



Council of the
European Union

Brussels, 30 September 2016
(OR. en)

12583/16

JAI 782
COSI 142
ENFOPOL 302
CRIMORG 112
ENFOCUSTOM 140
GENVAL 98
FRONT 356

NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. prev. doc.: 12098/2/16 REV 2

Subject: Draft Council conclusions on organised domestic burglary

Delegations will find in annex draft Council conclusions on organised domestic burglary, which were agreed by the Standing Committee on Operational Cooperation on Internal Security (COSI) at its meeting on 28 September 2016.

Draft Council conclusions on organised domestic burglary

THE COUNCIL OF THE EUROPEAN UNION,

ALERTED by the considerable increase in property crimes committed in Europe by highly mobile organised crime groups in recent years and NOTING WITH CONCERN that the interim SOCTA for 2015 estimates 1.000 offences per day;

ACKNOWLEDGING that the increase in the number of domestic burglaries is attributable to itinerant crime groups originating mainly from South-Eastern and Eastern Europe, which belong to the field of organised crime or are considered one step away from organised crime;

ACKNOWLEDGING FURTHER that these groups have transnational organisational structures and that they are flexible and able to adapt to countermeasures taken by individual states which makes it necessary to take concerted action at European level in order to fight these networks effectively;

EMPHASISING that although property crime affects Member States in different ways, all Member States can contribute to fighting this type of crime by taking specific measures depending on their geographical situation, their resources and their individual threat situation;

STRESSING that these offences not only have a significant negative impact on businesses, because they cause heavy financial losses, but that they also affect numerous victims throughout Europe because itinerant crime generates a sense of insecurity for European citizens that leads them to doubt the ability of EU law enforcement authorities to effectively tackle this scourge;

NOTING WITH CONCERN that because of the specific modus operandi used by these groups and the lack of coordinated analysis in many cases these series of burglaries are seen as separate incidents and not as a phenomenon of transnational organised crime;

REGRETTING that the lack of resources in law enforcement authorities and prosecution services impedes investigations into the structures of OCGs and the launch of financial investigations;

ACKNOWLEDGING that in 2010 the European Union reacted to this crime phenomenon by setting property crimes committed by itinerant crime groups as an EU crime priority between 2011 and 2013 in the framework of the Policy Cycle for organised and serious international crime¹ and that in 2013, the Council decided that "organised property crime committed by Mobile Organised Crime Groups" (MOCG) is one of the EU crime priorities between 2014-2017²;

ACKNOWLEDGING the usefulness of the actions developed within the Operational Action Plans on Organised Property Crime (OPC) under the current EU Policy Cycle, which already led to EU wide recognition of the organised nature of OPC committed by MOCG's, a strong increase in information exchange between Member States and with Europol, building up the EU image and launching concrete projects to support coordination of investigations and use of special law enforcement techniques;

NOTING that these conclusions are building upon the Operational Action Plans (OAP) on Organised Property Crime (OPC) under the EU Policy Cycle with a more extensive and holistic approach;

RECOGNISING the important role of EUROPOL as the European Union's hub for law enforcement information for an efficient crime-phenomena related information exchange across Europe and providing Member States with tailored in-depth analysis and operational support, as well as the important role of EUROJUST for the prosecution and judicial cooperation to support Member States;

RECOGNISING THAT the European Union Agency for Law Enforcement Training (CEPOL), is the EU agency responsible for the training of law enforcement officers across Europe;

¹ 11050/11

² 12095/13

NOTING that a sufficient and better coordinated future funding by the Commission and Europol is necessary to maintain on-going successful actions on OAP OPC and further extend activities that are currently being funded by the EMPACT Delegation Agreement, other ISF programmes and previous ISEC funding.

1. INVITES MEMBER STATES AND RELEVANT EU AGENCIES to:

- Further improve the strategic-political dialogue and operational coordination between the Member States and the bodies and relevant agencies of the European Union, in particular Europol and Eurojust in order to achieve consistency, alignment and the correct focus of national and international actions in the fight against organised domestic burglary since the available means have to be put to use in the most efficient and effective way. The EMPACT-Platform, for as long as OPC remains a EU crime priority, will be used as they key coordinative instrument, coordinating the efforts and making sure integration/alignment is achieved between OPC related projects of other involved EU networks and organisations (EUCPN, Informal network for administrative approach, CEPOL);
- Make optimal use of resources and respect official channels for information exchange and thus to build operational, task-specific networks between the competent agencies and Member States based on existing multilateral structures for sharing information including Europol, Siena, Interpol and Eurojust and to involve existing expert groups, paying attention to coordinate (or merge) similar existing efforts and rationalise the creation of new networks in the sense that the scope of existing ones could be expanded;
- Improve the exchange of experience on strategic issues and the awareness raising for the phenomenon of transnational organised crime by creating a European list of national contact points on domestic burglary, a dedicated Europol Platform for Experts forum (EPE) and making this part of the CEPOL programme;
- Apply a more multidisciplinary approach to tackle this threat, which includes not only measures to improve law enforcement but also ideas for strengthening burglary prevention and which also includes taking administrative measures to supplement actions under criminal law.

2. INVITES MEMBER STATES to:

- Build and capitalise on successful cross-border projects against organised domestic burglary and other forms of OPC, such as “Strengthening the fight against mobile organized crime groups of the Baltic Sea Region”, “Danube Property Crime” and Operation Decebalus on MOCG’ from the Western Black sea region as best practices to fight against organised property crimes and also to promote and to support existing ISF-projects such as “OPC Paris”, “Domestic Burglary” and “Eurasian Region and Western Balkans Region Project”;
- Intensify the cooperation with the countries of origin (Member States and third states) in order to effectively combat organised burglar gangs. Currently this means involving countries from South-Eastern and Eastern Europe more strongly in the EU crime priority "Organised Property Crime" and continue to build up relation with other non-EU countries;
- Encourage the exchange of information and the provision of data for analysis concerning mobile property crime offenders through a more intensive use, as appropriate, of the Europol Information System (EIS), Europol Focal Point Furtum and Prüm information exchange tools and Prüm information exchange tools;
- Intensify the combat against organised property crimes in general and against domestic burglaries in particular on EU level by setting up a temporary support group of national experts/analysts located at Europol Focal Point Furtum;
- Strengthen the cooperation of law enforcement agencies of the countries affected by MOCGs as well as the cooperation with Eurojust and to increase the number of Joint Investigation Teams with the aim to tackle the entire cross-boarder network of perpetrators. This necessitates a more active strategy from the national prosecutions services to tackle the cross-boarder component of the crime network;

- Initiate information and awareness-raising programmes on burglary prevention in general and additionally on (individual) burglary protection measures (especially for victims of burglaries) at EU level, to pool preventive projects in cooperation with the European Crime Prevention Network (EUCPN) and also to intensify cooperation with the private sector to improve prevention;
- Cooperate with the Informal Network on the Administrative Approach to set up projects to increase the expertise in Member States on the use of administrative measures to prevent these organised crime groups from infiltrating in the legal infrastructure, taking into account the conclusions and recommendations from the Prevention of and Fight against Crime Programme (ISEC) funded EU study ‘administrative measures to prevent and tackle crime’ and the Council conclusions on the administrative approach to prevent and fight serious and organised crime³;
- Share experience on and further improve the new technology of predictive policing which delivers promising new results and contributes to a better use of resources;
- Apply and develop additional supportive measures to coercive sanctions, such as spreading best practices, when dealing with underage offenders in order to free them from the influence of the real criminals and to give them better prospects for the future;
- Apply the above-mentioned measures not only for domestic burglaries but also for burglaries in commercial properties and other OPC phenomena that achieve a critical level in the Member States.

3. INVITES THE COMMISSION to:

- Support the Member States to ensure the effective implementation of the future EU Policy Cycle OPC OAP’s and support cooperation between all relevant law enforcement and justice authorities in Member States; including by ensuring sufficient funding be made available through EMPACT funding and calls for ISF Union actions, taking into account the successful results achieved by past funded projects.

³ 9061/16

4. INVITES THE RELEVANT EU AGENCIES to:

- Enhance inter-agency cooperation focusing mainly on the synergy of activities of all agencies involved and on information exchange, in particular Europol and Eurojust;
 - Identify and analyse practical obstacles regarding law enforcement measures, prosecution and judicial cooperation and take active steps to improve the use of EU and international legal instruments (Eurojust, Europol).
-