



COUNCIL OF  
THE EUROPEAN UNION



## **Council conclusions on setting the EU's priorities for the fight against organised crime based on the OCTA 2009 and the ROCTA**

*2946th JUSTICE and HOME AFFAIRS Council meeting  
Luxembourg, 4 June 2009*

The Council adopted the following conclusions:

"Having regard to the Hague Programme and in particular section 2.3 thereof,

Having regard to the need for the EU to set up an architecture for its internal security<sup>1</sup> 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 prosecutions authorities would be most effective,

Taking into account the Council conclusions of 12 October 2005 on intelligence-led policing and the development of the Organised Crime Threat Assessment<sup>2</sup> (OCTA),

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<sup>1</sup> 9596/06 JAI 271 CATS 104.

<sup>2</sup> 10180/4/05 CRIMORG 56 ENFOPOL 75.

# **P R E S S**

Taking into account the Council conclusions of 4 May 2007 setting the EU priorities for the fight against organised crime based on the 2007 OCTA<sup>3</sup>,

Having regard to the Europol 2009 Organised Crime Threat Assessment<sup>4</sup>,

Having regard to the Europol 2008 Russian Organised Crime Threat Assessment report <sup>5</sup>(ROCTA),

THE COUNCIL CONCLUDES THE FOLLOWING:

General assessment of the main threats affecting the EU regarding organised crime and definition of the EU's priorities for 2009/2010 in the fight against organised crime:

1. The Council restates its conviction that the fight against organised crime (OC) 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 their international dimension or influence;
  - The level of infiltration of OC into society, for instance through its economic influence, corruption or violence;
  - The misuse of legitimate business structures and financial mechanisms for criminal purposes such as the laundering of the proceeds of crime;
  - The misuse of modern technology by OC groups (OCGs).
2. Besides the main types of crime and the typology of the main OCGs, the OCTA 2009 and the ROCTA illustrate the following trends:
  - The increasing share of non-EU based OCGs in criminal activities carried out within the EU;
  - The role of the EU as a long term investment area for external OCGs, as investments in Western Europe provide more stability and increase in value;
  - The threat of transit zone and criminal hubs in West Africa (in particular for drug trafficking and trafficking in human beings (THB)), moving towards a real new West African criminal hub;
  - The increasing number of crimes against persons (in particular the use of systematic violence in order to intimidate local communities);
  - The possible impact of the economic crisis on OC criminal activities such as THB, money laundering, labour exploitation, fraud, and the penetration of the legitimate economy.

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<sup>3</sup> 7547/2/07 CRIMORG 57 REV 2.

<sup>4</sup> 8061/09 CRIMORG 47.

<sup>5</sup> 15819/08 CRIMORG 197 ENFOPOL 244.

3. As in previous years, the OCTA has divided EU territory into five geographical hubs, but the 2009 OCTA reports that interchanges between the various criminal hubs have occurred.
4. Consequently, the Council finds that based in particular on the OCTA 2009 and the 2008 ROCTA, the following criminal markets should be EU priorities in the fight against organised crime for 2009/2010:
  - Drug trafficking, especially using the West and Central African route ( including drugs from Latin America and Caribbean), for storage and transit, but also processing, trading and/or production;
  - Trafficking in human beings ( including from Africa) , especially for the purpose of sexual exploitation
  - Fraud, corruption and money laundering, as well as other activities related to the presence of OCGs in the economy, especially if they seriously distort legal competition or lead to an increase of criminals' influence in the political, economic and judicial sphere. The latter danger is especially present in connection with Russian-speaking OCGs.
5. These three forms of crime involve a large number of Member States, harming EU safety and security interests as a whole. They also imply the use of internal violence (against victims or between rival OCGs) and external violence (against local communities).
6. The Council supports the criminal hubs approach set out in the OCTA and stresses the importance of international and regional cooperation to disrupt criminal activities and dismantle criminal groups fed by or rooted in the criminal hubs. This is valid both for the Member States where the criminal hub is established and for those that are affected by it.
7. The Council also encourages to further develop and improve the organised crime group typology concept set out by the OCTA, as this could be a significant step forward to proactively target those OCG that pose the biggest threat to the EU.
8. Taking note of the fact that the OCTA 2009 also underlines that most of the general counter-measures adopted in the 2007 Council conclusions based on the OCTA are still valid, the Council stresses the need to implement measures to address facilitating factors (the use of forged or fraudulently obtained ID documents, the use of banking/ financial technologies, misuse of the transport sector) and the need to increase a preventive and administrative approach, and cooperation between the public and private sectors, including civil society.

9. The priorities set by these conclusions need to be combined with the priorities set, inter alia, in crime areas others than organised crime at national level, as well as those set in response to previous and other Council conclusions and/or action plans. This is of particular relevance – due to the main priorities chosen for 2009 – for the EU Action Plan on Drugs, the Action Plan on Trafficking in Human Beings, the multi-annual planning of the operational activities of customs administrations, and, more generally, for all initiatives aimed at improving the exchange of information within the EU.

#### Implementation of EU priorities

10. EU priorities in the fight against organised crime can only be implemented by the national authorities of the Member States, with the necessary support of EU bodies and the relevant agencies, which also have to coordinate their actions. The Council therefore stresses that it is important that the Member States allocate sufficient and relevant national resources to international cooperation and that other national priorities are adopted accordingly.
11. To that end, the Council finds it essential that the OCTA, the ROCTA and these Council conclusions are seen as a strategic input into national intelligence cycles, alongside nationally-oriented organised crime threat assessments, so that the national priorities set by Member States fully incorporate the abovementioned priorities. The OCTA, ROCTA and these Council conclusions may not be regarded as an unrelated and separate task which has to be complied with. Moreover, the ROCTA shall be taken into account while developing mutual law enforcement operational cooperation with the Russian Federation and other related third parties.

#### Methodology

12. Member States, the relevant Council working parties, the Commission and relevant EU agencies will therefore be invited to provide to the Presidency, by 30 October 2010, using a standardised format provided by the Council Secretariat, a report on their implementation of these priorities. On that basis, the Presidency, in association with the Commission, will draft a report on the EU-wide implementation of the priorities and submit it to the Council by 30 December 2010. On the basis of that report, the Council will consider whether there is an urgent need for action which requires an adaptation of the priorities for 2010.
13. Member States and other relevant stakeholders (Eurojust, Frontex, OLAF, ECB, SitCen, etc.) are invited to contribute to the drafting of the next OCTA by sending the requested information to Europol by 1 November 2010. With a view to a more standardised way of contributing, the Member States and other relevant stakeholders should be more actively involved - and their contributions duly taken into account - in the drafting of the intelligence requirement by Europol. To that end, the various national systems for collecting law enforcement data should also be examined.  
In order to make the OCTA operationally usable, it has to be made more concrete, to allow precise counter-measures and priorities. The latter has to be directed against determined criminal structures, specific types of crimes or as co-ordinated regions.

14. Europol is invited to submit updates of the OCTA (and, if needed, of the ROCTA) by 30 March 2011.
15. The next Council conclusions of this kind will be adopted in 2011, on the basis of the two reports. In the intervening year (2010), Europol will report to the Council on whether the main findings of the 2009 OCTA are still valid.

Measures to implement the 2009 EU priorities for the fight against organised crime

16. All relevant EU bodies, agencies and working groups must take account of the priorities set by the Council in these conclusions and reflect them in their strategic and available operational planning, working programmes, budgets, annual reporting and external relations. In particular, Member States, the relevant Council working parties, the Commission and the relevant EU agencies should carry out the tasks set out below.
17. General counter-measures common to the priorities:

For the Commission:

- In line with the strategy for the external dimension of JHA: (i) integrate into all available instruments (EU agreements, neighbourhood policy AP, action oriented papers, Troika with concerned third States, funding programmes) EU concerns on the abovementioned types of crime; (ii) use such instruments and fora to underline current dysfunctions and promote improvements in international law enforcement / judicial cooperation on concrete criminal cases.

For the Commission/ Council

- Follow up work on developing a comprehensive and coherent EU strategy to measure crime (EU Action Plan 2006-2010<sup>6</sup>), and more generally work on the definition of comprehensive and accurate data collection, so that comparable national statistical data can be available to draw up future OCTAs, and allow the Member States and EU bodies to measure the relevance of these priorities and the impact of counter-measures decided;

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<sup>6</sup> See 12345/06.

- Facilitate and support co-operation of relevant EU bodies (like Europol, Eurojust) as well as interested Member States, with third states in order to address threats posed by the Russian speaking organised crime, as described by ROCTA and OCTA. Joint EU-Russian priorities based on these reports involving, if appropriate, also other interested third parties, should be considered and endorsed at the high level meetings such as JHA -ministers Permanent Partnership Council (PPC) meetings.
- Include, where appropriate, the financial aspects of organised crime (particularly asset tracing, asset recovery and measures against misuse of legal businesses for criminal purposes, administrative measures such as revoking or refusing to issue permits, grants or providing contracts) when drafting new legislation, strategies and action plans in the field of justice and home affairs.

#### *For the Council*

- Take account of the increasing, expanding and deepening threat presented by the exploitation of West and Central African States by the international drugs business and present a multi-faceted approach to it via the different EU policies related to this area.
- Support concrete mutual use of Liaison Officers of the Member States posted in third countries and promote guidelines for the creation of new platforms of LOs in the targeted regions or third states.
- Organise meeting between senior law enforcement representatives of Russia -and other relevant third countries- and interested Member States in order to discuss and endorse joint law enforcement operations in line with the priorities established by the Council

#### *For EUROJUST*

- Continue developing cooperation with third parties, including the Russian Federation, in order to address current difficulties in the field of judicial cooperation
- If and where appropriate, organise seminars, strategic or tactical meetings on the fight against OC for certain regions identified in these Council conclusions;
- Support international operational cooperation, including through mutual legal assistance and joint investigation teams (JITs) related to concerned OC priorities set by the Council.

#### *For PCTF*

- Align COSPOL projects with the priorities established by the Council, where appropriate in coordination with other operational activities (e.g. Baltic Sea Task Force, Frontex, joint customs operations) with a view to obtaining tangible operational results.

For Customs authorities

- Organise full-scale joint customs operations and coordinate and promote general ones related to the priorities set by the Council, where relevant in coordination with COSPOL projects;
- Make use of the criminal record file "FIDE" to systematically coordinate investigations
- Promote the use of JITs provided for in Article 24 of the Naples II Convention.

For EUROPOL:

- Follow up cooperation with Frontex and national borders and immigration agencies to obtain operational data that may be used by Europol and the Member States to target OCG involved in illegal immigration and THB;
- Support COSPOL projects (where appropriate in cooperation with Eurojust), joint customs operations and Member States' investigations with analysis, including support capacity in joint investigation teams (JIT);
- Develop cooperation with third parties, particularly with the Russian Federation, with a view, subject to the existence of an appropriate level of data protection, to concluding operational agreements that would facilitate proper exchanges of information.
- Elaborate more detailed and concrete sub-products of OCTA to enable national law enforcement agencies to direct effective and concrete measures against criminal structures, specific types of crime or to co-ordinated regional actions

For CEPOL

- Develop standard curricula and modules to: (i) strengthen and harmonise competence to fight the use of new technologies and misuse of the private sector (including financial institutions) by OCG activities in the field of THB, drug trafficking and financial crimes; (ii) promote the multi-disciplinary intelligence-led law enforcement concept in the Member States and awareness of EU priorities in the fight against OC;
- Support in training Member States in intelligence analysis and possible technical counter measures against OCG specialised in THB and drug trafficking;

The abovementioned stakeholders are also invited to support, as far as possible, the Member States undertaking the specific counter-measures listed below.

18. Specific counter-measures for the Member States to confront drug trafficking ( including drugs from South America and Caribbean) using the West and Central African route:

- To provide regular input (in particular to Europol ) on main national trends (including statistical data) related to OCGs dismantled or under investigation for drug trafficking in connection with West Africa (with regard to the type of narcotic and drug, the degree of purity, the modus operandi and the geographical origin of the targeted OCGs);
- To step up efforts to implement the Council Conclusions of 28 November 2008 to reinforce the law enforcement action of the EU Member States in the fight against drug trafficking in West Africa
- To create, where needed and possible, Joint Investigation Teams - or mirror investigations- on that type of crime, and inform Europol/Eurojust at an early stage when setting up such teams. Where possible, to invite Europol/Eurojust to participate in JIT, and / or inform them of the results of their work.
- To make full and coordinated use of intelligence and information provided on the spot by national law enforcement Liaison Officers;
- To speed up the implementation of instruments on mutualisation of LOs and current work within the Council on “leading countries”;
- To consider sending new LOs to the West African region;
- To join or contribute to dedicated platforms which already exist, such as MAOC-N and CECLAD;
- On the basis of risk analysis studies, to enhance the level of security checks and customs surveillance at small airports which routinely escape the authorities’ control, especially in respect of small planes (or small boats in harbours).

19. Specific counter-measures for Member States to cope with trafficking in human beings (including from Africa and for the purpose of sexual exploitation)

- Participate, when needed, in JITs - or mirror investigations-related to THB and inform Europol/Eurojust at an early stage when setting up JIT. Where possible, to invite Europol/Eurojust to participate in such teams, and inform them of the results of their work;
- To provide regular input (in particular to Europol ) on main national trends (including statistical data) related to OCGs dismantled or under investigation for THB (with regard to the purpose of exploitation, the modus operandi and the geographical origin of targeted OCGs and victims);
- To pay particular attention to “facilitating factors” in targeted EU Member States, such as misuse of the private sector both to recruit potential victims and to disguise illegal activities, especially sexual exploitation;
- To improve safety features of ID documents and to implement a system confirming and validating the document and the personal information of the bearer.

20. Specific counter-measures for Member States to cope with financial crime, in particular in connection with Russian-speaking OCGs

- To give high priority to the surveillance and detection of money laundering and investments by external OCGs in the EU, and more generally to financial aspects, including asset recovery, of the investigation of OCGs;
- To raise awareness, especially among the judiciary, about the means available for use against the financial wealth of OCGs, such as confiscation or asset freezing;
- To develop close cooperation between financial intelligence units (FIUs), law-enforcement and fiscal authorities, including common training and temporary exchanges of staff;
- To develop common curricula and mutual training schemes for representatives of Member States and third states in order to exchange knowledge on serious finance-related crimes, in particular in relation to the Russian speaking organised crime
- To further develop the establishment of and the cooperation between national Asset Recovery Offices;
- To give full support to the Fifth Round of Mutual Evaluations related to financial crime and financial investigations
- To enhance cooperation between law enforcement and key players representing main economic sectors (bank associations, stock exchange, transport, real estate etc.) in order to identify and address strategic threats from OC;
- To enhance means of witness protection in the event of financial crimes;
- To make full and coordinated use of the already existing network of EU Liaison Officers in Moscow and consider staffing additional resources in the region, in particular in neighbouring countries such as Ukraine and Belarus."