# European Crime Prevention Network

## European Crime Prevention Monitor 2016

## Organised Crime

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# Organised Crime

## *Abstract*

In this sixth monitor, the European Crime Prevention Network focusses on *organised crime*. Organised crime is a *threat to citizens, businesses, state institutions as well as the economy as a whole*. It not only menaces peace and human security, it also undermines *economic, social, cultural, political and civil development* of societies around the world and violates human rights. Organised crime is a *broad, complex and multifaceted phenomenon* which can touch upon various areas of life. Organised crime covers a wide range of phenomena, including trafficking in drugs, firearms and even persons. At the same time, organised crime groups exploit human mobility to smuggle migrants and undermine financial systems through money laundering. Therefore, it is not easy to get an overview of this phenomenon. To amend this, this monitor report provides an overview of the relevant existing data available on 'organised crime' at the EU level and also focuses on the main trends and levels op perceptions, experiences and recorded levels of 'organised crime' in the EU Member States.

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# 1. Introduction

Organised crime is an increasingly dynamic and complex phenomenon and remains a significant threat to the safety and prosperity of the EU. Unlike other threats to our security, organised crime is a continuous series of activities that destroys lives, harms communities and damages business. Organised crime is a threat to citizens, businesses, state institutions as well as the economy as a whole. Organised crime has a significant impact on the growth of the legal economy and society as a whole.

The effects of globalisation in society and business have facilitated the emergence of significant new variations in criminal activity, in which criminal networks exploit legislative loopholes, the Internet, and conditions associated with the economic crisis to generate illicit profits at low risk.

It is difficult to find a widely accepted definition of organised crime, because of the diversity of activities carried out by criminal groups, the differences in their structure and the changing of the forms in which organised crime appears. Furthermore, we know even less about the impact of organised crime on economies and societies. Therefore, it is impossible to measure accurately the socio-economic cost of crime. However, the estimates available invariably quote high figures. As the EU continues to struggle with the financial crisis, it may be argued that organised crime and related phenomena, such as corruption or money laundering, merit more attention than ever.

This monitor report will provide an overview of the relevant existing data available on organised crime at the EU level and will also focus on the main trends and levels of perceptions, experiences and recorded levels of organised crime in the European Union Member States.

*'It is about time law enforcement got as organised as organised crime'*
*Rudy Giuliani, October 1984*

# 2. Background

## 2.1 Characteristics of organised crime

Since the early 1990's, organised crime has become a 'hot' topic on the political and scientific agenda and in the public debate throughout Europe. Several long-term processes and a variety of both far-reaching and localised historical events and aspects of our modern society have contributed to this sudden awareness: the worldwide processes of globalization, the fall of the Iron Curtain and the completion of the internal market and the abolition of internal border controls within the countries of the European Community. Technological and commercial developments have reduced national trade barriers, widened the transportation infrastructures and bolstered volumes of international business, also, the Internet and extensive cellular telephone networks have promoted fast communication. Finally, integrated financial systems - which allow for easy

global movement of money - are being exploited by criminals in view of laundering their illicit proceeds.[1]

As organised crime is changing and becoming increasingly diverse in its methods, group structures and impact on society[2], this diversity displayed by the criminals needs to be fought and answered by a constant development of the approach to fight this phenomenon. Unlike other threats to our security, organised crime is a continuous series of activities that destroys lives, harms communities and damages business. Organised crime is a *threat to citizens, businesses, state institutions as well as the economy as a whole*. It not only menaces peace and human security, it also undermines *economic, social, cultural, political and civil development* of societies around the world and violates human rights. Organised crime is a ***broad, complex and multifaceted phenomenon*** which can touch upon various areas of life. Organised crime covers a wide range of phenomena, including **trafficking in drugs, firearms and even persons**. At the same time, organised crime groups exploit human mobility to smuggle migrants and undermine financial systems through **money laundering**. The huge sums of money involved can compromise legitimate economies and directly impact public processes, for example by 'buying' elections through corruption. It delivers high profits for the perpetrators and results in high risks for individuals who fall victim to it. Annually, countless individuals die at the hand of criminals involved in organised crime, succumbing to drug-related health problems or injuries inflicted by firearms, or losing their lives as a result of the unscrupulous methods and motives of human traffickers and smugglers of migrants.

According to the 2013 SOCTA report[3], around 3.600 organised crime groups are active in the European Union. These groups are becoming increasingly networked in their organisation and behaviour characterized by a group leadership approach and flexible hierarchies. EU Member States are not equally exposed to organised criminal activities, however, with the development of the internal market, criminals have acquired new possibilities to extend their sphere of action and liaise with counterparts throughout the EU. International trade, an ever-expanding global transport infrastructure and the rise of the Internet and mobile communication have engendered a more international and networked form of organised crime. Organised crime may originate from or reach outside the European Union, as much as inside it; criminals can easily operate across borders. Organized crime has *diversified, gone global and reached macro-economic proportions*: illicit goods may come from one continent, trafficked across another, and marketed in a third continent. Simultaneously, borders are opportunities for criminals and impediments to law enforcement, which creates a need for consistent action at different policy levels. Transnational organised crime can penetrate government agencies and institutions, fueling corruption, infiltrating business and politics and hamper economic and social development. This is undermining governance and democracy by empowering those who operate outside the law. The transnational nature of this phenomenon means that

[1] **Fijnaut, C., & Paoli, L.**, Organised crime and its control policies*, European Journal of Crime*, Criminal Law and Criminal Justice', 2006, 14(3), 307-327. [https://pure.uvt.nl/ws/files/800378/organisedcrime.pdf]

[2] **Home Office Government UK**, '*Organised Crime Strategy. Local to Global: Reducing the Risk from Organised Crime'*, UK, 28 July 2011. [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97823/organised-crime-strategy.pdf]

[3] **Europol (2013).** *SOCTA 2013. EU Serious and Organised Crime Threat Assessment*, The Hague: European Police Office.

criminal networks forge bonds across borders as well as overcome cultural and linguistic differences in the commission of their crime. Overall, organised crime transcends cultural, social, linguistic and geographical boundaries and must be met with a concerted response. To control organised crime, far-reaching legal and institutional reforms have been passed in all the European MS and ad hoc instruments have been adopted by major international organisations, ranging from the United Nations to the Council of Europe and the EU.[4] Each level stressed how important *prevention – as well as repression* - are in any integrated approach to organised crime, to the extent that it aims at reducing the circumstances in which organised crime can operate.[5]

## 2.2 The difficulty of finding a definition

The European Union Member States have considered using the generic term of Transnational Organise Crime instead of money laundering, drug trafficking, financial crime and corruption. However, many countries in Europe have refused to agree on a European definition. It explains why the terminology of 'serious crime' has often been preferred, as the crime may be very serious but nevertheless disorganized and related to specific opportunities.

The difficulty of finding a definition lies in the *diversity of activities* carried out by *criminal groups and in differences in their structure*: while some of them are highly hierarchical, others are very loose and flexible. Despite the fact that 'organised crime' is a growing problem in Europe, there is no generally accepted definition of this concept. Also, this can be explained through the *quick development and changing of the forms in which organised crime appears*. Organised crime is dynamic *and therefore adapts as new crimes emerge and as relationships between criminal networks become both more flexible and more sophisticated, with ever-greater reach around the globe*. It seems more adequate to focus on the plasticity and multiplicity of the circumstances in which the various characteristics commonly ascribed to organised crime manifest themselves, rather than trying to create one definition that would represent one specific point of view.[6] Additionally, to create a realistic picture on the basis of which one could carry forward a proportionate response to the phenomenon, it is crucial having a definition that is not too broad or too narrow.[7] If a definition is too broad, this can lead to an overestimation of the problem, whereby various phenomena are lumped together resulting in the loss of sharpness and distinction. On the other hand, a too narrow definition can lead to an underestimation of the phenomenon, which means that appropriate measures, in the absence of visible distress, will lack.

Considering the pressing need for a definition of organised crime, EU Member States as well as different international organisations have made some attempts to stab the phenomenon in little boxes. The legal definitions adopted by the MS are rather the contemplation of each MS's own policy priority. Overall, the national definitions are very broad, if not vague. By reading most official and semi-official definitions, one can barely

[4] **Fijnaut, C., & Paoli, L.**, Organised crime and its control policies*, European* Journal of Crime, Criminal Law and Criminal Justice, 2006, 14(3), pp. 307-327. [https://pure.uvt.nl/ws/files/800378/organisedcrime.pdf]
[5] **Council of the European Union (1997).** *Action Plan to combat organised crime*, adopted 28 April 1997. [http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:51997XG0815]
[6] **VON LAMPE, K.** Organised crime in Europe: conceptions and realities*, Policing: A Journal of Policy and Practice', 2(1), 2008*, 8. [http://www.organized-crime.de/KlausvonLampeOCEuropePolicing2008.pdf]
[7] **FRANS, B. (1998).** De georganiseerde criminaliteit in België. In: **FIJNAUT, F.** (ed.), *de uitdaging van de georganiseerde misdaad in België: het antwoord van de overheid*, Leuven, Universitaire Pers Leuven, p. 20.

grasp the specificity of organised crime vis-à-vis 'ordinary' crime and the novel dangerousness of this phenomenon justifying the introduction of far-reaching investigative powers and the restriction of defendants and citizens' human rights. It is in the gap between the dramatic images presented by political and media rhetoric and the wide-ranging and petty behaviours included in most official definitions where the serious deceit of the general public lays.[8]

The difficulty not only lies in the diversity of the several activities carried out by criminal groups and in the differences in structures. Additionally, a search for a 'common denominator' is further complicated by the differences in national criminal law. Basically, in the EU there are 3 types of approach to criminalising organised crime: civil law approach which consists of criminalising participation in a criminal association, common law approach based on conspiracy, i.e. an agreement to commit a crime and finally a Scandinavian approach, rejecting 'criminal organisation' offences and relying instead on the general provisions of criminal law (e.g. complicity, aiding and abetting). Even within the same approach, MS have adopted very different definitions of organised crime.

Considering those differences, the *1998 Council Joint Action* formulated the first **definition of organised crime in international law**, that proposed a compromise solution taking into account various legal traditions. A criminal organisation is defined as *'a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty'*.[9] Member States had the possibility of criminalising either active participation in a criminal organisation or an agreement (conspiracy) to commit crimes, even in cases when the person has not taken part in their actual execution. This *'dual approach'* maintained by EU legislation influenced the wording of the Palermo Convention. The UN Convention against Transnational Organised Crime (Palermo Convention)[10], the only international convention dealing with organised crime, drew on some essential elements of the 1998 Council's Joint Action and became the world's tool of reference in the field. The UN Convention against Transnational Organised Crime does not contain a precise definition of 'transnational organised crime', nor does it lists the kinds of crimes that might constitute it. The lack of definition was intended to allow for a broader applicability of the Organised Crime Convention to new types of crime that emerge constantly as global, regional and local conditions change over time. The United Nations pursued a sort *of 'double track' approach* when they adopted this Convention, whereby on the one hand they emphasize the scale and threat of organised crime, while on the other hand they adopt minimum common denominator definitions with no strict criteria in terms of number of members and group structure. This strategy has been pursued by International Organisations, as much as many MS in their process of defining organised crime. To justify its intervention, the EU Council has repeatedly presented organised

[8] **PAOLI, L. and FIJNAUT, C. (2004).** Introduction to Part 1: The history of the concept. In: PAOLI, L. and FIJNAUT, C. (eds.), *Organised crime in Europe: concepts, patterns and policies in the European Union and beyond,* Dordrecht, Springer, pp. 21-46.

[9] **Council of the European Union (1998).** *98/733/JHA: Joint action of 21 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union. [http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31998F0733]*

[10] **United Nations**, '*United Nations Convention against transnational organised crime*', New York, 15 November 2000. [https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf]

crime as a new threat, whose novelty lies in the increasing involvement of criminal organisations in the supply of illegal goods and services. This view is clearly put forward in the first EU policy document dealing with organised crime, being the 'Action Plan to combat organised crime' which was adopted in April 1997.

Furthermore, organised crime has been defined by the *Fijnaut group (created in 1995 by a Dutch Parliamentary Committee)* as ' *a group or network of people which is primarily focused on illegally obtained profits and in a systematic way commit serious crimes with great societal consequences. These groups or networks are capable of effectively covering up their crimes, in particular by using violence or means of corruption*'.[11] They also sought to distinguish organised crime from professional, corporate and white collar crime, and terrorism. In essence, organised crime then falls into two distinct criminal categories: the supply of illicit consumer goods (esp. drugs) and services and the infiltration of legitimate business such as banking, toxic waste industry, transportation, construction industry, etc. (Jansen and Bruinsma, 1997, pp. 85-98). What seems to distinguish organised criminal activity from ordinary crime, is the high level of entrepreneurial skill that is applied to its operations.

Finally, in 2008, a definition of international organised crime is provided by the Framework Decision[12] on organised crime. A criminal organisation is defined as *'a structured association, established over a period of time, of more than two persons acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, to obtain, directly or indirectly, a financial or other material benefit'*. This definition is used in for example the SOCTA (see later): their qualifying criteria applied in the data collection process on organised crime groups has been based on this definition.

## 2.3 The impact of organised crime on economies and societies

As described before, it is difficult to find a widely accepted definition of organised crime. We know even less about the impact of organised crime on economies and societies.[13] It is impossible to measure accurately the socio-economic cost of crime. Nevertheless, the estimates available invariably quote very high figures.

According to the United Nations Office on Drugs and Crime, transnational organised crime generated a US$870 billion profit in 2009, which corresponds to 1,5% of the global gross domestic product (GDP). About half of it was linked to drug trafficking. The IMF estimated that money laundering globally each year accounts for between 2% and 5% of the global gross domestic product, GDP. There is ample research linking money laundering with reductions in overall annual economic growth rates: according to one

[11] **Jansen, E. and Bruinsma, J.,** Policing organised crime*, European Journal on Criminal Policy and research'*, vol. 5.4 (1997), pp. 85-98.
[12] **Council of the European Union (2008)**. *Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime. [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32008F0841]*
[13] For estimated costs of selected criminal activities in the EU: study commissioned by the former Parliament's Special committee on Organised crime, corruption and money laundering: The Economic, Financial and social Impacts of Organised Crime in the EU, M. Leve et al. European Parliament, Policy Department C, 2013. [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/493018/IPOL-JOIN_ET(2013)493018_EN.pdf]

study each US$1billion laundered reduced overall economic growth by 0,04-0,06 percentage points in the OECD countries concerned.[14]

While these estimates give some idea of the order of magnitude of figures, they give little insight into the complex, and often indirect, consequences of crime for economies and societies. Analysis is further complicated as criminals get involved in the legal economy and the border lines between what is legal and illegal become blurred.

As the EU continues to struggle with the financial crisis, it may be argued that organised crime and related phenomena, such as corruption or money laundering, merit more attention than ever. Therefore, this monitor report will provide an overview of the relevant existing data available on organised crime at the EU level and will also focus on the main trends and levels of perceptions, experiences and recorded levels of organised crime in the European Union Member States.

### 2.4 Preventing and tackling organised crime: a multidisciplinary approach

Tackling organized crime should not be a task of police and justice organisations alone: there is need for an integrated approach to prevent and fight organised crime, which requires a government-wide approach, including the work of administrative authorities and their measures. If we want to be efficient in the combat against and tackle organised crime in all its aspects, a ***multidisciplinary approach*** is indispensable**.** This approach states that fighting and preventing organised crime in an efficient way is a task for all governmental enforcement organisations, including fiscal, social and other agencies, local and regional governments, as well as private partners and not only the classical law enforcement agencies such as the police. Also, this multidisciplinary approach implies a cooperation strategy in which criminal law powers and administrative powers complement each other, which includes administrative measures like vetting or screening businesses that tender for public contracts and/or refusing or revoking permits of businesses that are in somehow linked to organised crime. Furthermore, the exchange of relevant information between local and regional governments and criminal law powers is a key point. Also, this approach can encompass cooperation and the exchange of data and information between public and private institutions. European and international cooperation is a prerequisite for expanding the scope of crimes and organisations that can be addressed using this approach.

## 3. Existing threat assessments and analyses.

### 3.1 The United Nations Office on Drugs and Crime

**The UNODC** published several studies on organized crime threats around the world. These studies describe what is known about the mechanics of contraband trafficking: the what, who, how and how much of illicit flows – and discuss' their potential impact on governance and development. The primary role is diagnostic, but they explore the

[14] The study covered 17 OECD countries. See: **United Nations on Drugs and Crime** (**UNODC) (2011).** *Estimating illicit financial flows resulting from drug trafficking and other transnational organised crimes*. Vienna: UNODC.

implications of these findings for policy too. These studies are based on *several data sources*. UNODC *maintains global databases* on crime and drug issues, based mainly on the official statistics provided by MS. This allows cross-national comparison and trend analysis.

**In 2010, UNODC** wrote the first 'transnational organized crime threat assessment' to fill a knowledge gap and pave the way for future world crime reports. This threat assessment, 'the Globalization of Crime: A transnational Organized Crime Threat Assessment'[15] was a ground-breaking assessment of transnational organized crime activities. It focuses on trafficking flows, connects the dots between regions and gives a global overview of illicit markets. It reports about the ways and means international mafias have grown into an international problem. In this report, it is written that organised crime is insufficiently understood, despite the gravity of the threat. There is a lack of information on transnational criminal markets and trends. The studies that already exist looked at sections of the problem, by sector or country, rather than the big picture. This threat assessment told that there cannot be an evidence-based policy without a global perspective.

Other interesting publications from the UNODC:

- **Guidance on the use and preparation of serious organised crime threat assessments (SOCTA Handbook) (2010):** This report is produced by UNODC in conjunction with Interpol to guide States to prepare national serious organized crime threat assessments, to empower policy makers to design tailored responded to serious crimes. It provides practitioners with a step-by-step guide to create their national threat assessment, in line with international best practices.
- **Digest of organized Crime cases**: The purpose of this initiative, launched at the 19th session of the commission on Crime Prevention and Criminal Justice in 2010, is to illustrate good practices in dealing with organized crime cases and in doing so, to, promote the practical implementation of the organized crime convention and its protocols.
- **Organized Crime and Instability in Central Africa: A Threat Assessment (2011)** describes the interconnections between different criminal actors, outlines the various trafficking flows and identifies some possible options for intervention under a regional framework approach.
- **Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment (2012)** is one the several studies on organized crime threats around the world. Due to time and data limitations, it focuses primarily on Central America, with the Caribbean referenced only contextually. The purpose of this report was partly internal. In 2011, the Secretary-General created the UN Task Force on Organized Crime and Drug Trafficking, a body that intended to promote a 'one-UN' approach to these problems. This threat assessment represents the first discussion document for this body.
- **Manual on International Cooperation for the Purposes of Confiscation of Proceeds of Crime (2012)** aims at successfully preventing criminals from profiting from crime. Its primary purpose was to facilitate asset recovery in accordance with the provisions of the Organized Crime Convention.

[15] **United Nations Office on Drugs and Crime (UNODC) (2010).** *The Globalization of Crime. A transnational Organized Crime Threat Assessment*. Vienna: UNODC.

- **Transnational Organized Crime in Eastern Africa: A Threat Assessment (2013):** Given the size and diversity of 'Eastern Africa', any discussion of crime problems is necessarily selective. This report focuses on 4 major issues: migrant smuggling from Ethiopia & Somalia to Yemen and Saudi Arabia, heroin trafficking from South-West Asia to Eastern Africa, ivory trafficking through Eastern Africa to Asia and Somali maritime piracy.

**- Transnational Organized Crime in East Asia and the Pacific: A Threat Assessment (2013):** This report takes a look at the manner in which criminal enterprises have developed alongside legitimate commerce in recent years. Drawing on official statistics, academic studies and interviews with law enforcement officials, it attempts to outline something about the mechanics of illicit trade. It also endeavours to give the best reading of the available data on the size of these markets. The mechanics of trafficking are discussed for a non-exhaustive list of 12 illicit flows, which themselves are organized under 4 headings: human trafficking and smuggling of migrants, illicit drugs, resources and pollution crime and products (counterfeit goods, fraudulent medicines).

**- Transnational Organized Crime in West Africa: A Threat Assessment (2013):** The purpose of this report was primarily descriptive: to assess the progression and emergence of transnational organized crime affecting the region. The report focuses on cocaine, methamphetamine, migrant smuggling, firearms, fraudulent medicines and maritime piracy.

**- Combating Transnational Organized Crime Committed at Sea (2013):** This report explains why this phenomenon is a multi-faceted problem, involving many criminal activities and many practical difficulties in the domestic setting. This implies that it poses numerous challenges, both to MS and international organisations. This report underscores the common and interlinked emerging crimes at sea, including piracy and armed robbery at sea, migrant smuggling and trafficking in persons, drug trafficking, organized crime within the fishing industry and oil bunkering. This report identifies the applicable maritime laws and regulations and their potential gaps as well as the relevant good practices and challenges in international cooperation at the legal and operational level with respect to crimes at sea and it discusses the problems concerning the investigation and prosecution of crimes at sea.

## 3.2 The European Parliament

**In 2011, the European Parliament's Committee on Civil Liberties Justice and Home Affairs** requested a note[16] that deals with *the analyses of international organised crime in the EU*. It aimed at presenting a picture of crime that is different from the ones customarily featured in news reports and geopolitical maps in atlases. Another interesting in-depth analysis, can been found in the report '**the cost of Non-Europe**[17] **in the Area**

[16] This note is made under the coordination of the Centre d'Etudes sur les Conflits (C&C) and the Centre for European Policy Studies (CEPS). The publication of this note was requested by the European Parliament's Committee on Civil Liberties Justice and Home Affairs. European Parliament – Directorate General for Internal Policies - Policy Department C: Citizens' Rights and Constitutional Affairs.

**Sheptycki, J., Ben Jaffel, H., Bigo, D., (2011).** *International organised crime in the European Union*, Brussels: Centre d'Etudes sur les Conflits (C&C) and the Centre for European Policy Studies (CEPS). [http://www.europarl.europa.eu/document/activities/cont/201206/20120627ATT47775/20120627ATT47775EN.pdf]

[17] The concept of the 'Cost of non-Europe' can be traced back to '88, and the study carried out for the European Commission by the Italian economist Cecchini on the cost of non-Europe in the single market. *Cost of Non-Europe (CoNE) reports are designed to study the possibilities for gains and/or the realisation of a 'public good' through common action at EU level in specific policy areas and sectors. They attempt to identify areas that are expected to benefit most from deeper EU integration, where the EU's added value is potentially significant.*

**of Organised Crime and Corruption'.**[18] The specific aim of this report is to identify the costs of organised crime and corruption in social, political and economic terms at aggregate EU level and examines the potential benefits of more concerted action at EU-level compared to the lack of action or action by MS alone. Its aim is to help improve understanding of the subject matter by providing evidence of the specific benefits that could be achieved through European action to fight organised crime and corruption. This report demonstrates the need to tackle organised crime and corruption together as the two are in a mutually reinforcing relationship. This study seeks to establish the potential benefits of addressing the gaps and barriers that hinder a more effective fight against organised crime and corruption within the EU. As combatting organised crime and corruption is a shared competence of the EU and its MS, the estimates show the potential that could be achieved together by a better transposition and enforcement of international and EU norms, filling the outstanding legislative gaps and improving the policy making process and operational cooperation between authorities. Where possible, the benefits of specific policy options to overcome gaps and barriers in the current framework have been quantified. This study demonstrates, based on quantified building blocks, that the Cost of Non-Europe in the field of organised crime and corruption is at least 71billion euro annually.

In addition to this general paper, bringing together the research findings as a whole, the exercise comprises three annexes, which are published as separate documents.

*- Centre for European Policy Studies (CEPS) & Economisti Associati srl, research paper on the costs of non-Europe in the area of organised crime;*
*- RAND Europe, research paper on the costs of non-Europe in the area of corruption;*
*- Prof. Federico Varese, briefing paper providing an overall assessment of organised crime and corruption;*

This first annex, ***'the cost of non-Europe in the area of organised crime',***[19] provides a critical assessment of the costs and benefits of non-Europe in the field of organised crime. It examines - from an interdisciplinary perspective - the gaps and challenges in the current 'state of play' in EU policy and judicial cooperation in criminal matters. This analysis identifies the costs, contributions and areas for improvement in 3 EU fields of intervention: the freezing and confiscation of financial assets (1), criminal justice investigations (2) and the EU policy cycle for serious and organised crime (3). The study seeks to fill a gap in the current knowledge on EU Organised Crime policies by bringing

[18] "*In 2015, it was requested by the Coordinators of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) to the Directorate-General for Parliamentary Research Services (EPRS) to prepare a 'Cost of Non Europe Report' on the subject of organised crime and corruption to support work on the own-initiative report on 'the fight against corruption and follow up of the CRIM committee resolution. In response to this request, a general assessment, bringing together the research findings of 3 studies commissioned from outside experts, has been drawn up by the European Added Value Unit of the Directorate for Impact Assessment and European Added Value within DG EPRS.*"

**Van Ballegooij, W., Zandstra, T., (2016).** *The Cost on Non-Europe in the area of Organised Crime and Corruption*, Brussels: European Parliament - European Parliamentary Research Service (EPRS), European Added Value Unit. [http://www.europarl.europa.eu/RegData/etudes/IDAN/2016/558779/EPRS_IDA(2016)558779_EN.pdf]

[19] The first annex has been undertaken at the request of the Impact Assessment Unit of the Directorate for Impact Assessment and European Added Value, within the Directorate General for Parliamentary Research Services of the General Secretariat of the European Parliament. It has been prepared under the coordination of the Justice and Home Affairs Section at CEPS.

**Carrera, S., Guild, E., Vosyliūtė, L., Scherrer, A., Mitsilegas, V. (2016).** *'Research paper on the cost of non-Europe in the area of organised crime',* Brussels: Centre for European Policy Studies (CEPS) & Economisti Associati srl [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/579318/EPRS_STU(2016)579318_EN.pdf]

together the experiences, views and perceptions of national practitioners regarding the added value and existing barriers in EU cooperation.

**In 2013, *the European Parliament's Special Committee on Organised Crime, Corruption and Money Laundering, CRIM,*** requested the study ***'the economic, financial and social impacts of organised crime in the European Union'***[20], aiming to generate a best estimate for the economic, financial and social costs of organised crime in and against the EU and to inform an evidence-based understanding of the associated issues. This study underlines that measuring the costs of organised crime is still at an early stage of development and that there is a clear need for more cross-border data matching and investigation in order to improve the quality of the evidence basis for European law enforcement agencies and their effectiveness in fighting organised crime. In this report it is explained why confident or even plausible estimates for particular types of organised crime are not available or cannot reasonably be inferred. Nevertheless, it identified some important ways in which thinking about organised crime and its impacts and harms can be improved. There are several sorts of harms arising from crime. The additional harms of 'organisation' consist of political and enforcement corruption, and the sub-standard, overprices quality of construction and other services, along with threats to enterprise and an alternative structure of economic 'progression'. There is no credible basis for imputing economic costs to many aspects of these costs. In this report it is estimated that the minimum identifiable direct economic costs of selected activities or organised crime in the EU is as follows: human trafficking: 30€ billion, cigarette smuggling: 11.3 billion, VAT/MTIC fraud: 20 billion, agricultural structural funds: 3 billion, fraud against EU individuals: 97 billion, unrecovered motor vehicle theft: 4,25 billion and payment card fraud: 1,16 billion. Also, it is important to look at the costs of responding to organised crime, but this needs to be kept separated from the costs of crime themselves. The minimum response costs to organised crime at an EU level are 210 million €. Additionally, economic and social costs of different kinds are only part of thinking about the broader social impacts of organised crime.

## 3.3 Council of Europe

At the request of the Committee of Ministers a White paper[21] has been drafted, which established five areas in which the Council of Europe could contribute to fighting Transnational Organised Crime and identifies specific tasks that could be carried out better or more efficiently by the organisation. These five key areas are 'enhancing international co-operation through networks', 'special investigative techniques', witness protection and incentives for co-operation', 'administrative synergies and co-operation with the private sector' and 'recovery of assets'. This White Paper includes a list of recommendations, beside some general recommendations, based on the analysis of existing problems within these five key areas for improving the criminal response to

[20] **Levi, M., Innes, M., Reuter, P., Gundur, R.V., (2013).** '*The economic, financial and social impacts of organised crime in the European Union',* Brussels: European Parliament – Directorate General for Internal Policies - Policy Department C: Citizens' Rights and Constitutional Affairs – Special Committee on Organised Crime, Corruption and Money Laundering. [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/493018/IPOL-JOIN_ET(2013)493018_EN.pdf]

[21] **Council of Europe, (2014).** '*White Paper on transnational organised crime',* Strasbourg: Council of Europe – European Committee on Crime Problems (CDPC). [http://www.coe.int/t/DGHL/STANDARDSETTING/CDPC/CDPC%20documents/CDPC%20(2014)%2011%20Fin%20-%20e%20-%20White%20paper.pdf]

Transnational Organised Crime. One general recommendation was that more co-ordinated action against this phenomenon should be promoted.

With an innovative multidisciplinary approach and the choice to focus on improving the criminal response in a transnational setting, this White paper was intended to become a useful tool for policy makers and practitioners alike.

Beside this report, the Group of Specialists on Criminal Law and Criminological Aspects of Organised Crime[22] (established in 2000), has carried out some ***best practice surveys*** (BPS) focusing on organised crime. These Best Practice Surveys should allow the Member States to benefit from the experience of other Member States in combatting organised crime. Each survey concentrates on a particular approach or method. This group published the following reports:

- The **BPS**[23] focusing on **crime analysis,** was published for several reasons, including the fact that organised crime is a sophisticated and innovative form of crime, involving economic, financial and technological sectors. Therefore sophisticated and innovative approaches against crime became a necessity. The basic idea behind this best practice survey was that MS should be enabled from the way theory and practice of combatting organised crime are applied in other Member States. It aimed at providing a basis for reflection to policy makers and the middle rank officials responsible for the development and implementation of policies.

- The **BPS**[24] covering the topic of **preventive legal measures against organised crime,** wanted to provide guidance to the MS that wish to elaborate preventive legal measures against organised crime by focusing on experiences and the best practices of three Member States (Sweden, Estonia and the Netherlands). This report highlighted the fact that there is no single uniform approach to the prevention of organised crime. Nevertheless, the importance of prevention of organised crime is recognised by the (3) Member States, who use their existing legislation to act against the possible risks of organised crime.

- The **BPS Cross -border cooperation in the combating of organised crime**[25] deals with cross-border cooperation, a topic that gained – already in that period - significantly in importance in the fight against serious and organised crime. This report intended to provide insights as to how international police cooperation is starting to take shape at the 'grass roots' level. This report concentrated on some elements which could serve as best practices to other Member States. This report concluded that although mutual assistance in criminal matters has a long tradition, there still is a lack of legal instruments in the area of cross-border cooperation. Until then formal international cooperation was heavily focused on judicial cooperation. Because the growth of cross-border traffic of persons and goods has had a significant impact on trans-national crime, the need for cross-border police cooperation has increased

[22] This group was set up by a decision of the Committee of Ministers of the Council of Europe. The task of this Group has been to analyse – under the authority of the European Committee on Crime Problems – the characteristics of organised crime in the MS, to assess the counter-measures adopted and to identify means of improving the effectiveness of both national responded and international cooperation in this respect.
[23] **Council of Europe (2002).** *'Best Practice Survey n°4: Crime analysis',* Strasbourg: Council of Europe, PC-S-CO.
[24] **Council of Europe (2003).** *'Best Practice Survey n°9: Preventive legal measures against organised crime',* Strasbourg: Council of Europe, PC-S-CO.
[25] **Council of Europe (2003).** *'Best Practice Survey n°5: Cross border cooperation in the combating of organised crime',* Strasbourg: Council of Europe, PC-S-CO.

enormously. Also, major differences between countries regarding laws and regulations in criminal matters were mentioned in this report.

Besides these - relatively old – surveys focusing on organised crime, other more recent surveys and reports are published too. However, these surveys do not focus on 'Organised Crime' as theme, but focus on specific areas such as corruption, cybercrime, money laundering,...[26] as individual crimes.

## 3.4 EU agencies and networks

Several **EU agencies and networks** - all with their individual and unique function - have been established to support EU MS and their citizens. Together, they provide information and advice, prepare and take decisions, oversee operations and support policymaking. Europol, Frontex, Cepol, EMCDDA,… are some examples of these agencies, which all fulfil an individual function. EMN, EUCPN and RAN are some EU networks where the members can exchange views and information on these specific policies.

Among them, ***Europol*** has arguably played the leading role in tackling transnational organised crime. They collect, analyse and disseminate information and intelligence. Since 2006 (until 2011), this let to publishing Organised Crime Threat Assessments.[27] The Organised Crime Threat Assessments, set up with the help of the Member States, would facilitate the setting of policy priorities. These Assessments are now replaced with the Serious and Organised Crime Threat Assessments (SOCTAs)[28]. The SOCTA, a strategic report, is Europol's flagship product, providing information about the threats of serious and organised crime to the European Union and analyses vulnerabilities and opportunities for crime. It is the starting point of the EU policy cycle, providing analytical findings that will be used to establish political priorities, strategic goals and operational action plans. It delivers a set of recommendations based on an in-depth analysis of the major crime threats facing the EU. **The SOCTA 2013** provided a list of recommended priorities focusing on effectively combating serious and organised crime in the EU for the period 2013-2017. Based on the findings Europol recommended that the operational response to serious and organised crime in the EU should focus on the following high priority threats: facilitation of illegal immigration, trafficking in human beings, counterfeit goods with an impact on public health and safety, missing trader Intra Community fraud, synthetic drugs production and poly-drug trafficking in the EU, cybercrime and money laundering. It highlights the continuing evolution of an allegedly new breed of 'network-style' organised crime groups, defined much less by their ethnicity or nationality than has been the case hitherto, and more by their capacity to operate on an international basis, with multiple partners and in multiple crime areas and countries. The pyramidal structures have evolved to networks of cells with continuously changing partners and even locations. This calls for a shift in the strategic response in the EU, away from one centred on individual ethnic types, or even individual crime areas, towards a more flexible, heterogeneous model of targeting these dynamic organised crime networks,

[26] For more information: https://book.coe.int/eur/en/74-economy-and-crime-fight-against-corruption#/

[27] **EUROPOL (2006).** *OCTA 2006, Organised Crime Threat Assessment 2006*, The Hague: Europol Public Information Office. - **EUROPOL (2007).** *OCTA 2007, Organised Crime Threat Assessment 2007*, The Hague: Europol Public Information Office. - **EUROPOL (2008).** *OCTA 2008. Organised Crime Threat Assessment 2008,* The Hague: Europol Public Information Office. **EUROPOL (2009).** *OCTA 2009. Organised Crime Threat Assessment 2009,* The Hague: Europol Public Information Office - **EUROPOL (2011).** *OCTA 2011. Organised Crime Threat Assessment 2011*, The Hague: Europol Public Information Office.

[28] **EUROPOL (2013).** *SOCTA 2013. EU Serious and Organised Crime Threat Assessment 2013*, The Hague: Europol Public Information Office.

through a more effective use of cross-border mechanisms to exchange information and co-ordinate operational activity.

Another useful EU agency is ***FRONTEX,*** which assists MS in circumstances requiring increased technical and operational assistance at external borders which may imply support (in cooperation with Europol and Eurojust) in detection and prevention of organised cross-border crime. Also, Frontex analyses the collected data to establish a common picture of the situation, patterns and trends in irregular migration and cross-border criminal activities at the EU external borders. Risk analysis is the starting point for all Frontex activities, from high level strategic decision-making to planning and implementation of operational activities. Beyond establishing trends and identifying risks, Frontex also provides advice on appropriate operational responses to various challenges, including cross-border crime, at the EU external borders. In the beginning of 2017, Frontex published the **Risk Analysis for 2017**[29], where it is mentioned that the facilitation of illegal immigration remains a serious threat to the EU, that many facilitators continue to operate from 3th countries and that organised crime groups involved in migrant smuggling have become more flexible and sophisticated. Migrant smuggles anticipate law-enforcement actions and prepare for policy changes. Their countermeasures include shifting routs, using forerunner cars or traveling by less frequently controlled means of public transport. Also, Frontex – promoting European border management – states, in this document, that an important element of border management is supporting the EU MS in combating organised crime at the external borders, including smuggling of goods and trafficking in human beings. Beside this Risk Analyses, Frontex publishes each year FRAN Quarterly reports (prepared by the Frontex Risk Analysis Unit to provide a regular overview of irregular migration at the EU external borders, based on the irregular migration data exchanged among MS border-control authorities) and Risk Analyses focusing on some regions (for example Western Balkans Risk Analysis Network Quarterly Reports, Eastern European Border Risk Analysis Network Quarterly Reports,…).

An agency focusing on Drug is ***EMCDDA*** which publishes annual EU Drug Markets Reports[30]. The last published EU Drug Markets Report (2016) provided a unique insight into the operation of illicit drug markets in the EU. It assess' the impact of the drug market on society and the factors driving it. Understanding the hidden markets (cocaine, heroin, cannabis,…), and the actors involved, is essential to make sound policy decisions with lasting impact. This report combines the analytical power of the EMCDDA's drug monitoring system with Europol's operational intelligence on trends in organised crime. This report includes two separate publications: a strategic overview, which is a 30-page summary offering easy access to the key findings of the main report and an in-depth analysis which is a comprehensive report analysing what is known about the EU drug market today. This report explores the concept of the illicit drug market within the broader context of changing patterns of drug use, cultural and social factors and links to wider criminality. Drug markets continue to be one of the most profitable areas for organised crime groups (OCG's): it is estimated that EU citizens spend over 24 billion euro every year on illicit drugs. So we can conclude that the impacts that drug markets have on society are enormous and that they go beyond the harms caused by drug use. They include involvement in other types of criminal activities; impacts on legal

[29] **Frontex (2017).** *Risk Analysis for 2017*, Poland: Frontex.
[30] http://www.emcdda.europa.eu/start/2016/drug-markets#pane0

businesses and the wider economy; strain on and corruption of government institutions; and impacts on wider society. Also, at the website we could read that some papers were commissioned by the EMCDDA to provide background information to inform and contribute to the drafting of their EU Drug Markets report: 'Estimation the size of the main illicit retail drug markets in Europe', 'The value of understanding organised crime business structures and processes (Murray, K. 2016)' are two of these reports worth mentioning in this monitor.

# 4. Overview of existing cross-country databases, surveys, available data and figures at EU level

## 4.1 Harmonised methodology

The White Paper[31] highlighted that there has not been a forum or mechanism for gathering data on organised crime trends in all Member States since 2005. Inadequate data exist - as far as most of these offences are concerned - with large 'dark figures' of unreported and undetected crimes. Despite the absence of precise figures and data covering the number, impact and costs of organised crime within the pan-European area, there is a general recognition that, especially for illicit trade offences and other offences which are consensual or where the actual victim is not easy to determine, recorded crime or prosecution rates are more an index of police activity than a measure of the 'objective' scope and scale of any crime problem. However, Europe considers the gathering of reliable and homogeneous data on transnational organised crime as a priority. Statistics on crime and criminal justice are indispensable for developing evidence-based policy at EU level. Only on the basis of reliable figures and criminal statistics, a complex phenomenon as organised crime can be efficiently addressed at political, judicial and law enforcement levels. While this has long been recognised by EU MS and the European Commission, there still is a lack of reliable and comparable statistical information. National statistics on crime are often based on different definitions and the recording and reporting procedures differ significantly between EU MS.

In January 2012 the Commission put forward an Action Plan for the period 2011-15, focusing on the exchange of information and the collection of statistics in particular areas, such as *trafficking in human beings, money laundering, cybercrime* and *corruption*[32]. One of a number of possibilities for the promotion and dissemination of the Commission's Work on crime statistics, is the *establishment of a* ***new expert group on policy needs for data on crime*** in 2012, which comprises representatives from home affairs, justice ministries of the MS, independent and academic experts in the field of criminology and crime statistics,… Also, Eurostat, EU agencies (EUCPN, Eurojust, FRA) and international organisations (UNODC, Council of Europe) are represented. In this expert group discussions are being held about statistical efforts on trafficking in human beings, corruptions, money laundering, cybercrime, firearms,… The European

[31] **Council of Europe, (2014).** '*White Paper on transnational organised crime',* Strasbourg: Council of Europe – European Committee on Crime Problems (CDPC). [http://www.coe.int/t/DGHL/STANDARDSETTING/CDPC/CDPC%20documents/CDPC%20(2014)%2011%20Fin%20-%20e%20-%20White%20paper.pdf]

[32] **European Commission (2014).** *Commission Staff Working Document: Action Plan on Crime Statistics 2011-2015: Mid-Term Review,* Brussels: European Commission. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/statistics/docs/swd_action_plan_on_crime_statistics_2011-2015_-_mid-term_review.pdf]

Commission is due to publish a new Action Plan in early 2017, followed by decisions about the future of the expert group and the possible renewal or revision of its mandate.

## 4.2 Databases, surveys and available data

- *Databases*

The UNODC developed the **SHERLOC (Sharing Electronic Resources and Laws On Crime)**[33] knowledge management portal to facilitate the dissemination of information regarding the implementation of the UN Convention against Transnational Organized Crime and its Protocols. It consists of a Database of Legislation (*an electronic repository of national laws relevant to the provisions of the Convention, searchable by country, Convention article, crime type and cross-cutting issues),* a Case Law Database *(a comprehensive database containing jurisprudence, which allows users to see how MS are tackling criminal cases in their courts),* a Bibliographic Database (*providing synopses of key articles that are searchable by country, research methods and keywords)* and the Directory of Competent National Authorities (*A CNA Directory designated to receive, respond to and process requests pertaining to mutual legal assistance, extradition and transfer of sentenced prisoners, smuggling of migrants, trafficking in firearms and trafficking in cultural property*). There are 14 specific types of crime covered in SHERLOC, including corruption, cybercrime, money-laundering, participation in an organised crime, smuggling of migrants, trafficking in cultural property, trafficking in persons, piracy, obstruction of justice, trafficking in firearms, wildlife and forest crime, fraudulent medicine, counterfeiting and drug offences. Beside the database SHERLOC, the UNODC developed other interesting databases, focusing on a specific particular area, such as cybercrime[34] and human trafficking[35].

- *Surveys*

Since 1973, the European Commission has been monitoring the evolution of public opinions in the MS by means of the Eurobarometer surveys. Several types of surveys are conducted on various topics and themes, where the Special Eurobarometer is one type of it. These reports are ad based on in-depth thematic studies carried out for various services of the European Commission or for other EU institutions and integrated in Standard Eurobarometer's polling waves. The past years, several Special Eurobarometers focusing on cyber security[36], corruption[37], … are published. Beside these reports focusing

[33] More information: https://www.unodc.org/cld/v3/sherloc/

[34] http://cybrepo.unodc.org: a central data repository of cybercrime laws and lessons learned for the purposes of facilitating the continued assessment of needs and criminal justice capabilities and the delivery and coordination of technical assistance.

[35] http://www.unodc.org/cld/en/about/index.html: provides immediate, public access to officially documented instances of the crime. Contains details on nationalities of victims and perpetrators, trafficking routes, verdicts,… related to prosecuted cases from across the world.

[36] **European Commission (2015).** *Special Eurobarometer 423 - Cyber Security*, Brussels: European Commission – Directorate-General for Home Affairs. [http://ec.europa.eu/public_opinion/archives/ebs/ebs_423_en.pdf]
**European Commission (2013).** *Special Eurobarometer 404 - Cyber Security*, Brussels: European Commission - Directorate-General for Home Affairs. [http://ec.europa.eu/public_opinion/archives/ebs/ebs_404_en.pdf]
**European Commission (2012).** *Special Eurobarometer 390 - Cyber Security,* Brussels: European Commission - Directorate-General for Home Affairs. [http://ec.europa.eu/public_opinion/archives/ebs/ebs_390_en.pdf]

[37] **European Commission (2013).** *Special Eurobarometer 397 – Corruption,* Brussels: European Commission - Directorate-General for Home Affairs. [http://ec.europa.eu/public_opinion/archives/ebs/ebs_397_en.pdf]
**European Commission (2012).** *Special Eurobarometer 374 – Corruption,* Brussels: European Commission - Directorate-General for Home Affairs. [http://ec.europa.eu/public_opinion/archives/ebs/ebs_374_en.pdf]

on one specific phenomenon, other reports are published focusing on organised cross-border crime as phenomenon, priorities in the Internal Security Strategy, on awareness and attitudes in relation to home affairs,…

- ***Special Eurobarometer 245 (2006)***[38], focusing on organised cross-border crime (and corruption), contains an analyse of the opinion of EU citizens about organised and cross-border crime and corruption. This survey is carried out among 24.683 citizens in 25 European Union MS. This report addressed successively the following subjects: data sharing, cross-border crime, corruption and the link between corruption and organised crime. For each of these subjects, it analyses the results on the basis of the European average. It reviewed the situation by MS and comments very briefly on the results according to the socio-demographic variables of EU citizens, where relevant. In this report is concluded that the opening of the EU's internal borders and freedom of movement raised a number of questions regarding international crime. It is highlighted that the police, judicial systems, intelligence services and competent European Organisations (Europol and Eurojust) exchange (personal) information in order to combat international terrorism and organised crime. In this context, 38% of the citizens are in favour of personal data being shared systematically, while 40% believe that such data should only be shared in the case of people clearly suspected of terrorist or criminal activities. Also, 76% of EU citizens believe that the policy of preventing and combating cross-border crime would be more effective if common policy decisions were taken at EU level rather than individual MS. Finally, 54% of the EU citizens believe that most corruption in their MS is caused by organised crime.

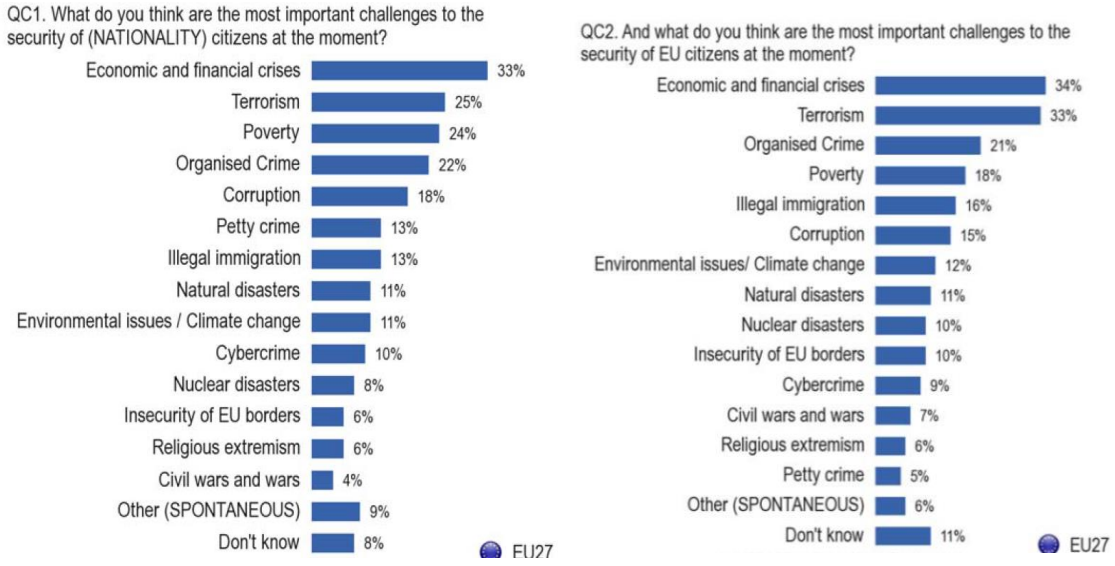
- ***Special Eurobarometer 264 (2006)***[39] discussing the role of the European Union in fighting organised crime. The combat of international organised crime is one of the EU's main priorities in the context of its task of developing the area of freedom, security and justice. The countries surveyed are the 25 Member States of the EU. The principal objective of this analysis is to explore citizens' perception of the current state of witness protection, identity fraud and tax fraud in the EU, as well as their attitude towards the potential role of the EU in these fields. For each theme addressed, this analysis looks at the EU as a whole, the MS and the socio-demographic variables. This report concluded that EU citizens are more likely to expect an improvement due to tackling identity fraud and tax fraud at EU level since they are dissatisfied with national measures against these crimes and, in view of the fact that these issues fall today mainly within MS' competences, they believe a change would bring better results in the future. Furthermore, EU citizens regard the EU as an organisation which pools the capacity of its MS and therefore more capable of acting in a more complex and effective way. Consequently, EU citizens expect the EU to encourage comprehensive cooperation between MS in these fields of justice and home affairs.

[38] Information and data on the Special Eurobarometer no. 245 included in this paper and under this heading come from: **European Commission (2006)**. *Special Eurobarometer 245 - Opinions on organised, cross-border crime and corruption*, Brussels: European Commission - Directorate General Freedom, Security and Justice. [http://ec.europa.eu/public_opinion/archives/ebs/ebs_245_en.pdf]

[39] Information and data on the Special Eurobarometer no. 264 included in this paper and under this heading come from: **European Commission (2006).** *Special Eurobarometer 264 – The role of the European Union in fighting against organised crime*, Brussels, European Commission: Directorate-General Justice, Freedom and Security. [http://ec.europa.eu/public_opinion/archives/ebs/ebs_264_en.pdf]

- **Special Eurobarometer 371 (2011)**[40]**:** this survey on Internal Security compares the public opinion of European citizens with the priorities in the Internal Security Strategy report[41]. First respondents were asked in two open questions what they believe to be the most important challenges to the security of both their own country and of the EU. They were allowed to identify up to three challenges for each question. Results are shown in the figure below.

**Figure: Europeans' opinion on the most important challenges to the national and European Security. Source: Copied from the Special Eurobarometer 371, p. 10 & p. 18.**




The top 4 challenges to the national security corresponds with the top four challenges to the European security, although in case of the latter, two (poverty and organised crime) the ranking order is reversed. More than one in five of the European citizens consider organised crime as a challenge to the national and the European security. Ireland (45%), the Czech Republic and Austria (39%) have the largest proportions of people identifying it as an important national security challenge. Respondents living in Austria (44%) and Ireland (42%) mention it as a challenge to EU security as well.

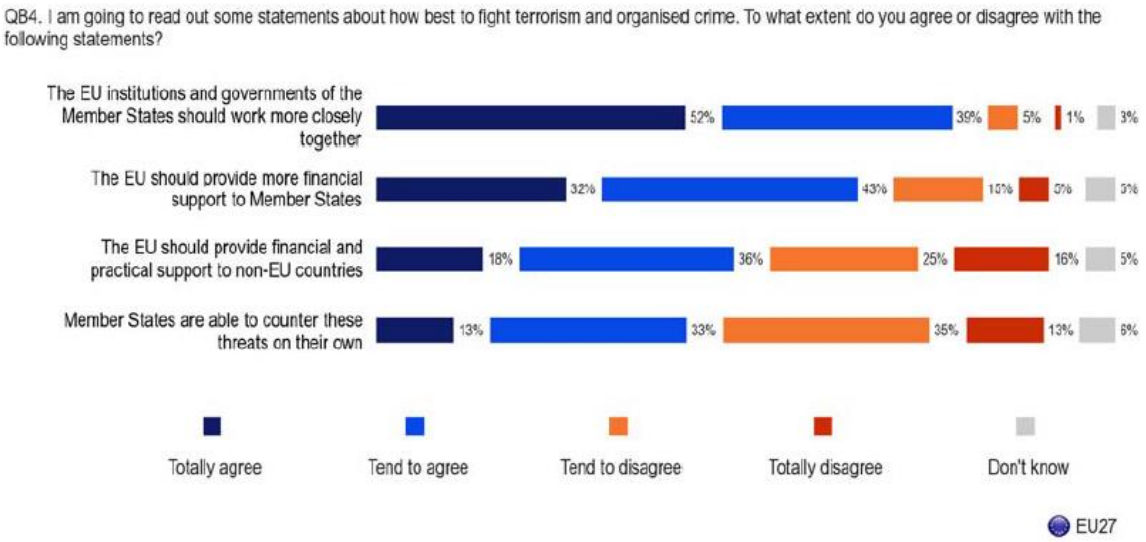
**- The special Eurobarometer 380 (2011)**[42] exists of the survey that has been undertaken with the overall objectives of understanding European citizens' awareness and attitudes in relation to home affairs, including attitudes towards cross-border mobility, migration and security. Among other things, this covers opinions on whether rights and freedoms have been restricted within the EU because of the fight against terrorism and organised crime, and the role that the EU and the MS should adopt to tackle these threats. This survey highlighted that 48% of the respondents think fundamental rights and freedoms have been restricted in the EU because of the fight against terrorism and organise crime, with most saying 'yes, to some extent' and a

[40] Information and data on the Special Eurobarometer no. 371 included in this paper and under this heading come from: **European Commission (2011)**. *Special Eurobarometer no. 371 – Internal Security*, Brussels: European Commission - Directorate-General Home Affairs. [http://ec.europa.eu/public_opinion/archives/ebs/ebs_371_en.pdf]

[41] **European Commission (2010),** *EU Internal Security Strategy in Action: Five steps towards a more secure Europe, Com (2010) 673 Final,* Brussels: European Commission. [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0673:FIN:EN:PDF]

[42] Information and data on the Special Eurobarometer no. 380 included in this paper and under this heading come from: **European Commission (2012).** *Special Eurobarometer 380 – Awareness of home affairs*, Brussels: European Commission – Directorate-General Home Affairs. [http://ec.europa.eu/public_opinion/archives/ebs/ebs_380_en.pdf]

small minority (10%) saying 'yes, a great deal'. Most of the Europeans (91%) think that the EU institutions and Member State governments should work more closely together, and that the EU should increase financial support to MS to tackle terrorism and organised crime. The opinions are more divided on whether the EU should provide financial and practical aid to non-EU countries and on whether MS are capable of countering the threats on their own.




**- The special Eurobarometer 432 (2015)**[43] establishes how secure European citizens feel and the impact of several factors on this feeling. Secondly, it aims to identify what they regard as the main security threats to the EU, and the way in which these threats may be evolving. Finally, this report goes on to consider which organisations or institutions are best placed to address these challenges, and whether these groups are doing a good job in tackling security threats. Additionally, respondents consider whether there has been a price to pay in terms of personal freedom so that governments can effectively fight terrorists and criminals, and whether new technologies might improve – or undermine – the security of European citizens. Respondents were asked to what extent they think that fundamental rights and freedoms have been restricted in the EU for reasons related to the fight against terrorism and organised crime, whereof 55% of them affirmed this. Also, a majority of people in most MS say that fundamental rights and freedoms have been restricted in the EU for reasons related to the fight against terrorism and organised crime. Furthermore, the respondents were asked whether five potential security challenges are likely to increase, decrease or remain unchanged over the next 3 years. 55% of the respondents think that organised crime is likely to increase. Additionally, 63% of the respondents who think that organised crime is an important challenge, think it is very important for the judicial system to play a role in ensuring the security of citizen versus 50% who do not regard organised crime as an important challenge.

[43] Information and data on the Special Eurobarometer no. 432 included in this paper and under this heading come from **European Commission (2015).** *Special Eurobarometer 432 – European's attitudes towards security*, Brussels: European Commission - Directorate-General for Migration and Home Affairs. [http://ec.europa.eu/public_opinion/archives/ebs/ebs_432_en.pdf]

- *Data collection*

**EUROSTAT** collects data on crime in order to make policy-relevant information and analysis available in a timely manner to the European community. As underlined before, providing data on crime in the EU is complicated by considerable differences in the methods and definitions used in the MS, which should be taken into account when using statistical figures. The figures, published annually (since 2007) by Eurostat, are primarily based on the numbers of crimes reported by the police, which makes comparisons between MS difficult and misleading as the definitions and methods vary. Additionally, we should keep in mind that crime statistics on offences and offenders known to the police suffer several limitations, the most important being the dark numbers in crimes. Nevertheless, this source of information can provide some valuable insights. However, the Eurostat annual published figures focus on crimes such as homicide, violent crime, robbery, domestic burglary, motor vehicle theft and ***drug trafficking***. In the report 'trends in crime and criminal justice (2010)',[44] we could read that the number of drug trafficking offences (which is a sub-set of the broader class of drug offences, including the illegal possession, cultivation, production, supplying, transportation, importing, exporting and financing of drug operations) has remained relatively stable across EU MS since 2005 (compared to the trends registered for other types of crime). Beyond the EU borders, the number of crimes linked to drug trafficking in Turkey more than tripled between 2007 and 2010 (following a break in the series in 2007).

However these interesting figures on 'drug trafficking' are important to get an idea of the broader phenomenon 'organised crime', we must realise that Eurostat did not focus on other important particular areas of 'organised crime'. Hence, the need to develop a more comparable system of crime statistics remained acute. Therefore, an Action Plan[45] that focuses on the exchange of information and the collection of statistics in particular areas – such as trafficking in human beings, money laundering, cybercrime and corruption - has been established. In the mid-term review of this Action Plan[46], we could read that following the practice of Eurostat's Statistics in Focus series, comprehensive metadata and contextual information have been compiled for the data collections on ***Money Laundering*** and ***Trafficking in Human Begins***. For both of these other type of data collection, the statistics have been published as Eurostat working papers, with analysis and explanation of the findings and the implications both for policy and for future collections in the area. This resulted in the publications of *working papers on Trafficking in Human Beings* at EU level (edition in 2013 and 2015)[47] and *Money Laundering* at EU

[44] **CLARKE, S., (2013).** *Trends in crime and criminal justice,* 2010, Luxembourg: European Commission/Eurostat, Eurostat. Statistics in Focus 18/2013. [http://ec.europa.eu/eurostat/documents/3433488/5585960/KS-SF-13-018-EN.PDF/b510d657-4749-47f5-81c4-adf66edfa6f3?version=1.0]

[45] **European Commission (2012).** *Communication from the commission to the European Parliament and the Council. Measuring Crime in the EU: Statistics Action Plan 2011-2015*, Brussels: European Commission. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/doc_centre/crime/docs/1_en_act_part1_v5.pdf]

[46] **European Commission (2014).** *Commission Staff working document. Action Plan on Crime Statistics 2011-2015: Mid-Term review, Brussels: European Commission. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/statistics/docs/swd_action_plan_on_crime_statistics_2011-2015_-_mid-term_review.pdf]*

[47] **Eurostat (2015),** *Statistical working papers. Trafficking in Human Beings*, Luxembourg: Eurostat. [http://ec.europa.eu/eurostat/documents/3888793/6648090/KS-TC-14-008-EN-1.pdf/b0315d39-e7bd-4da5-8285-854f37bb8801] and **Eurostat (2013**). *Methodologies and working papers. Trafficking in human beings*, Luxembourg: Eurostat. [http://ec.europa.eu/eurostat/documents/3888793/5856833/KS-RA-13-005-EN.PDF/a6ba08bb-c80d-47d9-a043-ce538f71fa65?version=1.0]

level (edition in 2010 and 2013)[48], aiming the presentation of a compilation of statistics at EU level on these phenomena.

The publication of the first *Working Paper Money Laundering* was the end result of pioneering work, because no international organisation had ever before carried out work of this scale on money laundering. It was the first step towards the real objective which the Commission has set itself: to enable a cost/benefit analysis of anti-money laundering provisions which would feed into and clarify not only political decision-making but also operational cooperation. The second report could be seen as a further step in this direction. This second working paper presents a series of indicators for the different stages of the anti-money laundering chain, from the filing of a suspicious transaction report through to conviction. In general, caution should be exercised in interpreting the figures due to the different administrative and operational practices in Member States.

The second working paper THB (2015) at the EU level contains date for the years 2010-2012 and includes statistical data from the 28 EU MS and Iceland, Norway, Montenegro, Norway, Serbia, Switzerland and Turkey. In this report it is stressed that THB is not the only crime area with some challenges in data collection: the official data on which this report is based are more detailed and comprehensive than there exist for many types of Serious and Organised Crime. It is interesting to know that over the 3 years 30.146 victims were registered in the 28 EU MS. From these 30.146 registered victims, 80% was female, 65% were EU citizens and 69% were trafficked for sexual exploitation. Also, over 1000 child victims were trafficked for sexual exploitation. In the same period and region, 8.805 prosecutions for THB were reported, whereof 70% were male. In relation to the data collected regarding traffickers, the most problematic indicators in terms of number of countries able to provide data were disaggregation of suspected traffickers by form of exploitation and suspected traffickers involved in organised crime, as well as disaggregation by sex and age more generally.

[48] **Eurostat (2013).** *Statistical working papers. Money laundering in Europe*, Luxembourg: Eurostat. [http://ec.europa.eu/eurostat/documents/3888793/5856465/KS-TC-13-007-EN.PDF/69cde077-3bd9-4d0d-8c19-a6fe3608c2cd] and **Tavares, C., Thomas, G., Roudaut, M., (2010).** *Methodologies and working papers. Money laundering in Europe,* Luxembourg: Eurostat. [http://ec.europa.eu/eurostat/documents/3888793/5846749/KS-RA-10-003-EN.PDF/d6540680-3944-4c22-9b8b-8109ec0b6d92?version=1.0]

**Number of EU Member States returning data on traffickers**

| 2 Suspected traffickers | 2010 | 2011 | 2012 | All 3 Years |
|---|---|---|---|---|
| Total Number of Suspected Traffickers | 22 | 22 | 22 | 22 |
| 2.1 Number of suspected traffickers by citizenship | 17 | 17 | 17 | 17 |
| by sex | 19 | 19 | 19 | 19 |
| by age | 9 | 9 | 10 | 9 |
| by sex * age | 9 | 9 | 10 | 9 |
| 2.2 Number of suspected traffickers by form of exploitation | 12 | 10 | 12 | 10 |
| by sex | 11 | 9 | 10 | 9 |
| by age | 8 | 7 | 7 | 6 |
| by sex * age | 8 | 7 | 7 | 6 |
| 2.3 Number of suspected traffickers involved in organised crime | 10 | 7 | 7 | 7 |
| **3 Prosecuted traffickers** | | | | |
| Total Number of Prosecuted Traffickers | 22 | 24 | 22 | 20 |
| 3.1 Number of prosecuted traffickers by citizenship | 16 | 16 | 15 | 14 |
| by sex | 14 | 14 | 13 | 12 |
| by age | 9 | 8 | 9 | 7 |
| by sex * age | 9 | 8 | 9 | 7 |
| 3.2 Number of prosecuted traffickers by form of exploitation | 15 | 15 | 14 | 14 |
| 3.3 Number of final decisions by the prosecution service | 14 | 14 | 13 | 13 |
| **4 Court Data** | | | | |
| 4.1 Number of courts judgments (including convictions) of traffickers | 24 | 26 | 25 | 23 |
| by sex | 22 | 23 | 22 | 21 |
| by age | 14 | 14 | 13 | 13 |
| by sex * age | 14 | 14 | 13 | 13 |
| 4.2 Number of court judgments of traffickers by form of exploitation | 17 | 16 | 15 | 13 |
| by sex | 12 | 11 | 11 | 9 |
| by age | 9 | 8 | 8 | 6 |
| by sex * age | 9 | 8 | 8 | 6 |
| 4.3 Total value of assets confiscated from the traffickers convicted | 5 | 6 | 4 | 4 |

Additionally, the European Commission has the ultimate objective to incorporate all relevant crime types into the EUROSTAT annual data collection. In 2016, specific modules were added to focus on migrant smuggling offences, and trafficking in human beings offences. In 2017, the COM intends to undertake a study mapping the availability of official crime and criminal justice statistics in the MS, targeting those crimes which are not yet covered by the annual data collection, and with a particular focus on serious and organised crime. The results of this study, including about availability of statistics across the MS, will inform the future plans for including such offences in the regular annual collection.[49] Also, the COM will look to undertake work for further development of indicators and collection of statics on *cybercrime, illicit trafficking of firearms, environmental crime, anti-corruption and THB*. There is also a need for improved quantitative data on firearms trafficking, to better inform risk assessments and to improve policymakers' ability to assess firearms trafficking flows. This is equally applicable for flows from third countries into the EU and intra-EU trafficking. With the financial support of the EU, UNODC is starting work to prepare a questionnaire on seizures of firearms, and guidelines to support more detailed, permanent and consistent recording of the underlying data. Some data do exist at national level, as well as through international collections such as the Small Arms Survey, but consistency and comparability could be improved. The medium-term objective is a regular collection of firearms trafficking data at EU level. Also the available knowledge base and statistical data on wildlife trafficking must improve. Over the coming years, the COM will take forward work to support MS in providing relevant statistical data, including on checks,

[49] http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=28982&no=2

investigations, seizures, prosecution cases and judgments, including the penalties imposed. Finally, the expert group on policy needs for data on crime provided advice on a set of indicators for a provisional data collection on the treatment of corruption cases through the criminal justice system. The results of the first collection were published in 2015, and covered the years 2011-2013. In the coming years, work on corruption indicators will continue. There continues to be a high demand for quantitative measures of experience of corruption, risk factors, expert and public perception, and policy effectiveness.[50]

**The European Institute for Crime Prevention and Control (HEUNI)** published in 2014 the 5th edition of the '***European Sourcebook of Crime and Criminal justice',*** covering for the years 2007-2011 police, prosecution, conviction and prison statistics.[51] One of the tasks of HEUNI is comparing the crime levels in European Member States, where off one of its activities is the participation in the work of the European Sourcebook-group. The basic aim of the European Sourcebook data collection is to present comparable information on crime and criminal justice statistics in Europe. The issue of whether or not it is feasible to use official criminal justice statistics for decision-making in crime policy or for conducting scientific studies is one of the classic debates of criminology. The problems involved are even more serious when it comes to international and European comparisons, because nations differ widely in the way they organised their police and court systems, the way they define their legal concepts, and the way they collect and present their statistics. Additionally, the lack of uniform definitions of offences and sanctions, of common measuring instruments and of common methodology makes comparisons between MS extremely hazardous. This is also the reason that criminologists developed alternatives to complement the existing official statistics: international comparative victimization studies on the one hand and international comparative self-report studies on the other. Due to the lack of very recent international victimization studies, however, chapter 6 of this report covers data from national victimization surveys instead (which can be compared only with extreme caution). The basic structure of 5 chapters – offences and offenders known to the police, prosecution, convictions and sentences, prison and survey data is extended by introducing a separate chapter on the work of probation agencies and the implementation of community sanctions and measures. The chapter of 'conviction statistics' contains more information about statistics on money laundering, corruption and drug trafficking. As mentioned before, chapter 6 of the Sourcebook presents survey data from national crime victimisation surveys conducted between 1990-2010. In this chapter we could find also some information about corruption. However we could not find specific information about 'organised crime' as phenomenon in this report, we received some information about particular crimes as drug trafficking, corruption and money laundering. In this sourcebook, the amount of offences and offenders concerning corruption, drug trafficking, money laundering,… can be found for each Member State. The data represented in this sourcebook were collected through a network of national correspondents and regional coordinators. Beside these European Sourcebooks, HEUNI published several reports and papers focusing on Corruption and Human Trafficking as phenomena.[52]

[50] http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=28982&no=2

[51] **AEBI, M.F., et al. (2014).** *European Sourcebook of crime and criminal justice statistics*, Helsinki: European Institute for Crime Prevention and Control (HEUNI).

[52] For more information about the reports on corruption see: http://www.heuni.fi/en/index/researchareas/corruption.html, for more information about the reports on human trafficking: http://www.heuni.fi/en/index/researchareas/humantrafficking.html

## 5. Research projects

Research project ***'Organised Crime in Europe. Patterns and Policies in the European Union and Beyond*** (2004)[53]' constitutes the first attempt to systematically compare organised crime concepts, as well as historical and contemporary patterns and control policies in 13 countries.[54] 33 experts from different legal and social disciplines provided insight through detailed country reports. On this basis, Cyrille Fijnaut and Letizia Paoli, the principal investigators, compared organised crime patterns and policies in Europe and assessed EU initiatives against organised crime. This project ended in 2004 with the publication of the book *'Organised crime in Europe: concepts, patterns and control polices in the European Union and Beyond'*. The research project can be summarised in the following propositions:

1. Much of the concern about organised crime (OC) was initially dictated by fear of the expansion of the Italian mafia to the whole of Europe and to its becoming a model for others involved in OC. These scenarios have not been realised: Italian mafia groups did not invade the rest of Europe, nor other OCG's show any interest in imitating the Italian mafia's culture, structure or struggle for political dominion.
2. Recognizing the relatively 'disorganized' nature of European OC does not imply an optimistic assessment of its nature, scale and danger. Forming flexible and changeable networks, the small and ephemeral enterprises comprising the bulk of European OC have, since the mid-'70s, sustained an expansion of illegal markets in Western and, after the fall of the Berlin Wall, in Eastern Europe as well. Since the early '70s a rising demand for a variety of illegal drugs has fostered the development of an international drug trade from producing to consumer countries and the emergence of nationwide drug distribution systems in all European states. This was followed by a 2nd wave of expansion involving the rise of a human smuggling and trafficking industry, which was largely triggered by the enactment of increasingly restrictive immigration policies in most Western European countries during the '80s and '90s. Despite the re-conversion of many professional criminals to drug trafficking and dealing, several other - traditional and non-traditional - profit-making criminal activities have continued to proliferate.
3. In most Western European countries traditional OCGs' ability to infiltrate the legitimate economy and corrupt civil and political institutions was grossly overstated when organised crime began to attract media and political attention in the early '90s. Even in Western Europe, however, Italy and Turkey are 2 exceptions to this rather reassuring picture.
4. Some Eastern European criminal groups do not exclusively comprise 'underworld' criminals, but also 'overworld' figures who state structures and are today successful entrepreneurs or high-ranking government officials. Whereas many Eastern European countries are well advanced in closing the legal and institutional gap separating them from Western standards (some of them joined the EU), others still need to set up a viable legal framework to regulate the legitimate economy and to separate the latter from the underground and criminal economies.
5. The policy (in Europe) on OC has transcended national boundaries and since the late '90s became a matter of international politics and of the foreign policy of individual countries. The internationalization of OC control policy explains why the changes that have taken place on several fronts in individual countries are so similar, whether they involve the centralization of the police, the judiciary and the customs authorities, or the creation of special units within these institutions, or the introduction of intrusive methods of investigation, such as phone tapping, anonymous witnesses and undercover agents.
6. OC control policies remain controversial. Despite the EU pressure, in many countries the development of an OC control policy not only required a great deal of lengthy debate, but also could only really get off the ground when murders or scandals had created sufficient support for the new policy initiatives.
7. The researchers concluded that further research (particularly on the effectiveness of OC control policies) is necessary.

[53] https://www.law.kuleuven.be/linc/english/research/organizedcrimepatterns.html
[54] Denmark, France, Germany, Italy, the Netherlands, Spain, the UK, the Czech Republic, Poland, Turkey, Albania, Russia and Switzerland

***'Measuring organised crime in Europe: a Feasibility Study of Risk-based Methodology Across the European Union (2004)***[55]***:*** This book is the outcome of two studies undertaken by a team composed of Belgian, Italian and Swedish researchers for the European Commission. This book presents an overview of practices in the measurement of organised crime in Europe and includes a discussion about the concept and the assessment of the impact of this phenomenon. Additionally, the feasibility of the implementation of the existing EU Action Plan was studied and evaluated. Finally, this book provides an in-depth and comparative analysis of practice in drafting organised crime reports across and by the EU and offers new ideas to improve their quality.

***Project Danger: 'Appraising the dangerousness of organized crime' (2008-2011)***[56]***:*** Globalization had an enormous impact on the concerns of the public, as well as the government, on crime. The image of a local and 'small' delinquent has changed into that of an international mobile person, group, network, or even a company which commits crime. Nowadays, these new offenders are often referred to as committers of (transnational) organized crime. However, it is unclear to what extent this new image corresponds with reality - which could lead to improper policies - and to what extent the dangers linked to crime have evolved into a different, more severe threat. This question can be answered in only one way: to be able to ground future policies on a solid empirical basis, it is necessary to collect data on the different types of danger that modern forms of criminal behaviour may pose towards citizens, the economy and the state.

The project 'Danger' (2008-2011) had a two-fold objective: First, a new integrated systematic methodological framework must be developed which can be used to collect reliable data on the dangers of organised crime and to set the priorities in relation to these dangers. More specifically, the ultimate goal was to combine the 2 most promising and feasible approaches to organized crime, namely *threat assessment focusing on perpetrators (with danger in function of individuals and the groups or networks they set up, of what these people or groups do and the way in which they organise themselves) and vulnerability studies focusing on criminal opportunities in the environment (where danger is deducted from the vulnerability of the licit economic environment that facilitates organised crime)*, into one workable methodology process. It aimed to arrive at a better method to assess the danger of organised crime. The second objective was to *test and refine this new approach in a systematic assessment of the dangers of organized crime in Belgium*. The focal point lies thereby on 4 different sectors of business: *transport, catering, import-export, and the political sphere in relation to the perpetrators or groups who exploit their vulnerability.*

It was established that the dichotomy between environment and perpetrator was too restrictive to carry out research which should ultimately lead to 'superior' organised-crime reporting. Another approach in terms of reporting on organised crime - the harmfulness approach as a 3th perspective - proved to be at least as relevant. First because of the finding that prioritizing exercises on criminality are increasingly set from a harm point of view: the 'danger' and the point of departure for the setting of priorities and action cannot only be found amongst (known) perpetrators or does not only lie in one's own vulnerabilities but also in the harm (criminal) activities are causing. The fact

[55] **Vander Beken, Tom, E Savona, L Korsell, et al. (2004).** *Measuring Organised Crime in Europe: a Feasibility Study of Risk-based Methodology Across the European Union.* Antwerpen: Maklu.
[56] For more information: http://www.law.ugent.be/ircp/danger/index.php?lang=en

that a significant shift can also be detected at EU level from organised crime to serious crime is a clear indicator of that: organised crime is not so much 'dangerous' because it is organised in nature, but because of the harm its activities are deemed to inflict. Following on from that, it was also found that organised crime as a concept proved to be less and less manageable as an umbrella term and that methodological questions could be raised about the manner in which many perpetrator-oriented (threat) analyses had been designed. Finally, it transpired that the risk discourse, which is used in perpetrator and vulnerability approaches, was in need of fine-tuning. In the wake of 9/11 and the financial crisis, faith in the predictability, measurability and thus to a certain extent also in the preventability of events (and criminality) has dwindled significantly. Even though this led to 2 lines of research – harmfulness and vulnerability – the perpetrator approach was not overlooked in the study either.

The project 'Danger' can be summarized in 7 policy-oriented conclusions and recommendations.

1. It should be possible to challenge a number of the 'certainties' that underpin the conceptualizations of organised crime in Belgium. Perhaps not all the conclusions (still) stand or remain correct (today).
2. Harmfulness as a policy concept could be given a more prominent place in the analysis and priority setting of (organised) crime. It would be useful to consider directing some of the policy attention to those phenomena and places in society where the harm is felt most and not only to (potential) perpetrators or environment components that facilitate or pave the way for criminal activity.
3. 'Organised crime' is not usable as an umbrella policy concept. Though suitable in the area of threat analyses, the concept is far less suited to harmfulness and vulnerability analyses.
4. In terms of conceptualizing crime, it would be meaningful to differentiate and link the various approaches. For example, for a general policy on security and criminality, a harmfulness analysis – in which serious crime phenomena could be given a place - would be appropriate. For a more specific, especially preventive policy, a vulnerability analysis could be used, possibly targeted in function of the phenomena that have been prioritized on the basis of the harm analysis. In terms of an (especially repressive) law-enforcement policy, a threat analysis could be used to prioritise perpetrators and groups in function of their defensibility against detection and prosecution. This threat analysis could possibly be fed by policy and findings on harmfulness and vulnerability and feed it in turn. The harmfulness analyses can fit in with the National Police Security Image. The vulnerability analyses are conducted in function of certain phenomena, on behalf of and by actors that are in charge of certain policy areas. Threat analyses will get a place in reports on organised crime which will be confined to that.
5. Also in terms of conceptualization, it is vital to make the client and the perspective within which an action is launched more explicit and to accept that there are various clients and perspectives so that this could be embedded into a collaboration.
6. There are frameworks and tools on hand to conduct harmfulness and vulnerability analyses and to combine and use the results of these in a policy cycle in which threat analyses of organised crime feature explicitly. However, the data needed to conduct such analyses are not always available.
7. It would be appropriate to inventory all the various approaches and to subsequently examine how these analyses can be improved and combined so that these analysed, which each have their own merits and perspectives, can make a contribution to the policy cycles at various levels.

***Administrative approaches to crime. Administrative measures based on regulatory legislation to prevent and tackle (serious and organized) crime. Legal possibilities and practical applications in EU Member States***[57]***:*** This report is the result of the ISEC grant that the European Commission awarded to the Dutch Ministry of Security and Justice (coordinator) to conduct a 'study on the potential for information exchanges between administrative bodies and traditional law enforcement organizations to support the use of administrative measures within EU MS and at EU level' (2011). The study aimed to contribute to the existing body of knowledge concerning an administrative approach to crime in the EU in the following manner. Firstly, it explored the applicable legislative framework in 10 selected EU MS in order to present a comparative overview of the administrative laws that may be used in an administrative approach to crime. This resulted in 10 separate country reports, as well as a comparison of those legal options in these MS. The 2nd part of this study concerned the practical application of the available legislative framework within the context of serious and organized crime. The 3th part of the project focused on information exchange across national borders. This specifically concerned criminal and fiscal information to be used in administrative procedures, for instance licensing. Exchange of such information is essential because EU citizens are free to move and find jobs or start a business in other MS.

A general conclusion of this study, is that the battle against serious and organised crime profits from cooperation between different public authorities and in some cases private partners as well. In this research, different examples were found of coordinated responses to problems perceived as particularly serious. Such responses mostly referred to 'working apart together' in order to repress or disturb problems, and less to preventing criminals from infiltrating into the legitimate economy for example by denying licences. The study showed that an administrative approach as such is nothing new; the MS mostly differ in how they apply administrative legislation to reduce or prevent crime problems. All MS have legislation in place to regulate businesses as well as to prevent public order disturbances, which is suitable in the context of an administrative approach to crime. Policies, legislation and underlying structures however, differ widely.

Also, it is important to know that an administrative approach to crime does not replace or present an alternative to traditional law enforcement. It complements law enforcement and depends on information from the police and judicial authorities to be effective. Therefore, information exchange between administrative authorities, law enforcement agencies and the tax authorities is indispensable for any coordinated response to serious and organised crime problems. In practice, an (ad-hoc) administrative approach is common to tackle the most serious and organised crime problems on the local, regional and national levels. However, the use of administrative measures to prevent that criminal infiltrate in the legitimate economy is less far developed in most of the MS studied in this research.

Finally, highly relevant for the EU is the lack of a clear legal and organisational framework for the exchange of law enforcement and fiscal information with administrative bodies. The existing legal and organisational infrastructure does not provide a clear-cut framework for the exchange of information from law enforcement agencies or the tax authorities on the one hand and administrative agencies on the other. This represents a serious blind spot and requires action at the EU-level. First, because criminals can physically move to other Member States or establish a business there and thus circumvent effective preventative screening. Second, because it reduces the opportunities for administrative bodies to take repressive action (or to disrupt) an illegal activity if this requires criminal or fiscal information.

[57] **Spapens, A.C.M., Peters, M., Van Daele, D., (2015)**. *Administrative approaches to crime: Administrative measures based on regulatory legislation to prevent and tackle (serious and organized) crime. Legal possibilities and practical applications in 10 EU Member States,* Den Haag. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/organized-crime-and-human-trafficking/crime-prevention/docs/final_report_eu_study_administrative_approaches_to_crime_en.pdf]

***PROTON Project: 'Modelling the Processes leading to Organised crime and TerrOrist Networks. It is possible to predict the evolution of mafia and terrorism groups'. (2016-2019)***[58]***:*** This project aims at improving the existing knowledge on the processes of recruitment to organised crime and terrorist networks (OCTN) through an innovative integration between social and computational sciences. Moving beyond the state of the art, this integration will support evidence-based policies at the international, national and local level. The analysis of this project will cover 28 EU Member States. The PROTON project is coordinated by the the Universita Cattolica del Sacro Cuore – Transcrime and funded by the European Commission under the research program Horizon 2020 for 36 months. The EUCPN is one of the 22 partners in this project.

## 6. Conclusion

Organised crime is a threat to European citizens, state institutions, businesses as well as the economy as a whole. It is a *broad, complex and multifaceted phenomenon* which can touch upon various areas of life. It covers a wide range of phenomena, including *trafficking in drugs, firearms and even persons*. At the same time, organised crime groups exploit human mobility to smuggle migrants and *undermine financial systems through money laundering*. The huge sums of money involved can compromise legitimate economies and directly impact public processes, for example by 'buying' elections through corruption. It delivers high profits for the perpetrators and results in high risks for individuals who fall victim to it.

**Because organised crime and related phenomena merit more attention than ever, it was decided to focus on this phenomenon in this sixth monitor.** This monitor tried to provide an overview of the existing data statistics, reports, threat assessments and (research) projects funded by the EU. Through this paper, it is clear that the EU is aware of the problems related to the comprehensive overview organised crime and the difficulties in tackling this phenomenon. However operational actions, such as pursuing and prosecuting criminals, remain the responsibility of the EU MS, it is the European Commission's objective to assist EU MS in fighting organised crime more effectively. There is a need for consistent European-level action, due to the complexity and the cross-border character that this form of crime has assumed. **The EU's action extends from crime prevention to law enforcement and is based on various tools, such as legislative measures harmonising rules concerning offences in relation to a criminal organisation, the gathering of reliable crime statistics and the funding of European projects or specialised networks or agencies.**

So far, the MS have had primary responsibility for ***crime prevention*** matters, but with the Lisbon Treaty, the EU has the possibility to establish measures to promote and support MS' actions in this field. The EU focuses on facilitating exchanges of experience and best practices to mitigate factors which encourage crime and recidivism and to prevent corruption as well as criminal infiltration of the economy and society. The EUCPN is such an example that offers an EU-wide platform for exchanging best practices, research and information on different aspects of local crime prevention.

[58] For more information: https://www.projectproton.eu/ and http://www.transcrime.it/wp-content/uploads/2016/01/Proton-Press-release.pdf

As mentioned before, organised crime requires a multi-disciplinary approach to effectively prevent and counter it. Therefore, the EU developed the so-called '***Administrative approach***': a combination of tools at administrative level to prevent organised crime from infiltrating the public sector, the economy or key parts of the public administration. Some EU MS are relatively advanced in implementing the administrative approach, while others only recently discovered it. So in order to further develop and implement this approach EU-wide, the European Commission facilitated the establishment of a network of informal contact points for exchanging best practices.

Because criminal activities touch upon various areas of life, take several forms and may originate from or reach outside the EU as much as inside it, a comprehensive response of the EU was needed. So since the 1990's ***action plans and strategies*** have been elaborated targeting organised crime in general or dealing with its particular forms, including drug-related offences, THB,… Some ***legislative measures and initiatives*** have been taken since then. As mentioned earlier, the *Lisbon Treaty* opened new paths for the approximation of national criminal laws in the EU, including in respect of organised crime. In 2005, the European Parliament adopted a *resolution on the proposal for a framework decision on organised crime* and in 2007 it adopted a *recommendation to the Council on developing a strategic concept on tackling organised crime*. In 2008, the EU adopted the *Framework Decision 2008/841/JHA* (repealing and replacing Joint Action 98/733/JHA), that criminalised offences linked to participation in a criminal organisation. It seeks to harmonise EU MS' laws on the criminalisation of offences and lays down penalties for them. In 2010, the EU Internal Security Strategy identified the most serious threats faced by European societies, to which no single MS can respond on its own. Serious and organised crime are among those threats and disrupting criminal networks is one the five objectives defined by the Strategy. Also in 2010, the decision was made to establish a multi-annual policy cycle for the application of the Internal Security Strategy and start by applying it to organised and serious international crime. Beside these initiatives targeting organised crime in general, some initiatives have been elaborated targeting some particular forms. Some examples are the Anti-Money Laundering Directives, the Directive on preventing and combating trafficking in human beings and protecting its victims, several EU legislative actions contributing to the fight against cybercrime,… Unfortunately, it would lead us too far to go into all these initiatives in detail.

It is clear that the EU continuously adapts its response in relation to the growing complexity of the situation, which is reflected in the **development of specialised and unique EU agencies**, such as Europol, Frontex,… and networks that fulfil an individual function. It is important to know the COM and the specialised EU **law enforcement** agencies – such as Europol – do not have autonomous investigative capabilities and are not in charge of operational law enforcement activities: this remains the responsibility of the EU MS. However, to effectively prevent and combat cross border serious crimes, practical cooperation between the police and customs authorities of the MS is required: the MS cooperated long on an ad-hoc basis, bilaterally or multilaterally. So the EU sought to add value by facilitating cooperation between the MS, aiming to achieve a quicker, safer and more targeted cooperation. Some actions of the COM and its agencies to contribute to the enhancement of law enforcement cooperation within the EU:

- ✓ Proposing a common EU multi-annual strategic framework.
- ✓ Improving information exchange, notably by making proposals for EU legislation, by setting up and managing databases such as the Schengen Information System (SIS)

or Visa Information System (VIS), by proposing a common European Information Exchange Model (EIXM) and by assisting MS in the implementation of existing legal instruments such as the Prüm Decision.

- ✓ Promoting operational cooperation, notably through the EU Policy Cycle for serious and organised crime, where MS coordinate common priorities and operational action against organised crime; through cooperation on specific operations like joint investigations against cross-border crime, and through the support provided by specialized EU agencies such as Europol and Cepol.

***Statistics*** on crime are indispensable for developing evidence-based policy at EU level. While this is already recognised for years by EU MS and the European Commission, there still is a lack of reliable and comparable statistical information. National statistics on crime are often based on different definitions and the recording and reporting procedures differ significantly between EU MS. Also, it remains true that information on traditional forms of crime – considered to lie outside EU competency – is more robust, more comparable and generally of better quality than in the area of cross-border organised crime, which relates more closely to EU policy needs. However, progress can be seen in the particular complex areas, such as cybercrime, THB, … and organised crime as a phenomenon. Yet, the fact remains that data on both traditional and cross-border organised crime depend on the quality and efficiency of the domestic structures underpinning the collection and provision of data. So the Commission's objective is to apply harmonised data collection methodologies to produce EU-level statistics, which will enable comparisons between EU states on the structures and trends of crime. The EU Action Plan (2011-2015) focused on the better exchange of information and the collection of statistics, which is important to have a better overview of the problem in order to react to it.

Finally, the Commission supports the MS actions through **funding, training, research and innovation.** The Commission funds a number of research projects and studies to increase knowledge in the area of justice, freedom and security. PROTON – aiming at improving existing knowledge on the processes of recruitment to organised crime and terrorist networks through an innovative integration between social and computational sciences - is such a current project funded by the EU Commission.

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