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to:	Standing Committee on operational cooperation on internal security (COSI)
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Subject:	Policy advisory document for the years 2011 to 2013

The 2011-2013 EU policy cycle for organised and serious international crime¹ requires that COSI and the Commission produce a policy advisory document on the basis of the 2011 EU Organised Crime Threat Assessment (OCTA 2011)² to assist COSI in submitting to the Council draft conclusions setting the EU's new priorities for the fight against organised crime between 2011 and 2013. These draft Council conclusions are set out in doc. 11050/11 JAI 396 COSI 46 ENFOPOL 184 CRIMORG 81 ENFOCUSTOM 52 PESC 718 RELEX 603.

The Policy Advisory Document as set out in annex was agreed at the COSI meeting on 1 June 2011.

¹ doc. 15358/10 COSI 69 ENFOPOL 298 CRIMORG 185 ENFOCUSTOM 94

² doc. 8709/11 JAI 217 COSI 19 CRIMORG 45 PESC 453 RELEX 355

1. Introduction

The Council conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime (EU policy cycle)³ establish a multi-annual policy cycle and a clear methodology for setting, implementing and evaluating priorities in the fight against organised and serious international crime. The production of a policy advisory document constitutes an important part of this policy cycle.

Europol has recently issued the EU OCTA 2011, which assesses the current state of organised crime in the EU. **Organised crime is changing and becoming increasingly diversified** in its methods, group structures and impact on society. A new criminal landscape is emerging, marked by mobile and flexible groups operating in multiple jurisdictions and criminal sectors, aided by the widespread illicit use of the internet. Organised crime activities in the EU tend to be clustered around five criminal hubs: the north-western, north-eastern, south-western, southern and south-eastern hubs. Of these, the south-eastern hub has seen the greatest expansion in recent years: a Balkan axis is used to traffic illicit commodities, and to a certain extent, illegal immigrants to the European Union.

This new criminal landscape renders less effective traditional responses focused on individual crime sectors and small geographical areas. **A more flexible and holistic operational response is required**, targeting criminal networks and their supporting business infrastructure. Enhanced regional cooperation, particularly in the five regional criminal hubs identified above and closer operational cooperation with the Western Balkans and North Africa, could aid such efforts.

The critical business infrastructure of organised crime could be further undermined by the development and application of stronger capabilities in the fight against cybercrime and in asset recovery. A broader range of **preventive and administrative measures**—the effective use of tax, regulatory and local government powers to deny opportunities to organised crime—would enhance this endeavour.⁴ Public-private partnerships offer further benefits.

³ doc. 15358/10 COSI 69 ENFOPOL 298 CRIMORG 185 ENFOCUSTOM 94

⁴ The Complementary approaches and actions to prevent and combat organised crime: A collection of good practice examples from EU Member States (doc. 10899/11 JAI 380 COSI 44 CRIMORG 77 ENFOPOL 179), compiled by the Hungarian Presidency, lists a number of best practices to prevent and combat organised crime

The emergence of illicit commodities, including synthetic drugs and counterfeit medicine, and the exploitation of business sectors, such as emissions trading, require a proactive approach to identifying criminal markets that are liable to criminal exploitation.

This policy advisory document builds upon the executive summary of the EU OCTA 2011⁵. It recommends priorities for consideration by COSI and for adoption by the Council, aiming to prepare the ground for implementing these priorities between 2011 and 2013.

2. Priorities for fighting organised crime between 2011 and 2013

Based on the findings of the OCTA 2011, Europol recommends that the operational response to organised crime in the EU should focus on the following high-priority threats:

- The role of the Western Balkans, particularly the Kosovo region, as a transit and storage zone for illicit commodities and as a logistical centre for groups active in Member States;
- Illegal immigration trends in southern and south-eastern Europe, particularly at the Greek-Turkish border and in areas of the Mediterranean close to North Africa;
- Albanian-speaking organised crime groups, noted for their activity in multiple criminal markets in the EU, operational bases in source countries for illicit drugs and use of high levels of violence and corruption;
- West African organised crime groups, whose activities in the EU have increased markedly in the last two years, especially with regard to illegal immigration, the trafficking of heroin and cocaine and the trafficking of human beings for sexual exploitation;
- Lithuanian organised crime groups, noted for their mobility around the EU, tendency towards violent crime, high levels of technical expertise and access to substantial financial resources;
- The trafficking of cocaine remains the biggest threat in a still significant drugs market in the EU, action against which should focus on disrupting distribution in Member States, related criminal activity such as property crimes, counterfeit euro distribution and trafficking in human beings, and the capabilities of non-EU groups active in Europe;
- The trafficking of illicit commodities by means of maritime container shipment, including cocaine, heroin, cannabis and counterfeit goods.

⁵ doc. 8709/11 JAI 217 COSI 19 CRIMORG 45 PESC 453 RELEX 355

Other high priority threats that stand out in terms of their rapid evolution and need for much greater concerted action in response are as follows:

- Cybercrime and the misuse of the internet by organised crime groups;
- Money laundering, including online activities;
- Fraud, including in rapidly evolving markets, such as emissions trading;
- Synthetic drugs, particularly the emergence of new psychoactive substances, such as ‘legal highs;’
- The supply of counterfeit goods, especially medicines and household items.⁶

Taking into account Europol’s recommendations cited above and in line with the EU policy cycle, the number of crime priorities for the initial, reduced, two-year cycle ought to be relatively limited so that effective operational action can be taken in each area. Too many priorities may harm implementation and render the strategic goal-setting process unmanageable. Fewer priorities would enable proper monitoring and follow-up, as well as appropriate coordination between participating actors. As the current policy cycle covers only two years, it should be seen as a ‘trial run’ for the longer, four-year, policy cycle beginning in 2013. The experience of this shorter cycle can benefit the subsequent period, during which the Council may decide to adjust its priorities in the fight against organised crime.

The implementation of actions in each priority area implies a considerable commitment in terms of financial and human resources for the concerned Member States and EU agencies. Wherever relevant, actors should embark on implementing actions in only a limited number of areas, particularly as national operating procedures also need to be established in the course of the EU policy cycle.

⁶ See pp. 22-23 of the Executive Summary of OCTA 2011.

COSI would therefore propose that the Council set the following priorities, in no particular order, for the fight against organised crime between 2011 and 2013:

- Weaken the capacity of organised crime groups active or based in West Africa to traffic cocaine and heroin to and within the EU;
- Mitigate the role of the Western Balkans, as a key transit and storage zone for illicit commodities destined for the EU and logistical centre for organised crime groups, including Albanian-speaking organised crime groups;
- Weaken the capacity of organised crime groups to facilitate illegal immigration to the EU, particularly via southern, south-eastern and eastern Europe and notably at the Greek-Turkish border and in crisis areas of the Mediterranean close to North Africa;
- Reduce the production and distribution in the EU of synthetic drugs, including new psychoactive substances;
- Disrupt the trafficking to the EU, particularly in container form, of illicit commodities, including cocaine, heroin, cannabis, counterfeit goods and cigarettes;
- Combat against all forms of trafficking in human beings and human smuggling by targeting the organised crime groups conducting such criminal activities in particular at the southern, south-western and south-eastern criminal hubs in the EU;
- Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities;
- Step up the fight against cybercrime and the criminal misuse of the internet by organised crime groups.

As organised crime groups typically launder the illicit proceeds of their crime, asset recovery and targeting criminal finances to combat organised crime should be defined as an overarching policy instrument to help authorities disrupt the financial infrastructure of organised crime.

3. Further recommendations

The implementation of actions against organised crime must take note of the recommendations and tasks set out in the Stockholm Programme.⁷ As explicitly required by the Council conclusions on the Commission communication on the EU Internal Security Strategy in Action,⁸ COSI must ensure consistency in the implementation of operational actions necessary to strengthen internal security within the Union, including effective cooperation between the relevant national authorities and EU agencies, as well as with the relevant third countries. In particular, it must ensure that the actions to be brought forward to implement the Internal Security Strategy in the area of serious and organised crime⁹ remain consistent with the two-year strategic goals that COSI is due to adopt, and the annual OAPs that COSI is due to validate, on the basis of the Council priorities for the years 2011-2013.

⁷ See OJ C 115, 4.5.2010, p. 1. In the Stockholm Programme, the European Council considered that in the field of combating serious and organised crime, special priority in the coming years should be given to trafficking in human beings and smuggling of persons, the sexual exploitation of children and child pornography, cybercrime, economic crime and corruption, and drugs.

⁸ doc. 6484/11

⁹ The Internal Security Strategy mentions the increasing importance of serious and organised crime as a security threat to the EU. Drug trafficking, economic crime, human trafficking, the smuggling of persons, arms trafficking, the sexual exploitation of minors and child pornography, violent crimes, money-laundering and document fraud are mentioned as some of the core challenges to EU security today. Corruption is considered a particular threat to the functioning of European political systems and the rule of law. See doc. 7120/10.

For this reason, COSI must pay particular attention to monitoring progress in and trying to achieve coherence between the implementation of the Council priorities for the years 2011-2013 and the following activities:

- The implementation of actions set out in the Commission communication on the Internal Security Strategy in Action;¹⁰
- The work of the project groups implementing the European Pact to combat international drug trafficking – disrupting cocaine and heroin routes;¹¹
- The implementation of COSPOL projects, including the Western Balkans Organised Crime (WBOC), Synthetic Drugs (SYNDRU), COSPOL Cocaine (COCAINE) and COSPOL Internet-Related Child Abusive Material (CIRCAMP) projects and the lessons learned from the Vietnamese Organise Immigration Crime (VOIC) project;¹²
- The work carried out by COSI project groups on the “29 measures reinforcing the protection of external borders and combating illegal immigration”;
- The implementation of Joint Police Operations (JPOs), Joint Customs Operations (JCOs)¹³ and FRONTEX joint operations at the EU's external borders, including those coordinated on the basis of the coordination mechanism for joint operations¹⁴,
- The implementation of the EU Drugs Action Plan for 2009 - 2012.¹⁵

¹⁰ The Commission Communication on "the EU Internal Security Strategy in Action; Five steps towards a more secure Europe" (doc. 16797/10) proposed to "disrupt international crime networks" and "raise levels of security for citizens and businesses in cyberspace" among the five strategic objectives and specific actions for 2011-2014.

¹¹ doc. 6959/11

¹² doc. 13904/2/10 REV 2

¹³ doc. 8171/09

¹⁴ doc. 13077/2/10 REV 2

¹⁵ doc. 16116/08 CORDROGUE 85 SAN 281 ENFOPOL 237 RELEX 944

Leaving a margin of flexibility to address unexpected or emerging threats to EU security, Member States, incoming Presidencies, the Commission and the EU agencies should seek to follow, to the extent possible, the proposed priorities at all relevant levels and across different policy areas by pursuing cooperation among the relevant competent authorities (including the police, border guard, customs, judicial and administrative authorities). COSI should take a proactive coordinating role to ensure coherence in the implementation of actions in the fight against organised and serious international crime. If necessary, existing projects or project groups should be adapted, merged or refocused.

Successful implementation of the EU policy cycle depends to a very large extent on Member States' commitment and resources. It is, therefore, essential that, wherever relevant, Member States ensure effective coordination at national level, with all key stakeholders, including their COSI delegation, COSPOL project stakeholders and/or Head of Europol National Unit (HENU) playing a key role in this process.

4. Next steps

The following is an indicative timetable of next steps in implementing the EU policy cycle for organised and serious international crime:

- In June 2011, COSI, with input from the Member States, the Commission and the EU agencies, is expected to identify the relevant experts at EU and national level to develop strategic goals for each priority adopted by the Council;
- In June, COSI will submit to the Council draft conclusions setting priorities for the fight against organised crime between 2011 to 2013, as set out in doc. 10088/11 JAI 313 COSI 37 ENFOPOL 148 CRIMORG 66 ENFOCUSTOM 44 PESC 598 RELEX 492;
- Between June and September, the experts will develop strategic goals, taking into account the regional features of each priority, reporting the outcome of their work to the COSI Support Group in September or October. In order to allow the experts to elaborate the strategic goals in a duly documented manner, they will be provided with prior to the meeting the necessary documentation.

- On the basis of the Council's priorities and the experts' work, COSI will discuss and adopt in October 2011 two-year strategic goals¹⁶ for each priority;
 - In October 2011, Member State experts and the EU agencies will convert these two-year strategic goals into annual Operational Action Plans (OAPs). This process will include all relevant law enforcement authorities and use the COSPOL framework, on the basis of an operational action template to be developed by Europol before mid-2011;
 - COSI will validate each OAP at the end of 2011;
 - The implementation of operational action plans will begin in early 2012.
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¹⁶ In the full four-year cycle, these strategic goals will be set out in Multi-Annual Strategic Plans (MASPs).