COUNCIL OF
THE EUROPEAN UNION

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NOTE

From : Presidency
To : Multidisciplinary Group on Organised Crime /Article 36 Committee
No. prev. doc. : 7323/1/07 ENFOCUSTOM 28 CRIMORG 54
6939/07 CRIMORG 44 RESTREINT EU
10181/06 CRIMORG 94 ENFOPOL 115 ENFOCUSTOM 50
Subject : Draft Council conclusions setting the EU priorities for the fight against organised crime based on the OCTA 2007

Delegations will find attached the revised draft Council conclusions setting the EU priorities for the fight against organised crime based on the OCTA 2007.
COUNCIL CONCLUSIONS SETTING THE EU PRIORITIES FOR THE FIGHT AGAINST ORGANISED CRIME BASED ON THE 2007 ORGANISED CRIME THREAT ASSESSMENT

Having regard to the Hague Programme and in particular section 2.3 thereof, which calls upon Europol to replace its Organised Crime Situation Report with threat assessments on serious forms of organised crime,

Having regard to the need for the EU to set up an architecture for its internal security\(^1\) and to adopt and implement a methodology for intelligence-led law enforcement, with the emphasis on the collection and analysis of information and intelligence to identify where action by law enforcement and prosecution authorities would be most effective,

Taking into account the Commission’s communication on a strategic concept for tackling organised crime\(^2\) and its associated action plan and the Council and Commission Action Plan implementing the Hague Programme\(^3\),

Taking into account the Council conclusions of 12 October 2005 on intelligence-led policing and the development of the Organised Crime Threat Assessment\(^4\),

Taking into account the Council conclusions of 4-5 June 2006 setting the EU priorities for the fight against organised crime based on the OCTA 2006\(^5\) and the state of play with regard to implementation of those priorities by Member States and EU bodies,

Having regard to the Europol 2007 Organised Crime Threat Assessment\(^6\),

\(1\) 9596/06 JAI 271 CATS 104.
\(4\) 10180/4/05 CRIMORG 56 ENFOPOL 75.
\(5\) 10181/06 CRIMORG 94 ENFOPOL 115 ENFOCUSTOM 50.
\(6\) 6939/07 CRIMORG 44 RESTREINT EU.
THE COUNCIL CONCLUDES THE FOLLOWING:

Definition of EU priorities to fight organised crime

1. The Europol Organised Crime Threat Assessment (OCTA) 2007 builds on the assessment of current and expected trends in organised crime (OC) across the EU initiated under the OCTA process in 2006. The findings and conclusions of the OCTA 2007 should therefore be taken into account in national priorities but should also be implemented through enhanced cooperation between Member States, in particular those with shared (regional) problems.

2. The Council restates its conviction that the fight against organised crime should focus on reducing the threat and the harm caused by it and, in particular, on tackling:
   - the obstacles to dismantling OC groups stemming from to their international dimension or influence
   - the level of infiltration of OC into society (inter alia, in the public administration and the economy), especially the misuse of legitimate business structures (and the transport sector in particular)
   - the misuse of technology by OC groups

3. The Council finds that based on the OCTA 2007 the following criminal markets should be EU priorities for 2007:
   - drug trafficking, especially in synthetic drugs;
   - smuggling and trafficking in human beings, especially linked to illegal immigration;
   - fraud, especially in the area of highly taxed goods and Value Added Tax carousels;
   - Euro counterfeiting;
   - commodity counterfeiting and intellectual property theft;
   - money laundering
4. The OCTA 2007 illustrates the increasing importance of regionally-based criminal hubs in the Member States, since OC groups active in such hubs no longer need to build up complex supply networks from other continents because illicit goods are already routed through and concentrated within the hubs. This creates new growth opportunities for OC groups already present in the distribution markets that the hub feeds, especially when common ethnicity or country of origin facilitates co-operation with criminals operating in the hub. On the other hand, the phenomenon of non-integration, in particular for non-EU ethnic communities, can generate “virtual” regions, or “seclusion hubs”, where organised crime may establish a strong foothold and exploit new opportunities, thus resulting in more OC victims. On the basis of the above, the Council deems that, in respect of the regionally-based criminal hubs identified by the OCTA 2007, specific commitments within the criminal markets designated as EU priorities 2007 should be the following types of organised crime:

- The North-West hub: cocaine, heroin and cannabis trafficking, as well as the production of, and trafficking in, synthetic drugs.

- The South-West criminal hub: trafficking in cannabis and cocaine, destination trafficking for stolen vehicles and smuggling of human beings related to illegal immigration.

- The North-West and the South-West criminal hubs: organised crime committed by indigenous, Turkish and Moroccan OC groups and the external influence of South and Central American OC groups.

- The North-East hub: organised crime committed by certain Lithuanian OC groups as well as Polish OC groups, active both in the supply of cigarettes, synthetic drugs precursors, cocaine and hashish, and in illegal trafficking in highly-taxed goods.

- The South-East hub, especially the Black Sea criminal hub: organised crime committed by certain OC groups from Romania, Bulgaria, Turkey and Ukraine, plus Italian and Hungarian OC groups also active in that Region.
The Southern criminal hub: organised crime committed by certain Italian OC groups, such as Cosa Nostra, ‘Ndrangheta and Camorra, in particular the attempt to control certain aspects of social and economic life in some geographic areas, together with their current co-operation, in some crime sectors, with ethnic Albanian and Chinese OC groups.

5. The priorities set by these conclusions and in the OCTA 2007 need to be combined with the priorities set, *inter alia*, in crime areas other than organised crime, at national level (in matters of organised crime), in response to previous and other Council conclusions and/or action plans. These include the EU Action Plan on Drugs, the Action Plan on Trafficking in Human Beings and the multi-annual planning of the operational activities of customs administrations.

**Approach to fight organised crime**

6. The priorities set out above have to be understood as areas in which the EU, through its Member States, institutions and bodies, should (increasingly) coordinate and enhance its action, which should be reactive, but also preventive and proactive. Together, these concerted activities will ensure an in-depth understanding and provide tools for enhanced targeting of OC impacting on the EU.
7. The fight against organised crime, as it was already stated in the Council conclusions of 2006, requires a multi-disciplinary intelligence-led approach in order not only to disrupt criminal activities but also to dismantle criminal organisations, bring the offenders to justice and deprive them of the proceeds of crime. This implies drawing on dedicated (specialised) resources and organising structures with a view to using all information that is available to law enforcement and thus identifying and tackling the most threatening criminal groups. A new, intelligence-led control strategy covering the entire national – and possibly EU – territory, complementing external border controls with checks, en route or at destination, monitoring financial movements and expanding the analytical capabilities of national and EU law enforcement agencies should be further developed. Continuing this approach is vital and as such also needs to be reflected in the implementation of the EU priorities.

8. As a consequence, law enforcement action, in particular investigations and prosecutions, should, where possible, mainly focus on the upper levels of the organised crime groups, including logistics, financing, assets and those who facilitate the activities of the criminal organisation. Member States are, therefore, invited to increase their efforts in the financial aspects of investigations and prosecutions, for example as regards the seizure of assets.

9. For Member States to mutually benefit from one another's efforts, more information on the outcomes of and difficulties in such investigations and prosecutions should be communicated at an early stage to Europol, Eurojust or OLAF, so that a stronger EU position can be taken.

10. Given the blurring of the border between licit and criminal activities, successful law enforcement action against organised crime should focus on facilitating factors (such as document forgery, technology, and the misuse of legitimate business structures, black markets and, in particular, of the transport sector). Enhanced cooperation with the private sector is therefore required, both for establishing preventive mechanisms (-through consultation on regulations, products, (use of) technology-) and with a view to improving crime detection and investigation.
Implementation of the EU priorities

11. All relevant authorities in the Member States should, alongside other national considerations, take account of the strategic priorities adopted by the Council and the OCTA in planning their individual and joint responses to the threats they face from organised crime. In so doing, they should use the mechanisms and structures mentioned in the action plan in the Annex hereto, but also implement the priorities through national, bilateral and regional means and in their external relations, in accordance with national legislation.

12. All relevant EU bodies, agencies and working groups must take account of these priorities and reflect them in their strategic planning, working programmes, budgets, annual reporting and external relations. They must also be taken into account in the mid-term review and updating of the Hague Programme (Action Plan). Regular and practical measures must be taken, under the appropriate supervision of the Presidency, to ensure a horizontal coordination and cooperation between the different parties involved, supported, where appropriate, by the drawing up of agreements between police, border guard, customs and other specialized law enforcement services.

Appropriate cooperation should be in place between EU and relevant third countries, in particular those who contributed to the OCTA.

13. In concreto, Member States, the relevant Council working parties, the Commission and the relevant EU agencies should carry out the tasks set out in the Annex hereto. These have been updated to take into account the experiences of implementing the EU priorities based on OCTA 2006 and the results achieved and objectives implemented so far.

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14. Every two years, the next time in 2008, the Presidency, in association with the Commission, drafts a report on the EU-wide implementation of the priorities. Members States, the relevant Council working parties, the Commission and relevant EU agencies will therefore be invited to provide to the Presidency, by 1 March 2008, a report on their implementation of the priorities.

Methodology

15. It is useful to evaluate and refine the methodology for producing the OCTA, and to improve its "future-oriented approach". Europol and the Member States will continue to optimise the OCTA procedures in line with the experience gained with the 2007 OCTA. The other stakeholders providing contributions to the OCTA will be consulted in this process. All relevant authorities in the Member States must be involved in the data collection, in order to gain a comprehensive and well-balanced picture of the threats in all crime areas, as well as throughout the elaboration of OCTA report.

16. With a view to the establishment of the next OCTA, Europol will issue\(^8\) structured and detailed Intelligence Requirements, where necessary targeting for certain areas/respondents. Member States and other relevant stakeholders invited to contribute (Eurojust, Frontex, OLAF, ECB, SitCen, the private sector, etc), will reply to these Requirements by [31 October 2007] at the latest. Such Intelligence Requirements will be circulated to all stakeholders at an early stage.

17. Europol is invited to submit an update of the OCTA by end of [February 2008].

\(^8\) In accordance with the arrangements set out in the Council conclusions of 12 October 2005 (10180/4/05, and in particular point 2 thereof).
18. According to experience, the various kinds and characteristics of organised crime, as well as the resultant needs for action, do not change greatly within the course of one year. Therefore, from now on the Council will as a rule adopt new Council conclusions setting EU priorities for the fight against organised crime based on the OCTA only every two years. Hence, the next Council conclusions of this kind will be adopted in 2009. In the intermediate years (beginning with 2008), the OCTA as well as the report on the EU-wide implementation of the priorities will be presented to the Council, in order to consider whether there is an urgent need for action which requires exceptionally the setting of new priorities.

Information of the European Parliament

19. The European Parliament will be informed of these conclusions.
**Measures for implementing the EU priorities for the fight against organised crime**

**a) Strategic and methodological / organisational measures**

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| Member States        | • Disseminate and popularise within relevant national services and departments EU priorities for 2007, including the main geographical and thematic threats, and optimise the OCTA procedure, e.g. by organising a national workshop with all relevant actors, police and customs departments.  
                      | • Take into account, alongside other national considerations, the OCTA and the current strategic priorities - in particular the OC groups that are crucial catalysts for the knock-on effect of the regional criminal hubs highlighted herein - in building national action plans against organised crime, or when planning their individual or joint responses to the threats they face from organised crime. |
| Eurojust             | • To stimulate and improve co-ordination of investigations and prosecutions related to the OC priorities set by Council.                                                                                                                                          |
|                      | • If and where appropriate, organise workshops or tactical meetings on the fight against organised crime for certain regions identified in these conclusions or the fight against one (or more) specific facilitating factors underlined in the OCTA.                           |
| Commission (OLAF)    | • Co-operate with competent services of the Member States, Europol and Eurojust in:  
                      | o the development of an in-depth view of the involvement of organised crime in acts of fraud committed against the EU budget;                                                                                                                                             |

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9 Some of these measures were already part of the 2006 Council conclusions based on the OCTA, and have been renewed, considering they are still accurate and necessary to be taken into account, but have not been so far fully implemented by most of the MS
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| COMMISSION/EUROSTAT/ EUROPOL/EUROJUST/MS | • Follow-up work on developing a comprehensive and coherent EU strategy to measure crime (EU Action Plan 2006-2010\(^{10}\)), so that Europol can make use of relevant comparable national statistical data in drawing up the OCTA\(^{11}\)  
• Provide regular input (in particular to EUROPOL and EUROJUST) on main national trends (including statistical data) related to organised crime groups dismantled or under investigations (with regard to the type of crime, modus operandi and geographical origin of targeted OC group members) |
| EUROPOL                    | • Develop strategic threat assessments and propose counter-measures on organised crime in the fields already identified in OCTA 2007, especially where main intelligence gaps or threats can be found  
• Consider opening new AWF files, where relevant for new identified threats or modus operandi used by OC groups  
• Follow up co-operation with Frontex and national border and immigration agencies to obtain operational data that may be used by Europol to target OC groups involved in illegal immigration and THB  
• Support CEPOLE in training MS in intelligence analysis and possible technical counter-measures against OC groups |
| CEPOLE                     | • Develop standard curricula and modules to strengthen and harmonise competences for:  
  o fighting the use of technology by criminals  
  o the systematic use of financial and economic intelligence in inquiries into organised crime  
• Promote the multi-disciplinary intelligence-led law enforcement concept in the MS and awareness of EU priorities in the fight against organised crime in respect of all relevant authorities in Member States |

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\(^{10}\) See 12345/06.  
\(^{11}\) See 10180/4/05 REV 4, paragraphs 2 and 5 of the Council conclusions on intelligence-led policing and the development of the OCTA.
b) Operational measures aiming to address facilitating factors (common to all types of criminal activities)

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<td>Member States</td>
<td>• <em>use of forged and fraudulently obtained ID documents</em>: to improve safety features, and to devise and implement a system confirming and validating the document and the personal information of the bearer, for instance by double-checking through an international database</td>
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<td>• <em>use of banking/financial technologies</em>: beyond the traditional threat of counterfeit plastic cards, to focus detection and investigations on CNP (card-not-present) payments, i.e. credit card transactions carried out on the phone or on the Internet. Due to a possible increase in express and &quot;tiger-kidnapping&quot;(^{12}) aimed at immediate extortion, to devise a co-ordinated counter-strategy using modern technology, such as the introduction of &quot;emergency PINs &quot; on debit cards</td>
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<td>• <em>misuse of the transport sector</em>: to enhance, on the basis of risk analysis studies, the level of security checks on airports staff with access to restricted areas; to focus border guard and customs surveillances on small airports which routinely escape to the authorities' control, especially in respect of small planes; to consider more efficient security procedures applying to the security of the supply chain</td>
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<td>• <em>money laundering</em>: to ensure an efficient fight by implementing existing rules, including:</td>
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<td>- adequate organisational structures, training of staff</td>
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<td>- updating knowledge of modus operandi used by OC groups by taking into account more and more frequent use of Internet payment instruments to conduct anonymous global transfers and payments.</td>
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\(^{12}\) Particular modus operandi for home jacking and armed robbery : while family or relatives of the victim are taken as hostages at home, the victim is obliged to facilitate armed robbery against bank or jewellery by providing keys or security codes( if he is an employee), or more simply to give large amount of money to the perpetrators by using successively several cash machines.
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<td>-</td>
<td>adequate measures to counter the flows of criminal proceeds out of the EU, currently carried out for instance through cash couriers</td>
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<td>quick development and implementation of an effective approach to &quot;know your customer&quot; (KYC) rules and to suspicious transactions reported by all professionals participating in real estate transactions</td>
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<td>-</td>
<td>further improvements in controls over legitimate business structures (LBS) in view of their misuse in money laundering or fraud schemes (in particular when significant transfers of shares are carried out)</td>
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<td>• Ensure a multidisciplinary approach, including linguistic, technical, analytical and financial investigative skills, with regard to investigations into organised crime, also with Europol and Cepol support</td>
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<td>• Consider setting up “Technology Crime Centres”¹³ (or tasking existing entities to carry out the functions of such a centre), to enable focused targeting of the role of technology as a crime facilitator and counter-measure, as described in the OCTA, also with, to the extent possible, Commission support</td>
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<td>• Share best practices on (search for) trusted specialised linguists, in order to improve the efficiency of law enforcement agencies investigating OC groups using foreign languages or dialect</td>
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<th>Member States - / Commission</th>
<th>Increase/establish/allow for/facilitate cooperation between public and private sectors, including civil society, in particular:</th>
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<td>• cooperation between law enforcement and the transport, telecommunication and financial sectors, especially with a view to increased information exchange (e.g. deployment of security-enhancing products, common regulations regarding new technologies like VoIP)</td>
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¹³ These are to be understood as "centres of excellence focusing on the collection of data related to technical means used by criminals to facilitate criminal activities and to develop specific technical expertise".
### c) General operational measures

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| **PCTF**             | • Align COSPOL projects with the priorities as established by the Council, where appropriate in coordination with other operational activities (e.g. Baltic Sea Task Force, Frontex, joint customs operations).  
                          Besides, OC groups using violence, infiltration or corruption as counter-measures against investigation, prosecution and conviction should get higher priority levels.  
                          • Direct, guide and support COSPOL projects in order to ensure that tangible operational results will be achieved.  
                          • Ensure the appropriate coordination between the EPCTF Support Unit and the CCWP experts Group, under the supervision of the Presidency, in order to guarantee coordination between the planning and the preparation process of COSPOL projects and the customs operations. |
<p>| <strong>EUROPOL</strong>          | • Support COSPOL projects (where appropriate in co-operation with Eurojust), joint customs operations and MS investigations with operational analysis, including support capacity in joint investigation teams (JIT)                                                                 |
| <strong>EUROJUST/ MEMBER STATES</strong> | • Member States: participate in joint investigation teams related to the OC priorities set by the Council and inform Europol/Eurojust at an early stage when setting up such teams |</p>
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<td>• Eurojust: support, where appropriate, joint investigation teams related to the OC priorities set by the Council</td>
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<td>National Customs authorities(^{14})</td>
<td>• Draw up specific threat assessments from a customs point of view, related to the priorities set by the Council with a view to enhancing the knowledge about criminal phenomena and as a basis for intelligence-led actions</td>
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<td>• Organise full-scale joint customs operations and coordinate and promote regional ones related to the priorities set by the Council, where relevant in coordination with COSPOL projects</td>
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<td>• Promote the use of JITs provided for in Article 24 of the Naples II Convention</td>
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\(d)\) **Regulatory measures**

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<td>Commission</td>
<td>• Take into account the EU priorities set by the Council on the basis of the OCTA in the annual work programme of the specific funding programme on the prevention of and fight against crime</td>
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<tr>
<td>Commission / Council</td>
<td>• In the context of the review-clause and mid-term evaluation of various relevant JHA action plans, to take into account the OCTA and the priorities set by the Council.</td>
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<td>• In line with the Strategy for the external dimension of JHA, develop all available instruments (EU agreements, neighbourhood policy action plans, action oriented papers, etc) to enhance cooperation with third countries in the fight against OC and with those not complying with international standards in the fight against, <em>inter alia</em>, money laundering and corruption</td>
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\(^{14}\) See 7323/1/07 ENFOCUSTOM 28 CRIMORG 54.