



OPINION

European Economic and Social Committee

Tackling organised crime

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions
on the EU Strategy to tackle Organised Crime 2021-2025
[COM(2021) 170 final]

SOC/695

Rapporteur: **Rafał Bogusław JANKOWSKI**

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Referral	European Commission, 31/05/2021
Legal basis	Article 304 of the Treaty on the Functioning of the European Union
Section responsible	Section for Employment, Social Affairs and Citizenship
Adopted in section	07/09/2021
Adopted at plenary	22/09/2021
Plenary session No	563
Outcome of vote (for/against/abstentions)	226/0/4

1. **Conclusions and recommendations**

- 1.1 The EESC welcomes the European Commission's proposal on the EU Strategy to tackle Organised Crime 2021-2025. This strategy sets out the priorities, actions and targets to be achieved over the next five years. This is all the more important given that this is the first strategy on organised crime since the Treaty of Lisbon came into force, setting out specific medium- and long-term objectives to be carried out in full respect of fundamental rights.
- 1.2 The EESC notes that the strategy is based mainly on reinforcing existing instruments to support cross-border cooperation, including international cooperation, fighting high-priority crimes, tackling the financing of criminal activities and methods to infiltrate the economy – not least through corruption – and to support actions combatting criminals' use of new technologies.
- 1.3 The EESC believes that the EU and the Member States should be capable of anticipating the activities of criminal organisations to be one step ahead of them, focusing on monitoring, infiltration of endangered environments, collecting and analysing data as well as on preventive steps. In this context, particular emphasis must be placed on developing modern, comprehensive forms of international cooperation, enhancing the functional capacity of the systems and databases used cooperation with civil society organisations, as well as investing in new technology instruments.
- 1.4 The EESC welcomes the idea of further developing activities as part of the EU Policy Cycle EMPACT (European Multidisciplinary Platform Against Criminal Threats). The EESC regards as fully justified the announcement of increased funding for this initiative as well as support for development of cooperation with third countries in this regard.
- 1.5 The EESC is convinced that particular attention should also be paid to:
- the assistance and support provided by Europol and EMCCDA (European Monitoring Centre for Drugs and Drug Addiction) in the risk analysis of drug-related crime;
 - development and improvement of the functioning of existing systems, such as: SIS, the Prüm framework, the Passenger Name Record (PNR) and Advance Passenger Information (API);
 - the importance of developing and improving cooperation networks and international action to effectively combat organised crime groups, such as: a platform for Joint Investigation Teams (JITs) and so-called High Value Targets (HVT).
- 1.6 The Committee wishes to underline its support for the allocation of additional resources to assist Member States with advanced cyber-solutions, in order to acquire e-information, safeguard e-evidence and make available specific technical equipment and software for active use in cross-border operations and investigations.
- 1.7 The EESC recognises that reinforcing asset recovery and anti-money laundering measures as well as promoting financial investigations to eliminate profits generated by organised crime and preventing infiltration into the legal economy and society are key in the fight against organised crime¹.

¹ [OJ C 429, 11.12.2020, p. 6.](#)

- 1.8 The EESC notes that organised crime can have a strong impact on local communities, public and municipal services, the protection of vulnerable groups, the environment for local business activities, especially for SMEs, and in the area of climate neutrality activities. The EESC recommends increasing the role in combatting organised crime in a broad sense, in particular in prevention, for: NGOs, civil society organisations, academia, youth organisations, social control institutions and whistleblowers.
- 1.9 The EESC encourages the Member States to carry out public campaigns on organised crime, so that citizens receive the necessary information on how organised criminal groups operate and how to avoid them. Cooperation with the European Crime Prevention Network is an excellent addition to this type of activity. Each Member State should make every effort to establish a clear and secure information system, ensuring anonymity, for incidents and phenomena that may be linked to organised crime.
- 1.10 The EESC wishes to point out that making law enforcement and the judiciary fit for the digital age, including ensuring access to digital leads and evidence, is one of the most important aspects of the fight against organised crime.
- 1.11 In order to increase civil society's access to information, the EESC proposes setting up a mechanism for a (mid-term and final evaluation) review of the implementation of the EU Strategy to tackle Organised Crime 2021-2025, on the basis of information provided by the European Commission.
- 1.12 The EESC notes that to effectively prevent and combat organised crime groups and ensuring the safety and security as one of the highest priority for citizens of the European Union, law enforcement authorities need to have access to the necessary information in full respect of fundamental rights. There should be no concerns with regard to privacy protection and fundamental rights in the processing of data. The processing of personal data is already very strictly regulated and up-to-date and harmonised legislation would allow for more effective examination of issues relating to data protection.
- 1.13 The EESC welcomes and supports the initiative to develop cooperation with third countries, in particular:
- Start negotiations for agreements on cooperation between Eurojust and third countries;
 - Step up negotiations on cooperation between Europol and third countries;
 - Reinforce, jointly with the European External Action Service, international cooperation with third countries and international organisations.

2. **Commission proposal**

- 2.1 The European Commission's proposal for an EU Strategy to tackle Organised Crime 2021-2025 seeks to comprehensively address the complex and broad issue of organised crime. This strategy sets out the priorities, actions and targets to be achieved over the next five years. This is all the more important given that this is the first strategy on organised crime since the Treaty of Lisbon

came into force, setting out specific medium- and long-term objectives to be carried out in full respect of fundamental rights.

- 2.2 The European Commission points out that organised crime is a key threat to people's security across the EU. There is an increasing number of organised criminal groups operating across the EU, generating huge profits and using them to expand their own activities, as well as to infiltrate the legal economy.
- 2.3 The priorities set by the European Commission point to the need to strengthen action at EU level to support Member States in the fight against organised crime by:
 - boosting law enforcement and judicial cooperation;
 - disrupting organised crime structures and tackling high priority crimes;
 - eliminating profits generated by organised crime and preventing infiltration into the legal economy and society;
 - making law enforcement and the judiciary fit for the digital age.
- 2.4 All initiatives that identify and step up operational, non-operational and training-related cooperation are important, just as those (different, various) initiatives that point to the fact that, given the current context and the various threats posed by organised and serious crime, the only option and way forward is to cooperate, work together, exchange good practices with international partners, improve the functioning of existing systems and to invest in the development of new technologies.

3. **General and specific comments**

- 3.1 Serious and organised international crime is one of the biggest global threats to the development of modern societies. Organised criminal groups are highly mobile and, in most cases, operate internationally, so it is not possible for countries to combat them effectively by working alone. The cross-border nature of organised crime implies the need for close cooperation between services, institutions and their foreign counterparts within the European Union and international agencies. Therefore, the EESC considers the Commission's strategy as timely and very important.
- 3.2 Today's threats translate into the need to form not only new areas of cooperation, bringing together the competences of the different actors working in the areas of security and with a view to strengthening mechanisms to tackle and combat crime, but also to make use of other instruments and technologies. The EESC considers that close cooperation between EU institutions and Member States in this field is therefore needed, as is coordination and the possibility of using Europol's operational support.
- 3.3 The EESC considers it essential to further develop the action plan to combat organised criminal groups, high-category targets that pose the greatest threat, using operational task forces (OTF), international projects and regional initiatives. Both the so-called High Value Targets and operational task forces should be seen as examples of practical and real support for EU Member States.

- 3.4 Criminal activity that can be currently observed in cyberspace uses only advanced technology to carry out traditional crimes of illicit trafficking in firearms and ammunition, substances used to produce explosives, narcotics and new synthetic drugs. The biggest obstacle to the effective detection of this type of crime is undoubtedly the use of anonymising tools for criminal activities. Encrypted communication through the different applications and online messaging devices used by perpetrators of crimes is a serious problem in the detection process.
- 3.5 Lack of access by law enforcement authorities to the encrypted communications used by organised criminal groups should be seen as one of the biggest shortcomings, as lack of access to information effectively prevents action from being taken in good time. Therefore, the EESC believes that the new Europol decryption tool launched by the European Commission, which will help address these challenges, should be considered highly practical and necessary. All the same, further work is needed in this area given the rapid development of new technologies.
- 3.6 Another aspect of the fight against cybercrime is the Darknet, i.e. the area of the internet network accessed using the ToR network, effectively ensuring the anonymity of criminals using the dark market – underground commercial services where criminal activities are carried out involving the trafficking of arms, drugs, stolen credit card data, malware, with offers of contract killers. Payment for transactions is made through virtual currencies, which, as an instrument for the anonymous transfer of funds obtained from criminal activities in cyberspace (e.g. Bitcoin), can also be used to launder criminal money. Law enforcement authorities do not have the appropriate legal tools to require service providers to make encryption keys available to access communication content, provide free transmission of data for the purposes of ongoing proceedings or to register user data and IP incidents concerning phone calls and SMS messages.
- 3.7 The EESC urges the EU institutions to improve the legal framework in order to support and strengthen the capacity of specialised institutions in the Member States to fight effectively against these threats. The announcement to develop, through its Joint Research Centre, a monitoring tool to gather intelligence on illegal activities in the Darknet, should be viewed as extremely ambitious. At the same time, the development of such a tool can be seen as a landmark in the fight against organised crime in cyberspace.
- 3.8 Law enforcement practice and experience would suggest there is an increased risk of cryptocurrencies being used for criminal activities, including money laundering and fraud – particularly by means of ICT networks – in settlements relating to ransomware-inspired extortion. An equally important and predictable threat is the possibility of criminals using cryptocurrencies to eliminate the risk of law enforcement authorities seizing illicitly acquired assets. The EESC recommends further steps in developing regulation for monitoring and control of financial transactions using these types of instruments.
- 3.9 The EESC believes that the technical domain should be very much welcomed as another area of support for Member States. The availability of advanced infrastructure will make actions more effective and will significantly reduce the financial burden on individual institutions (increasing the effectiveness of funds spent at national level). Indeed, the challenge for Member States is updating the equipment and software of tools that can effectively combat cybercrime, something which, given the fast-changing market and its development, places a significant financial burden

on individual institutions. Therefore, the EESC recommends that the Commission and Member States better evaluate institutions' needs and allocate sufficient resources, in order to allow them to act affectively against these threats.

- 3.10 The EESC supports and considers very important the European Commission's plan to propose legislation to improve the protection of children against sexual abuse, including by requiring online service operators to detect known child sexual abuse material and through the reporting of such material to public authorities².
- 3.11 The EU's anti-counterfeiting toolbox setting out the principles for joint action, cooperation and data exchange between law enforcement authorities, rights holders and intermediaries is gaining new importance, particularly in the context of the counterfeiting of medical and sanitary products during the COVID-19 pandemic. Indeed, organised crime has been involved in the production and supply of counterfeit protective equipment, test kits and medicinal products. As the EESC considers cooperation and data exchange to be a key element, it therefore supports the further development of this tool.
- 3.12 The EESC, as the voice of European civil society, considers that activities in the area of environmental protection and cultural goods require appropriate support, including capacity building for experts and structural cooperation.
- 3.13 The EESC considers it important for Member States to use of the possibilities offered by the Anti-Money Laundering Operational Network, an informal international network of law enforcement anti-money laundering units, and the Camden Asset Recovery Inter-agency Network (CARIN), an informal network of law enforcement and judicial practitioners specialised in the field of asset tracing, freezing, seizure and confiscation.
- 3.14 The EESC supports the Commission's proposal for development of a cybercrime training system, and recommends particularly the creation of a certification/accreditation system for digital investigation experts, as a very practical dimension in the fight against cybercrime.
- 3.15 Serious and organised crime is one of the biggest global threats to the development of modern societies. Tackling organised crime has never been as challenging as it is today. Criminals' methods are becoming increasingly sophisticated, specialised, concealed and disguised as various other activities. In light of this, the EESC supports that all initiatives to identify and step up operational, non-operational and training-related cooperation are important, as are initiatives pointing to the fact that, given the current geopolitical context and the various threats posed by organised and serious crime, the only option and way ahead is to cooperate, work together and exchange good practices on the international stage.
- 3.16 Tackling the financing of criminal activities, and asset recovery and confiscation, are crucial to uncovering criminal activities, with disrupting criminal structures, breaking the code of silence and stopping new criminal activities also being essential. This also prevents the infiltration of the legal economy and society. However, despite the development of the legal framework in this

² [OJ C 374, 16.9.2021, p. 58.](#)

area and the expansion of tactics employed by law enforcement authorities, only 1% of criminal assets are confiscated. The EESC considers that the challenges posed by tackling drug trafficking in the Darknet are primarily a fast-changing market (very short lifespan of markets) and a complex system for identifying cryptocurrency payments. The lack of wide knowledge among law enforcement officers in the area of cybercrime, including Internet/Darknet drug crime, is a weakness that can be eliminated if the Commission's proposals are implemented.

- 3.17 The EESC propose that measures to prevent crime by raising public awareness should be considered. This could include public campaigns raising citizens' awareness of new threats and areas of organised crime and their modus operandi, as societies and citizens often do not recognise the activities of organised criminal groups as criminal activities.

The creation of a system whereby EU citizens can easily inform law enforcement authorities (anonymisation of reports) if they detect possible signs of criminal activity could have a significant impact both on the sense of security and the effectiveness of the fight against organised crime.

- 3.18 Law enforcement authorities and police services around the world are most likely to respond only after a crime has been committed and in most cases are unable to take counter-measures before a crime has occurred. The EESC considers the ideal approach would be to react and prevent criminal activity, but everyone should be aware that staying one step ahead of criminal groups is extremely difficult. Criminals use new technologies with ease, they are not restricted by budgets, laws or political correctness, and prioritise profit over people's lives. Criminals adapt extremely quickly to new conditions, create new ways of working and enter areas where they have not been active before. The COVID-19 pandemic could be an example here.
- 3.19 Each year, within the framework of EMPACT, operational action plans are prepared that respond to the latest trends in crime at European and global levels. Importantly, the action plan reflects the concerns of the countries of the European Union and of cooperating third countries such as Iceland, Norway and Switzerland. Their work makes it possible not only to identify problems at an early stage, but also to develop an appropriate working methodology. There is also need to financially support operational activity to tackle organised crime.
- 3.20 The EESC would like to stress the importance of the new instruments to tackle organised crime, such as: a) SIS, the Prüm framework, the Passenger Name Record (PNR) and Advance Passenger Information (API); b) platform for Joint Investigation Teams (JITs) to improve communication and exchange information and – in the same context – the strengthening of Eurojust's cooperation with third countries; and c) so-called High Value Targets (HVT), using operational task forces, international projects and regional initiatives – to develop networks of cooperation and international action to effectively combat organised crime groups.
- 3.21 The differences in legislation or practice between Member States are often cited as a reason for weak international cooperation or the lack thereof. The initiative to create an EU Police Cooperation Code should therefore be all the more welcome. An external study already launched by the European Commission to evaluate the 2008 Council Framework Decision on the fight against organised crime will undoubtedly be helpful in this respect.

- 3.22 An important role in promoting the local dimension, combined with an administrative approach to tackling organised crime, is played by the method whereby local authorities, in cooperation with law enforcement and civil society, use administrative tools to prevent organised crime from infiltrating legitimate businesses and administrative infrastructure.
- 3.23 The problem of tackling organised crime, comprehensively discussed in the European Commission's strategy for 2021-2025, is a constantly changing criminal phenomenon, entering in various forms into all areas of our life and the political and social sphere. It uses the latest advances in the digital era and continues to traditionally prey on poverty, the lowest instincts, making desperate people dependent on them, forcing them through terror into criminal activities. The EESC realises that this requires joint actions by the EU and Member States and an understanding of the need to stay ahead of criminal organisations, identifying new trends in criminal groups which operate independently of political and administrative boundaries.
- 3.24 The EESC has recently dealt with the fight against terrorism related to combatting organised crime in its opinions and information report. The EESC will continue to monitor, on behalf of civil society, the next steps taken against organised crime groups, noting with satisfaction the Commission's suggestions to the Council and the European Parliament to engage in this common endeavour the European External Action Service, Eurojust and Europol in negotiations with third countries in this regard³.
- 3.25 The EESC underlines that civil society organisations, independent monitoring institutions and whistleblowers should be consulted and involved, with full protection, in the mechanism to combat organised crime, in order to effectively protect citizens, the European economy and local communities and to safeguard the rule of law and fundamental rights.

Brussels, 22 September 2021

Christa Schweng
The President of the European Economic and Social Committee

³ SOC/673 *Strengthening of Europol's mandate* [OJ C 341, 24.8.2021, p. 66](#), SOC/675 *Evaluation of the directive on combating terrorism*, SOC/676 *A counter-terrorism agenda for the EU*, [OJ C 341, 24.8.2021, p. 71](#).