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EPP Group Position Paper on

# HOW TO COMBAT ORGANISED CRIME IN THE EUROPEAN UNION

13 September 2022

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## INTRODUCTION

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Organised crime is a major threat to the internal security of the European Union and to the safety of our citizens. Widespread criminality erodes trust in societies and authorities and hinders honest people's everyday life. It is a threat to our internal market, free enterprise and economic growth. It furthermore causes financial damage to the Union and its Member States and thereby threatens to heavily disrupt the rule of law and, consequently, the functioning of our democracies.

According to Europol's latest Serious and Organised Crime Threat Assessment, SOCTA<sup>1</sup>, more than seventy percent of criminal networks are active in more than three countries. Moreover, the violence used by criminal networks has increased in frequency and severity, with an indifference to the harm caused to innocent bystanders. Europol underlines that organised crime within the EU has never posed such a major threat to citizens and our societies as it does today. Organised crime is indeed a cross-border issue and a common European concern.

If we are to be successful in combating organised crime and disrupt criminal networks (including gangs, mafia, family-clans, theft leagues and burglars), we need to cooperate more effectively, both within the EU and with international partners as well as the public and private sector, where relevant, with a clear and bold approach. A common understanding of the threat of organised crime and linked phenomena as well as counterstrategies is vital to the successful fight against organised crime. In this sense, the Council Framework Decision 2008/841/JHA on the fight against organised crime should be revised with a view to establishing a common definition of organised crime.

Six out of ten criminal networks use violence as part of their criminal business. The violence is mainly attributed to the drug trade, with forty percent of criminal networks involved in the smuggling, manufacturing and selling of illegal substances. Sixty percent of the world's heroin is placed on the European market. The drug market sustains a multi-billion euro underground economy. Some Member States, for example the Netherlands, are both top drug-producing countries and major drug import and distribution points for the EU market as a whole, as drug users are found throughout the EU. Therefore, combatting drug trade is a

cross-border issue for which Member States have a shared responsibility and need EU coordination.

Trafficking of human beings, whether for sexual exploitation, labour exploitation or organ donation, is at the core of the organised crime business, with huge profits to be made by enterprising criminals. A multi-layered approach of following the money, intelligent data gathering and sharing and a zero tolerance criminal code must be at the heart of our efforts to end this form of modern day slavery.

This also shines a light on the severe issue of corruption at all levels of society in our Union. A recent study estimates that 60 percent of criminal networks engage in corruption<sup>2</sup>. Corruption makes it possible for criminal networks to gain information or access to or infiltrate ports and airports and to pass border crossing points to smuggle drugs, weapons or people into the European Union. It does not only threaten the internal security of the Union, but also the rule of law.

While the freedom of movement is one of the greatest achievements of European cooperation, the open borders are also taken advantage of by criminal networks for cross-border criminal activities. To safeguard the freedom of movement across the Union, it is therefore crucial to address the problem of cross-border organised crime more effectively.

More than fifty percent of the suspected members of criminal networks in the EU are non-EU nationals, a majority of which originate in the Western Balkans, Eastern European countries and North Africa. This confirms that cooperation with third countries must improve in order to combat organised crime at its origin, and ensure the effective removal of third-country nationals posing a threat to the internal security of the Union.

The EPP Group is the only political force in the European Parliament that can deliver on a horizontal and multidisciplinary approach to combat organised crime and provide security for our citizens.

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<sup>1</sup> Europol (2021), 'European Union Serious and Organised Crime Threat Assessment 2021', accessed: <https://www.europol.europa.eu/publication-events/main-reports/european-union-serious-and-organised-crime-threat-assessment-socta-2021>

<sup>2</sup> European Parliament (2021) 'Impact of Organised Crime on the EU's Financial Interests', accessed: [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/697019/IPOL\\_STU\(2021\)697019\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/697019/IPOL_STU(2021)697019_EN.pdf).

## A CLEAR AND BOLD APPROACH TO COMBAT ORGANISED CRIME

### ‘FOLLOW THE MONEY’

The primary motivation behind almost all forms of organised crime is financial gain. As such, a key component of the policy to combat organised crime must be to ensure that crime does not pay. Currently, however, only about two percent of proceeds from organised crime are frozen and one percent are confiscated, thus leaving 99 % of the proceeds at the disposal of crime bosses across Europe<sup>3</sup>. This is partially due to the limited access to information regarding financial interests and economic owners as well as the limited cross-border exchange of information. Criminals have also been able to exploit the fragmentation in the application of EU Anti-Money Laundering rules between Member States. Therefore, **law enforcement authorities and tax authorities must be equipped with better operational and investigative tools to ‘follow the money’ and swiftly confiscate profits from illegal activities.** Decisive actions to recover funds, including through preventive and value-based seizure, can deter organised criminal networks from committing fraud against the Union and its Member States, thereby protecting its financial interest. Furthermore, a strong coordination mechanism between financial intelligence units in the EU must be developed, with an aim towards more common EU rules and full implementation of the EU rules on mutual recognition of the confiscation and seizure of criminal assets.

Certain types of family-based organised crime come along with social benefit fraud in high numbers. High wealth and the possession of real estate, luxury cars and other assets may exist within the same clan structure or family, where members also claim social welfare. **In such investigations, and with the identification of unexplained high wealth with the family or clan structure, the burden of proof should generally lie with the suspects.**

‘Following the money’ will also have to entail the targeting of the leadership of criminal networks as well as those financially benefitting from corruption, which allow criminal networks to use smuggling routes to and within the EU. **Disrupting the financial gains of crime should be a priority.**

It is evident that criminal networks use var-

ious measures to launder money or hide their illegal activities behind the operation of legal business entities. The Anti-Money Laundering Package, proposed in July 2021, includes the proposal for a new Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) Regulation and a sixth AML/CFT Directive, and the establishment of the new Anti-Money Laundering Authority (AMLA). Europe’s reputation has suffered in recent years due to a number of high-profile money laundering scandals. It has become clear that asset tracing with a view to detecting cases in which assets have been purchased with ‘dirty’ money remains “challenging” despite multiple revisions of the AML legislation. It is still unclear how funds of unclear origin could be used for purchases of significant assets across the EU. Significant improvements in the tracing of the ultimate beneficial owner(s) of companies, high value assets and real estate are needed, as well as better enforcement of checks on the legality of funds used and customer due diligence. **Therefore, the EPP Group calls on the swift and full implementation of the AML-package, including the swift adoption of the legislative proposals, in order to address the shortcomings of the current legislation and to strengthen the functioning AML-framework in practice.**

Organised criminal networks consciously misuse legal administrative infrastructure, such as licensing or tender procedures, to further their illegal activities. Given the lack of cross-border information exchanges between relevant administrative authorities and the inconsistent application of AML rules across the Union, criminal groups can relocate their activities between Member States with relative ease and avoid prosecution. Therefore, **the EPP Group calls for increased cross-border cooperation of administrative authorities to prevent and combat infiltration in the legal economy by organised crime** next to the already existing law enforcement and judicial cooperation between Member States.

A full and public beneficial ownership register would prevent the illegal use of legal entities<sup>4</sup>. **The EPP Group supports the Commission proposal of July 2021 to create**

<sup>3</sup> European Commission (2020) ‘Asset Recovery and Confiscation: Ensuring that Crimes Does Not Pay’, p. 2

<sup>4</sup> Transparency International (2020), ‘The EU must revamp its approach to asset recovery if it is serious about fighting corruption and money laundering’, accessed: [https://transparency.eu/wp-content/uploads/2020/08/Asset\\_recovery\\_policy\\_brief.pdf](https://transparency.eu/wp-content/uploads/2020/08/Asset_recovery_policy_brief.pdf)

**an EU AML/CFT Authority. The EPP Group demands that the future AMLA provides assistance to the national supervisory authorities to improve cross-border cooperation and exchange of data, thus making them more effective, and supervises some of the riskiest cross-border financial sector obliged entities.** Moreover, the Union must ensure the full application of EU AML/CFT rules to cryptocurrencies to prevent their possible use for money laundering or terrorist financing. The use of cryptocurrencies by organised crime networks has become an area of growing concern due to the absence of a common regulatory framework and the level of anonymity these products offer. While block chain already allows for good traceability of transactions, **we need to pay particular attention to technologies that aim to obscure the sources of funds as well as to the intermediaries that sit at the intersection of crypto and the regular financial system.**

The use of cryptocurrencies is not an isolated problem to Europe. As such, **the EPP Group believes that the EU should initiate and lead the discussions towards the creation of a common international framework with like-minded countries, such as the USA, Australia and the United Kingdom, to combat the use of cryptocurrencies for illegal purposes.**

Tax fraud is an area in which the harm done by organised crime is particularly significant. The European Court of Auditors has highlighted shortcomings in the customs controls legislation and its application, which results in insufficient harmonisation, risk assessment and information exchange across the Union. This creates opportunities for organised crime to defraud the Union and its Member States of income.

Another major component of revenue fraud is value-added tax (VAT) fraud. In 2019, the level of the VAT gap was estimated at €134 billion<sup>5</sup>. VAT fraud like ‘carousel fraud’ has a direct impact on the Member States budget, as well as on the VAT-based own resources and therefore the composition of the European Union revenue. **The EPP Group reiterates the importance of digitalisation and enhanced cooperation in order to rapidly reduce VAT fraud, and in particular for carousel-type fraud.** More cooperation among tax authorities, better availability of data, digitalisation based on common standards or legislation are the only options in reducing economic costs related to tax losses, which is also partly caused by organised crime. The EPP Group anticipates the Commission’s legislative proposal to mod-

ernise the VAT system, including the reinforcement of Eurofisc.

To make the fight against **fraud affecting the financial interests of the Union** more effective, the EPP Group calls for the establishment of **a central and interoperable database at Union level listing all beneficiaries of EU subsidies** as this will significantly improve the identification of fraudsters and the recovery of funds by law enforcement.

The penalties for participating in corruption must be proportionate to the damage caused to the rule of law in the European Union, while also deterring future corruption. **Member States should be encouraged to increase the penalties for corruption in their national legislation.**

According to the Global Corruption Barometer 2021, 32 percent of EU citizens think corruption has increased in their country. Another 44 percent think it stayed the same<sup>6</sup>. In 2017, the European Commission announced that it would discontinue the EU Anti-Corruption Report, explaining that the first (and only) report in 2014 had provided the necessary basis for future work. **However, seeing as corruption appears to have worsened in the European Union since 2014, and there is still a lack of harmonised legal frameworks at Union level on combating corruption, the EPP Group is in favour of reintroducing the EU Anti-Corruption Report.** It is vital that the EU legal framework is better harmonised to combat corruption at all levels of society in the Union. **In this regard, the EPP Group urgently calls for the Commission to evaluate the current measures and, where necessary, propose new legislation.**

## **FUTURE ROLE OF EU AGENCIES AND BODIES**

**Europol** is one of the most important agencies of the European Union with regard to preventing, responding to and combating organised crime. **The ongoing reform of the Agency’s mandate will further enhance its capacity to support Member States in**

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<sup>5</sup> European European Commission (2021) ‘VAT Gap in the EU’, accessed <https://op.europa.eu/en/publication-detail/-/publication/bd27de7e-5323-11ec-91ac-01aa75ed71a1/language-en/>

<sup>6</sup> Transparency International (2021), ‘Global Corruption Barometer European Union 2021: Citizens views and experiences of corruption’ [https://images.transparencycdn.org/images/TI\\_GCB\\_EU\\_2021\\_web\\_2021-06-14-151758.pdf](https://images.transparencycdn.org/images/TI_GCB_EU_2021_web_2021-06-14-151758.pdf)

**the fight against organised cross-border crime, notably by allowing Europol to support Member States in identifying persons linked to high-risk organised crime groups and by setting clear rules for the processing of large datasets. The EPP Group also considers that the Agency should be given an extended operational role and become an operational Police Force.** This will require a change of the Treaties but it will be crucial to have an operational Agency that can initiate investigations into cross-border organised crimes that pose a serious threat to the internal security of the Union, and effectively assist Member States in their investigations into organised crime. It is essential that Europol has the sufficient human and financial resources to fulfil its current and future tasks.

It is equally important **that Eurojust is strengthened in order to facilitate the investigation and prosecution of organised criminal networks.** Targeting the leadership of such criminal networks with a view to breaking those networks will require increased resources and closer cross-border cooperation.

**The EU Agency for Law Enforcement Training (CEPOL)** plays an important role in providing police officers with the necessary expertise and skills to face the evolving challenges posed by organised crime. **The EPP Group therefore calls on law enforcement authorities across the Union to make use of the trainings provided by the Agency.**

**The European Public Prosecutor Office (EPPO)** and the **European Anti-Fraud Office (OLAF)** both have crucial roles to investigate and prosecute crimes against the financial interest of the EU, including fraud, corruption and misuse of EU-funds. **In this regard, the EPP Group encourages all Member States to participate in the EPPO.**

The EPP Group welcomes the intention by the Commission to strengthen the mandate of the **European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)** in order to ensure that the agency can play a more important role in identifying and addressing current and future challenges related to illicit drugs in the EU.

**Strengthening these existing Agencies, and ensuring their operational support to Member States, will be crucial for the common fight against organised crime in the Union. In this regard, the EPP Group calls on the Commission to ensure the full implementation of the relevant regulations, and for a review of the functioning of the**

**Agencies and Member States' cooperation on a regular basis and, where appropriate, to put forward proposals to ensure a well-functioning cooperation between judicial and law enforcement agencies.** Furthermore, it is essential that the Agencies have the adequate human and financial resources to fulfil their tasks.

Operation Sentinel is a Europol-led operation to target fraud against the COVID-19 EU Recovery Fund, and involves EPPO, Eurojust and OLAF. **The EPP Group fully supports the operation in order to ensure that the NextGenerationEU initiative goes forward in supporting Member States in repairing the negative economic and social effects of the pandemic, and not to criminals.** Similar operations should be created to protect the financial interest of the European Union.

The 2017 amendment of the Firearms Directive<sup>7</sup> included, inter alia, provisions to address the high risk of acoustic weapons and other types of blank-firing weapons being converted into live-firing weapons. However, Member State have not fully transposed and implemented the Firearms Directive. **The EPP Group expects the Commission to ensure the full implementation of the Firearms Directive, especially those provisions addressing blank-firing weapons<sup>8</sup>.**

## USE OF DATA

Data processing is an integral part of the daily work of law enforcement and the judiciary. The **Prüm Framework has proved to be an important tool in cross-border law enforcement cooperation** as automated exchanges of fingerprints, vehicle registration data and DNA data have helped to fight organised crime. Given the increasing relevance of facial images in forensics, the **EPP Group supports an extension of the Prüm Framework to facial images and other categories of data** and welcomes the legislative proposal put forward by the Commission in this regard. Further exchanges on the categories needed and a broader dialogue on common definitions should be fostered.

<sup>7</sup> Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons

<sup>8</sup> Notwithstanding, the implementation shall be proportionate and not affect weapons available under license (e.g. for hunt or sport purposes)

Criminal networks have shown themselves flexible to adapt their *modus operandi* to changing situations, especially in the context of the COVID-pandemic. Law enforcement agencies do not have the same flexibility, as any measures they take have to be in accordance with legal requirements. The legal requirements that law enforcement agencies rely on - and are obliged to abide by - should allow flexibility to address these evolving challenges to be ahead of the criminal networks. **For this reason, the EPP Group supports the Commission's proposal for a Police Cooperation Code as it will streamline existing EU instruments and reduce the fragmentation of the cross-border legal framework for police cooperation.** It is crucial that law enforcement authorities are provided with the necessary investigative tools to combat cross-border organised crime. In this regard, the EPP Group supports the creation of a legal basis for dragnet searches in the new Police Cooperation Code.

Facial recognition technology and Artificial Intelligence have developed rapidly over the last years and can provide additional tools for law enforcement authorities to identify and monitor criminals and criminal activity. In this regard, the EPP Group strongly welcomes the **reinforced mandate for Europol, which will empower the Union Agency to carry out research and innovation projects** with a view to contributing to the development of algorithms and specific tools for law enforcement. It is important to **strengthen the Union's own innovation capacities at all levels** as this will **reduce our dependence on software** developed in third countries and ensure **compliance with our high legal standards.** The use of digital technologies has broadened criminals' ability to carry out their activities, offering increased anonymity and posing difficulties for law enforcement agencies to detect them. The EPP Group believes that the use of **state-of-the-art technological instruments, including predictive policing, should be possible in the prevention and combating of organised crime**, subject to appropriate safeguards to ensure respect of fundamental rights and freedoms.

In times when all investigations into organised crime involve data, it is vital to ensure **direct access of competent authorities** to that data. Due to the cross-border nature of the internet, relevant data is often stored in a different jurisdiction than where the crime was committed or where the perpetrator is located. Mutual legal assistance treaties and the European Investigation Order no longer

meet the needs of law enforcement when it comes to access to data as the procedures are lengthy and relevant data is often deleted before a request for data preservation or production reaches the provider. The **EPP Group therefore calls for a swift conclusion of the longstanding negotiations on the e-evidence package**, which will provide law enforcement and the judiciary with tools to obtain relevant data linked to a crime in a much quicker manner. We take note of the discussions within the Council regarding the way forward on **data retention** and urge the **Commission to put forward proposals for possible solutions that meet the needs of law enforcement and the judiciary while respecting the CJEU jurisprudence** on this matter.

Another challenge to be addressed is the **increased exploitation of privacy-enhancing technologies**, such as end-to-end encryption and 'onion routing', by organised crime groups to conceal their crimes and to hide their identity online. The EPP Group supports measures to enhance cybersecurity and ensure privacy and data protection online. At the same time, we also believe that the 'equality of arms principle' needs to be established, and therefore we call on the Commission to assess whether a regulatory solution could be found to enable a lawful and targeted law-enforcement access to needed data, while complying with fundamental rights. Furthermore, the EPP Group urges Member States to provide their **competent authorities with sufficient equipment, including technological instruments, expertise and training** to fulfil their tasks and to gain **legitimate access to encrypted information** linked to organised crime. When it comes to training, law enforcement authorities should also **draw on the expertise of CEPOL.**

## HIGH-RISK CRIMINAL NETWORKS

An increasingly common problem faced by many Member States is **high-risk criminal networks**, notably mafia-type, ethnic and family-based organisations and other structured networks, involving corruption, acts of violence, trafficking of drugs, people and weapon and money laundering. Many of those networks also create parallel legal systems and codes of honour, which limit the rights, and freedoms of others, especially of girls and women.

Europol has also reported on high-risk criminal networks' activities in trafficking and exploiting children. Most reported cases originated from Bosnia & Herze-

govina, Bulgaria, Romania and Slovakia<sup>9</sup>. **The EPP Group deplores the use of children for cross-border criminal activities and calls on the Member States to strengthen its child protection services to prevent and detect minors from being recruited and exploited by criminal networks, including family clans for begging, criminality, sexual abuse or sham marriages.** It remains crucial to identify the recruited victims of criminal networks as early as possible. The future possibility for Europol to directly exchange information with private parties to fight the dissemination of child sexual abuse material is an important step in this regard. In addition, relevant authorities in the Member States need to cooperate closely to counteract the *modus operandi* of family clans, using the geographical span of their network across several Member States or even outside the EU to rotate the minors for the purpose of facilitating crime and concealing their identity<sup>10</sup>.

In this regard, the EPP Group also believes the lack of decisive action on forced begging practices contributes to the maintaining of profit flows for criminal networks and amplifies a phenomenon of exploitation of vulnerable people and children. The EPP Group therefore calls on the Commission to put forward common measures to put a stop to forced begging in the Union.

**The EPP Group welcomes** the decision of the Council to make high-risk criminal networks a **priority of the EU Policy Cycle for organised and serious international crime/EMPACT for 2022-2025**<sup>11</sup>, **as this will improve and strengthen cooperation between competent authorities in the Member States, Union Institutions and Agencies, as well as third countries, in fighting high-risk criminals.** Further to the support, Europol already provides to investigations of the Member States, **a special unit should be created within Europol with a specific focus on high-risk criminal networks** to gather knowledge and experience on how to identify and combat these types of networks.

Furthermore, the EPP Group welcomes that environmental crime also is a priority in the EU Policy Cycle/EMPACT for 2022-2025 as many criminal networks also are involved in dumping chemical waste of synthetic drug production and illegal trafficking of waste and in endangered species and plants. In this regard, the EPP Group calls for increased vigilance and efforts against environmental crimes.

Organised property crime contributes to a feeling of insecurity among ordinary Union citizens. A study requested by the European Parliament highlights the need for a holistic approach among Member States, “capable of reducing criminal opportunities and preventing and controlling crimes”<sup>12</sup>. **In this regard, the EPP Group encourages more measures to be taken at Union level; for example with the creation of common databases on high valued property, such as vehicles or boat motors, making it possible for law enforcement and customs agencies in the Member States to identify stolen goods.** This will in turn lead to more prosecutions, and increase the feeling of security among the citizens.

The European Commission has identified firearms to be the “lifeblood of organised crime in Europe”<sup>13</sup>. The 2017 amendment of the Firearms Directive<sup>14</sup> included, inter alia, provisions to address the high risk of acoustic weapons and other types of blank-firing weapons being converted into live-firing weapons. However, Member State have not fully transposed and implemented the Firearms Directive. **The EPP Group expects the Commission to ensure the full implementation of the Firearms Directive, especially those provisions addressing blank-firing weapons**<sup>15</sup>. Furthermore, the EPP Group welcomes and supports the measures put forward in the Commission’s Action Plan on firearms trafficking 2020-2025.

<sup>9</sup> Directive Europol (2018) ‘Criminal Networks involved in the trafficking and exploitation of underage victims in the European Union’, accessed: [https://www.europol.europa.eu/cms/sites/default/files/documents/23-11\\_report\\_child\\_trafficking.pdf](https://www.europol.europa.eu/cms/sites/default/files/documents/23-11_report_child_trafficking.pdf), p. 30-31

<sup>10</sup> Europol (2018) ‘Criminal Networks involved in the trafficking and exploitation of underage victims in the European Union’, accessed: [https://www.europol.europa.eu/cms/sites/default/files/documents/23-11\\_report\\_child\\_trafficking.pdf](https://www.europol.europa.eu/cms/sites/default/files/documents/23-11_report_child_trafficking.pdf), p. 32

<sup>11</sup> European Council (2021), Council conclusions setting the EU’s priorities for the fight against serious and organised crime for EMPACT 2022 - 2025 of 12 May 2021, 8665/21, accessed: <https://data.consilium.europa.eu/doc/document/ST-8665-2021-INIT/en/pdf>

<sup>12</sup> European Parliament (2020) ‘Organised Property Crime in the EU’, accessed: [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/656042/IPOL\\_STU\(2020\)656042\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/656042/IPOL_STU(2020)656042_EN.pdf)

<sup>13</sup> European Commission (2022) ‘Trafficking in firearms’, accessed: [https://ec.europa.eu/home-affairs/policies/internal-security/organised-crime-and-human-trafficking/trafficking-firearms\\_en](https://ec.europa.eu/home-affairs/policies/internal-security/organised-crime-and-human-trafficking/trafficking-firearms_en)

<sup>14</sup> Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons

<sup>15</sup> Notwithstanding, the implementation shall be proportionate and not affect weapons available under license (e.g. for hunt or sport purposes)

## EFFECTIVE CONTROL OVER THE BORDERS

Weapons, drugs, other illegal goods and human beings, including children, are routinely smuggled into the EU and serve as the main income of criminal networks. **A more effective control at the EU's external borders, including systematic checks against the relevant information systems, notably the Entry-Exit System and Eurodac, is crucial to detect and prevent smuggling and thus substantially weaken the criminal networks.** In this regard, better intelligence cooperation between Member States, third countries and EU Agencies are necessary to effectively prevent and combat smuggling and trafficking, including in informal intelligence sharing forums.

The EPP Group welcomes the recast of the Schengen Borders Code, presented by the Commission on 14 December 2021. **The EPP Group will work for a consolidated Schengen Borders Code that effectively prevents the entry of third country nationals posing a serious threat to the internal security or public order of the European Union.**

The **EPP Group welcomes the intention of the Commission to update Directive 2004/82/EC on Advanced Passenger Information** as it is an important tool in the fight against people smuggling and human trafficking, and encourages that particular attention to be put on the smuggling and trafficking of unaccompanied minors. The Court of Auditors recently identified shortcomings in the Member States' contributions, especially regarding data and information sharing, which affects the operations of the European Union Border and Coast Guard Agency (EBCGA) to secure the external borders of the EU. These shortcomings need to be addressed so the Agency can be more effective in fulfilling its tasks. **The EBCGA is a key Agency of the EU and needs to be strengthened further, especially in terms of staff, to meet the growing pressure alongside the external borders. In this regard, the EPP Group fully supports the establishment of the Standing Corps, comprising 10,000 people, by 2027.** Given the increasing responsibility and requirements of the Agency in an ever more complex geopolitical context, the Commission should provide guidelines addressing these evolving challenges, backing the officers deployed on our behalf.

**It will be essential to improve cross-border cooperation on border controls and combating trafficking and smuggling networks.** Cooperation on investigations,

identification and prosecution needs to be improved both within the EU and with third countries with a view to targeting the leadership and imposing penalties, which in turn serve as a deterrent for new recruits to criminal networks. In this regard, the EPP Group welcomes the Commission's EU Strategy on Combating Trafficking in Human Beings (2021-2025) and calls on Member States to increase their efforts in countering trafficking and smuggling crimes.

The freedom of movement is one of the fundamental rights granted to Union citizens and one of the biggest achievements of the European Union. **Protecting the freedom of movement means putting a limitation on it for those people who abuse it.** It should be made easier for a Member State to expel and ban the re-entry of an EU citizen found guilty of committing crimes on the territory of that Member State. This requires a change of the Treaty but it is necessary to prevent the abuse of the freedom of movement by criminals. **Furthermore, EU citizens convicted of a crime in one Member State should as a general rule serve the prison sentence in their country of nationality.** This requires an update of the EU Council Framework Decision 2008/909/JHA<sup>16</sup>.

Organised crime networks frequently use forged or altered travel documents, including passports, national ID-cards, Schengen visas and residence permits to smuggle people into the European Union. The EU rules adopted in 2019<sup>17</sup> to further harmonise identity cards and residence documents issued by Member States and to strengthen their security will help in the fight against document fraud. Furthermore, the establishment of the Common Identity Repository and the Multiple-Identity-Detector will greatly enhance the capabilities of police and border guards to identify third-country nationals and detect identity fraud. However, **further action is needed to effectively deter document fraud.** The Member States have to **provide their competent authorities with sufficient resources to identify, prevent and prosecute identity and docu-**

<sup>16</sup> Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union

<sup>17</sup> Regulation (EU) 2019/1157 of the European Parliament and of the Council of 20 June 2019 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement (Text with EEA relevance.); OJ L 188, 12.7.2019, p. 67-78



**ment fraud.** Furthermore, **Member States should ensure that their national law provides adequate penalties**, both for the falsification and counterfeiting of identity documents and for their use. The setting up of the new European Information Systems and their interoperability and the revision of the existing EU databases should be in operation by 2023. **The EPP Group emphasises, in particular, the importance of finalising the revision of the EURODAC database as soon as possible.**

Beyond action against forged documents and illegal entry onto Union territory, the EPP Group reiterates its call to **end the so-called 'golden visas' and 'citizenship by investment schemes', which are still operated by many Member States**, as these are frequently used by non-EU organised crime groups to facilitate money laundering, corruption and tax evasion.

## INCREASED COOPERATION BETWEEN MEMBER STATES AND WITH THIRD COUNTRIES

Cross-border cooperation between Member States' law enforcement agencies has proven to be invaluable during the COVID-19 pandemic. In order to foster closer cooperation and to support participating officers in their engagement, the Erasmus-inspired exchange programme for police officers managed by CEPOL should be further promoted and extended. Already existing cooperation between certain Member States could provide lessons learned for new cooperation. To show the added European value, a common operational badge should be developed.

The successes of Operation Trojan Shield<sup>18</sup> and the successful joint investigations of Dutch and French Police supported by Europol and Eurojust - that involved breaking into an encrypted phone network widely used by criminal networks ('Encrochat') - highlights the importance of continued close police and judicial cooperation between the Member States and with international partners. And, following its EU withdrawal, the United Kingdom.

**Exchanges of data and relevant information between competent authorities of the Member States and relevant third countries are a precondition for the effective cooperation in the prevention, detection, investigation and prosecution of cross border organised crime.** In this regard, the EPP Group deplores that operational cooperation between relevant Union Agencies as well as national competent authorities and third countries has been hampered in

recent years. This is because the rules and principles defined in applicable Union Data Protection legislation and the jurisprudence of the EU Court of Justice have made it difficult for the Union to conclude international agreements with third countries in this area.

The EU needs to have Data Protection legislation in place that also takes into account the acute need for closer cooperation between Member States to protect its citizens and internal security. **It is essential that Europol continues to exchange personal data with third countries in relation to organised crime.**

The EPP Group therefore welcomes the adoption of the **first Commission adequacy decision under the Law Enforcement Directive<sup>19</sup> concerning the United Kingdom, in June 2021**, as it allows personal data transfers to fight organised crime to continue. We take note of the advanced negotiations for an international agreement, which will allow Europol to exchange personal data with New Zealand. At the same time, **we regret that very little to no progress was made over the last three years in the negotiations on similar agreements with eight MENA countries<sup>20</sup>, notably Israel.**

In some Member States, such as the Netherlands and Sweden, there has been an increase in the homicide rate, in particular due to an increase in firearms homicide<sup>21</sup>. Illicit firearms are mainly smuggled from the

<sup>18</sup> Operation Trojan Shield/OTF Greenlight is one of the biggest and most sophisticated law enforcement operations in the fight against encrypted criminal activities yet. In a joint operation, the US FBI, the Dutch Police, the Swedish Police, the US Drug Enforcement Administration and 16 other countries, supported by Europol, developed and subsequently operated an encrypted device company, which was used by more than 300 criminal networks in over 100 countries. The analysis of over 27 million messages obtained resulted in over 700 house searches, 800 arrests and the seizure of vast amounts of drugs, firearms, and \$48 million in various currencies worldwide during May/June 2021. <https://www.europol.europa.eu/newsroom/news/800-criminals-arrested-in-biggest-ever-law-enforcement-operation-against-encrypted-communication>

<sup>19</sup> Regulation Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. OJ L 119, 4.5.2016, p. 89-131

<sup>20</sup> Morocco, Algeria, Tunisia, Egypt, Jordan, Lebanon and Turkey

<sup>21</sup> The Flemish Peace Institute (2021), 'Targeting Gun Violence & Trafficking in Europe', accessed, <https://vlaamsvredesinstituut.eu/wp-content/uploads/2021/12/TARGET-OnlineVersion.pdf>, p. 29

Western Balkans, Ukraine and Moldova to the European Union<sup>22</sup>. **To break this cycle, it is vital to strengthen the operational capacities of relevant agencies in these third countries and improving the cooperation and information sharing.**

As indicated, the majority of the members of criminal networks active inside the Union originate from the Western Balkans, Eastern Europe or North Africa. **Third countries which form part of the Eastern Partnership or which hold candidate status to become a member of the EU must step up their work to combat criminal networks and the recruitment.** In turn, the EU should assist third countries in their actions to fight organised criminal networks, building on the “more for more” principle.

Trafficking in human beings is a highly international and cross-border crime, posing challenges with regard to detection, investigation, evidence collection, jurisdiction, extradition and mutual legal assistance. **The EPP Group therefore calls on the Member States to increase cooperation among themselves as well as with EU Agencies, in particular Europol and Eurojust.** In this regard, the EPP Group anticipates a common legal framework for the efficient transfer of criminal proceedings between Member States, envisaged in the second half of 2022. Furthermore, **the EPP Group stresses that close cooperation and engagement with third countries is key to preventing human trafficking, to dismantling trafficking and smuggling networks, and to prosecuting those responsible.** The EPP Group will closely follow the full implementation of the NDICI-Global Europe instrument.

## CONCLUSIONS

National security is the primary responsibility of the Member States but the threats posed to the EU by organised crime require a common European response. The activities of cross-border criminal networks pose a serious threat to the internal security of the European Union.

A crucial measure to combat organised crime is to disrupt the business models of the criminal networks and ensure that crime never pays. It will require a comprehensive approach to ‘follow the money’ in order to freeze and confiscate assets and target the leadership of such networks. Furthermore, the Union has to step up its fight against corruption, as it poses a real threat to the rule of law and democracy in the European Union.

Existing Agencies and Bodies, such as Europol, Eurojust, EPPO and OLAF, have a central role in the investigation and prosecution of crimes against the financial interest of the European Union, and to support Member States in their investigations and prosecutions. It is essential to ensure that the Agencies and Bodies have the adequate funding, human resources and legislative frameworks to effectively fulfil their tasks.

In addition to operational tools and cross-border cooperation for the law enforcement authorities of the Member States, the European Union needs a real, operational and functioning police force to complement the work of the Member States. The necessary laws and regulations to combat organised crime must be in place.

One of the most important tasks for the EU is to safeguard the security and safety of its citizens. The EPP Group is the only political force that can deliver a comprehensive policy to combat organised crime. Our aim is to ensure that the citizens of the European Union are safe from the threat of organised crime and criminal networks.

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<sup>22</sup> European Commission (2020), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: 2020-2025 EU Action Plan on Firearms Trafficking of 24 July 2020, COM(2020) 608 final, p. 2, and 4.