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NOTE

From: Presidency
To: Council

Subject: The threat of drug related organised crime to our societies

With a view to the lunch discussion of the Justice Ministers on 10 March 2023, delegations will find in Annex a Presidency paper on the above-mentioned subject.

The threat of drug-related organised crime to our societies

Drug trafficking is growing in Europe and drug-related organised crime is on the increase in several EU Member States. Revenues from drug sales provide criminal groups with substantial economic gains. Violent conflicts between criminal actors, spurred by competition about drug markets, is a serious challenge around the European Union. Drug trafficking dominates serious and organised crime in the EU in terms of the number of criminals and criminal networks involved, and much of the violence associated with these groups is related to the trafficking in drugs. The illicit drug market in the EU is estimated at a minimum retail value of EUR 30 billion per year, representing a major source of income for organised crime groups in the EU. Many of these criminals organise their activities and hide their assets in countries outside the EU with which judicial and law enforcement cooperation is often complicated.

To expand their power and influence, organised criminal groups in some Member States are directing their attention towards public institutions. Criminal groups use threats and violence to intimidate representatives of civil society and public institutions including journalists, lawyers and politicians, not only at national level but also at local level, targeting municipal institutions, local police, social workers, and civil servants in vulnerable communities. These groups also employ their revenues and use corruption to further their criminal activities, laundering their proceeds and infiltrating the economy.

Drug-related organised crime is a major concern in most Member States especially in relation to ports, for instance Antwerp and Rotterdam which are the entry point for a majority of the cocaine smuggled into Europe. The problem of illicit smuggling of drugs, especially cocaine, to European harbours was raised in the Council during the French Presidency. In Sweden, shootings, and the use of explosives in conflicts between rival criminal networks has led to increased insecurity and great human suffering. The violence is causing insecurity and an increased risk that innocent people become victims of lethal shootings. In some Member States the situation is perceived as a potential systemic threat. The situation was highlighted at the informal JHA ministerial meeting by the Belgian Minister of Justice, who has been subjected to serious threats and has at times been forced to live under protection. In the long run, this development poses a threat to our public institutions, including the judicial system, and could ultimately lead to the erosion and undermining of our democracies and the rule of law.

The EU Drug Strategy for 2021-2025 sets out the political framework and priorities for the EU's drug policy and complements national policies. Its main objective is to ensure a high level of health protection, social stability and security, as well as contribute to awareness raising. One of the three main policy area of the strategy is drug supply reduction. The Council has also agreed on an action plan setting out specific measures to achieve the priorities of the EU Drugs Strategy, for example to disrupt and dismantle high-risk drug-related organised crime groups. This is also highlighted in the EU Strategy to tackle Organised Crime 2021-2025. Furthermore, drugs trafficking is one of the EU crime priorities under EMPACT (the European Multidisciplinary Platform against Criminal Threats).

A broad range of measures will be needed to effectively turn the situation around, including possible actions in the justice area. Criminal networks exert undue influence, and our public institutions need to be strong enough to withstand violence and threats, infiltration and corruption. Important work is ongoing at EU-level with the negotiations of the proposal for a directive on asset recovery and confiscation, which will help to circumscribe the criminal economy by targeting their assets. Criminal networks involved in drug trafficking ply their trade across national borders. As such, effective judicial cooperation is necessary in the fight against drug-related organised crime. The judicial cooperation toolkit at EU-level will be further expanded with the coming proposal on an instrument for the transfer of criminal proceedings. Furthermore, Eurojust plays a key role in enabling and facilitating cooperation between national authorities in practice. Eurojust's support and expertise, including through its practitioners' networks, are key tools in the fight against drug trafficking. Judicial cooperation between Member States and certain third countries is an area that may be considered for further development. The Commission is currently in the process of negotiating international agreements on cooperation with Eurojust with 13 non-EU countries.

These are merely a few examples of measures in the justice area that are important in the fight against drug-related organised crime. This increasingly complex threat to our public institutions may however require other measures to be considered. To find relevant solutions we first need a discussion to take stock of the situation in Member States. Such a discussion would highlight the areas in need of attention and serve as starting point for further common efforts.

- **Question 1: What threats are posed by drug-related organised crime in your Member State?**
- **Question 2: Can you share any experiences and/or best practices on how to curb these threats from a justice perspective?**
- **Question 3: Which, if any, specific measures at EU-level do you see a need for from a justice perspective in response to the development of threats to public institutions and judicial systems which is described above?**