



Council of the
European Union

Brussels, 1 June 2021
(OR. en)

8997/21

LIMITE

COSI 101
ENFOCUSTOM 79
ENFOPOL 197
COVID-19 218
IPCR 65
CRIMORG 51
CYBER 154
CT 69
JAI 578

NOTE

From: Presidency
To: Delegations
Subject: COVID-19 and fighting criminality: one year after

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (13.01.2022)

The COVID-19 pandemic has hugely impacted our societies, including law enforcement and internal security. Criminals have quickly adapted to the new landscape, which has required targeted operational responses to prevent the exploitation of the pandemic by terrorist groups and serious and organised crime. One year after, based on the lessons learned about the impact of the COVID-19 pandemic on internal security we must focus on preventing the current crisis from becoming a security crisis, building a better resilience and preparedness for future crises, while ensuring a smooth and fair recovery.

I. State of play

Since the outset of the pandemic, the EU has focused on two main aspects in the area of internal security: **fostering situational awareness** about crime landscape developments and **ensuring operational continuity** in the activities of our authorities. The reports and regular updates provided by Europol, are a major tool in ensuring continuous monitoring of the evolution of the criminal landscape and the operational challenges faced by law enforcement agencies¹. Both INTCEN and Europol should continue to deepen their assessment of the impact of the pandemic on terrorist operations as well as possible attempts by terrorist organisations and violent extremist groups to exploit the current crisis. Furthermore, the situational picture is continuously complemented by reports prepared by other JHA agencies, e.g. Frontex on cross-border crime related scenarios, Eurojust and the European Judicial Training Network on the impact of the pandemic on judicial cooperation, and CEPOL on the impact of COVID-19 on Law Enforcement training needs.

The availability of a **secure environment to ensure operational continuity** and the exchange of relevant, real-time information, was identified as a key issue at the outset of the pandemic. The Portuguese Presidency of the Council has wrapped up progress on a number of work streams in this context and identified specific next steps in the two sets of Council conclusions - on the impact of the COVID-19 pandemic on internal security: threats, trends, resilience and lessons learned for EU law enforcement² and Conclusions on the impact of the COVID-19 pandemic on the threat posed by terrorism and violent extremism, including the impact on CT and CVE authorities and their activities³ that were respectively prepared in the Law Enforcement Working Party and the Terrorism Working Party.

¹ 6968/1/21 REV 1

² 8651/21

³ 8633/1/21 REV 1

Further to the informal video conference of the members of the European Council of 25-26 February 2021, Europol and the European Anti-Fraud Office (OLAF) submitted to Coreper a briefing⁴ highlighting an emerging criminal trend of fraud and fraud attempts involving COVID-19 vaccines. On that basis COSI Support Group examined the state of play and identified specific measures for **preparedness and operational response to vaccine fraud**: continuous monitoring (including of on-line platforms) and risk assessments through the development of an improved intelligence picture, raising awareness among law enforcement and other relevant public authorities and an operational response based on a strong multi-disciplinary and multi-agency approach.⁵

⁴ WK 2818/21

⁵ 8244/21

II. Key issues

ONLINE DIMENSION: The increased reliance on online communication tools and the increased amount of time spent online during the pandemic require specific attention to increase the resilience of society and mitigate the related cybersecurity risks. Criminals have quickly capitalised on these changes by shifting their market focus and **adapting their illicit activities to the crisis context**. The supply of counterfeit goods and the threat posed by different fraud schemes, financial and cybercrime activities have remained significant or increased throughout the crisis. The significance of the online dimension has also increased in the context of **tackling the spread of violent extremist propaganda and child sexual abuse online**. The swift implementation of the Regulation to address the dissemination of terrorist content online⁶, the adoption of balanced AI legislation and comprehensive legislation to tackle child sexual abuse online, and the effective operationalisation of the EU Innovation Hub for internal security will be key tools in enhancing the preparedness of internal security actors and the security of people in the EU, including children. In this respect, the ongoing revision of the Europol Regulation should also bring significant advancements, especially for **Europol's cooperation with private parties** such as major social media platforms, including assistance to Member States' authorities in crisis situations where harmful online content requires a quick and coordinated reaction in real time. Still on the online dimension, because some of the terrorist and extremist have shifted more and more from a physical to an online environment, consequences of the COVID-19 pandemic may also have a negative impact on terrorist and violent extremist threats, contributing to the growth of breeding grounds for radicalisation on various ideological spectrums⁷.

⁶ Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online

⁷ 8633/21

DELETED

SOCIAL IMPACT: A prolonged pandemic may put a heavy strain on European and global economies. **A volatile economic situation** with growing poverty and social inequality can be anticipated, which may serve as breeding ground for organised and serious crime and for the infiltration of criminal networks into the legal economy, as **highlighted in the EU Serious and Organised Crime Threat Assessment (SOCTA) 2021**⁹. Also, **-the lockdown implemented raised risks related to the possibility of increased domestic violence and sexual abuse among individuals, namely children and vulnerable persons**¹⁰. **DELETED**

⁹ 6818/21

¹⁰ 8651/21

GOOD PRACTICES AND LESSONS LEARNED: National law enforcement and relevant European agencies should reflect on the lessons learned from the current crisis, their business needs, and approaches to performing their duties under exceptional circumstances and in an unpredictable reality. They must further strengthen resilience through a number of actions leading to Protection, Preparedness and Prevention at EU and multilateral levels. From the law enforcement point of view, avoiding risks to public order and preventing the exploitation of the pandemic crises by serious and organised crime, including terrorism and violent extremist threats, is of primary importance, and sharing relevant, real-time information, in a secure environment, was identified as a key issue while facing the emergency. Hence, for a more operational and effective cross-border cooperation and timely exchange of information, essential in a crisis situation, emergency law enforcement cooperation mechanisms must be activated rapidly in order to increase the level of preparedness and ensure immediate response. Developing secure communication solutions must be reinforced. Furthermore, law enforcement must be better equipped to fight crime in the digital age with new technologies (that will be targeted or abused by criminals) appearing constantly¹².

III. Organised Crime Strategy 2021- 2025 - a framework for enhanced preparedness

The COVID-19 crisis has brought European security into focus, testing crisis-preparedness and exposing vulnerabilities, and thus making closer cooperation on security at all levels all the more essential.

The economic impact of the pandemic has led to the drawing up of strategies, both at national and at EU level, to promote economic recovery, including the adoption of the largest financial stimulus package ever granted by the EU budget.

On the other hand, these measures will also require that Member States' law enforcement agencies remain strongly committed, together with relevant EU bodies and other national authorities, to protecting EU financial interests by preventing and countering financial and economic crime across Europe.

¹² 8651/21

On 14 April the Commission released the **EU Strategy to tackle Organised Crime 2021-2025** set out in four strands of actions: (1) boosting law enforcement and judicial cooperation, (2) effective investigations: disrupting organised crime, (3) eliminating profits generated by organised crime and preventing infiltration into the legal economy and society and (4) making law enforcement and the judiciary fit for the digital age¹³.

Among other things, the Strategy announces several **initiatives to address new possibilities created by the COVID-19 pandemic that can be exploited by criminals** such as actions to reinforce the capacity and skills of judicial and law enforcement authorities to fight the online dimension of criminal activities, to tackle counterfeiting and in particular counterfeiting in medical products as well as actions to address the increasing risks of money laundering, corruption and infiltration in the legal economy. These include the revision of the Confiscation Directive, the Council Decision on asset recovery offices and the assessment of the EU anti-corruption rules. Furthermore, Member States are urged to systematically conduct financial investigations in organised crime investigations, to enhance the specialisation of law enforcement services, and to strengthen the bodies responsible for investigations, prosecutions and judicial proceedings in high-level corruption cases, and to exchange strategic information with sectors that are at risk of being infiltrated by organised crime groups (OCGs), and with the support of Europol to improve the intelligence picture of this threat, by assessing risks and methods used by OCGs.

In COSI, Member States have expressed broad support for the objectives set out in the Strategy, with a focus on strengthening the framework for freezing and confiscation, financial investigations and access to financial data, as well as initiatives aiming at improving access to and exchange of information.

¹³ 8085/21

IV. EMPACT – the EU flagship initiative for operational cooperation

EMPACT (European Multidisciplinary Platform Against Criminal Threats) continued to be the **main framework for joint operational actions against organised and serious international crime** in the EU and is highlighted as a key instrument that could be used to implement the OC strategy and to tackle the consequences of the COVID-19 pandemic for the evolution of the security landscape.

Despite the restrictions imposed by the COVID-19 pandemic, EMPACT adapted its working methods, for example by using **online tools** for communication, meetings, and training and awareness raising activities. These efforts enabled EMPACT to continue to combat crime which is reflected in the successful operational results obtained in 2020¹⁴, and also in the multiple Joint Actions Days (JADs), which were organised in 2020 and led to significant results¹⁵.

The Council conclusions on the permanent continuation of EMPACT 2022 +¹⁶, were recently adopted. An essential change as compared to previous cycles was to make **EMPACT a permanent instrument** that will no longer have to be renewed every four years while keeping the flexibility to adapt to changing and new threats. This evolution also allows EMPACT to be streamlined and simplified and opens up opportunities, such as the possibility of a significant increase in funding¹⁷.

¹⁴ A video has been produced to highlight the overall results of 2020 as well as an infographics, whilst more in-depth details can be found in the factsheets, all of which will be available to the public.

¹⁵ As referred in document 8430/21, from 06 May 2021 (*Europol's Final Findings on the Implementation of the Operational Action Plans (OAPs) 2020*), it can be quote, as examples, JAD DANUBE 5, South East Europe, MOBLE 3, ARKTOS 2 or Agricultural Sector and Labour exploitation.

¹⁶ 6481/21

¹⁷ 8085/21

Furthermore, in preparation for the upcoming cycle, the Council recently adopted Conclusions on **setting the EU's priorities for the fight against serious and organised crime** for EMPACT 2022-2025¹⁸. Several crime priorities were continued from the current cycle, such as migrant smuggling, trafficking in human beings, child sexual exploitation, drugs and firearms trafficking. A new priority has been introduced for the upcoming cycle, focusing on high risk criminal networks. As described in EU SOCTA 2021¹⁹ the priority should be identifying and disrupting high-risk criminal networks with an emphasis on the use of violence, corruption and the abuse of legal business structures.

The importance of **EMPACT as the EU flagship instrument is also highlighted in the EU Strategy to tackle Organised Crime 2021-2025**, with several proposals including one to undertake a feasibility study exploring the possibility of turning the EMPACT instrument and framework into EU legislation. The Commission will also seek to substantially reinforce EMPACT funding through the Internal Security Fund for the period 2021-2027²⁰.

As confirmed by the independent evaluation in 2020, entrusted to the Commission and conducted in 2020, EMPACT is relevant, efficient and increasingly effective. EMPACT's intelligence-led, multi-disciplinary and integral approach, as well as recent developments within EMPACT as outlined above, will enable the EU to have a stronger response to organised and serious international crime.

Ministers are invited to express their views on the priority actions for enhancing resilience and preparedness in the area of internal security to tackle the consequences of the COVID-19 crisis and in view of potential future similar crises?

¹⁸ 8666/21

¹⁹ 6818/21

²⁰ 8085/21 ADD 1 – Commission Staff Working Document – EMPACT, the flagship EU instrument for cooperation to fight organised and serious international crime.