



Council of the
European Union

Brussels, 12 May 2021
(OR. en)

8665/21

COSI 90
ENFOPOL 182
CRIMORG 47
CYBER 140
ENFOCUSTOM 70
JAI 531

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	8428/1/21 REV 1
Subject:	Council conclusions setting the EU's priorities for the fight against serious and organised crime for EMPACT 2022 - 2025



Delegations will find in the Annex the Council conclusions setting the EU's priorities for the fight against serious and organised crime for EMPACT 2022-2025.

DRAFT COUNCIL CONCLUSIONS ON SETTING THE EU'S PRIORITIES FOR THE FIGHT AGAINST SERIOUS AND ORGANISED CRIME FOR EMPACT 2022-2025

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, and a second fully fledged EU Policy Cycle/EMPACT between 2018-2021 on the basis of EU crime priorities agreed by the Council on 18 May 2017³,

WELCOMING the measures which Member States together with JHA Agencies and other relevant actors have taken to implement the 2012-2013, 2014-2017 and 2018-2021 EU Policy Cycles/EMPACT, notably within the framework of the Operational Action Plans (OAPs) and Joint Action Days (JADs), which have significantly contributed to the fight against organised and serious international crime,

NOTING the increased operational nature of EMPACT⁴, which allows key threats facing the EU to be targeted in a coordinated and structured manner,

BUILDING upon the experience gained in the implementation of EMPACT, as addressed in the Council conclusions on the permanent continuation of the EU Policy Cycle/EMPACT 2022+⁵,

¹ 11050/11

² 12095/13

³ 9450/17

⁴ In line with the Council Conclusions on the permanent continuation of the EU Policy Cycle/EMPACT 2022+ (6481/21) the term "EU Policy cycle for organised and serious international crime" was substituted for the sole name "EMPACT" (*European Multidisciplinary Platform Against Criminal Threats*). Therefore the remainder of the document will solely refer to "EMPACT".

⁵ 6481/21

WELCOMING the continuous involvement of new partners such as custom and administrative authorities and the expansion of EMPACT including engagement with other public and private partners, as well as third partners and countries,

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, awareness raising and communication on EMPACT and the EU crime priorities in Member States, EU institutions, agencies and bodies, as well as of further promoting the awareness of EMPACT in third countries,

RECOGNISING global character of organised crime and therefore the external dimension of internal security and the importance of further intensifying and improving cooperation and association with third countries and relevant international organisations in the operational implementation of EMPACT, including support for the possible development of an "EMPACT methodology" outside the EU,

NOTING that in accordance with the EMPACT methodology and based on Europol's SOCTA 2021, the Council will identify the EU crime priorities for the fight against serious and organised crime,

HIGHLIGHTING the importance of setting a limited number of clear EU crime priorities that can be realistically implemented on the basis of annual OAPs and/or Common Horizontal Strategic Goals (CHSGs) defined in the General Multi-Annual Strategic Plan (G-MASP),

REITERATING the importance of criminal analysis and the EMPACT integral approach and that a balance should be struck between prevention on the one hand and tackling criminal networks, their structures and business models on the other hand,

WELCOMING the EU Serious and Organised Crime Threat Assessment 2021 (EU SOCTA executive summary)⁶ of 10 March 2021, which includes recommended EU crime priorities,

⁶ 6818/21

NOTING that the EU SOCTA 2021 shows that the organised crime landscape is characterised by a networked criminal environment with increasing use of violence, corruption and abuse of legal business structures. The criminal networks seem to be able to adapt and capitalise on changes in the environment in which they operate. Special emphasis should be therefore be given on tackling high risk criminal networks when developing the G-MASP and OAPs in different crime priorities,

NOTING that EMPACT structures and all actors involved must retain a certain degree of flexibility to address unforeseen risks and threats that could not be identified through the OAP planning,

RECALLING the Policy Advisory Document (PAD) drafted by the Presidency and the European Commission, based on the EU Serious and Organised Crime Threat Assessment (EU SOCTA) 2021 and considering other strategic papers, assessments and policies,

ACKNOWLEDGING the Communication on the EU strategy to tackle organised crime and on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025 which builds upon past achievements and identifies priority work strands to protect the EU against organised crime groups, detailing priorities, actions and targets to be achieved between 2021-2025 *inter alia* aimed at strengthening the existing EMPACT structure and WELCOMING the possible substantial reinforcement of EMPACT funds.

SETS THE FOLLOWING PRIORITIES, for the fight against serious and organised crime between 2022 and 2025:

1) High-risk criminal networks

The aim of this priority is *“to identify and disrupt high-risk criminal networks active in the EU, such as mafia-type, ethnic and family based organisations and other structured networks, and individuals with critical roles in these networks, with a special emphasis on those criminal networks undermining the rule of law by using corruption, those who commit acts of violence, including intimidation, and use firearms to further their criminal goals, and those who launder their criminal proceeds through a parallel underground financial system”*.

This priority should be implemented in one Operational Action Plan (1 OAP), focused in particular on the high-risk long lasting criminal core groups and one Common Horizontal Strategic Goal (1 CHSG) along the following guiding principles that should be followed in the implementation phase:

- The OAP should address all high-risk criminal networks (HRCNs) with particular focus on the high-risk long lasting criminal core groups. This would provide more flexibility and include the possibility to address, where relevant, other HRCNs, whilst also building on the experience gained with targeting high-risk long lasting criminal core groups. The OAP should also address all sub-elements included in the description (firearms, money laundering, corruption).
- During an initial pilot phase, the OAP will be developed in "step by step" approach, starting with the focus on the actions developing the intelligence picture and capacity building/training, in the first step. Particular attention will be paid to the close cooperation and coordination of the OAP Driver with the Drivers of other OAPs, including the role of the coordinator of CHSG.
- In addition, the OAP should be complemented by a CHSG, which would, together with the newly established function of coordinator of CHSG, enable a coherent approach across all OAPs, avoid creating "silos", assist to avoid duplication, fragmentation of work and ensure further cooperation and coordination between OAPs. Furthermore, the proposed compromise would enable commodity based priorities to tackle all HRCNs.
- The implementation method will be reviewed by COSI no later than summer 2023, following the interim report on the new, changing and emerging threats ("mid-term EU SOCTA"). A regular monitoring of the implementation method will be carried out through the NECs networks. Should there be an operational need identified in this context and brought to the attention of COSI, the implementation method can be reviewed and adapted accordingly before the above set date.

2) Cyber-attacks

The aim of this priority is *“to target the criminal offenders orchestrating cyber-attacks, particularly those offering specialised criminal services online.”*

This priority should be implemented in one Operational Action Plan (1 OAP). Experiences gained from the implementation of the “cyber-attacks” OAP in the current EMPACT Cycle should be duly taken into consideration.

3) Trafficking in human beings

The aim of this priority is *“to disrupt criminal networks engaged in trafficking in human beings for all forms of exploitation, including labour and sexual exploitation, and with a special focus on those who exploit minors for forced criminality; those who use or threaten with violence against victims and their families, or mislead victims by simulating to officialise the exploitation; those who recruit and advertise victims online, and are serviced by brokers providing digital services”.*

This priority should be implemented in one Operational Action Plan (1 OAP). Experiences gained from the implementation of the priority “Trafficking in Human Beings” in the current EMPACT Cycle should be duly taken into consideration.

4) Child sexual exploitation

The aim of this priority is *“to combat child abuse online and offline, including the production and dissemination of child abuse material as well as online child sexual exploitation”.*

This priority should be implemented in one Operational Action Plan (1 OAP). Experiences gained from the implementation of the “Child Sexual Exploitation / Child Sexual Abuse” OAPs in the current EMPACT Cycle should be duly taken into consideration.

5) Migrant smuggling

The aim of this priority is *“to fight against criminal networks involved in migrant smuggling, in particular those providing facilitation services to irregular migrants along the main migratory routes crossing the external border of the EU and those involved in facilitation of secondary movements and legalisation of residence status within the EU, particularly focussing on those whose methods endanger people’s lives”*.

This priority should be implemented in one Operational Action Plan (1 OAP). Experiences gained from the priority “Facilitation of Illegal Immigration” in the current EMPACT Cycle should be duly taken into consideration.

6) Drugs trafficking: the production, trafficking and distribution of cannabis, cocaine and heroin; the production, trafficking and distribution of synthetic drugs and new psychoactive substances (NPS)

This EU crime priority ‘drugs trafficking’ would regroup two sub-priorities and be implemented in two separate Operational Action Plans (2 OAPs). Experiences gained from the implementation of priority “Drugs trafficking” in the current EMPACT Cycle should be duly taken into consideration.

a. The production, trafficking and distribution of cannabis, cocaine and heroin

The aim of this sub-priority is *“to (1) identify and target criminal networks involved in the wholesale trafficking of cannabis, cocaine and heroin to the EU, to (2) tackle the criminal networks involved in the cultivation, production, transformation and distribution of cannabis, cocaine and heroin in the EU.”*

This sub-priority should be implemented in one Operational Action Plan (1 OAP).

b. The production, trafficking and distribution of synthetic drugs and NPS

The aim of this sub-priority is *“to identify and target the criminal networks involved in the production and global supply of synthetic drugs and NPS in the EU”*.

This sub-priority should be implemented in one Operational Action Plan (1 OAP).

7) Fraud, economic and financial crimes: Online fraud schemes, excise fraud, MTIC fraud, Intellectual property (IP) crime, counterfeiting of goods and currencies, Criminal finances, money laundering and asset recovery

This EU crime priority on ‘fraud, economic and financial crimes’, consists of five sub-priorities and should be implemented in five separate Operational Action Plans (5 OAPs).

Experiences gained from the implementation of the priorities “Excise/MTIC fraud”, “Non-cash means of payment fraud” and “Criminal Finances, Money Laundering and Asset Recovery” OAPs in the current EMPACT Cycle should be duly taken into consideration.

a. Online fraud schemes

The aim of this sub-priority is *“to target individual criminals and criminal networks orchestrating large-scale fraud schemes online as well as fraud and counterfeiting of non-cash means of payment aimed at defrauding private individuals (incl. vulnerable persons such as the elderly), businesses and public sector organisations, particularly those generating multi-million Euro revenues each year and using online platforms to amplify the reach of their scams to target a large number of victims”*.

This sub-priority should be implemented in one Operational Action Plan (1 OAP).

b. Excise fraud

The aim of this sub-priority is *“to target criminal networks and individual criminals engaging in the large-scale excise fraud with particular focus on the production and/or trafficking of illicit tobacco products in the EU.”*

This sub-priority should be implemented in one Operational Action Plan (1 OAP).

c. MTIC (VAT) Fraud

The aim of this sub-priority is “*to disrupt the capacity of criminal networks and individual criminal entrepreneurs involved in Missing Trader Intra Community (MTIC) fraud*”.

This sub-priority should be implemented in one Operational Action Plan (1 OAP).

d. Intellectual property (IP) crime, Counterfeiting of goods and currencies

The aim of this sub-priority is “*to combat and disrupt criminal networks and criminal individual entrepreneurs involved in IP crime and in the production, sale or distribution (physical and online) of counterfeit goods or currencies, with a specific focus on goods harmful to consumers’ health and safety, to the environment and to the EU economy.*”

This sub-priority should be implemented in one Operational Action Plan (1 OAP).

e. Criminal Finances, Money Laundering and Asset Recovery

The aim of this sub-priority is “*to combat and disrupt criminal networks and criminal individuals who are involved in criminal finances and money laundering, and facilitate asset recovery in view of effectively confiscating the criminal profits, especially by supporting the automatic launch of financial investigations and developing a culture of asset recovery through training and financial intelligence sharing, by targeting money laundering syndicates offering money laundering services (incl. money mules and trade based money laundering) and those criminal networks making extensive use of emerging new payment methods to launder criminal proceeds or launder their criminal proceeds through a legal or parallel underground financial system.*”

This sub-priority should be implemented in one Operational Action Plan (1 OAP) and one Common Horizontal Strategic Goal (1 CHSG). Clear delineation and coordination with the “high-risk criminal networks” will have to be ensured.

8) Organised Property Crime

The aim of this priority is *“to disrupt criminal networks involved in organised burglaries and theft, organised robberies, motor vehicle crime and illegal trade in cultural goods, with a special focus on those that are highly mobile and operating across the EU”*.

This priority should be implemented in one Operational Action Plan (1 OAP). Experiences gained from the implementation of the priority “Organised Property Crime” in the current EMPACT Cycle should be duly taken into consideration.

9) Environmental Crime

The aim of this priority is *“to disrupt criminal networks involved in all forms of environmental crime, with a specific focus on waste and wildlife trafficking, as well as on criminal networks and individual criminal entrepreneurs with a capability to infiltrate legal business structures at high level or to set up own companies in order to facilitate their crimes”*.

This priority should be implemented in one Operational Action Plan (1 OAP). Experiences gained from the implementation of the priority “Environmental Crime” in the current EMPACT Cycle should be duly taken into consideration.

10) Firearms trafficking

The aim of this priority is *“to target criminal networks and individual criminals involved in the illicit trafficking, distribution and use of firearms”*.

This priority should be implemented in one Operational Action Plan (1 OAP). Experiences gained from the implementations of the priority “Illicit Firearms Trafficking” in the current EMPACT Cycle should be duly taken into consideration. Clear delineation and coordination with the “high-risk criminal networks” will have to be ensured.

4. CROSS-CUTTING THREATS

1) **Document fraud:** *“to combat document fraud in the EU, targeting criminal networks and criminal individual entrepreneurs involved in the production and provision of fraudulent and false documents to other criminals”.*

The threat of document fraud should be addressed through a common horizontal strategic goal (CHSG). Since document fraud is a key enabler for many crimes, experts on document fraud should, when relevant, support commodity experts.

Experiences gained from the implementation of the crosscutting priority “Document fraud” in the current EMPACT Cycle should be duly taken into consideration.

REITERATING the need to continue with the fight against all crime threats, including those not present in the new EMPACT cycle, both at national/regional and EU level, EU level, and where required with third countries and international partners.

CALLING on Member States, EU institutions, agencies and bodies, as well as European networks and expert groups, to actively commit to ensure an effective operational implementation of EMPACT, which requires sufficient human and financial resources as well as awareness. The participation and adequate empowerment of experts is needed for the development and the implementation of the G-MASP and OAPs,

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

UNDERLINING the required combined efforts from Member States, EU institutions, agencies and bodies at EU level, and beyond in order to achieve the most effective and efficient implementation of the EU crime priorities,

UNDERSCORING that national competent authorities, including Member States' relevant law enforcement authorities, judicial authorities, EU institutions, agencies and bodies should ensure close and regular cooperation with regard to implementing the EU crime priorities, thus ensuring a multinational, multidisciplinary and multi-agency approach. Good cooperation between police, border and coast guards, customs, tax, judicial and administrative authorities, as well as with EU institutions, agencies and bodies, European networks and expert groups as well as the public and private sectors, where relevant, is crucial in this regard,

INSTRUCTS COSI, to coordinate, support, monitor and evaluate the implementation of the G-MASP and 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,

INVITES COSI, where relevant, to liaise with the relevant Council preparatory bodies, JHA Agencies, the Commission and the European External Action Service to align their relevant activities to the implementation of the EU crime priorities. The incoming Presidencies are invited to take this into account when preparing the programmes of the respective Council working groups,

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 Member States, EU agencies, institutions and bodies, European networks and expert groups and other relevant stakeholders to take the new EU crime priorities for 2022-2025 into account with regard to their strategies, plans and work programmes and with the view to support and strengthen EMPACT as well as the implementation of the OAPs,

INVITES CEPOL and all other stakeholders to coordinate their work, with a view to reflecting the EMPACT priorities in all training and capacity building initiatives, in a consistent manner,

INVITES the Commission, Member States, EU agencies and the European External Action Service to explore the possibility of reinforcing EMPACT funds and to consider all aspects of the financial process in order to ensure that adequate funding is available to effectively support EMPACT activities within the relevant timeframe,

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

INVITES Europol in cooperation with Member States and other relevant EU agencies institutions and bodies, to prepare in the course of 2023 an interim report on new, changing or emerging threats, whilst paying attention to the EU crime priorities decided and the EU SOCTA, both on the bases of the requirement endorsed by COSI and taking into account the recommendations of the independent evaluation.
