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From:	Presidency
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Subject:	Draft Council conclusions on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021

Following discussions at the COSI Support Group meeting on 12 May 2017, delegations will find attached draft Council conclusions on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021, which will be submitted to COREPER/Council for adoption.

**DRAFT COUNCIL CONCLUSIONS ON SETTING THE EU'S PRIORITIES FOR THE
FIGHT AGAINST ORGANISED AND SERIOUS INTERNATIONAL CRIME
BETWEEN 2018 AND 2021**

THE COUNCIL OF THE EUROPEAN UNION

RECALLING that an initial and reduced EU Policy Cycle for organised and serious international crime was implemented between 2012 and 2013 on the basis of the EU crime priorities agreed by Council on 9-10 June 2011¹, followed by a fully-fledged EU Policy Cycle between 2014-2017 on the basis of EU crime priorities agreed by the Council on 6-7 June 2013²,

WELCOMING the measures which Member States together with JHA Agencies have taken to implement the 2012-2013 and 2014-2017 EU Policy Cycles, notably within the framework of the Operational Action Plans (OAPs), which have contributed to the fight against organised and serious international crime,

NOTING the increased operational nature of the EU Policy Cycle, which allows key threats facing the EU to be targeted in a coordinated and structured way,

BUILDING on the experiences gained in the implementation of the EU Policy Cycle, which have been used for the elaboration of the new EU Policy Cycle for the period 2018-2021³, which was agreed by Council on 27 March 2017,

NOTING that in accordance with the EU Policy Cycle methodology, the Council has to identify the EU crime priorities for the fight against organised and serious international crime,

¹ 11050/11
² 12095/13
³ 7704/17

HIGHLIGHTING the importance of setting a limited number of EU crime priorities that can be realistically implemented at European and, where relevant, national or regional level on the basis of annual Operational Action Plans (OAPs) in accordance with agreed Multi-Annual Strategic Plans (MASPs),

CALLING on Member States, institutions and agencies to actively commit to ensure an operational implementation of the EU Policy Cycle, which requires sufficient human and financial resources, awareness as well as recognition. The participation and adequate empowerment of experts is needed for the development and the implementation of the MASPs and OAPs,

CALLING on all actors to assume, where relevant, the role of drivers, co-drivers and action leaders for the respective EU crime priorities,

WELCOMING the measures taken by Europol, Frontex, Eurojust and Cefpol to support the implementation of the Policy Cycle,

NOTING the increasing cross-cutting nature of crime and the need to strengthen cross-priority cooperation,

UNDERSCORING that national competent authorities, including Member States' relevant law enforcement authorities, judicial and administrative authorities, EU institutions and agencies should cooperate very closely in implementing the EU crime priorities, ensuring in this way a multidisciplinary and multi-agency approach. Good cooperation between police, border guards, customs, judicial and administrative authorities, as well as with EU institutions and agencies is crucial in this regard,

WELCOMING that many of the operational actions in 2016 involved non-law enforcement partners and that the engagement towards private partners increased, together with the implication of the custom authorities, while noting that a further strengthening of these efforts is needed,

RECOGNISING the important role of the National EMPACT Coordinator (NEC) in ensuring the participation of relevant national authorities in the implementation of the crime priorities and effective national coordination,

HIGHLIGHTING the importance of training and awareness raising regarding the EU Policy Cycle and the EU crime priorities in Member States, EU institutions and agencies, as well as of promoting the awareness of the EU Policy Cycle in third countries,

RECOGNISING the external dimension of internal security and the importance of intensifying and improving the cooperation with third countries, including important source and transit countries for the different crime priorities, and relevant international organisations in the operational implementation of the EU Policy Cycle,

CALLING on Member States to optimise the use of funds made available, and on all actors involved to ensure that adequate funding is timely made available to support the operational actions and allow them to start at an early stage,

REITERATING that a balance should be struck between prevention and tackling the consequences of threats to EU internal security posed by organised and serious international crime,

WELCOMING the EU Serious and Organised Crime Threat Assessment (EU SOCTA)⁴ which Europol issued on 9 March 2017, which includes recommended EU crime priorities in accordance with action 3 of the Policy Cycle as well as an overview of potential key areas to target in different criminal markets,

⁴ 6886/17, ADD 1 and 2 (EU RESTRICTED)

NOTING that the EU SOCTA shows that more than 5,000 organised crime groups (OCGs) operating on an international level are currently under investigation in the EU and that the criminal markets are increasingly complex and dynamic with the emergence of smaller groups and individual criminal entrepreneurs in specific criminal activities, notably those online. Special attention should therefore be given to the online trade in illicit goods and services, including counterfeit goods, when developing the MASPs and OAPs for the different crime priorities,

TAKING NOTE OF the priorities and tasks in the fight against organised and serious international crime that were set out in strategic documents, such as the Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route, the renewed EU Internal Security Strategy 2015-2020⁵ and its subsequent implementation reports⁶, the European Agenda on Security⁷ and the European Agenda on Migration⁸, the European Agenda on Security to fight against terrorism and pave the way towards an effective and genuine Security Union⁹, the Progress reports "towards an effective and genuine Security Union"¹⁰, the EU Strategy and Action plan for customs risk management¹¹, the Eight Action Plan of the Customs Cooperation Working Party for the period 2016 and 2017¹², the EU Cybersecurity Strategy¹³, the 2017 FRONTEX risk analysis, the Commission's Border Package of 15 December 2015, the Action Plan on illicit trafficking in firearms between the EU and the South East European region for the period 2015-2019¹⁴, the post-2016 Strategy on trafficking in human beings; the Council Conclusions and Action Plan on the way forward with regard to financial investigation¹⁵, the Council Conclusions on countering environmental crime¹⁶, the EU Drugs Strategy 2013-2020¹⁷ and the draft EU Action Plan on Drugs 2017-2020¹⁸,

⁵ 9798/15
⁶ 15277/1/16 REV 1, 11001/1/16 REV 1, 9151/16, 14636/15
⁷ 8293/15
⁸ 8961/15
⁹ 8128/16
¹⁰ 13442/16, 14617/16, 15808/16, 5775/17, 6928/17, 8339/17
¹¹ 12644/14 + ADD 1, 15403/14
¹² 13749/3/15 REV 3
¹³ 6225/13
¹⁴ 15516/14
¹⁵ 8777/16
¹⁶ 15412/16
¹⁷ 17547/12
¹⁸ 7379/17 + ADD 1

STRESSING that the actions to implement the above strategic documents and the present Council priorities must remain consistent with one another,

NOTING that all actors involved must retain a degree of flexibility to address unexpected or emerging threats to EU internal security,

UNDERLINING that threats emanating from possible links between organised crime and terrorism should be considered, notably with regard to the trafficking of firearms, the production of counterfeit documents but also other criminal activities that generate criminal profits,

SETS THE FOLLOWING PRIORITIES, in no particular order, for the fight against organised and serious international crime between 2018 and 2021:

1) To fight cybercrime, by (1) disrupting the criminal activities related to attacks against information systems, particularly those following a Crime-as-a-Service business model and working as enablers for online crime, by (2) combating child sexual abuse and child sexual exploitation, including the production and dissemination of child abuse material, and by (3) targeting criminals involved in fraud and counterfeiting of non-cash means of payment, including large-scale payment card fraud (especially card-not-present fraud), emerging threats to other non-cash means of payment and enabling criminal activities.

This priority will be implemented through three Operational Actions Plans: (1) Attacks against information systems, (2) Child sexual exploitation (CSE) and (3) Non-cash payment fraud.

Experiences gained from the Cybercrime priority in the previous Policy Cycle should be duly taken into consideration.

2) To (1) disrupt the activities of Organised Crime Groups (OCGs) involved in the wholesale trafficking of cannabis, cocaine and heroin to the EU, to (2) tackle the criminal networks involved in the trafficking and distribution of multiple types of drugs on EU markets and to (3) reduce the production of synthetic drugs and New Psychoactive Substances (NPS) in the EU and to dismantle OCGs involved in their production, trafficking and distribution.

This priority will be implemented through two Operational Action Plans: (1) Cannabis, Cocaine, Heroin and (2) New Psychoactive Substances and Synthetic Drugs.

Experiences gained from the priorities on Cocaine, Heroin and Synthetic Drugs in the previous Policy Cycle should be duly taken into consideration.

3) To disrupt OCGs who facilitate illegal immigration by providing facilitation services to irregular migrants along the main migratory routes crossing the external border of the EU and within the EU, particularly focussing on those whose methods endanger people's lives, those offering their services online and making use of document fraud as part of their business model.

This priority will be implemented through one Operational Action Plan. Experiences gained from the Illegal Immigration priority in the previous Policy Cycle should be duly taken into consideration.

4) To combat organised property crime by concentrating on disrupting highly mobile OCGs carrying out organised thefts and burglaries across the EU. This should include OCGs using new technologies or enhanced countermeasures which exploit the lacking interoperability of cross-border surveillance tools.

This priority will be implemented through one Operational Action Plan. Experiences gained from the Organised Property Crime priority in the previous Policy Cycle should be duly taken into consideration.

5) To fight against the trafficking in human beings (THB) in the EU for all forms of exploitation, including sexual and labour exploitation as well as all forms of child trafficking.

This priority will be implemented through one Operational Action Plan. Experiences gained from the THB priority in the previous Policy Cycle should be duly taken into consideration.

6) To disrupt the capacity of OCGs and specialists involved in excise fraud and Missing Trader Intra Community (MTIC) fraud.

This priority will be implemented through two Operational Action Plans: Excise fraud and MTIC fraud. Experiences gained from the Excise/MTIC priority in the previous Policy Cycle should be duly taken into consideration.

7) To disrupt OCGs involved in the illicit trafficking, distribution and use of firearms.

This priority will be implemented through one Operational Action Plan. Experiences gained from the Firearms priority in the previous Policy Cycle should be duly taken into consideration.

8) To disrupt OCGs involved in environmental crime, more particularly wildlife and illicit waste trafficking.

This priority will be implemented through one Operational Action Plan.

9) To combat criminal finances and money laundering and facilitate asset recovery in view of effectively confiscating the criminal profits of OCGs, especially targeting money laundering syndicates offering money laundering services to other OCGs and those OCGs making extensive use of emerging new payment methods to launder criminal proceeds.

This priority will be implemented through one Operational Action Plan. In addition this priority will also be implemented as a common horizontal minimum strategic goal through the MASPs and OAPs for all other relevant crime priorities. It is paramount that duplication is avoided and that coordination between this OAP and all other OAPs is ensured. Dedicated expert action leaders in each priority will therefore be appointed to implement the strategic goal in the various OAPs.

Experts of this OAP can, when relevant, be invited to attend the meeting of other OAPs to support the implementation of actions across the OAPs. The Driver of this OAP will organise horizontal meetings to strengthen the approach in each OAP. The above methodology will be reviewed by Autumn 2019 in the framework of the mid-term assessment by COSI.

10) To combat document fraud in the EU, targeting OCGs involved in the production and provision of fraudulent and false documents to other criminals.

This priority will be implemented as a cross-cutting priority in the MASP master workshop identifying the common horizontal minimum strategic goals as well as through the OAPs for the relevant crime priorities. Experts on document fraud can, when relevant, accompany commodity experts to discuss the operational implementation of the actions. Dedicated action leaders will have to be appointed for this cross-cutting priority in the various OAPs. These action leaders will compose a horizontal expert group to coordinate the operational actions across the OAPs. The horizontal expert group will meet before the OAP workshops to identify the operational actions which will be inserted in the relevant OAPs. The group will be led by a volunteering Member State and is supported by the Europol and Frontex. Based on the outcome of the review of the methodology of crime priority "criminal finances, money laundering and asset recovery" by autumn 2019, COSI will decide whether to apply the said methodology to EU crime priority "document fraud".

INSTRUCTS COSI, within its mandate¹⁹ and as specified in the Council conclusions of 27 March 2017 on the continuation of the EU Policy Cycle for organised and serious international crime, to coordinate, support, monitor and evaluate, the implementation of the Multi-Annual Strategic Plans (MASPs) and the annual Operational Action Plans (OAPs). Particular attention should be given to both the mid-term and final assessment of the results of the actions to measure the achievement of the strategic goals,

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 with the EU agencies. COSI must also liaise with the relevant Council preparatory bodies to ensure that the implementation of the crime priorities is coordinated with other policy areas, particularly in the Union's external action,

INVITES all Council preparatory bodies, with due regard for the provisions of the Treaties, to take these priorities into account in their respective policy fields,

INVITES the Commission, Member States, JHA agencies and the European External Action Service to consider all financing possibilities to effectively support the activities agreed upon within the EU Policy Cycle,

CALLS on Member States to actively use, in addition to the traditional criminal justice-based approach, alternative and complementary approaches and instruments to fight organised and serious international crime,

INVITES Europol in cooperation with Member States and relevant agencies to prepare in the course of 2019 a mid-term review of new, changing or emerging threats, paying particular attention to the EU crime priorities through the production of an interim report to the Council.

¹⁹ OJ L 52, 3.3.2010, p. 50