



Brussels, 3 June 2024
(OR. en)

10270/24

JAI 872
CORDROGUE 71
CRIMORG 86
ENFOPOL 256
ENFOCUSTOM 79
COPEN 299
COSI 97
CATS 46
RELEX 700

NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
No. prev. doc.:	ST 6504/24; ST 6812/24
Subject:	Fighting drug trafficking and organised crime - priorities and actions taken during the Belgian Presidency - Progress report

Introduction

Organised crime including illicit drug trafficking represents a major threat to European citizens, businesses and institutions, as well as to the European economy and security. Organised crime groups increasingly use extreme violence, infiltration of the licit economy and corruption, thus eroding the rule of law and putting at risk the fundamentals of our democracies. A recent report by Europol¹ highlights that 50% of the EU's most threatening criminal networks are involved in drug trafficking, either standalone or as part of a portfolio of activities.

¹ Europol (2024), Decoding the EU's most threatening criminal networks, Publications Office of the European Union, Luxembourg.

The EU Strategy to tackle organised crime 2021-2025² aims to boost law enforcement and judicial cooperation, tackle organised crime structures and high priority crimes, remove criminal profits and ensure a modern response to technological developments. The EU Drugs Strategy 2021-2025³ and the EU Drugs Action Plan 2021-2025⁴ provide the overarching political framework on drugs policy. They take an evidence-based, integrated, balanced and multidisciplinary approach to the drugs phenomenon at national, EU and international level. More recently, the Commission Communication on the EU Roadmap to fight drug trafficking and organised crime⁵ sets forth actions on strengthening the resilience of logistic hubs, including via the European Ports Alliance, on dismantling high-risk criminal networks, on prevention and on international cooperation.

In line with the above-mentioned strategies and action plans, the Council set out the EU's priorities for the fight against serious and organised crime for EMPACT 2022-2025 in its conclusions⁶, including on drugs and high-risk criminal networks (HRCN), bringing together the law enforcement and judicial authorities of EU Member States and their international partners, with support from EU institutions, agencies, and bodies.

In this context, the Presidency identified several priorities and actions to be taken forward during its term, aiming to support Member States' authorities in tackling drug trafficking and organised crime. Those actions were previously discussed by the Ministers at the JHA ministerial meeting on 25 and 26 January 2024 and at the Council on 4 and 5 March 2024 focusing on internal security aspects⁷ and judicial cooperation.⁸

The aim of this progress report is to present the **main deliverables/results** of the Presidency in relation to its priority actions and **their proposed follow-up** where applicable. It could contribute to a reflection whether other actions should be prioritised in the coming months.

² ST 8085/21 + ADD1

³ EU Drugs Strategy 2021-2025: OJ C 102I of 24.3.2021, p. 1

⁴ EU Drugs Action Plan 2021-2025: OJ C272 of 8.7.2021, p. 2

⁵ ST 14114/23

⁶ ST 7101/23

⁷ 6504/24

⁸ 6812/24

State of play

The European Ports Alliance: Mobilising the customs community against drug trafficking

Member State customs authorities are the first line of defence at the EU’s external borders to protect the EU from illegal trade and ensure the security of its citizens. During its term, the Presidency ensured that the work of customs is fully integrated into the overall efforts.

In all meetings of the Law Enforcement Working Party – Customs (LEWP-C), the mobilisation of the customs community against drug trafficking was discussed. The outcome of those discussions was the **launch of several drug-related actions included in the 12th LEWP-C Action Plan 2024-2025** (illicit production and trafficking of cannabis, trafficking of cocaine in maritime consignment)⁹ as well as **European days of control in the fight against drug smuggling by sea** (operation “UNDA”, organised by Germany) that took place in April 2024.

In addition, the Presidency ensured synergies and complementarity between the relevant actions of the 12th LEWP-C Action Plan and the EMPACT drug-related Operational Action Plans (“cannabis, cocaine, heroin”, “synthetic drugs and new psychoactive substances”).¹⁰ **Further work is needed to implement the strengthening of operational cooperation between police and customs services**, including through EMPACT Joint Action Days (JAD), especially on air trafficking, on mobile gangs and on the South East European route that will take place in the second half 2024¹¹.

The Presidency also launched the discussion¹² on how **the customs community could contribute efficiently to the international cooperation with third countries**, and particularly in Latin America, in the fight against drug trafficking.

⁹ 16376/3/23 REV 3

¹⁰ 5009/3/24 REV 3

¹¹ 6064/1/24 REV 1

¹² 8333/24

The LEWP-C meeting on 15 May 2024 was fully dedicated to the topic “**Drugs in airports – cargo and (postal) carriers**”.

In addition, the Presidency worked in close cooperation with the European Commission. As envisaged in the Roadmap, the Commission worked through three parallel and complementary work strands:

1. The **European Ports Alliance Customs Project Group**, until the end of 2024. One of the main achievements is a **situational assessment** on how EU customs administrations are organised to deal with the fight against drugs trafficking in EU ports. Other activities include the creation of a **network of customs A.I. experts in computer vision and artificial intelligence** focused on the analysis of scanning images and work towards the creation of a **network of customs liaison officers in Latin America**.
2. The **maritime European Ports Alliance pillar** within the new EU Customs Alliance for Borders **Expert Team**, starting early 2025, funded by the Customs programme. Moving to this format will allow the customs authorities to **engage much deeper in operational cooperation** in different areas like training, risk management and controls, control equipment, cooperation with other authorities etc.
3. As from 2024, the **Customs Control Equipment Instrument (CCEI)** programme supports the EU priority by allocating **more than EUR 200 million to fund state-of-the-art equipment** that can help customs authorities scan containers and other means of transport, thereby increasing the effectiveness of customs risk management and controls.

This includes support for the customs laboratories to analyse drugs and designer precursors.

Customs authorities also significantly contribute to combating the proliferation of designer precursors with the adoption of a delegated act to **proactively target potential new designer precursors** based on the recommendations of the International Narcotics Control Board (INCB).

The European Ports Alliance: Public-Private Partnership

Our ports are crucial gateways to enable EU economic prosperity. However, their strategic role makes them vulnerable to drug smuggling. The Presidency therefore decided to work on increasing the security and resilience of ports against drug trafficking and organised crime, i.a. through the exchange and promotion of best practices.

On 24 January 2024, the European Commission and the Presidency, together with Member States, ports authorities, European associations, EU Agencies (Europol, EMCDDA) and representatives from customs and other law enforcement authorities launched the European Ports Alliance Public Private Partnership (PPP) at the Antwerp Port House. Through this partnership, public and private actors are joining forces to protect European ports from drug trafficking.

A **workplan** setting out the key focus areas for the partnership for the coming year was supported and agreed between the members of the EU Ports Alliance at a first Senior Officials' meeting that took place on 26 April 2024. The workplan identifies four clusters of topics that the PPP should focus on in 2024: (i) Operational cooperation; (ii) Fighting infiltration of organised criminal groups and corruption in ports; (iii) Policy development and implementation; and (iv) Innovation: use innovative technology to strengthen the resilience of the logistical hubs and the shipping sector to drug trafficking. Four technical meetings are foreseen, each dedicated to one of the clusters, to be held in June as well as in autumn 2024 to facilitate exchange among the partners. The next **Senior Officials' meeting, scheduled for the end of autumn 2024**, will take stock of the progress made and propose the way forward that will be discussed and agreed at a **ministerial meeting in early 2025**.

Council preparatory bodies were regularly informed about the developments related to the work of the partnership and the implementation of the workplan. LEWP-C and COSI also provided guidance on priorities and the way forward.¹³ In addition, a joint LEWP (Police and Customs) meeting in June 2024 will focus on fighting drug trafficking and organised crime and on the PPP, underlining the multidisciplinary nature of the Presidency's approach.

Council preparatory bodies should further follow up the developments related to the PPP.

The mapping of criminal networks that pose the biggest threats to society

During its term, the Presidency intended to deepen the intelligence picture of the most threatening criminal networks active in the EU. Building on the work already started within the High Risk Criminal Networks priority within EMPACT, Europol analysed the data provided by Member States and third countries and presented its report on "Decoding the EU's most threatening criminal networks" during the COSI meeting on 9 April 2024. The Presidency's ambition is to embed this specific analysis on the most threatening criminal networks as a recurrent one building on the lessons learned with the delivery of a follow-up report every 2 years. As such this mapping exercise is meant as an important complement to the future SOCTA reports by incorporating the results within the SOCTA. Furthermore, it is also imperative that Member States' authorities follow-up operationally on the dataset that is available within Europol.

Council conclusions incorporating inter alia the above-mentioned ambition were endorsed by COSI on 29 May 2024 and are submitted to the **JHA Council for approval in June 2024. The next mapping exercise is expected to be delivered by Europol in 2026.**

¹³ 6688/24

The High-Level Group (HLG) on access to data for effective law enforcement was launched in June 2023 to explore the challenges that law enforcement practitioners in the Union face in their daily work in connection to access to data. The Presidency, as co-chair of the Group together with the European Commission, continued the work of the HLG with the aim of overcoming these challenges, fight crime and enhance public security in the digital age.

The HLG has formulated strategic, forward-looking **recommendations** against the background of technological developments, enabling a comprehensive EU approach to ensure access to data for effective law enforcement. These recommendations, clustered under the headings a) capacity building, b) cooperation with industry and standardisation and c) legislative measures, were mainly formulated by experts representing law enforcement and judicial authorities, but also cybersecurity practitioners and data protection experts.

The HLG agreed on the recommendations at its fourth plenary meeting on 21 May 2024, and the Presidency presented them to CATS on 23 May 2024 and to COSI on 29 May 2024 with a view to prepare an **exchange of views at the JHA Council in June 2024**. The HLG will continue its work on a **concluding report that is planned to be endorsed in autumn 2024**.

Regular updates on data access for effective law enforcement took place in the context of the EU-U.S. Dialogue on Justice and Home Affairs, at both senior officials and ministerial levels. Data access and information sharing features high in the agenda of the Dialogue, representing a key pillar of the transatlantic relations.

Preventing organised crime activities through administrative measures

Europol's report¹⁴ showed that 86% of the most threatening criminal networks make use of legal business structures. It is therefore vital that administrative authorities are aware of the important role they can play in the fight against organised crime. During the Belgian Presidency, awareness was raised on the importance of preventing the infiltration of criminal organisations into the legal economy. Member States also examined and proposed the adoption of measures and procedures by law enforcement communities and administrations.

This topic was discussed at the **informal JHA ministerial meeting on 25 January 2024**. The **European Network on the Administrative Approach (ENAA)** has further explored the practical application of the administrative approach and the possibilities for cross-border information-sharing for the purposes of taking administrative or preventive measures in order to prevent the infiltration of criminal organisations in the legal economy. In this context, the ENAA has released a **guide on ‘How to get started with the administrative approach’**¹⁵, that was presented at the LEWP-P meeting in March 2024 and at the EFUS International Security, Democracy & Cities Conference on 20-22 March 2024.

The administrative approach was also discussed at the European Crime Prevention conference “Effective prevention of organised crime in the EU” on 17-18 April 2024 in Tallinn. During the thematic session: “The administrative approach: facilitating cross-border information exchange”, Belgium presented its new ‘Directorate Integrity Assessments for Public Administrations’ legislation.

¹⁴ Europol (2024), Decoding the EU’s most threatening criminal networks, Publications Office of the European Union, Luxembourg.

¹⁵ ENAA (2023). How to get started with the administrative approach. Brussels: ENAA.

At the COSI meeting on 9 April 2024, delegations agreed to conduct a **mapping exercise** analysing the possibilities available under the existing legal basis for the cross-border exchange of information for administrative purposes and invited the Commission to participate in it and - if applicable - **to look into the possibility of proposing new legislation.**

At the EU-Western Balkans Senior Official Meeting on 16 April 2024, the Presidency presented the Belgian national experience on the administrative approach to the Western Balkan partners. The following exchange on this topic contributed to raise Western Balkan partners' awareness on the importance to develop an administrative approach to prevent and tackle the misuse of the legal infrastructure through multi-agency cooperation by sharing information and taking actions to set up barriers.

Further activities are the drafting, in the framework of **EMPACT**, of a **handbook on administrative measures to tackle new synthetic drugs to be presented at the end of 2025** and the **drafting by Europol of a report on the criminal infiltration of legal business structures by the end of 2024.**

Preventing criminal networks from recruiting children and young people

Vulnerable minors and young individuals are increasingly being recruited by criminal networks to carry out criminal activities. The aim of addressing this topic was to make progress in countering this alarming phenomenon and to highlight the need for investment in crime prevention policies.

This topic was addressed at the **informal JHA Ministerial meeting on 25 January 2024** and discussed at the high-level European Crime Prevention conference “Effective prevention of organised crime in the EU” on 17-18 April 2024 in Tallinn.

The Horizontal Working Party on Drugs (HDG) further discussed this topic, which contributed to raising Member States' awareness of the issue and demonstrated the importance of implementing prevention measures, including the toolbox issued in 2022 for preventing youth from entering drug gangs, and giving it renewed impetus. During the debates, **further actions were proposed**, such as identifying best practices based on evidence of their effectiveness and sharing them among Member States, developing a better situational overview and sharing data, looking into possibilities for further research on this topic.

Strengthening EU cooperation with Latin American and Caribbean countries in the fight against organised crime

Given the global reach of criminal networks, it is essential to strengthen the partnerships between the EU and individual Member States with third countries, especially those third countries on the main drug supply routes. Latin American and Caribbean countries are key partners in this regard. The Presidency worked on strengthening bi-regional cooperation with these countries and addressed this priority in the Council fora on multiple occasions since January 2024.

Among the main deliverables during the semester was the **agreement on the La Paz declaration** on 22 February 2024 at the **High-Level Meeting** of the EU-CELAC Coordination and Cooperation Mechanism on Drugs, which was co-chaired by the Presidency. The La Paz declaration identified 5 priorities for this cooperation for the next 5 years. The Belgian and Colombian co-Presidencies of the Mechanism started the preparations for the **implementation** of the declaration, with **proposals for action until June 2025**. Dedicated Dialogues on Drugs also contribute to bi-regional cooperation, such as the **EU-Brazil** Expert Meeting on Drugs, and the **EU-Ecuador** internal security dialogue both held on 18 March 2024, confirming the need to cooperate more closely, including on the exchange of information and best practices.

Another important milestone to consolidate the cooperation between the EU Member States and the Latin American Committee on Internal Security (CLASI) was the organisation of the **first Senior Officials meeting EU-CLASI on 30-31 May 2024**. Participants debated topics of common interest such as the illicit trafficking of drugs and the connections of criminal networks operating on both sides of the Atlantic. The parties agreed on **working procedures** for future cooperation and committed to regularly exchange views in order to strengthen their common response to the challenges posed by serious and organised crime. Further work will be needed to continue to develop the cooperation with CLASI, in particular through the implementation of the Joint EU-CLASI Declaration¹⁶ agreed at ministerial level on 23 September 2023. **The next COSI-CLASI Ministerial meeting is foreseen for the first semester of 2025.**

In parallel, a first EU-Latin America **Senior Officials Meeting on Judicial Cooperation was hosted by the Presidency at the level of CATS, on 30 May 2024**. Parties discussed the priority areas of crime and actions for cooperation between the European Union and Latin American partners, as well as the enablers and instruments for strengthening judicial cooperation between the two regions. The aim is to move towards a structured and periodic bi-regional dialogue on Criminal Justice policy.

In addition, there are ongoing negotiations on cooperation with Eurojust between the EU and three Latin American countries (Argentina, Colombia, Brazil), as well as for international agreements enabling the exchange of personal data between Europol and five Latin American countries (Brazil, Bolivia, Mexico, Ecuador and Peru).

¹⁶ 13575/23

Setting up a European Judicial Organised Crime Network

In order to fight the criminal networks and their business models across the EU, judicial authorities must strengthen their cooperation and better facilitate the exchange of information across all Member States. The cooperation between judicial authorities on complex cross-border investigations into organised crime would be strengthened through the creation of a judicial network of specialised prosecutors from Member States.

The idea of this topic was discussed during the informal JHA ministerial meeting in January 2024 and then further elaborated upon in CATS and competent Working Parties throughout the months of April and May 2024. Also, during the Criminal Law Conference, organised by the Presidency on 22 and 23 April 2024, the added value of a Judicial Organised Crime Network was discussed by practitioners.

Council conclusions on the topic are submitted to the **JHA Council for approval in June 2024**.

Through these conclusions a European Judicial Organised Crime Network will be set up and provide a hub of specialised expertise supporting judicial authorities in the area of organised crime. These conclusions invite Eurojust to organise the network, complementing the work of existing networks at Eurojust, and supporting the operational work of Eurojust and Joint Investigation Teams. With the endorsement of the network by the College of Eurojust in March 2024, and pending the Budgetary Authority's approval of Eurojust's draft budget for 2025, Eurojust is expected to be provided with sufficient financial and human resources to fully operationalise the network next year. In the meantime, Eurojust will host a first kick-off meeting of the network in September this year, allowing the network to deliver immediate operational impact.

The Network will bring together national experts leading criminal investigations, primarily prosecutors and, if appropriate given the national context, investigative judges or law enforcement officers. The Network shall have a flexible mandate, allowing it to choose specific focuses for its activities. A first focus will be on hubs for illegal trade in drugs, in particular sea ports and other logistic hubs used by organised crime groups to import illegal drugs and transport them through the Union.

Working towards a more robust legal framework against organised crime

An effective EU legal framework is essential to provide law enforcement and judicial authorities with the necessary tools to fight organised crime. The Presidency contributed to improving policy making by considering measures for a more contemporary, resilient and robust EU legal framework against criminal organisations.

The Council prepared the **terms of reference (questionnaire) for the 11th round of mutual evaluations**¹⁷ which will be devoted to the fight against drug trafficking. The primary objective of the 11th round is to address the **operational and legal challenges faced by judicial and law enforcement authorities in their response to cross-border drug trafficking, as well as identify areas for improvement**. This peer-review exercise will include on-site visits and country reports. The **final report** will feature the overall conclusions and recommendations of the round and is expected to be presented **to the Council in 2026**.

Additionally, efforts have been made to increase the **resilience and robustness of justice systems against criminal organisations** through a better understanding of the threats and exchange of best practices. An exchange of views on justice systems' resilience and robustness against organised crime took place in the context of the **Council's rule of law dialogue on 5 March 2024**, which contributed to increased awareness.

¹⁷ The mutual evaluations mechanism was established by Joint Action 97/827/JHA and aims at the "peer" evaluation of the application and implementation at national level of Union and other international acts and instruments in criminal matters, of the resulting legislation and practices at national level and of international cooperation actions in the fight against organised crime in the Member States. Each round of mutual evaluations is devoted to a specific topic.

Further work is needed on **assessing whether Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime should be updated and reinforced**, considering the study carried out by the Commission in February 2023, as indicated in the Roadmap.

Strengthening judicial cooperation with third countries

The majority of the most threatening criminal networks have a reach that extends beyond the EU. To ensure that apprehended criminals are extradited, prosecuted and convicted and that criminal assets outside the EU are recovered, there is a critical need for effective judicial cooperation with non-EU countries. The Presidency therefore decided to work on stepping up coordination, maximising the EU's impact and improving engagement with non-EU countries.

The topic of strengthening judicial cooperation with priority third countries was discussed during the informal JHA ministerial meeting in January 2024 and then further elaborated upon in CATS and in competent Working Parties throughout the months of April and May 2024. Also, during the Criminal Law Conference, organised by the Presidency on 22 and 23 April 2024, different measures to strengthen judicial ties with third countries were discussed by practitioners.

Council conclusions on the topic are submitted to the **JHA Council for approval in June 2024**. These conclusions call for additional measures, focusing in particular on priority third countries **complementing and reinforcing** the existing EU action and the action taken by Member States at **bilateral** level. For example, through Eurojust's recently-published Strategy on Cooperation with International Partners for 2024-2027 important groundwork in this respect has been initiated.

Further work is needed to **implement the Conclusions, which will require the involvement of Member States, the Commission and relevant EU stakeholders (Eurojust, Europol, EJM, EPPO)**, in accordance with their tasks and competence. This will include: collecting and assessing information on the countries with which reinforced cooperation is of particular importance for the fight against organised crime, organising exchanges of experience and best practices between experts from the Member States regarding judicial cooperation with priority third countries (including extradition requests, requests for mutual legal assistance and requests with a view to confiscation), the sharing of experiences between authorities of Member States present in priority third countries, considering the secondment of Eurojust liaison magistrates, promoting accession by priority third countries to Council of Europe Conventions on judicial cooperation as well as combining diplomatic efforts for more effective cooperation with priority third countries.

The Council is invited to take note of this report and of the proposed way forward, with a view to follow-up and implementation in the months to come.