lead to the forfeiture of part of their companies, but in no way would they make a structural end to monopolies across several industries. The monopolies were all too finely meshed for this, both in terms of ownership of key businesses in the relevant sectors, and control of the trade unions active in these sectors, plus – and this is also very important – at the end of the day they

could always very effectively apply violence or its threat, against any opponent. In short, as so convincingly set out in James Jacobs's recent book *Gotham unbound*, criminal law alone would not be enough to break such monopolies.

The best object lesson of New York's trial and error fight to liberate key sectors of the city economy from the grip of the *cosa nostra* is the battle against the massive power of the *cosa nostra* in the construction industry. In 1987, following a stream of reports and rumours about this situation New York State Governor Mario Cuomo set up the Construction Industry Strike Force (CISF). This included prosecutors, detectives and accountants from the New York State Organized Crime Task Force (OCTF) and the Manhattan District Attorney's Office. Not only did this task force initiate a large number of criminal prosecutions against *cosa nostra* members, business people, trade union officials etc, but it usefully deployed the insights on the criminal side of the construction industry, gained from these cases and far-reaching proposals were made across a broad front to cleanse the industry of organised crime. Examples included the proposal to establish a special anti-corruption bureau in the construction industry, the appointment – at the cost of the big construction companies – of special inspectors to audit major projects for compliance with building regulations, and in the case of non-compliance to report this to the appropriate administrative and justice authorities, and the proposal to appoint an ombudsman for trade union members who had grievances as to their rights. For a variety of reasons the majority of these proposals were never adopted in full, by the city council. However, some were tried out in sub-sectors.

The area of the construction industry where the CISF's proposals were substantially implemented was the building of public schools in New York. In 1989 the School Construction Authority (SCA) asked the head of the CISF, Thomas Thacher II, to implement his ideas on combating organised crime around a new school construction programme worth USD 4.3 billion. Thacher accepted the invitation, or better said, challenge. Operating in the capacity of the SCA's inspector-general he and his staff developed a range of methods to protect this budget against organised crime. On one hand this meant ongoing, repressive-type measures, i.e. undercover operations at construction sites to collect evidence of fraud, etc. But, on the other hand, there were also genuine administrative preventative methods. The most important being the pre-qualification procedure. Under this procedure no company could do business with the SCA before the inspector general – aided by his investigators, accountants and analysts – had checked the answers to an extensive list of questions to be completed by the companies as part of the procedure. These questions covered every possible facet of the company organisation and actual operations: the owners and/or stockholders, corporate capital, payment of taxes and social security

premiums, any employees with criminal records, previous construction projects, etc. If and when the inspector general can demonstrate that a given company has incorrectly completed the questionnaire, the SCA, and possibly other governmental bodies, will bar it from tendering for a number of years. Almost self-evidently the two types of method are significantly complementary and mutually reinforcing: the insights gained into given companies via the criminal-justice route can be deployed to check their data in the pre-qualification procedure. And, vice-versa, the investigation in the context of this procedure can lead to criminal investigation.

But the city has also tried other ways to restore order in both the construction industry and other sectors of the economy. A less successful example was the set-up of a municipally subsidised cement plant in 1986 with an eye to eroding the *cosa nostra's* monopoly in this field. However, it was not so easy to find a suitable person to run the plant. When such an apparently suitable person was found, it later transpired that he was unable to produce sufficient cement for the construction companies who were more or less contractually bound by the city to purchase this raw material from the plant. The company that took over the contract did succeed in boosting production up to the required level only for this to coincide with such a sharp decline in cement prices that the city was forced to concede that it was paying more than the private sector. Even so, it renewed the contract for another five years, and the factory went broke within two years.....

A successful example is the set up of the Trade Waste Commission (TWC) in 1995. The TWC was to be the motive force behind a new strategy to get waste processing out of the hands of the *cosa nostra* families. At the core of this strategy was the introduction of a new permit system to keep mob controlled companies out of the sector, setting of maximum prices to prevent exorbitant profit, and countering contracts that gave the companies involved a grip on their customers. Alongside wide powers to issue, check and withdraw permits, TWC was also enabled to implement this strategy with powers including checking company backgrounds and conducting mandatory audits of contracts and other important documents. Hardly surprisingly, the staff included a large number of ex-police officers. Right now, the TWC's success is unchallenged, as Jacobs writes: "As long as the TWC is run by competent and aggressive officials, *cosa nostra's* comeback in the carting industry is unlikely."

1.3 Turnaround in Dutch views circa 1990

It would be the early 1980s before organised crime in the Netherlands also achieved headline status. At this point both the printed and broadcasting media started to increase their focus on the various displays of the phenomenon, at home and abroad. Hence, understandably, organised crime also featured in the justice minister's *Samenleving en Criminaliteit (Community and Crime)* policy plan, published in May 1985. Based on impressions gained from police and justice circles this plan postulated that organised crime had come to represent a major threat to Dutch society and that this demanded a rapid response. Although the plan devoted considerable attention to administrative prevention of (minor) crime, the minister's view was that action combating organised crime was an exclusive task for the police and justice authorities. Hence, the entire focus in this context was on reinforcing cooperation between police forces above the local level, the extension of police powers, and specialisation within the public prosecution service. Potential for administrative action was quite ignored.

However, during the course of 1988-1989, via Frank Anechiarico (Hamilton College) and James Jacobs (New York University School of Law) I got wind of the thinking around the CISF and the plans of the SCA. Next, I was able to convince the most senior levels of the Dutch police and justice departments of the importance of these developments in New York. This led to the *Dutch-American Conference on Organized Crime* in The Hague in October 1990, where speakers included representatives of the CISF and the COT, as well as the Dutch police and justice departments. This conference caused a major turnaround in Dutch thinking about the combating of organised crime. During the conference policy makers became convinced that this type of crime could indeed also be countered via the administrative route.

This swing in convictions was clearly noticeable in the anti-organised crime policy plan presented by the ministries of Justice and the Interior, in 1992, which called the administrative combating of organised crime as important as the criminal justice approach. As a result, this plan launched various ideas to shape its administrative combating measures. The two most important tasks attributed to the public administration in this context were as follows. Firstly, every means must be devoted to ensuring the integrity of the civil service apparatus whereby this integrity is considered to be the prerequisite for the effective combating of organised crime, these means being greater awareness, transparent allocation of tasking, tighter procedures for the awarding of grants, enhanced controllability of action, and prevention of conflicting interests. Secondly the public administration must be more aware of the fact that crimi-

nal organisations increasingly use legal enterprises whereby, at a given moment, they are dependent on the government, in particular where it concerns obtaining and operating permits, the outsourcing of work, and the awarding of projects.

To avoid a situation whereby the government itself would assist the underworld to embed itself in the regular world, the plan prioritised a highly critical preventative stance by government, (e.g.) under no circumstance granting permits to given companies, or withdrawing their permits.

These two starting points would not remain “paper tigers”. Indeed, the next several years would see a whole range of efforts to put them in practice.

On one hand the ministry of the Interior set up an entire campaign to convince all levels of the administration of the need for an integration policy. But matters went beyond boosting awareness. Pilot studies were also carried out in municipalities to check that their organisation and procedures gave adequate safeguards against use and/or abuse of permits and provisions by criminal organisations. Police forces were advised to form internal control departments to monitor the integrity of their personnel. They were urged to formulate stringent and clear rules on accepting gifts and taking up ancillary functions, etc.

On the other hand the ministry of the Interior investigated the legal potential for the administrative combating of organised crime. In 1994 this investigation led to a report by the Vrije University of Amsterdam with the challenging title *Gewapend bestuursrecht (Armoured Administrative Law)*. This examined in how far legislation on the environment, around construction/building and tendering, in particular, lent itself to such an approach. One conclusion was that – obviously – there were already a range of possibilities, notably in having an audit by an external agency and in consulting criminal records for information as possible grounds for refusing or withdrawing a permit. However, the report continued that these options are most unlikely, or most unlikely invariably to be sufficient to hinder criminal organisations in their economic dealings. The main reason here was that while permits can, for example, be refused on the basis of involvement in crime, including future crime – these suspicions must nonetheless be backed up with reliable evidence, checkable by the applicant, and indeed, possibly, by a court. Self-evidently this is not such a problem where there has been a criminal conviction. But, in many cases such evidence is lacking and the only source is confidential police information. The report’s most important recommendation was that it would be desirable to set up a dedicated agency, with legal status and powers to vet applications for permits, tender proposals etc, on the basis of all types of databases, and with the power to require companies to cooperate with the agency’s investigations. Further, the report recommended amending the verification framework for granting and withdrawing permits, in a whole range of legislation.

1.4 First initiatives in Amsterdam

The first half of the 1990s also saw the start of several initiatives developed in Amsterdam, centring on the administrative combating of organised crime; this was interplay with national policy.

1.4.1 Protecting construction of the North South metro line against organised crime

To set the scene, around 1990 the city government of Amsterdam drafted the first blueprints for a new metro line. This North-South line would run some 21 kilometres, 4 of them below ground. Total construction costs, including stations, were estimated at € 0.73 billion. Given the discussion at the time about infiltration by criminal organisations into bona fide companies and their gaining a grip in the governmental apparatus via tendering, a project group was established in late 1993 comprising both the City Transport Department and the police. The task of the police was to determine or prevent domestic – but in particular foreign – construction companies or combines from obtaining city funding in the event that they had any sort of links with criminal organisations. One way to do this would be by auditing the procedures for weak spots by investigating the backgrounds of the tendering parties, by developing methods to prevent cartel forming and – in the event of foreign companies – by checking their credentials against European standards. Meanwhile, the city made no secret of this sub-project and it was discussed quite openly when the construction plans were presented in October 1994.

Also remarkable is that during this presentation a pointed reference was made to the investigation of the CISF in New York. This underlined the risk of infiltration by organised crime into the construction industry and highlighted the thinking of the task force and SCA's inspector general on ways to combat this. Apparently the *Dutch-American Conference on Organized Crime* of 1990 had now sown its seeds in Amsterdam! Hence, it was no surprise that, right upfront at the presentation of the construction plans for the North South metro line, it was announced that there would be a screening and auditing approach to hinder infiltration by criminal organisations into the regular world. The tool used here was a qualification procedure based on a questionnaire.

With a view to the definite detailing of this plan the steering group (that had replaced the project group in January 1995) paid a working visit to New York and met with all the organisations and individuals who were in any way involved with application of the pre-qualification procedures in the construc-

tion industry. A month later they visited the police and justice authorities in Rome to see the Italian approach to keep the mafia out of tendering in construction via a process of certification. Both visits made one thing clear: a pre-qualification procedure is not a panacea against all criminal infection in the construction industry. Similarly, a number of conditions were mandatory for such a procedure to work properly. This would include insights by the relevant services into the structure and workings of the construction industry, and linked to this, insights into the quality of the questionnaire and the information position of the party checking the answers. Indeed, if these preconditions are not fulfilled, this sort of procedure can have an opposite effect in that it legitimises quite undeserving companies.

Furthermore the steering group studied European tendering legislation in some depth, notably the grounds for exclusion included in the most relevant directives, i.e. Directive 93/37 on Public Works, and Directive 93/38 on the utility sectors. This analysis showed that governments have considerable scope, both *de jure* and *de facto* to accept or decline tenders on economic grounds, where given subscribers are concerned, but that excluding companies from tenders is more problematic as grounds for so doing are limited under Directive 93/37. These grounds include bankruptcy or filing for bankruptcy, conviction for an offence calling into question professional integrity, non-payment of tax and/or social security premiums, and having made false declarations in providing such information as may be requested from the company, by the government. Obviously, the latter nonetheless offers a certain scope for instituting a screening and auditing procedure, as is the practice in New York.

Indeed, in October 1995 the final report of the Project group on Crime Prevention in the Construction Industry around the North South line, made detailed recommendations for a screening procedure. Notwithstanding it also gave a detailed description of how given forms of surveillance would provide a maximum preventative effect against undesirable activities during the construction.

To implement both the screening and security procedures it was proposed to set up a dedicated agency under the direct authority of the mayor. To carry out its tasks properly, alongside its expert analysts, this agency would also require close cooperation from the police, the public prosecution service, the tax authorities and the municipal services. In June 1996 the city executive comprising the mayor and aldermen agreed to this proposal and the Screening and Audit Bureau (SBA) commenced operations in the course of 1998.

1.4.2 Promoting the integrity of the civil service apparatus

Self-evidently, like most major cities, Amsterdam had cases of fraud and corruption in its civil service apparatus. Equally obviously, before governmental integrity became a national issue, the various services had measures in place to keep the problem under control. As early as 1992 The City Sanitation Service had issued instructions to personnel precisely setting out behaviour that would under no circumstances be tolerated.

However, in May 1995, under the impact of the national discussion on integrity in the civil service the memorandum *Corrupt of correct? De integriteit van het bestuurlijk en ambtelijk apparaat van de gemeente Amsterdam (Corrupt or correct? The integrity of the administrative and civil service apparatus of the City of Amsterdam)* was presented to the city executive of mayor and aldermen. In a cohesive fashion this showed how tools already developed on a nationwide basis could and should be used across Amsterdam to combat corruption in its ranks. Alongside a whole range of more general remarks on the need for openness around the dealings of the civil service, and the desirability of investigating municipal services, it was proposed that a workshop should be held in September 1995 to brief elected executives and civil servants on the nature, scope and development of the issues of corruption and fraud, and to update them on ways better to master these issues. The most important principle advanced here was that combating corruption and fraud should be a regular item for special attention, embedded in Amsterdam's policy around its personnel and organisation.

The latter would mean concrete actions having to be taken on a number of points, per service/branch, and attention was drawn to the following examples:

- an analysis of the own organisation with a view to vulnerability to organised crime;
- a risk inventory around corruption and fraud in the departmental administrative organisation;
- screening of tendering procedures;
- screening of procedures for providing information to third parties.

Partly based on the above-mentioned memorandum and the outcome of the related workshop a project was set up during the course of 1996-1997 and started officially on 24 October 1997. The various aspects of this project will also be discussed in detail.

1.5 The Fijnaut/Bovenkerk report on organised crime in the inner city

In 1993, spurred to a degree by national policy on the police-role in combating organised crime, a controversy arose within the Amsterdam force on the configuration of its investigation activities. The basis taken here was that both the central criminal investigation unit, and the neighbourhood teams, should broaden the approach of exclusively controlling criminal organisations via prosecution, and should also take on a preventative role; this might be via publicising the hazardous developments for the community, or by highlighting deficiencies in law and regulation and the upholding thereof. One project, supported by staff of Delft Technical University and seeking to crystallize the new vision, involved an analysis of the situation in the inner city. In brief, the insight this yielded in 1994 was that not only had organised crime increased, but a limited number of criminal grouping had, by various avenues, acquired a grip both on illegal activities in this part of the city, and on a range of legal activities. Complementary to this it was established that administrative policy left much to be desired. It was ambiguous, inconsistent and insufficiently forceful.

Two years later, in February 1996, C. Fijnaut and F. Bovenkerk reached similar conclusions, independent of the above analyses, in their report on organised crime in Amsterdam produced in the context of a national enquiry into this type of crime in the Netherlands for a Parliamentary Commission of Enquiry into the regulation of pro-active criminal investigation. In the first instance they established that the issue of organised crime in Amsterdam was still mainly one of illegal merchandise (chiefly drugs and weapons) and services (prostitution and gambling) on black markets. Secondly, parallel to this assessment, they concluded that, in general, there were no clear signs of organised crime in regular economic sectors like the construction and textile industries. At the same time they specifically added that this gave no cause to believe that all was well in Amsterdam: "Indeed, in recent years we have also seen native Dutch criminal groupings having particular success in the city – notably inner city and here chiefly in the Red Light District (Wallen) – in power bases in bars (and catering), in gambling, and in property. And, these economic power bases, most likely and chiefly accrued with capital from the drugs trade, enable them to break down regular economic relations in the relevant sectors with actual or threatened violence, and provide the infrastructure and logistics for further deployment of a whole range of illegal activities – the drugs trade, trade in women, illegal and regular gambling and so forth. In the inner city, this development has deprived the city authorities of a large measure of their policy scope around public order and decency."

These conclusions impacted hard on Amsterdam. Obviously, the city council had been aware of a number of issues around organised crime, but the integrated analysis of these issues in an official Parliamentary report came as a severe confrontation. In June 1996 the city council requested the city executive (mayor and aldermen) to establish an action programme that, in addition to realistically setting out policy priorities and objectives would also indicate the means of implementation and finance of the programme. Following the 1996 summer recess a working group was formed to develop the programme as requested. For obvious reasons this working group comprised representatives from the widest range of city departments given that the issue of organised crime as analysed by Fijnaut and Bovenkerk affected the entire city.

At this stage we will not go into the action plan any further, given that its establishment will be treated in some detail below, as will its content, and – no less important – the implementation of the various action points. There is, however, one exception, the Wallen project (named after Amsterdam's Red Light District). This project will also be dealt with in detail in one of the following appendices, but given that it forms such a direct answer to the largest problem identified in the various investigation reports, it is also appropriate to devote a few words to it at this stage – by way of an introduction to what follows. As early as its meeting in June 1996 the city council asked the city executive (mayor and aldermen) to develop additional policy for this crucial issue in the city. In this context the city council mainly had in mind the two following items. Firstly there would have to be a specific programme to ensure integral but also integrated maintenance of regulations in this area. Integrated being taken to mean in close mutual cooperation with all related city departments including the police. Secondly, the council called for the appointment of a dedicated manager for the Red Light District (Wallen) to act as the mayor's right hand in realising this integrated cooperation and integral enforcement. And, indeed, this manager was appointed effective 1 February 1997 for a period of two years. A note was made here to the effect that, after this term in office, the enforcement tools to be developed by this manager in close cooperation with the relevant departments, should be integrated into the regular organisation of the civil service apparatus. Hence, the Wallen manager would not take over the work of the existing departments but only have a development and spurring function vis-à-vis these departments. The following summer of 1997 the Wallen manager submitted a memorandum setting out the projects he considered taking up over the next several years. Those immediately springing to mind were the reorganisation (clean-up) of all accommodation, screening bars and catering establishments using all available databases, and the purchase of strategically positioned properties by the city council. The manner of implementation of these plans is treated below.

Lastly, in conjunction with this description of the developments in Amsterdam it should be noted that as a result of the national report on organised crime in the Netherlands, the ministers of the Interior and Justice informed parliament in October 1996 to the effect that a draft bill was being prepared which – with parliament's approval – would enable the government to prevent the issue of permits, grants and government commissions whereby criminal activities would be facilitated due to lack of knowledge or information.

In concrete terms their recommendations boiled down to an extension of the advice from the Vrije University of Amsterdam mentioned earlier for a central agency providing advice and so meeting the needs of every possible governmental body for relevant information from police records on risks of abuse of grants, permits or orders for government commissions.

Supported by this advice government bodies would be able to exclude the risk factors as the law would provide a legal basis to refuse – on the grounds of that risk – an application for a grant or permit, or to decline a tender for a government order. However, before the said ministers had submitted the actual proposed bill to parliament in July 1997, a robust debate broke out around the necessity and feasibility of this plan.

1.6 European Union policy on prevention of organised crime

In the context of fighting organised crime many people only think of the European Union in terms of cooperation between police and justice authorities in the various member states: this impression is erroneous. Indeed, for many years, preventative action had been undertaken across many fronts, against organised and other forms of serious crime, within the framework of the European Community. Measures taken here include combating criminal money laundering, controls on disposal of hazardous waste, preventing smuggling of artworks, acting to halt the production of synthetic drugs. Hence, when it comes to fighting crime, the European Union also displays more than one face.

Indeed, the directives cited above in regard to accepted tenders, and the grounds for excluding certain bidders from the tendering process, can also, self-evidently, be counted as a tool to prevent or limit the penetration of organised crime into the public sector.

It is good to remember that these guidelines date from 1993 and were partly inspired by the assassination of mafia-fighting judge Giovanni Falcone in 1992. Hence, no secret is made of this objective in the European Commission's recent proposal to integrate all existing directives relating to public spending into a

single guideline and to amend this in line with the current situation. As stressed in the notes, when it comes to selection of tenderers, the legal framework in the proposal is to be substantially tightened up: “it strengthens the instruments for combating organised crime, corruption and fraud by introducing an obligation on the part of the contracting authorities to exclude tenderers who have been found guilty, in a definitive judgment, of organised crime, corruption offences or fraud against the financial interest of the Community.” This objective is then detailed in the (proposed) articles 46 to 51 into a framework of procedures and criteria to be mandatorily considered in granting and refusing contracts. However, it is doubtful whether or not this proposal goes far enough in the light of the discussion on governmental access to confidential police information when issuing permits, grants and government orders. This question will also be dealt with in more depth, later.

At this point it is more important to note that since 1977 the European Union has counted the prevention as being as important as criminal prosecution in dealing with organised crime. In any event, this is stated in so many words in the *Action Plan to Combat Organized Crime* adopted by the European Council on 28 April 1997: “prevention is no less important than repression in any integrated approach to organized crime, to the extent that it aims at reducing the circumstances in which organized crime can operate. The Union should have the instruments to confront organized crime at each step on the continuum from prevention to repression and prosecution.” Section II of this plan goes on to sum up a number of recommendations to concretise the preventative approach:

- the development of an anti-corruption policy within the government apparatus;
- making it possible to exclude persons convicted of offences relating to organised crime from tendering procedures; it is further recommended to investigate whether and under what circumstances – in view of legislation on personal confidentiality – individuals can be excluded “who are currently under investigation or prosecution”; and in this regard it goes to state that instruments should be developed to enable the exchange of information between member states and the European Community and member states “both in administrative cooperation and the setting up of black-lists”;
- the collection and mutual exchange of information by member states on legal entities and natural persons – pursuant to regulations for the protection of personal information “as a means to prevent the penetration of organized crime in the public and legitimate private sector”;
- devoting financial resources from various funds “to prevent larger cities in the Union from becoming breeding grounds for organized crime. Those

funds can help those most at risk of exclusion from the labour market and thus alleviate the circumstances that could contribute to the development of organized crime”;

- closer cooperation between EU member states and the European Commission on combating fraud where the financial interests of the European Community are concerned;
- establishment of an action programme to invest in training of individuals who fulfil a key role in formulating and implementing preventative policy measures in the area of organised crime;
- and, lastly, the introduction of measures for the better protection of certain vulnerable groupings against the influences of organised crime, for example via codes of conduct.

With its resolution of 21 December 1998 on prevention of organised crime, not only did the European Council spur the European Commission and member states to focus effort – and more effort – on the ideas put forward in the above mentioned action plan, but it also urged the round-out of this approach as part of a comprehensive strategy targeting all forms of crime. Hence, it hardly comes as a surprise that this resolution features several points already contained in the 1997 action plan. On the other hand, a comparison of the two documents shows the omission (from this resolution) of important proposals on the exchange of information between member states and the European Commission. Two of the more important new points in the resolution are:

- the concept that combating organised crime is not merely confined to the police and justice apparatus, but also demands input from “civil society as a whole”; this meshes – among other things – with the proposal to establish preventative commissions in all member states, which would also include representatives of social groupings and the business community;
- and the proposal that the member states and the European Commission should systematically inform each other on the preventative policy they carry out and on concrete experiences; in particular they should also promote investigation to evaluate practical experiments; moreover, a move to set up “codes of good practice for preventing organized crime in specific areas, that should be constantly updated and submitted to the other Member states for checking against their own initiatives,” – would be very welcome.

The resolution closes with the European Council inviting the European Commission and the member states to submit a comprehensive report, towards the end of 2000, on everything concerning the prevention of organised crime,

but, more particularly, about issues including boosting prevention in the framework of legislation at the European level, evaluation of measures taken, and the composition of a repertory of good practice. Also with a view to meeting this request, on 4 and 5 November 1999 and 5 and 6 June 2000 the European Commission and Europol in close cooperation with the chairs on each occasion (Finland and Portugal) held conferences at which a whole range of experts from in and outside the European Union shared ideas on elaborating the central themes of the resolution and the above mentioned action plan.

Moreover, in the context of this exposition, one cannot pass by the European Union's new action plan to prevent and control organised crime, published by the European Council in May 2000 as determined by the Vienna summit in December 1998 and the Tampere summit in October 1999. Not only is this strategic document intended to streamline policy against organised crime, but also to reinforce the combating of this type of crime. As far as the preventative approach to organised crime is concerned, the document has little new to offer. The section (2.2) devoted to prevention of "penetration of organized crime in the public and the legitimate private sector" mainly repeats what has been raised in previous documents; hence the restatement that measures are needed to exclude persons guilty of involvement in organised crime from tendering procedures. However, what is new is the proposal to enable refusal of permits and grants. Further, the document urges development of tools to enable the sharing of information between member states and the European Commission as part of administrative cooperation. What is remarkable here is the strong emphasis on enhancing the exchange of information to counter organised tax fraud. Section 2.3., though most impressively titled: "Strengthening the prevention of organised crime and strengthening partnerships between the criminal justice system and civil society," offers little in terms of content. The only interesting point is the repeated underlining that the focus of European Union strategy is actually "to reinforce and supplement action taken on the national and the local level" and that partly to this end "information on successful approaches and best practices needs to be made more generally available on the local and the national level throughout the European Union."

In fact, these last quotes bring us back to the reasons underlying publication of this book. Indeed, the first reason, cited in the *Introduction* is that by publishing this book Amsterdam seeks to confront the European Union with the problems inherent in the city's intended policy on organised crime – a problem that only the European Union can solve. Secondly, with this publication Amsterdam aims to contribute to the discussion within the European Union concerning the ways local authorities can take a concrete in combating organ-

ised crime. And so, this book meshes neatly with the European Union's intended strategy to prevent and combat organised crime.