



**COUNCIL OF
THE EUROPEAN UNION**



Council Conclusions setting the EU priorities for the fight against organised crime based on the 2007 organised crime threat assessment

*2807th JUSTICE and HOME AFFAIRS Council meeting
Luxembourg, 12 and 13 June 2007*

The Council adopted the following conclusions:

"Having regard to the Hague Programme and in particular section 2.3 thereof, which calls upon Europol to replace its Organised Crime Situation Report with threat assessments on serious forms of organised crime,

Having regard to the need for the EU to set up an architecture for its internal security¹ and to adopt and implement a methodology for intelligence-led law enforcement, with the emphasis on the collection and analysis of information and intelligence to identify where action by law enforcement and prosecution authorities would be most effective,

Taking into account the Commission's communication on a strategic concept for tackling organised crime² and its associated action plan and the Council and Commission Action Plan implementing the Hague Programme³,

¹ 9596/06 JAI 271 CATS 104.

² COM(2005) 232 final of 2.6.2005.

³ OJ C 198 , 12.8.2005, p. 1.

P R E S S

Taking into account the Council conclusions of 12 October 2005 on intelligence-led policing and the development of the Organised Crime Threat Assessment⁴,

Taking into account the Council conclusions of 4-5 June 2006 setting the EU priorities for the fight against organised crime based on the OCTA 2006⁵ and the state of play with regard to implementation of those priorities by Member States and EU bodies,

Having regard to the Europol 2007 Organised Crime Threat Assessment⁶,

THE COUNCIL CONCLUDES THE FOLLOWING:

Definition of EU priorities to fight organised crime

1. The Europol Organised Crime Threat Assessment (OCTA) 2007 builds on the assessment of current and expected trends in organised crime (OC) across the EU initiated under the OCTA process in 2006. The findings and conclusions of the OCTA 2007 should therefore be taken into account in national priorities but should also be implemented through enhanced co-operation between Member States, in particular those with shared (regional) problems.
2. The Council restates its conviction that the fight against organised crime should focus on reducing the threat and the harm caused by it and, in particular, on tackling:
 - the obstacles to dismantling OC groups stemming from to their international dimension or influence
 - the level of infiltration of OC into society (*inter alia*, in the public administration and the economy), especially the misuse of legitimate business structures (and the transport sector in particular)
 - the misuse of technology by OC groups
3. The Council finds that based on the OCTA 2007 the following criminal markets should be EU priorities for 2007:
 - drug trafficking, especially in synthetic drugs;
 - smuggling and trafficking in human beings, especially linked to illegal immigration;
 - fraud, especially in the area of highly taxed goods and Value Added Tax carousels;

⁴ 10180/4/05 CRIMORG 56 ENFOPOL 75.

⁵ 10181/06 CRIMORG 94 ENFOPOL 115 ENFOCUSTOM 50.

⁶ 6939/07 CRIMORG 44 RESTREINT EU.

- Euro counterfeiting;
- commodity counterfeiting and intellectual property theft;
- money laundering

4. The OCTA 2007 illustrates the increasing importance of regionally- based criminal hubs in the Member States, since OC groups active in such hubs no longer need to build up complex supply networks from other continents because illicit goods are already routed through and concentrated within the hubs. This creates new growth opportunities for OC groups already present in the distribution markets that the hub feeds, especially when common ethnicity or country of origin facilitates co-operation with criminals operating in the hub. On the other hand, the phenomenon of non-integration, in particular for non-EU ethnic communities, can generate “virtual” regions, or “seclusion hubs”, where organised crime may establish a strong foothold and exploit new opportunities, thus resulting in more OC victims. On the basis of the above, the Council deems that, in respect of the regionally-based criminal hubs identified by the OCTA 2007, specific commitments within the criminal markets designated as EU priorities 2007 should be the following types of organised crime:

- The North-West hub: cocaine, heroin and cannabis trafficking , as well as the production of, and trafficking in, synthetic drugs .
- The South-West criminal hub: trafficking in cannabis and cocaine, destination trafficking for stolen vehicles and smuggling of human beings related to illegal immigration.
- The North-West and the South-West criminal hubs: organised crime committed by indigenous, Turkish and Moroccan OC groups and the external influence of South and Central American OC groups.
- The North-East hub: organised crime committed by certain Lithuanian OC groups as well as Polish OC groups, active both in the supply of cigarettes, synthetic drugs precursors, cocaine and hashish, and in illegal trafficking in highly-taxed goods.
- The South-East hub, especially the Black Sea criminal hub: organised crime committed by certain OC groups from Romania, Bulgaria, Turkey and Ukraine, plus Italian and Hungarian OC groups also active in that Region.
- The Southern criminal hub: organised crime committed by certain Italian OC groups, such as Cosa Nostra, ‘Ndrangheta and Camorra, in particular the attempt to control certain aspects of social and economic life in some geographic areas, together with their current co-operation, in some crime sectors, with ethnic Albanian and Chinese OC groups.

5. The priorities set by these conclusions and in the OCTA 2007 need to be combined with the priorities set, *inter alia*, in crime areas other than organised crime, at national level (in matters of organised crime), in response to previous and other Council conclusions and/or action plans. These include the EU Action Plan on Drugs, the Action Plan on Trafficking in Human Beings and the multi-annual planning of the operational activities of customs administrations.

Approach to fight organised crime

6. The priorities set out above have to be understood as areas in which the EU, through its Member States, institutions and bodies, should (increasingly) coordinate and enhance its action, which should be reactive, but also preventive and proactive. Together, these concerted activities will ensure an in-depth understanding and provide tools for enhanced targeting of OC impacting on the EU.
7. The fight against organised crime, as it was already stated in the Council conclusions of 2006, requires a multi-disciplinary intelligence-led approach in order not only to disrupt criminal activities but also to dismantle criminal organisations, bring the offenders to justice and deprive them of the proceeds of crime. This implies drawing on dedicated (specialised) resources and organising structures with a view to using all information that is available to law enforcement and thus identifying and tackling the most threatening criminal groups. A new, intelligence-led control strategy covering the entire national – and possibly EU – territory, complementing external border controls with checks, en route or at destination, monitoring financial movements and expanding the analytical capabilities of national and EU law enforcement agencies should be further developed. Continuing this approach is vital and as such also needs to be reflected in the implementation of the EU priorities.
8. As a consequence, law enforcement action, in particular investigations and prosecutions, should, where possible, mainly focus on the upper levels of the organised crime groups, including logistics, financing, assets and those who facilitate the activities of the criminal organisation. Member States are, therefore, invited to increase their efforts in the financial aspects of investigations and prosecutions, for example as regards the seizure of assets.
9. For Member States to mutually benefit from one another's efforts, more information on the outcomes of and difficulties in such investigations and prosecutions should be communicated at an early stage to Europol, Eurojust or OLAF, so that a stronger EU position can be taken.

10. Given the blurring of the border between licit and criminal activities, successful law enforcement action against organised crime should focus on facilitating factors (such as document forgery, technology, and the misuse of legitimate business structures, *black markets* and, in particular, of the transport sector). Enhanced cooperation with the private sector is therefore required, both for establishing preventive mechanisms (-through consultation on regulations, products, (use of) technology-) and with a view to improving crime detection and investigation.

Implementation of the EU priorities

11. All relevant authorities in the Member States should, alongside other national considerations, take account of the strategic priorities adopted by the Council and the OCTA in planning their individual and joint responses to the threats they face from organised crime. In so doing, they should use the mechanisms and structures mentioned in the action plan (7547/3/07), but also implement the priorities through national, bilateral and regional means and in their external relations, in accordance with national legislation.
12. All relevant EU bodies, agencies and working groups must take account of these priorities and reflect them in their strategic planning, working programmes, budgets, annual reporting and external relations. Regular and practical measures must be taken, under the appropriate supervision of the Presidency, to ensure a horizontal coordination and cooperation between the different parties involved, supported, where appropriate, by the drawing up of agreements between police, border guard, customs and other specialized law enforcement services. Appropriate cooperation should be in place between EU and relevant third countries, in particular those who contributed to the OCTA.
13. *In concreto*, Member States, the relevant Council working parties, the Commission and the relevant EU agencies should carry out the tasks set out in *doc.7547/3/07*. These have been updated to take into account the experiences of implementing the EU priorities based on OCTA 2006⁷ and the results achieved and objectives implemented so far.
14. Every two years, the next time in 2008, the Presidency, in association with the Commission, drafts a report on the EU-wide implementation of the priorities. Member States, the relevant Council working parties, the Commission and relevant EU agencies will therefore be invited to provide to the Presidency, by 1 March 2008, a report on their implementation of the priorities.

⁷ 15036/3/06 REV 3 CRIMORG 169 ENFOPOL 189 ENFOCUSTOM 81

Methodology

15. It is useful to evaluate and refine the methodology for producing the OCTA, and to improve its "future-oriented approach". Europol and the Member States will continue to optimise the OCTA procedures in line with the experience gained with the 2007 OCTA. The other stakeholders providing contributions to the OCTA will be consulted in this process. All relevant authorities in the Member States must be involved in the data collection, in order to gain a comprehensive and well-balanced picture of the threats in all crime areas, as well as throughout the elaboration of OCTA report.
16. With a view to the establishment of the next OCTA, Europol will issue⁸ structured and detailed Intelligence Requirements, where necessary targeting for certain areas/respondents. Member States and other relevant stakeholders invited to contribute (Eurojust, Frontex, OLAF, ECB, SitCen, the private sector, etc), will reply to these Requirements by [31 October 2007] at the latest. Such Intelligence Requirements will be circulated to all stakeholders at an early stage.
17. Europol is invited to submit an update of the OCTA by end of [February 2008].
18. According to experience, the various kinds and characteristics of organised crime, as well as the resultant needs for action, do not change greatly within the course of one year. Therefore, from now on the Council will as a rule adopt new Council conclusions setting EU priorities for the fight against organised crime based on the OCTA only every two years. Hence, the next Council conclusions of this kind will be adopted in 2009. In the intermediate years (beginning with 2008), the OCTA as well as the report on the EU-wide implementation of the priorities will be presented to the Council, in order to consider whether there is an urgent need for action which requires exceptionally the setting of new priorities.

Information of the European Parliament

19. The European Parliament will be informed of these conclusions."

⁸ In accordance with the arrangements set out in the Council conclusions of 12 October 2005 (10180/4/05, and in particular point 2 thereof).