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COMMISSION STAFF WORKING DOCUMENT

**ANNUAL REPORT AND WORK PLAN OF THE EUROPEAN FORUM FOR THE
PREVENTION OF ORGANISED CRIME 2004**

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Based on the Communication from the Commission to the Council and the European Parliament on the prevention of crime in the European Union (COM (2000) 786 Final) of 29th November 2000, the Forum has entered its fourth year of existence.¹ It aims to disseminate expert opinion, to widen the debate and provide a platform for discussion including all stakeholders whether at European, national, regional or local level. An overview of the previous works in 2003 is available in annex 2 whereas annex 3 lists the scheduled planning for 2005.

THE FORUM'S 2004 ACTIVITIES

In 2004, the Forum brought together a broad range of expert opinion in specific areas of Organised Crime with a view to networking those experts and providing input and ideas to existing and planned policy initiatives. The Forum was successful in mobilising significant interest from the private sector and non-governmental organisations, law enforcement practitioners, members of the research and academic community, international organisations and Member States.

The Forum continued its focus on an output approach. Accordingly, the 2004 Forum workshops concentrated on specific issues in the prevention of Organised Crime, with a view to informing the debate and opinion in this area and contributing to relevant policy initiatives.

The following Forum workshops were held in 2004:

1. CRIME STATISTICS

The first 2004 meeting took place in form of a Roundtable on 26 January and brought together participants from European institutions and other experts from the Member States. The meeting focused on the exchange of information on current work and projects in the area of cross-national comparisons of crime, victimisation and criminal justice, and the discussion of the role of the ad-hoc experts group. Furthermore, the short and long term priorities and desired outputs of the work to develop cross-nationally comparable information on crime and victimisation were explored. It was concluded that there is a demand for a common terminology, and common definitions will have to be developed and decided on in the longer term.

The second meeting was held on 9 July 2004 and brought together participants from European institutions and experts from the Member States. The objectives of the meeting were to explore the current status in the field of EU-wide comparable crime and criminal justice statistics and discuss a draft action plan developed by the Directorate-General Justice,

¹ See annex 1 for a summary of the aims of the Forum.

Freedom and Security at the European Commission, after discussion with experts. It was concluded that comparable statistics should be developed, being balanced between the technical details of the work and political support. The need for a funded approach was stressed. High importance was attached to support the setting up of an expert committee with representatives of Member States and to continue with effective reporting to Member States through different channels.

The draft action plan was subsequently discussed with Directors of Social Statistics of the Member States (DSS committee meeting of 29-30 September 2004), in accordance with the recommendation of the Council Working Party on Statistics that close co-operation with the European Statistical System should be ensured. The DSS agreed to create a task force to develop a strategy to implement a system of crime statistics and this work is included in the 2005 statistical programme of the Commission.

2. DATA PROTECTION AND DATA RETENTION

Two meetings took place on data retention in June and September 2004, and one meeting on data protection in form of a Roundtable on 28 January 2004.

An ad hoc meeting took place on 14 June 2004 to assist the Commission in preparing its position on the draft data retention initiative tabled by France, the United Kingdom, Sweden and Ireland. It brought together participants from the industry (ETNO, EuroISPA, ECTA, GSM Europe, EICTA)², from data protection supervisory bodies and privacy interest groups and from various authorities from Member States. The objectives of the meeting were to encourage discussions between relevant actors, to focus on the various aspects of data retention, including industry practices and technological aspects. This was done in order to exchange views on the retention of communication traffic data for law enforcement purposes in the context of the aforementioned legal initiative.

DG Information Society and DG Justice, and Home Affairs held a workshop on 21 September 2004. The purpose of this workshop was to identify and discuss existing data retention practices for both business and law enforcement purposes in the EU Member States and the possible establishment of an EU-wide regime of data retention for law enforcement purposes. The workshop's discussion focused on the proportionality between the invasion of civil rights and the need for data retention for law enforcement with regard to the proposed framework decision on data retention. High importance was attached to data preservation instead of data retention. It was concluded that there had to be a cost-benefit analysis on data retention and that the need for law enforcement agencies for data retention had to be better specified. However, existing data should be made available whenever necessary and proportionate for law enforcement purposes.

² Respectively ETNO (European Telecommunications Network Operators' Association); EuroISPA (European Internet Services Providers Association); ECTA (European Communities Trade Mark Association); GSM Europe (The European Interest Group of the GSM (Global System for Mobile Communications) Association); EICTA (European Information and Communications Technology Industry Association).

3. FISCAL FRAUD AND FINANCIAL CRIME

The meeting on Identity Theft took place on 2 February 2004 and brought together participants from the European institutions, national authorities, the industry and academics. The meeting focused on existing EU legislation and the possible need for more specific legislation and preventive measures at EU level and in the Member States. The conclusions of the meeting called for the need to control the threat of identity theft with new EU legislation and other preventative measures. There was also the consideration to harmonise the definition of identity theft in the EU and to focus on the institution of Public/Private Partnership for facilitating the investigation and prevention of organised financial crime. High importance was attached to the establishment of an electronic database of documents for information purposes for law enforcement and the private sector.

The Roundtable meeting on the co-operation between Financial Intelligence Units (FIUs) and Tax Authorities was held on 7 October 2004 and brought together participants from the Member States and European institutions. The purpose of the Roundtable was to encourage co-operation between FIUs and Tax authorities by finding strategies to overcome practical, legal and institutional obstacles that tackle a full and effective cooperation to fight financial crime. The clear interlink between fiscal fraud and financial crime needs an adequate coordination of relevant agencies at national and community level. It was concluded that the absence of a definition of fiscal fraud and discrepancies in related sanctions, the absence of law enforcement agencies specialised in financial investigations in all Member States and the differences between fiscal controls and money laundering investigations are constricting the full and efficient co-operation between FIUs and Tax authorities. High importance was attached to focus on new EU legislation and other preventative measures as well as enhanced co-operation and information exchange between all levels of law enforcement, tax authorities and other administrative bodies.

4. CULTURAL GOODS

There were no large workshops in 2004 such as those in 2001 and 2002 on Theft and Illegal Traffic of Cultural Goods. However, an advisory group of experts was formed to contribute actively to a feasibility study which was launched by the Commission. The study's scope was to investigate whether and how descriptions of stolen cultural goods could be stored in the second generation of the Schengen Information System (SIS II). The advisory group included experts from Belgium, France, Italy, Hungary, Spain, Interpol, Europol, and UNESCO as well as from different Commission services.

Two roundtable meetings took place on 3 February and 18 March 2004 to discuss methods and the first results developed by the contractor of the study. The advisory group contributed to the draft feasibility study report by written comment in July 2004. The overall conclusion of the study was the recommendation not to include alerts on stolen cultural goods in SIS II because the requirements for a European database on stolen cultural goods could be better addressed by a dedicated system operated by a specialised team and offering a web-based interface for public access. The requirements for a dedicated database did not fit with SIS. Nevertheless, some results from the study could serve as a good basis for further development of a future storage system.

5. TRAFFICKING IN HUMAN BEINGS

The first meeting took place in the form of a Roundtable on 26 May 2004 (EU Action against Child Trafficking and related forms of Exploitation) and brought together participants from international and national governmental and non-governmental organisations and academics involved with children's rights. The objectives of the Roundtable were to develop measures to prevent and combat the specific threats of child trafficking and different forms of child exploitation in addition to the "Brussels Declaration", and to contribute in finding missing and sexually exploited children on the basis of follow up of the Council Resolution of 2001. With regard to the latter issue, particular intention was attached to the setting-up of a European database. Among the conclusions of the Roundtable was the call for focusing on victims of child trafficking and child exploitation and the need for Member States to ratify and implement international legal instruments, as well as the involvement of Europol in the fight against child trafficking and child exploitation.

A workshop on Trafficking in Human Beings was held on 26 October 2004. The European Experts Group presented its report to a Forum of national representatives and NGOs for their comment. The Experts Group was grateful for the detailed feedback presented by the members of the Forum. The Experts Group has taken on board those comments and their possible in conclusion in the final report. The Experts Group intends to publish the report sometime in December 2004.

6. TERRORISM AND ORGANISED CRIME

The first meeting took place in the form of a Roundtable on 26 May 2004 and brought together participants from European institutions and international organisations.

The objectives of the Roundtable were to discuss possible synergies between regional organisations in the fight against organised crime and terrorism. The conclusions of the Roundtable called for the importance of implementing and enforcing conventions and legal instruments already existing, for supporting the development of existing bodies, and for improvement of the exchange of information and coordination among all actors.

The second Roundtable meeting was held on 29 October 2004. It brought together participants from European institutions and experts representing national authorities, the Ministry of Foreign Affairs, European organisations and the police. The Roundtable focused on the means for a form of regulation of the charitable/non-profit-sector. It further stressed transparency standards in the EU Member States and an EU approach preventing the misuse of the non-profit sector through terrorist financing. Among the conclusions were calls for concentrating on the EU implementation of FATF Special Recommendation VIII, notably in connection with developments of appropriate transparency and accountability measures, oversight, investigation mechanisms and private sector outreach. High importance was attached to setting up transparency standards in the charitable/non-profit sector, taking into consideration the principle of subsidiarity and proportionality.

A specific roundtable was held on 18th November 2004 about "joint special investigation teams provided by article 24 of Naples II Convention" to initiate talks concerning the enabling legislation, obstacles, conditions as well as practical methods for the development and the implementation of joint special investigation teams by customs administrations.

7. COUNTERFEITING AND PIRACY

The workshop took place on 9 December 2004 and brought together five organisations from the private sector (ISFE, BSA, INTA, MPA and FESI)³.

The objectives of the workshop were to adopt a summary document on a 2004 study by CEIPI (*Centre d'Etudes Internationales de la Propriété Industrielle*) about counterfeiting that will be used as background for the DG JAI proposal for legal instruments on penal aspects for the fight against counterfeiting.

The workshop concluded that it was necessary to establish a solid and homogeneous penal legislation throughout the 25 European Member States. Participants sent their proposals for a document on the extended assessment study on this field and the Commission took also account of these contributions in the proposal for a directive and a framework decision in this respect. The CEIPI study is available on the Web site.

An overview of the Forum meetings 2004 and minutes of the 2004 Forum workshops and roundtable meetings can be found on the JAI Web site: http://europa.eu.int/comm/justice_home/fsj/crime/forum/fsj_crime_forum_en.htm

³ Respectively ISFE (Interactive Software Federation of Europe); BSA (Business Software Alliance); INTA (International Trademark Association); MPA (*Materialprüfungsanstalt Universität Stuttgart*); FESI (Federation of the European Sporting Goods Industry).

Overview of the 2004 Forum meetings

26.01.2004: Roundtable “Crime Statistics: Developing comparable information on crime and victimisation – the EU case”

28.01.2004: Roundtable “Data Protection”

02.02.2004: Roundtable “Identity Theft: a new threat for civil society”

26.05.2004: Roundtable “EU Action against Child Trafficking and related forms of Exploitation”

26.05.2004: Roundtable “Links, Synergies, Overlaps and Gaps: Policy Trends in the Fight against Terrorism and Organised Crime. The Response of Regional Organisations in Europe”

14.06.2004: Ad Hoc Meeting on Data Retention

09.07.2004: Crime Statistics - Meeting on the subject of developing comparable information on crime for the EU Member States: “Towards comparable information on crime, victimisation and criminal justice - An EU-wide approach”

21.09.2004: Workshop on Traffic Data Retention

07.10.2004: Roundtable “Co-operation between Financial Intelligence Units and Tax Authorities”

26.10.2004: Workshop “Trafficking in Human Beings: Draft Report of the Experts Group on Trafficking in Human Beings” (Article 3(3) of Commission Decision of 25 March 2003 setting up a consultative group (“Experts Group on Trafficking in Human Beings”))

29.10.2004: Roundtable “The misuse of the charitable and non-profit sector for Terrorist Financing – A possible EU approach”

18.11.2004: Roundtable “Joint special investigation teams provided by article 24 of Naples II Convention- development and perspectives”

09.12.2004: Workshop “Counterfeiting and Piracy”

ANNEX 1

Creation and aims of the Forum:

The European Forum for the Prevention of Organised Crime (“the Forum”) was established on the basis of the Communication from the Commission to the Council and the European Parliament on the prevention of crime in the European Union (COM (2000) 786 Final) of 29th November 2000.

The Forum is a Commission initiative which aims to provide a co-ordinated structure for Organised Crime prevention measures at European level. The Forum attempts to promote and co-ordinate dialogue in this area to inform the Commission and others on planned development needs. The Forum aims to disseminate expert opinion, to widen the debate and provide a platform for discussion including all stakeholders whether at European, national, regional or local level. The Forum therefore seeks to bring together a diverse body of expert opinion – a key element if the Forum is to succeed in networking those involved in Organised Crime prevention. In this respect, it should be noted that Member States play a vital role in ensuring that the Forum Secretariat is kept informed about relevant individuals and organisations that should play a part in the Forum’s activities.

A first plenary meeting of the Forum took place on 17th and 18th May 2001. This was followed by a number of Forum workshops in 2001 in the following areas: credit card fraud, trafficking in human beings, the role of the private sector in crime prevention and trafficking in cultural goods. Workshops in 2002 dealt with topics such as crime and terrorism proofing, trafficking in human beings, trafficking in cultural goods and obligations under the money laundering directives. Workshops in 2003 addressed areas like counterfeiting and product piracy, regional development and structural funds, corruption, trafficking in human beings, crime statistics, money laundering, illicit firearms trafficking, product proofing, counterfeiting, and data protection.

ANNEX 2

The Forum's 2003 Activities:

(1) THE FIGHT AGAINST COUNTERFEITING AND PRODUCT PIRACY

The first workshop was held on 30 January 2003 and brought together some 100 participants from European institutions, international organisations (Interpol, WIPO), Justice and Interior Ministries, police and customs, private sector corporations and trade associations involved in the fight against counterfeiting and product piracy. The workshop focused on the means for the prevention and detection of attacks on intellectual property and on collaboration and exchange of information between the public sector and the private sector. The conclusions of the workshop called for the harmonisation of relevant criminal legislation within the EU, including significant prison sentences, heavy fines and powers of confiscation, in particular where organised crime is involved. There were also calls for greater police and judicial co-operation in this area and for more effective exchange of information, for example through the establishment of contact points in the Member States and Accession countries. High importance was attached to the establishment of partnerships between the public and private sector to help prevent and fight against counterfeiting and product piracy.

A second workshop was held on 30 September 2003, assembling some 30 participants, representing holders of intellectual property rights in the private sector, and representatives from the Commission (DG JAI, OLAF), the European Parliament and Europol. This second Round Table focused on the establishment of a partnership between the public and the private sector, assessing expectations of the private sector and taking note of experiences in the field.

The workshop discussions proved useful in indicating further work to be undertaken in the field of combating counterfeiting and piracy and gave particularly useful information on how to further deepen contact between the public and the private sector. Among the conclusions were calls for the rapid adoption of a framework decision on the fight against counterfeiting. Furthermore, the idea of setting up a Task Force or group of experts within the Commission including representatives of the private sector was supported.

(2) ROUNDTABLE MEETING ON JUSTICE AND HOME AFFAIRS MATTERS IN THE CONTEXT OF REGIONAL DEVELOPMENT AND STRUCTURAL FUNDS

This meeting took place in the form of a Roundtable on 7 May 2003 and brought together participants from Member States, accession and candidate countries.

The objectives of the Roundtable were to encourage reflection within the enlarged EU of relative priorities in the area of justice and home affairs measures over the coming years, to focus on achievements which may be replicable elsewhere and to provide material for the Commission's ongoing reflections concerning the role of justice and home affairs measures in the post-2006 financial perspectives.

The workshop concluded that it was necessary to develop instruments which allow effective implementation of policies. There was also a need to develop awareness of the private sector.

(3) PREVENTION OF CORRUPTION IN PUBLIC ADMINISTRATIONS

This workshop, co-organised with UNODC, took place on 11 June 2003. It brought together experts representing national authorities, international organisations, business, civil society and the Commission. The objectives of the workshop were to put particular emphasis on corruption prevention schemes in European public administrations with a view to developing EU standards for an enlarged Europe, based on key principles as transparency, integrity, impartiality, accountability and effective systems of checks and balances. Among the conclusions of the workshop were calls for the development of genuine European integrity standards which should be disseminated widely and made subject of awareness raising and educational and training measures. Particular importance should be attached to the prevention of corruption in the judicial sector. Furthermore, close co-operation between the private and the public sector was recommended in order to jointly develop risk assessment and integrity standards.

(4) ROUNDTABLE ON CROSS-NATIONAL COMPARISONS OF CRIME AND CRIMINAL JUSTICE STATISTICS

This Roundtable meeting took place on 2 July 2003. The objectives of the meeting were to exchange views between experts on crime statistics in order to overcome the obstacles at national levels by developing European crime statistics. High importance was attached to the difficulties to compare data received from Member States on specific crime categories. It was concluded that specific focus should be put on OC statistics and that a single experts group for monitoring should be established.

(5) ROUNDTABLE MEETING ON THE DEVELOPMENT OF MODEL MEMORANDA OF UNDERSTANDING BETWEEN FINANCIAL INSTITUTIONS AND FIUS

This Roundtable meeting took place on 10 July 2003. The purpose of this meeting was to explore the relationship between FIUs and bodies subject to reporting obligations under the Money Laundering Directive. A particular theme that developed during these discussions was the need for more effective feedback from FIUs to reporting bodies. It was concluded that the Commission services would pursue this issue further with a view to identifying best practices in this area.

(6) TRAFFICKING IN HUMAN BEINGS

The workshop took place on 30 June 2003, assembling about 80 participants representing the ministries of Interior and Justice, Law Enforcement authorities as well as international, inter-governmental and non-governmental organisations (Caritas, Centre for the Prevention of Trafficking in Women, Moldova). Participants discussed initiatives related to the “Brussels Declaration”, the output of the European Conference on Preventing and Combating Trafficking in Human Beings, in particular the setting up of an expert group on trafficking in human beings and possible co-operation between public authorities and non-governmental organisations. Furthermore, representatives exchanged practical experience and presented different solution strategies, including the state of play in third countries such as Ukraine and Moldova. Among the conclusions of the workshop was a call for strengthening public-private partnership and for capacity building support involving the public as well as the non-governmental sector. High importance has also been attached to the full use of existing and evolving EU programmes with view to effectively combating the scourge of human trafficking.

(7) ROUNDTABLE MEETING ON ILLICIT FIREARMS TRAFFICKING

This Roundtable meeting took place on 16 September 2003 and assembled representatives of 12 EU Member States, three accession countries, Europol, the Secretariat General of the Council of the EU and the European Commission. The meeting aimed at supporting the implementation and the ratification of the UN Firearms Protocol and to contribute to policy initiatives in this area, looking at threats, legislative developments and tools for improving information exchange, including the use of databases. The workshop concluded that the ratification and implementation of the UN Firearms Protocol was the priority at EU level. There were also calls for the setting up of computerised national firearms registers and for regional transfer databases in order to ensure effective international co-operation. From a DG JAI perspective, it would be interesting to dispose of a European threat assessment (to be undertaken by national law enforcement authorities together with Europol). In the long run, it would be desirable to develop a comprehensive EU firearms policy.

(8) PRODUCT PROOFING

This workshop took place on 26 September 2003. It brought together members of the criminological research and academic community, Interior and Justice Ministries and business. The objectives of the workshop were to provide a forum for the exchange of views on how to explore the scope and need for industry to take a pro-active role in designing crime out of their products and to discuss possible ways for establishing mechanisms to recognize products that may become the systematic target of crime. Furthermore, it should provide the possibility to exchange ideas on appropriate measures to remove or reduce the criminogenic qualities of these products.

Among the conclusions of the workshop were a call for encouraging both greater industry and consumer awareness of crime risk in products. Various options regarding a possible way forward have been addressed, including the drafting of legislation/regulation to address crime risks in criminogenic products and the development of an EU-wide voluntary code among manufacturers. The expert opinion expressed and discussions generated by the workshop have proved an invaluable basis for the Commission's ongoing work related to crime and product proofing.

(9) ROUNDTABLE ON THE USE OF DATA CONTAINED IN PASSENGER NAME RECORD (PNR) FOR LAW ENFORCEMENT PURPOSES

This meeting took place on 9 October 2003, bringing together law enforcement and data protection experts to discuss transfer of data to the US and the development of an EU policy in that context. The discussions were structured around a questionnaire prepared by DG JAI and was divided into three themes: the list of data elements required by the US authorities, purpose limitation and data retention. Most of the discussions focused on data protection aspects of PNR, in particular in relation to the transfer of such data to the US. In this respect discussions were held on 'pull' versus 'push', the purpose of transfer of PNR data, safeguards as well as longer term EU interests. Full support was given to a two-phase – approach, based on an interim solution - adequacy finding with the US - and a longer term solution – the development of an EU – policy on data protection for law enforcement purposes. Follow-up meetings with law enforcement authorities will be scheduled. The broader context of the discussion will also include border management issues.

Full minutes of the 2003 Forum workshops and roundtable meetings, including related documentation, can be found on the Justice and Home Affairs Europe web site at the following address:

http://europa.eu.int/comm/justice_home/fsj/crime/forum/fsj_crime_forum2003_en.htm

ANNEX 3

Forum Work Plan for 2005

<u>Topic</u>	<u>Date</u>	<u>Format of Meeting</u>
Questionnaire on Investigative Tools	March 2005	
High Level conference on Public Private Partnership	March 2005	
Export/import licensing for firearms; meeting with MS representatives	April 2005	Forum
Crime Statistics (1 of 4)	May 2005	Committee
Administrative approaches towards Organised Crime	May/June	Forum
High level conference - magistrates, etc.	June 2005	
Meeting with MS on Western Balkans	June 2005	Forum
Export/import licensing for firearms; meeting with NGOs and industry	June 2005	Forum
Crime Statistics (2 of 4)	July 2005	Committee
Crime Statistics (3 of 4)	September 2005	Committee
Terrorism financing using the non-profit sector	September 2005	
Outcome of comparative study on fiscal fraud and penal consequences; Prevention of money laundering	October 2005	Forum
Crime Statistics (4 of 4)	November 2005	Committee
<u>Other planned meetings</u>		
Fight against counterfeiting	(date not yet decided)	
Witness protection	1 st half '05	
UN Convention against corruption	(date not yet decided)	
(Data protection) 3 meetings on an Information policy for the third pillar under the umbrella of the Organised Crime Forum	(date not yet decided)	