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I. Introduction

Since its establishment in 2010, the EU Policy Cycle for organised and serious international crime/EMPACT (hereinafter 'EU Policy Cycle') provides the main framework for operational cooperation across the European Union to tackle the main criminal threats affecting the internal security of the Union.

One of the key features of the EU Policy Cycle is its integrated multidisciplinary character, both in terms of using and aligning the complementary contribution of all multi-disciplinary and multi-agency actors, and integrating different types of tools and activities to tackle the EU crime priorities¹.

¹ 10544/2/17 REV 2

This multi-disciplinary approach is prompted mainly by two types of consideration: (1) the difference in competence, mandate and working methods of the various players involved at national and EU level and in the context of internal or external action and (2) the complex and cross-border nature of serious and organised crime that requires the use of a vast range of tools and approaches to counteract it effectively.

In its conclusions on the continuation of the EU Policy Cycle for the period 2018-2021², the Council acknowledged in particular that *'the EU Policy Cycle has achieved its objectives in improving cooperation in the field of the fight against serious and organised crime, brought EU added value to Member States and provided them with structures for strengthening their cooperation and contributed to creating trust amongst the relevant stakeholders.'*

The achievements of the EU Policy Cycle are demonstrated by solid operational results³, reported regularly by the Operational Action Plan drivers and generated also through the Joint Action Days (JADs), but equally importantly the EU Policy Cycle has brought a new dimension of cooperation across the established structures at national and EU level and has provided opportunities to develop new approaches based on its multidisciplinary setting.

The completion of the first full EU Policy Cycle at the end of 2017 provides a good opportunity to take stock of the impact of the multidisciplinary component of the EU Policy Cycle beyond the quantitative results and to reflect on the possible areas for further improvement of the framework for operational cooperation.

The present document illustrates the impact of the multidisciplinary component of the EU Policy Cycle thus far and outlines certain aspects that might orient future developments in this context. It builds on major input from Europol reflecting the experience and data collected in the course of the implementation of the EU Policy Cycle 2014-2017 by the EMPACT (European Multidisciplinary Platform Against Criminal Threats) Support team. It also takes into account the views of delegations presented at the meeting of the Standing Committee on Operational Cooperation on Internal Security (COSI) of 15 May 2018.

² 7704/17

³ See a summary overview of operational results of the OAPs in 2017 (7907/18).

II. Multidisciplinary approach under the EU Policy Cycle 2014-2017

Two main aspects which define the implementation of the multidisciplinary approach under the EU Policy Cycle could be highlighted: the multi-agency component and the range of activities. To link them and help relevant actors to carry out activities in a structured manner, some Member States have established specific coordination cells or structures at national level enabling competent authorities to engage in a regular dialogue aiming at an efficient implementation of the Operational Action Plans (OAPs). These cells usually work closely with one of the most relevant actors in the EU Policy Cycle framework, namely the National EMPACT Coordinator (NEC).

Against this background, the following elements could be outlined to illustrate the impact of the multidisciplinary approach inherent to the EU Policy Cycle.

1.1. Multi-agency component

a. Involvement of different national actors

Throughout the Policy Cycle 2014-2017, awareness has been raised and participation increased of **different types of law enforcement authorities such as border guards and customs**, e.g. in the field of organised property crime, including trafficking of cultural goods, firearms trafficking or counterfeit goods.

The involvement of other public bodies has been implemented successfully in the EMPACT process, following the multi-agency practice applied in investigations in some Member States. For instance, labour inspectors have successfully participated in operations related to trafficking in human beings for the purpose of labour exploitation⁴. This was the first time that labour inspectors across the EU cooperated so closely with law enforcement authorities in a coordinated way to identify, safeguard and protect victims of labour exploitation.

⁴ During operational activities which took place in May and June 2016, two crime areas - trafficking in human beings and facilitated illegal immigration - were targeted with actions carried out in key geographical hotspots (airports, border crossing points, etc.) where the likelihood of identifying potential victims of trafficking as well as human traffickers and smugglers was high. Law enforcement authorities, immigration services and labour services from 21 countries joined forces for this operation.

In the area of counterfeit goods and in particular of pharmaceutical crime and trafficking relating to pesticides, close cooperation was implemented with pharmaceutical regulatory agencies, phytosanitary agencies, food agencies and economic market inspection and trading standards.

An important aspect of the multi-agency component is the **cooperation with judicial authorities**. Although the intervention of judicial authorities is not always immediately required during joint operations on the spot, the judicial follow-up and legislative gap assessments have been important in a number of cases. In some areas, such as seizure and confiscation, the involvement of the judiciary has been essential.

b. EU context

A number of actors at EU level support the implementation of the EU Policy Cycle and its multidisciplinary component in particular.

COSI has a central role in ensuring the overarching framework in steering the EU Policy Cycle process and the monitoring of the implementation of the Operational Action Plans (OAPs) developed for each of the crime priorities with the active support of the **Commission** and relevant EU agencies and bodies. The Commission, together with the **European External Action Service (EEAS)**, also raises the awareness of the EU Policy Cycle in security dialogues with third countries and through the EU Delegations and CT/security experts.

Multidisciplinary cooperation requires closer coordination of activities in order to avoid duplications and find synergies with ongoing initiatives of a similar nature. In this context, and based on the increasing need for customs to be more closely associated to the Policy Cycle, efforts have been promoted to increase contributions from customs to the Interim Serious and Organised Crime Threat Assessment (interim SOCTA 2015) and the EU SOCTA 2017, as well as to ensure a more integrated approach between the annual Operational Action Plans of the EU Policy Cycle and the bi-annual Action Plans of the **Customs Cooperation Working⁵**.

⁵ Synergies and opportunities for coordination between the activities developed under the EU Policy Cycle and the Eighth Customs Cooperation Working Party Action Plan. 6015/2/16 REV 2 for 2016, 14782/2/16 REV 2 for 2017 and 5920/2/18 REV 2 for 2018.

EU agencies such as Europol, the European Border and Coast Guard Agency (Frontex) Eurojust, CEPOL, EMCDDA and eu-LISA have played a growing role in enhancing the multidisciplinary approach in the context of the EU Policy Cycle. This component has been integrated into the respective new legal frameworks, which entered into force during the Policy Cycle 2014-2017 (e.g. EUROPOL, FRONTEX, CEPOL).

EU practitioners' networks have also participated in the implementation of multi-agency cooperation through the participation of experts in various crime areas, e.g. the CARIN network in the field of asset recovery from horizontal perspective, CULTNET , CARPOL , TISPOL in the organised property crime. The European Union Crime Prevention Network (EUCPN) started being involved in a number of prevention activities in the cyber area, some of them linked to EMPACT activities in 2014-2017.

c. Cooperation with non-EU partners

Successful operational implementation of the EU Policy Cycle must take into account the external dimension of internal security.

Some **non-EU countries⁶ and international organisations**, such as Interpol⁷, have established strong links with the EU Policy Cycle.

A number of additional non-EU countries⁸ were cooperation partners in the OAPs to support individual operational actions. They all bring an additional multidisciplinary spectrum of competence to the implementation of the Policy Cycle.

6 **DELETED**

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Finally, a large number of other non-EU countries and international organisations support the implementation of the OAPs including the Joint Action Days (JADs) without being explicitly mentioned in the OAPs. Their involvement depends on the operational needs in the respective crime areas (**DELETED**).

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d. Private sector involvement

Private actors have brought an essential contribution to EMPACT activities. For instance, in the OAP ‘Payment Card Fraud’, private sector partners have been key partners in large joint operations such as the European Money Mules Action (EMMA)⁹ and the Global Airport Action Days (GAAD)¹⁰.

In other areas (e.g. OPC, CSE and firearms), results were also achieved¹¹. However, they were less tangible than in the field of payment card fraud and counterfeit goods, and there is still room for greater involvement of the private sector.

⁹ EMMA aims at finding money mules, linked mainly to cybercrime, banks and other financial institutions. EMMA3 identified suspicious bank accounts used in money laundering in 22 countries in the EU and beyond in November 2017. The European Banking Federation (EBF) has been a reliable partner, coordinating banking sector cooperation with law enforcement agencies.

¹⁰ The GAAD held in 2017 involved 61 airline companies, card schemes, banks in 189 airports across the world, Europol, Frontex and law enforcement agencies around the world, sending notifications of suspicious events and bringing to light OCGs dealing with fraud, illegal immigration and human, narcotics and weapons trafficking.

¹¹ **DELETED**

1.2. Range of activities

a. Administrative approach to fight organised crime

The systematic use of multidisciplinary approaches in preventing and fighting criminality, based on partnership, collaboration and use of administrative measures in addition to the traditional criminal law measures, strengthens the tools available to competent authorities in addressing the current complex criminality landscape.

The 2016 Council conclusions on the administrative approach to prevent and fight serious and organised crime ¹² set out the next steps for further consolidation of the measures in this area and for strengthening of the European Network on the Administrative Approach (ENAA), while optimising the links with the EU network for crime prevention (EUCPN). The two networks have been recently associated in the auspices of the Council Law Enforcement Working Party.

Following these conclusions, the use of administrative instruments has been promoted within the actions agreed in the Multi-Annual Strategic Plans (MASPs) and the annual Operational Action Plans (OAPs) for certain priorities in the EU Policy Cycle, in particular actions relating to trafficking in human beings and organised property crime.

b. Prevention

Activities aiming at preventing crime have been integrated in the Policy Cycle as part of operational actions.

Prevention campaigns either followed or accompanied several areas, e.g. that of cyber fraud operational activities¹³, or in the field of Child Sexual Exploitation.

¹² 9935/16

¹³ e.g. *European Money Mule Action* – one week of action with almost 200 arrests was followed by one week of the prevention campaign 'Don't be a mule' in most of the Member States.

In other OAPs, prevention was not so strongly developed but appeared as a side effect of some activities. For instance in the field of OPC, prevention became visible mainly in activities financed by the ISF (French project on clan-based OCGs active in Metropolitan areas). As a result, prevention aspects were however then included as main objectives of a specific action in the current Policy Cycle.

c. Multidisciplinary component in strategic and operational activities

The multidisciplinary approach underpins both the strategic and operational activities in the EU Policy Cycle.

At strategic level, training, awareness raising, identification of legal gaps, analysis and results are directed to various authorities, audiences or different types of activities, hence promoting tailored approaches in tackling EU crime priorities.

Furthermore, crime prevention and cooperation with non-EU partners were included among the common horizontal strategic goals implemented across all crime priorities of the new EU Policy cycle 2018-2021.

At **operational level**, the Joint Action Days (JADs) are a clear example of how the integrative multi-disciplinary aspect of the EU Policy Cycle has improved over the years. The very concept of JADs is intended to address more than one EU crime priority, thus aiming to tackle not only the separate crime areas, but also the links between them and to involve the full range of relevant actors¹⁴.

¹⁴ e.g. Participation in the last JADs 2017 (Operation Dragon) included all 28 Member States, Eurojust, Europol, Frontex, CCWP, MAOC-N, 44 non-EU countries, INTERPOL, AMERIPOL, CLACIP, NCFTA, UNODC, SEESAC, SEEFEN and SEEFEG.

Not the individual actions, but the multidisciplinary nature of the EU Policy Cycle, makes the difference in the specific OAPs. One of the most relevant examples is in the context of fighting MTIC (missing trader intra-community) fraud. Participants within this OAP are amongst the most multidisciplinary of all EMPACT groups, representing Customs, police, tax administrations, judicial and Commission representatives, as well as CEPOL. In this context, EMPACT is virtually unique in bringing all elements together, with the MTIC OAP reflecting needs from each component¹⁵.

III. Way forward

The following aspects could be considered in order to strengthen further the various components of the multi-disciplinary platform on which the EU Policy Cycle operates:

a. Strengthening coordination at national level

Multiplying different actors requires strengthened coordination both at national and at EU level. In this framework, the national EMPACT coordinators (NECs) have an important role to play. While some Member States have created specific structures to coordinate their input to the Policy Cycle, this is not the case in all Member States. Also, the extent of the NECs' coordination activities seems to vary considerably from one Member State to another. In this context, measures to enhance the links between operational and strategic level should be also explored.

b. Increasing awareness of the EU Policy Cycle among competent authorities and involvement of public bodies

The EU Policy Cycle has been promoted largely among traditional law enforcement bodies such as the police. Although there is some progress achieved, there is still a need to increase awareness, including about available funding and involvement of other law enforcement authorities, such as border guards and customs. Increasing involvement of judicial authorities, should be considered as well.

¹⁵ e.g. Beyond the immediate representatives, the anti-MTIC fraud message requires delivery to and engagement with both the private sector (consisting of entities such as representative trade bodies, financial institutions, trading registries and regulators as well as VAT registered traders) and the general public.

Common tools of communication need to be used across all LEAs. One difficulty encountered during inter-agency operations is the failure to use one common channel of communication. SIENA is not widely used by Customs administrations while it is the main channel of operational communication of the Policy Cycle. Although other channels specific to some agencies exist, the absence of a common information exchange tool hampers to a certain extent the smooth information flow necessary to make multidisciplinary operations successful.

Furthermore, based on the successes of operational participation by other public bodies such as inspectors in different fields (labour, tax, health, consumer protection, etc.), an extension of their participation in more OAPs could be promoted.

c. Strengthening the outreach and further engagement of the EU Policy Cycle externally

Cooperation with non-EU partners helps to strengthen the nexus between external and internal security which has a significant impact on EU security and therefore all Union tools available need to be exploited. In this context, the role of EEAS could be crucial and enhanced focus on external engagement would be useful in optimising outreach to external partners, including by employing the tools and approaches characterising external action including CSDP missions/operations.

Further developing cooperation with relevant non-EU partners, including EU-supported regional cooperation structures, provides an added value to the operational implementation of the Policy Cycle and also contributes to raising awareness thereof beyond the EU. This area should be further promoted, including strategic support from the Commission and the EEAS.

d. Promoting inter-agency and multidisciplinary engagement of EU agencies and bodies

Supporting the inter-agency and multi-disciplinary activities of EU bodies and agencies could be further developed exploiting to a full extent the structured multidisciplinary cooperation platform provided by the EU Policy Cycle.

To this end, proactive engagement of EU agencies and bodies within their respective mandates in exploiting complementary and synergies of their activities in the context of the EU Policy Cycle should be actively pursued, while integrating multidisciplinary tools and actions.

e. Promoting new solutions beyond traditional law enforcement approaches to tackle EU crime priorities, including increasing trust with and involvement of the private sector

Prevention, cooperation with civil society, public awareness campaigns and other innovative solutions could be promoted further.

Building on recent development, integrating administrative approaches in relevant operational activities should be pursued. Optimising the involvement of the European Network on the Administrative Approach could be considered. The enhanced involvement of the European Union Crime Prevention Network (EUCPN) in the EU Policy Cycle 2018-2021 is an important step in that direction.

The involvement of the private sector is essential and should be brought to a significant level, whenever appropriate, beyond the few key crime areas (such as cybercrime) having already established strong partnerships.

Ministers are invited to present their views on:

- *the impact of the EU Policy Cycle for operational cooperation in fighting organised and serious international crime prompted by its multidisciplinary setting,*
- *the specific aspects outlined in section III with a view to orienting future developments of the multidisciplinary component of the EU Policy Cycle and to indicate other possible aspects that need to be considered to that end.*