COSI PROJECT GROUP "ORGANISED CRIME"

TERMS OF REFERENCE

Following the agreed working method of COSI, Hungary, as a member of the current Trio presidency and the Member State presiding the Council in the first semester of 2011, hereby initiates the adoption of the Terms of Reference of the **project group focusing on organised crime**[1] to operate under the umbrella of COSI, regularly reporting to COSI and in order to reach a tangible outcome in this context.

The aim of the establishment of this project group is to bring together and combine Member States' expertise to share experience, existing materials and case studies, to identify best practices that may be used throughout the Union, focusing on "non-traditional" or "integrated approaches" and "new methods" to tackle priority threats to the EU caused by organised crime. This should take the form of a "reference book" (see Annex).

The aim is to collect and subsequently distribute best practices about alternative approaches to tackling organised crime, in particular but not exclusively, regarding:
- prevention of serious and organised crime, including limiting the opportunities for criminals (especially as regards the use of legitimate business structures and non-financial or financial facilitators) and making criminal investigations more effective (special attention should be given to prevention as a result of ongoing detection/investigation activities);
- disrupting the financial proceeds of organised crime, especially by seizure at an early stage;
- the role of the civil society, local communities and the media in combating serious and organised forms of crime in general;
- cooperation with the private sector in tackling organised crime particularly in PPP projects.

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[1] - a kick-off meeting of the project group was held on 4 October 2010.

The target audience of the reference book should ideally be senior-level administrative personnel in the public sector of the Member States, who may use this when looking for possible solutions to be adapted into their national legal system and working methods.

The reference book should be kept at a manageable size, therefore, not all contributions should be contained, only those that fit the requirements from the quality point of view are able to follow the single structure of the chapters.

The reference book should be put on the Internet, also taking into account eventual confidentiality of some parts of its content (e.g. password protection). Depending of the quality of the product, follow-up and later updates will be considered in due time.

In order to work pragmatically, the project group might decide to start with one aspect before taking on the next subject. Also, particular attention will be paid to the distribution of relevant best practices to relevant third parties by exploring contacts with EUCPN, the JHA Agencies, the Committee of the Regions, civil society organisations, training partners and any such body the project group deems appropriate. The distribution of any such outputs of and from this forum will be in accordance with European and national data protection legislation and subject to agreement by all the relevant stakeholders and parties concerned.

The following terms of references shall apply to the functioning of the group:

- the group shall operate based upon the voluntary participation of a limited number of Member States[2], Europol, Council Secretariat and the European Commission.
- By the consent of the group members, other actors (see above) may be invited to the meetings whenever necessary.
- Hungary undertakes to organize and chair the meetings, provide premises to the meetings, circulate documents and coordinate drafting and editing activities.
- The meetings of the group shall take place in Brussels.
- The group is established for an open-ended period and shall continue its activities until it is deemed necessary. Nevertheless, it is the intention of the group to provide at least a first draft of a product by the end of the Hungarian Presidency, which will be presented to the COSI;

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[2] At the start-off stage - HU, BE, UK, NL, IT, SE, PL

- There shall be an evaluation regarding the need for further activities to be delivered through the project group at the end of the Hungarian Presidency, the results of which will be presented to the COSI;
- Although focusing on practical aspects, the group should also contribute and deliver incentives to the political debate on organised crime that will take place under the Hungarian Presidency, mainly at the informal Council meeting in January 2011.
- The outputs of this group should compliment and not duplicate existing initiatives.

ANNEX

Proposed structure of the "reference book", distribution of tasks and timetable

Structure and possible actors:

A. Introduction (Terms of References of the project group)

B. Chapter on possible horizontal approaches to serious and organized crime[3]
- the administrative approach (first input to be expected from NL)
- criminal auditing especially as regards public tenders (first input to be expected from BE/IT)
- studies of vulnerability of economic sectors (first input to be expected from BE)
- early warning platforms via public private partnership (first input to be expected from BE)
- crime proofing (first input to be expected from HU)
- asset tracing and asset recovery (first input to be expected from IT and UK)
- disrupting criminal networks (first input to be expected from UK)
- integrity of public officials (first input to be expected from ...)
- role of the media and civil society (first input to be expected from HU)

C. Chapters on best practices in specific crime phenomena (vertical approaches), such as:[4]

- drugs crime
- trafficking in human beings/facilitating illegal migration
- counterfeiting money and non-cash means of payment
- VAT fraud

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[3] - this is an indicative, non-exhaustive list, subject to changes

[4] - this is an indicative, non-exhaustive list, subject to changes

- money-laundering
- smuggling of excise products and counterfeit goods/protection of intellectual property rights
- cybercrime
- environmental crime

D. Recommendations

Aspects by which the single best practice descriptions may be structured (preliminary recommendations)

I. Introduction

- context of the specific practice: targeted problem/phenomenon;
- legislative background/rules setting out the conditions of implementing the specific practice;

II. Best practice description

- objectives
- partners involved in implementation
- phases/steps/measures of implementation
- outcomes

III. Conclusions

- evaluation results / experiences of practical implementation (strengths and weaknesses, bad practices, shortcomings)
- future perspectives, proposals for improvement

Inclusion of contact details and presentation of case studies are strongly recommended by each best practice chapter.

Best practice selection criteria

By filtering the best practices to be included in the reference book, a certain best practice selection methodology should be applied. Just to give an example, by identifying best practices the following criteria[5] could be evaluated:

- The project needs to focus on prevention and/or reduction of (organised) crime and fear of crime within the specified crime category;

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[5] According to the methodology applied by the EUCPN.

- The project needs to be evaluated and has achieved most or all of its objectives;
- The project needs to be innovative, involving new methods or new approaches;
- The project needs to be based on co-operation between partners, where possible;
- The project shall be capable of replication by municipalities or organisations in other Member States.

Timetable:

25 November 2010: agreement on working method, terms of references and distribution of tasks. First, rough list of possible contributions, starting with what is known to the Council and what the project members provide

Until 15 December 2010: members of the project group are requested to send their contributions to HU. Regarding the horizontal chapters, contributions are expected according to the distribution above. regarding the vertical chapters, all members are requested to send any possible contributions on any of the chapters they might have

Until the end of January 2011: brief and concise questionnaires to MS on each of the vertical chapters in order to generate as many contributions as possible

February – March 2011: contributions from project group members to the first draft and editing (SECR+HU)

April- May 2011: second draft, finalisation

June 2011: submitting the reference book or a consolidated version of this to COSI

Working method:

Communication should be done via e-mail but in the first half of 2011, the group will meet at least once per month.