



**COUNCIL OF
THE EUROPEAN UNION**

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"A" ITEM NOTE

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| from: | General Secretariat |
| to: | Council |
| No. prev. doc. | 8710/13 JAI 307 COSI 38 ENFOPOL 118 CRIMORG 67 ENFOCUSTOM 75 PESC 440 RELEX 313 11050/11 JAI 396 COSI 46 ENFOPOL 184 CRIMORG 81 ENFOCUSTOM 52 PESC 718 RELEX 603 |
| Subject: | Draft Council conclusions on setting the EU's priorities for the fight against serious and organised crime between 2014 and 2017 |

1. The 2013-2017 EU policy cycle for organised and serious international crime¹ requires that the Standing Committee on operational cooperation on internal security (COSI) and the Commission produce a Policy Advisory Document (PAD) on the basis of the 2013 EU Serious and Organised Crime Threat Assessment (SOCTA). The draft PAD², which was produced by the Presidency together with the Commission, builds upon the executive summary of the EU SOCTA 2013³ and aims to prepare the draft Council conclusions setting the EU's new priorities for the fight against serious and organised crime between 2014 to 2017.

¹ doc. 15358/11

² doc. 8453/13

³ doc. 7368/13 + COR 1

2. At its meeting on 17 April 2013 COSI discussed the draft Council Conclusions as set out in annex and agreed to submit them to COREPER/Council for approval.
 3. At its meeting on 24 May 2013, COREPER agreed to the above-mentioned draft Council conclusions as set out in annex and decided to submit them to Council for approval as an "A" item.
 4. On that basis, Council is invited to approve the draft Council conclusions set out in annex.
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DRAFT
COUNCIL CONCLUSIONS ON SETTING THE EU'S PRIORITIES FOR THE FIGHT
AGAINST SERIOUS AND ORGANISED CRIME BETWEEN 2014 AND 2017

THE COUNCIL OF THE EUROPEAN UNION

HAVING REGARD TO the Council conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime (EU policy cycle),⁴ which establish a multi-annual policy cycle and clear methodology for setting, implementing and evaluating priorities in the fight against organised and serious international crime,

RECALLING that an initial and reduced policy cycle was and is being implemented between 2011 and 2013 on the basis of the EU crime priorities agreed by Council on 9-10 June 2011⁵,

RECOGNISING the importance of the measures which Member States together with JHA Agencies have taken to implement this Policy Cycle, notably within the framework of the Operational Action Plans (OAPs) which have contributed to the fight against organised crime,

REFERRING to the experiences learnt from the implementation of this cycle which have been integrated in the preparations for the fully fledged 4 year policy cycle,

STRESSING the need to capitalise on the results of the first Policy Cycle when implementing the new policy cycle,

⁴ doc. 15358/10 COSI 69 ENFOPOL 298 CRIMORG 185 ENFOCUSTOM 94

⁵ doc. 11050/11 JAI 396 COSI 46 ENFOPOL 184 CRIMORG 81 ENFOCUSTOM 52 PESC 718 RELEX 603

TAKING NOTE OF the priorities and tasks in the fight against serious and organised crime that were set out in strategic documents, such as the Stockholm Programme,⁶ the Internal Security Strategy,⁷ the Commission communication on the Internal Security Strategy in Action⁸ and subsequent Commission reports on the implementation of this Communication, the Council conclusions on the Commission communication on the European Union internal security strategy in action,⁹ the European Pact to combat international drug trafficking – disrupting cocaine and heroin routes,¹⁰ European pact against synthetic drugs¹¹, "Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace"¹², the EU Action on Migratory Pressures¹³, the Frontex Annual Risk Analysis (2012 edition), the EU Drugs Strategy 2013-2020¹⁴, the draft EU Action Plan on Drugs 2013-2016¹⁵ and the EU Strategy towards the Eradication of Trafficking in Human Beings 2012 - 2016¹⁶ (11780/12), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and the Court of Auditors on the Commission Anti-Fraud Strategy (SEC 2011 791 final),

STRESSING that the present Council priorities and the EU policy cycle must remain consistent with the actions to implement the above strategic documents,

⁶ OJ C 115, 4.5.2010, p. 1

⁷ doc. 7120/10 JAI CO EUR-PREP 8 JAI 182

⁸ doc. 16797/10 JAI 990

⁹ doc. 6699/11 JAI 124

¹⁰ doc. 8821/10 JAI 320 COSI 20 CORDROGUE 40 CRIMORG 79 JAIEX 39

¹¹ doc. 15544/11 JAI 740 COSI 82 CORDROGUE 66 ENFOPOL 360 CRIMORG 184 JAIEX 111 UD 261

¹² doc. 6225/13 POLGEN 17 JAI 87 TELECOM 20 PROCIV 20 CSC 10 CIS 4 RELEX 115 JAIEX 14 RECH 36 COMPET 83 IND 35 COTER 17 ENFOPOL 34 DROIPEN 13 CYBER 1

¹³ doc. 9650/12 MIGR 45 FRONT 67 COSI 25 COMIX 288, doc. 6443/13 MIGR 17 FRONT 12 COSI 15 COMIX 102

¹⁴ doc. 17547/12 JAI 901 CORDROGUE 101 SAN 324 JAIEX 124

¹⁵ doc. 5418/1/13 REV 1 CORDROGUE 5 SAN 18 ENFOPOL 12 RELEX 42

¹⁶ doc. 11780/12 JAI 465 GENVAL 43 COSI 53 ENFOPOL 208 JAIEX 48 RELEX 589 EUROJUST 58

HIGHLIGHTING the importance of setting clear priorities for the fight against serious and organised crime that can be realistically implemented at European and, where relevant, national or regional level against agreed Multi-Annual Strategic Plans and via EU annual Operational Action Plans,

EMPHASIZING the need when implementing these priorities to take into account the geographical dimension of organised crime relating to regions such as West Africa and the Western Balkans,

RECALLING that one of the key elements in the success of the policy cycle is the engagement of all actors involved and the need for Member States to ensure a real follow-up with operational commitment, including of resources, and the appointment of competent drivers and other experts,

UNDERSCORING that national competent authorities, including, where relevant, the police, border guard, customs, judicial and administrative authorities, the Commission and other EU institutions and agencies must cooperate very closely in implementing the present priorities and aim to strike a balance between prevention and tackling the consequences of threats to EU internal security posed by organised crime,

HIGHLIGHTING the importance of effective national coordination between relevant authorities,

CONSIDERING the importance of training and awareness raising regarding the Policy Cycle and the EU crime priorities in Member States, EU Institutions and Agencies,

STRESSING that the external dimension of internal security and cooperation with third countries and relevant International Organisations ought to be taken into account in implementing the Council priorities and the EU policy cycle, notably by improving operational law enforcement cooperation with such partners and by helping to strengthen the operational capacity of third countries' law enforcement authorities,

RECOGNISING the links between a robust and thriving economy and confidence in the internal security arrangements of the EU and its Member States,

CONSIDERING Europol's analysis and recommendations formulated in the EU SOCTA 2013 in accordance with actions 26 and 27 of the policy cycle and the SOCTA Methodology established by COSI on 19 June 2012¹⁷,

NOTING that all actors involved must retain a margin of flexibility to address unexpected or emerging threats to EU internal security, in particular regarding environmental crime and energy fraud,

ACKNOWLEDGING the need to obtain adequate funding under the future Internal Security Fund,

WELCOMING the measures taken by Europol and Cefpol to support the implementation of the policy cycle,

THE COUNCIL sets the following priorities, in no particular order, for the fight against serious and organised crime between 2014 and 2017:

- To disrupt OCGs involved in facilitation of illegal immigration operating in the source countries, at the main entry points to the EU on the main routes and, where evidence based, on alternative channels. To reduce Organised Crime Groups' (OCGs) abuse of legal channels for migration including the use of fraudulent documents as a means of facilitating illegal immigration.

¹⁷ doc. 12159/12 COSI 59 ENFOPOL 219 CRIMORG 88 ENFOCUSTOM 72

- To disrupt OCGs involved in intra-EU human trafficking and human trafficking from the most prevalent external source countries for the purposes of labour exploitation and sexual exploitation ; including those groups using Legal Business Structures to facilitate or disguise their criminal activities.
- To disrupt OCGs involved in the production and distribution of counterfeit goods violating health, safety and food regulations and those producing sub-standard goods.
- To disrupt the capacity of OCGs and specialists involved in excise fraud and Missing Trader Intra Community MTIC fraud.
- To reduce the production of synthetic drugs in the EU and to disrupt the OCGs involved in synthetic drugs trafficking.
- To reduce cocaine and heroin trafficking to the EU and to disrupt the OCGs facilitating the distribution in the EU.
- To combat cybercrimes committed by OCGs and generating large criminal profits such as on-line and payment card fraud, cybercrimes which cause serious harm to their victims such as online Child Sexual Exploitation, and cyber-attacks which affect critical infrastructure and information systems in the EU.
- To reduce the risk of firearms to the citizen including combating illicit trafficking in firearms.
- To combat organised property crime committed by Mobile Organised Crime Groups.

ENCOURAGES Member States to consider taking the following issues into account when drafting the MASPs and OAPs:

- regional dimension issues relating for example to the Western Balkans and West Africa,
- disrupting OCGs involved in money laundering,
- asset recovery,
- where relevant, focusing on network based OCGs such as Mafia-style OCG's or outlaw motorcycle gangs when tackling all forms of serious and organised crime,
- the growing tendency of OCGs towards poly crimes.

INSTRUCTS COSI, within its mandate¹⁸ and as specified in the Council conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime, to coordinate, support, monitor and evaluate, as set out in the EU policy cycle, the implementation of Multi-Annual Strategic Plans (MASPs) and annual Operational Action Plans (OAPs) for each priority.

COSI must ensure consistency in the implementation of operational actions necessary to strengthen internal security within the Union, including effective cooperation between the relevant national authorities and between the EU agencies. In particular, it must ensure that the MASPs that COSI is due to adopt, and the annual OAPs that COSI is due to validate, on the basis of crime priorities hereby established by the Council remain consistent with the implementation of the Internal Security Strategy. COSI must also liaise with the relevant Council preparatory bodies to ensure that the implementation of these crime priorities is coordinated with other policy areas, particularly in the Union's external action,

¹⁸ OJ L 52, 3.3.2010, p. 50

INVITES all Council preparatory bodies, with due regard for the provisions of the Treaties, to take these priorities into account in their respective policy fields,

INVITES the Commission, Member States, JHA Agencies and the European External Action Service to consider all financing possibilities to effectively support the activities agreed upon within the EU policy cycle, including, where appropriate Article 58(1)(c) of Regulation (EU, EURATOM) No. 966/2012, to ensure the timely and efficient delivery of the activities and projects,

APPEALS TO Member States to actively use, in addition to the traditional criminal justice-based approach, alternative and complementary approaches and instruments to fight serious and organised crime,¹⁹

INVITES Member States, EU Institutions and JHA Agencies to commit the necessary resources, wherever relevant, to implement this policy cycle and ensure coordination between the policy and operational levels.

¹⁹ The Complementary approaches and actions to prevent and combat organised crime: A collection of good practice examples from EU Member States (doc. 10899/11 JAI 380 COSI 44 CRIMORG 77 ENFOPOL 179), compiled by the Hungarian Presidency, lists a number of best practices to prevent and combat organised crime