

Internal Security: Combining Efforts in Combating Organised Crime
Discussion Paper
Informal Meeting of the Justice and Home Affairs Ministers of the EU
(20 January 2011, Gödöllő)

For decades, organised crime has posed a significant threat to the internal security of the European Union and its Member States. Since the adoption of the Millennium Strategy against Organised Crime in 2000, the Union and its Member States have established appropriate institutional framework, adopted legislation and made practical arrangements to enhance cross-border cooperation in the fight against organised crime.

Despite these achievements, efforts to combat organised crime must remain on the political agenda. The Hungarian Presidency of the Council of the European Union wishes to use the opportunity provided by this informal meeting of the Justice and Home Affairs Ministers to launch a debate focusing on some particular aspects of the complex issue of fighting organised crime.

1. Emerging Threats

Organised crime is a dynamic phenomenon. By shifting their fields of activity or *modi operandi*, organised criminal groups have the capacity to adapt to changing economic and social circumstances, respond to new legal or institutional developments and evade measures put in place by public authorities.

The Stockholm Programme has put the protection of European citizens against serious and organised crime among the most important priorities of the Union in the coming years. The Internal Security Strategy, adopted by the European Council in March 2010 and the Commission's recent Communication on the Internal Security Strategy similarly emphasises that serious and organised crime takes a variety of forms. It also adds that even seemingly petty crimes such as burglary and car theft, sale of counterfeit and dangerous goods are often local manifestations of global criminal networks.

The current period of global economic recession also affects the activities of organised crime groups. As the exploitation of illegal criminal markets becomes ever more complicated, financial gains may diminish. This may spur organised criminal groups, as Europol pointed out in its 2009 OCTA report, to further penetrate the legitimate economy. This is one of the most dangerous tendencies, as this infiltration might reach the extent where organised crime groups are able to influence the functioning of the public administration and justice system directly. Having said this, it may be expected that on the one hand, organised crime groups become more violent in order to reach or prevent redistribution of available sources of income; on the other hand, they may become even more proactive and innovative in establishing new forms of activities, routes, modi operandi, etc. For example, recent cases demonstrate that online gambling and the manipulation of sports events have become targets of high-profile international organised criminal groups.

Question:

In the Ministers' view, are there any new forms of organised crime or organised crime trends to be observed, also in connection with the current economic recession?

2. Enhancing law enforcement cooperation and relying on multiple sources of information and intelligence

The fight against organised crime requires adequate law enforcement action and, in particular, cross-border law enforcement cooperation. Bringing members of organised crime groups to justice is the ultimate goal of our efforts. Yet, there is always room for improvement. Recently, the Council took a significant step towards improving the coordination of law enforcement action at European level by adopting Conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime.

Another key development in this area is the issue of asset recovery. Member States must do all they can to seize, freeze, manage and confiscate criminal assets, and to ensure that those do not return to criminal hands.

These Asset Recovery Offices are considered a key component of EU-wide cooperation ensuring that criminals are deprived of their ill-gotten wealth.

A third important aspect of improving law enforcement work is to rely on as many intelligence and information sources as possible. This equally applies to the law enforcement

agencies of the Member States, just as to Europol, being the central information hub. In this respect, further efforts may be needed to increase cooperation with Third States and other international law enforcement agencies, such as Interpol and the SECI/SELEC.

Questions:

Do Ministers agree that these elements are crucial for combating organised crime effectively?

What kinds of efforts should be taken to further promote Europe-wide cooperation in fighting against organized crime?

3. Broadening the scope: beyond traditional law enforcement thinking

In addition to fighting crime, more should be done to avoid harm to citizens, society and economy by *preventing* crime, including organised and serious crime. While such a global approach is accepted and implemented in the fight against terrorism, where prevention is an essential part of the EU's policy, it has not yet been developed in the fight against serious and organised crime. Policies to engage governmental and regulatory bodies responsible for granting licences, authorisations, procurement contracts or subsidies should be developed to protect the economy against infiltration by criminal networks. Cooperation and information exchange in the framework of public-private partnerships with NGOs or public international bodies (such as international sports associations) may also yield tangible results.

Under COSI's umbrella, activities have recently begun in order to bring together and combine Member States' expertise to share experience, existing materials and case studies and to identify best practices that may be used throughout the Union, focusing on "non-traditional" or "integrated approaches" and "new methods" to tackling priority threats to the EU posed by organised crime.

According to the Communication on the Internal Security Strategy, the Commission is also preparing measures to enhance such 'non-traditional' approaches to fighting serious and organised crime

Question:

Do Ministers think that “non-traditional” or “integrated approaches” and new methods beyond traditional law enforcement work may be effective against organised crime and if yes, how?