



Council of the
European Union

Brussels, 13 April 2016
(OR. en)

7728/16

JAI 267
GENVAL 43
DROIPEN 66
COPEN 102
CATS 19
COSI 56
CRIMORG 25
ENFOPOL 94

NOTE

From: Presidency
To: Delegations

Subject: Report of the conference "Working apart together on the administrative approach to prevent and tackle crime"

Delegations will find in the Annex a report by the Presidency of the conference "Working apart together on the administrative approach to prevent and tackle crime", which was held in Amsterdam on 21-22 March 2016.

PRESIDENCY REPORT

of the conference "Working apart together on the administrative approach to prevent and tackle crime" (21-22 March 2016, Europe Building, Amsterdam)

Introduction

On 21 and 22 of March 2016, representatives of the EU Member States, the European Commission, the Council Secretariat, Europol, the European Union Crime Prevention Network (EUCPN) and the European forum for urban security (Efus) took part in the conference "Working apart together". The conference was organised within the framework of the Netherlands Presidency of the Council the European Union with the aim to give insight in the way administrative measures are or can be applied in Member States, additional to actions under criminal law, to prevent and tackle serious and organised crime. The conference also addressed what further EU actions are desired to improve cooperation between Member States in cross border cases. This report gives a broad outline of both the presentations held at the conference as well as the plenary conference conclusions.

Highlighting some moments of the conference Working apart together

- The conference was opened by the Netherlands Minister of Security and Justice, Mr Ard van der Steur. He underlined the importance to tackle (organised) crime not only with actions under criminal law, but to use a multidisciplinary approach involving all necessary (governmental) organisations including local or regional administrative authorities. He named some of the administrative measures, such as screening instruments and the closing of premises. He wished for a fruitful conference with insightful plenary speeches and examples and meaningful workshops on the development of the administrative approach within the European Union.
- Ms. Gago, head of the Organised Crime Unit of the European Commission, expressed the importance of the administrative approach as part of the preventing strategies in the area of freedom, security and justice. According to Ms. Gago the administrative approach has lots of potential, but there is still a lot to be done. First and foremost: Member States need to adapt the administrative approach and take care of practical implementation. This ambition has been laid down in the European agenda on security. Furthermore the Commission expressed its financial support to the secretariat of the Informal Network on the administrative approach and operational operational cross border initiatives between Member States in the domain of the administrative approach.

- Professor emeritus Fijnaut described how the administrative approach had a substantial history in Europe already and stressed the importance of cross-border cooperation between Member States and within the EU networks.
- Dr. Van Laarhoven, Secretary-General of the Benelux Secretariat, explained how Benelux cooperation to tackle crime related to Outlaw Motorcycle Gangs in the Euregion Meuse-Rhine serves as a showcase for opportunities and difficulties in sharing information for administrative purposes. He presented the report ‘Tackling Crime Together’, that was created on request of the ministers of the involved countries (NL, BE and DE) to share best practices and identify ways to improve the cross border cooperation, including the need to establish a pilot to introduce an international intelligence and expertise centre in the Euregion Meuse-Rhine.
- Mr. Dries, Mayor of Genk, Belgium, showed how the Commission ISEC funded Genk project had successfully contributed to strengthen the role of the local government in Belgium to prevent criminals from misusing local legal infrastructure and services. He specified the importance to be able to use different sources of information and the (administrative) enforcement actions that were developed.
- Mr. Van der Laan, Mayor of Amsterdam, the Netherlands, pointed out the big numbers of foreign investors in Amsterdam and other big cities and the difficulty to get insight in them. He therefore emphasized the importance of screening and the fact that information exchange at an European level for administrative purposes is needed and urgent.
- Professor Spapens and professor Van Daele presented the outcomes and recommendations of the Commission ISEC funded study ‘Administrative measures to prevent and tackle crime’. Prof. Spapens explained the potential for the administrative approach in the ten Member States that were researched, since in all ten states to a certain extent a practice with administrative measures exists. Subsequently prof. Van Daele explained the legal challenges in cross border cases and at the EU level and gave specific judicial recommendations.
- Different interesting insights in the approach to prevent and tackle crime at the local and regional level in Czech Republic and Italy, making use of administrative measures, were presented by mr. Jabureck, mr. Valentini and mr. Nobili. They all underlined the important role of local or regional administrative authorities to prevent network based organised crime groups (such as Mafia) from infiltrating in the legal infrastructure but also ways to re-use confiscated assets from criminals for local society.

Conclusions of the conference Working apart together

The following plenary conference conclusions were drawn based on the plenary presentations and the plenary panel discussion on day 2, which reflects the outcomes of the workshop sessions:

- 1) A definition of the administrative approach:
 - a. Ranges from prevention by denying criminals the use of the legal infrastructure of states and local communities up to coordinated interventions in order to disrupt and repress serious and organised crime;
 - b. Relates to the application of different administrative mechanism: from screening of applicants for permits, tenders and subsidies to the closing of premises when public order problems occur related to crime.
- 2) This means local and regional administrative authorities:
 - a. Are essential and effective partners in multi-agency intervention strategies;
 - b. Are not a substitute or competitors to law enforcement agencies but compliment each other and are mutually interdependent;
 - c. Should intensify cooperation with enforcement agencies at local, regional, national and EU level.
- 3) There was also broad support for the conclusions indicating that:
 - a. Local authorities and their administrative powers have to play an essential role in EU strategies and actions dealing with organised crime;
 - b. It is important to improve and further professionalize the current EU structure for sharing information and best practices on the administrative approach;
 - c. Optimal use should be made of EU agencies and networks, such as Europol, Eurojust, EUCPN and Efus.
- 4) Actions and developments at the different levels are very important to strengthen the administrative approach within the EU. This includes projects and initiatives from local and regional administrative authorities in EU Member states, such as the ones in the city of Brno (Czech Republic) and the Emilia-Romagna region in Italy. The Benelux and Euregion Meuse-Rhine make up a natural biotope for innovations in police, judicial and administrative cooperation, as demonstrated by the Benelux and North Rhine-Westphalia initiative on the administrative approach to OMCG's and the ISEC funded project in the city of Genk.

- 5) With a view to the future of multi-agency cooperation at the different levels in the Euregions and at the EU level, it is essential to:
- a. Allow the exchange of police information for administrative purposes and vice versa in cross border cases;
 - b. Establish mechanisms to exchange information and expertise, including on administrative measures, making use of existing structures and EU agencies
 - c. Explore ways to establish a European multi-agency platform (a pilot with an Euregional Information and Expertise Centre in the Meuse-Rhineregion could serve as a showcase).
 - d. Look into possibilities to revise and extend current EU instruments for the purpose of information exchange for administrative purposes.
-