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From: Presidency
To: Delegations

Subject: The impact of the COVID-19 pandemic on internal security: threats, trends, resilience and lessons learned for Law Enforcement Agencies
- outcomes of previous discussions
- draft Council Conclusions

Threats and trends

For over a year now, Member States have been heavily affected by the COVID-19 pandemic in all areas of society. Member States have endeavoured to implement measures, including temporary restrictions on non-essential travel into the EU¹, to curtail the spread of the virus, while paying attention to the social and economic hardship caused by the pandemic.

As in other areas, the boundaries between the physical and digital world are disappearing in the security landscape too, and criminal groups increasingly exploit technology transformation, as well as global mobility. While pandemic restrictions including on travel **had a significant impact on the crime landscape in the EU**, the COVID-19 crisis triggered even more adjustments, as criminals and criminal networks quickly seized opportunities to exploit the crisis by adapting their modes of operation or developing new criminal activities².

¹ Council Recommendation 2020/912 of 30 June on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction.

² SOCTA 2021 Report, 12ABR21.

The most significant changes were observed in:

- counterfeiting - personal protective equipment, sanitary products, vaccines and pharmaceuticals;
- cybercrime - adaptation to the COVID-19 narrative and COVID-themed malware, ransomware and phishing attacks;
- online child sexual abuse - this increased threat derives from the production and distribution of online material;
- domestic violence – affecting particularly women, elderly people, children and disabled persons;
- public disorder and civil unrest – caused by public protests (sometimes violent) against lockdowns and other restrictive measures.

In this context a new challenge for EU law enforcement was created by the need to adapt to the various **restrictive** measures and the need, at national level, and in accordance with national legal framework, to maintain the right balance between necessary enforcement of (...) restrictions and respect for citizens' rights. EU law enforcement agencies had to develop and to adapt procedures for securing locations during lockdown (towns, offices, commercial establishments, major sports events) all the while abiding by an ever-changing legal framework, which had a direct impact on citizens' rights and freedoms³.

Good practices and lessons learned

From the law enforcement point of view, avoiding risks to public order and preventing the exploitation of the pandemic crises by serious and organised crime is of primary importance: **sharing relevant, real-time information, in a secure environment, was identified as a key issue while facing the emergency**. Bearing in mind the importance of cross-border cooperation in the EU and Schengen Area, the lessons learned from the following endeavours should be highlighted, with a view to increasing the resilience of EU law enforcement:

³ ST 6968 2021 REV1, 15MAR21 “*The impact of the COVID-19 pandemic on internal security: threats, trends, resilience and lessons learned for Law Enforcement Agencies - joint analysis by the Presidency and Europol*”.

Working Group on COVID-19 crime threats and law enforcement responses

In June 2020, Italy and Europol convened the police chiefs of the countries most affected by the first wave of the pandemic in a ***Working Group on COVID-19 crime threats and law enforcement responses*** (hereinafter referred to as COVID-19 WG). The COVID-19 WG⁴, co-chaired by Europol's Executive Director and Italy's Deputy Police Chief, has proven to be a useful initiative to raise awareness, exchanging relevant information and in sharing best practices in response to the criminal threats stemming from the COVID-19 crisis.

EUROPOL COVID-19 reports: operational facts and analysis

Since the outbreak of the pandemic, Europol has played a leading role in providing, through accurate and regular reports, assessments of COVID-19's impact on police tasks and on how criminal threats evolved and adapted to (ending up taking advantage of) the pandemic. Europol issued nearly 40 strategic reports, providing an intelligence picture to law enforcement partners, key stakeholders and policy makers, together with useful information for the public.

The Core Group on Secure Communications

The COVID-19 crisis prompted a reassessment of law enforcement cross-border cooperation practices and created a need to identify suitable solutions for operational secure remote communication. In 2020, Europol's Innovation Lab— in partnership with the German BKA – set up a ***Core Group on Secure Communications*** (hereinafter referred to as Core Group). With valuable input from all members, and in partnership with the European Network of Law Enforcement Technology Services (ENLETS), the group produced an overview of existing communication solutions and a roadmap on the way forward⁵.

⁴ The COVID-19 WG met four times and was attended by police chiefs and senior police leaders from various EU countries, UK, Switzerland, Interpol (ensuring global outreach) and Europol. This WG will meet again on 26 May 2021.

⁵ Both documents were presented at the COSI meeting of November 19 2020 (Extending Secure Communications for EU Law Enforcement-Draft Roadmap (12554/20) and Extending Secure Communications for EU Law Enforcement - Overview of existing and developing communication tools (12557/20)) and endorsed in written procedure, see 12860/1/20 REV1. The COSI also suggested that the Core Group should continue its work on the short-term actions included in the roadmap for the first half of 2021 (The remaining actions listed in the roadmap for the short term are (1) the drafting of use cases for secure communications and (2) comparison of these use cases with the existing tools, to determine if all functional needs can be met, or if there are any gaps that the existing tools cannot fill),

Strengthening resilience – Time to deliver a fair recovery

The EU Security Union Strategy 2020-2025 targets actions on priority areas where the EU can bring added value to national efforts, building upon progress achieved and providing a new focus to ensure a more effective EU security policy and to build a sustainable resilience⁶.

The COVID-19 crisis has put European security into sharp focus, testing crisis-preparedness and exposing vulnerabilities, and thus making closer cooperation on security at all levels ever more essential. A more forward-looking attitude must be adopted, to better anticipate future problems and threats. This can be only achieved by a structured approach, such as the Integrated Political Crisis Response (IPCR) in cooperation with EU agencies (such as Europol) aiming to support Member States to enhance cross-border law enforcement cooperation during crisis situations.

A prolonged pandemic will put a heavy strain on European and global economies with significant disruptions, as businesses and citizens are confronted with a wide array of diverging and rapidly changing measures that could be particularly harmful to the European economy. This led to the drawing up of strategies, both at national and at EU level, to promote economic recovery, including the adoption of the largest financial stimulus package ever granted by the EU budget.

However, learning from previous crises, it can be anticipated that a volatile economic situation with growing poverty and social inequality will serve as breeding ground for organised and serious crime and for the infiltration of criminal networks into the legal economy, as mentioned in SOCTA 2021 report; immediate risks are linked to:

- *Next Generation EU* - As unprecedented financial efforts are made by the EU to boost the economic recovery, it is necessary that Member States law enforcement agencies remain strongly committed, together with relevant EU bodies and other national authorities, to protecting EU financial interests by preventing and countering financial and economic crime across **Europe**.⁷

and to draft a result-based proposal to COSI for the funding (and monitoring) of the full roadmap's implementation.

⁶ Communication from the Commission to the European Parliament and the Council First Progress Report on the EU Security Union Strategy (14019/20).

⁷ (...)

- *Financial recovery and fraud* - With potential economic hardship unfolding in the post-pandemic phase, it is expected that different types of fraud schemes will intensify, such as the exploiting and infiltration of organised crime groups in legal businesses (fraud schemes, facilitate the distribution of counterfeit goods and conduct money laundering activities). The trend indicates a threat of defrauding of economic stimulus packages and the risk of criminal infiltration into the legal economy.
- *Risks linked to the vaccination campaign/distribution* - The international rollout of the COVID-19 vaccination opens up a number of additional lucrative opportunities for counterfeiters, exploiting the advantages of the Internet and possibly polluting the legal market. A similar trend can be anticipated for forged or fake COVID-19 tests, COVID-19 test certificates and, in the future, for possible “vaccination certificates”. A new criminal trend seems to be emerging, pointing to targeted fraud attempts affecting public authorities responsible for the procurement of vaccines⁸.

Preparing for future crisis situations – law enforcement cooperation

When facing a crisis that presented organisational and operational challenges, **it is important to act and take precise steps/measures to address the vulnerabilities exposed by the COVID-19 crisis to prepare law enforcement for future crises.**

National law enforcement and relevant European agencies, particularly Europol, should reflect on the lessons learned from the current crisis, their business needs, and approaches to performing their duties under exceptional circumstances and in an unpredictable reality⁹. They must further strengthen resilience through a number of actions leading to **Protection, Preparedness and Prevention at EU and multilateral levels.**

⁸ document WK 2818/21 - Commission information on vaccine fraud from 26FEV21.

⁹ Second meeting of the COVID-19 WG of 15 September 2020, which focused on the topic of preparedness of law enforcement agencies to respond to crises.

Conclusion

Based on the above findings, the Presidency elaborated draft Council Conclusions on the impact of the COVID-19 pandemic on internal security: threats, trends, resilience and lessons learned for EU law enforcement, as set out in the Annex to this note. The second revised version of the above Council Conclusions will be discussed during the informal videoconference of the Members of the LEWP on 18 May 2021.

DRAFT COUNCIL CONCLUSIONS

on the impact of the COVID-19 pandemic on internal security: threats, trends, resilience and lessons learned for EU law enforcement

BEARING IN MIND the efforts made at European Union and Member State level to secure a high level of protection of EU citizens and, in this context, ensure business continuity in law enforcement and coordinated action against emerging threats;

ACKNOWLEDGING the unpredictable risks and threats and the incoming challenges that this crisis posed to the internal security landscape;

CONSIDERING the importance and benefits of the lessons learned and shared among Members States and EU institutions and agencies;

RECOGNISING that current and similar future disruptive crises may generate systemic security problems, uncover vulnerabilities and require enhanced cooperation;

IDENTIFYING the need to prevent and tackle the proliferation of negationist movements that spread misinformation about COVID-19 and hate speech, particularly in social media;

RECALLING that more resilient, operational and effective cross-border cooperation and timely exchange of information are essential in a crisis situation, and that emergency law enforcement cooperation mechanisms must be activated rapidly in order to increase the level of preparedness and ensure immediate response.

NOTING that sharing knowledge and information leading to the detection of crime threats and trends in organised crime groups is crucial for informed and strategic decision-making on how to approach and anticipate future developments in criminal networks;

Furthermore, **STRESSING** that the need of sharing operational and sensitive information in a crisis situation – so as to ensure the continuity of ongoing work on cross-border investigations/cases – has reinforced the commitment in developing secure communication solutions which can replace physical contacts;

To that end, **FOCUSSING** on making better use of existing means of cooperation and **BUILDING** upon established structures.

THE COUNCIL,

in order to ensure Protection

URGES Member States to coordinate the exchanging of cross-border information, law enforcement joint operations, best practices and expertise at EU level, namely among neighbouring countries and to secure critical entities during crisis situations, in compliance with national legal frameworks;

STRESSES THE NEED for the Commission to support Member States in identifying practical solutions to prevent hindrances to strategical, operational and tactical cross-border law enforcement cooperation, particularly when travels between Member States are restricted due to measures imposed;

ENCOURAGES EUROPOL to support Member States, through the exchange of information, in line with its mandate in cross-border operations to prevent terrorism and organised and violent crime during crisis situations, that affect EU internal security;

UNDERLINES THE NEED to prevent the infiltration of criminal networks in the implementation of the *Next Generation EU*. Timely exchange of information – in particular on ongoing fraud investigations, risks, threats, fraud methods and patterns – between relevant EU agencies, especially Europol, OLAF and EPPO and Member States, is therefore essential.

In order to achieve better Preparedness

RECOMMENDS Member States to cooperate with each other, if needed, by sharing technical support, such as law enforcement experts and equipment and communication systems in crisis situations.

PROPOSES the Commission to support CEPOL and the Members States in the development of scenario-based training and practical exercises between law enforcement agencies and these with other stakeholders, such as civil protection, emergency medical services and local authorities to ensure preparedness and resilience for future pandemics and other crises;

STRESSES THE NEED for the Commission, in close cooperation with Europol's Core Group on Secure Communications, and within the Innovation Lab - which are tasked to implement the roadmap on new secure communications solutions, as endorsed by COSI¹⁰ - to set up a common, resilient, interoperable and secure instrument for communications and videoconferencing tools (video, audio and instant messaging) in the European law enforcement cooperation framework. These secure communication tools could be used to plan and coordinate joint operations, as well as to exchange confidential and sensitive information during crisis situations among Member States' law enforcement agencies and between them and relevant EU agencies and entities;

WELCOMES Europol's development of analytical reports on crime trends and threat and risk assessments during the current pandemic, supporting Member States in cross border cooperation and transnational crime prevention. URGES Europol to consider this as a best practice to be taken into consideration in future crisis.

¹⁰ 12860/1/20 REV 1

In order to ensure better Prevention

RECOMMENDS to Member States that they develop and promote information and awareness campaigns for their citizens, benefitting from their own and from EUCPN, Europol and law enforcement networks expertise, in order to prevent the impact of cybercrime activities **as well as misinformation and hate speech**; particular care should be focused on how to protect children online and mitigate the risk of them becoming victims of criminal organisations;

ENCOURAGES Member States to share best practices within EUCPN and other relevant networks on national and local strategies that improve reporting channels for victims of crimes, such as domestic violence and sexual abuse in order to facilitate contacts with law enforcement agencies and other stakeholders during lockdown and crisis situations. This cooperation could also contribute to deepening partnerships and improving the interaction between law enforcement agencies, civil society and victims of crime;

ENCOURAGES the Commission, in close cooperation with the IPCR and the concerned EU Agencies (such as Europol) to support Member States in the prevention of crisis affecting one or more Member States, adopting a resilient and flexible approach;

URGES the Commission to support the improvement of the existing cooperation and coordination mechanisms and fora, namely the Europol Platform for Experts (EPE) v-Room to foster strategic and operational cooperation, where information exchange flows smoothly and securely between Member States, supporting ongoing cross-border planning and coordination of law enforcement operations, and also exchanging best practices in response to major crises like the current pandemic;

WELCOMES AND SUPPORTS the COVID relevant actions in the EU Strategy to tackle Organised Crime 2021-2025 including on counterfeiting, cybercrime, infiltration of organised crime in the legitimate economy and corruption.