

Understanding the EU's response to organised crime

SUMMARY

The EU has made substantial progress in terms of protecting its citizens since the early 1990s. This has often been in response to dramatic incidents, such as murders committed by the mafia or other organised crime groups or big money-laundering scandals, or to negative trends, such as the steep increase in migrant smuggling and trafficking in human beings following the 2015 migration crisis. More recently, it was necessary to respond to the sharp rise in cybercrime, fraud and counterfeiting during the coronavirus pandemic. Criminal organisations continue to pose big risks to the EU's internal security. A rising number of organised crime groups are active in EU territory, often with cross-border reach. Organised crime is furthermore an increasingly dynamic and complex phenomenon, with new criminal markets and modi operandi emerging under the influence of globalisation and new technologies in particular.

While the impact of serious and organised crime on the EU economy is considerable, there are also significant political and social costs, as well as negative effects on the wellbeing of EU citizens. As organised crime has become more interconnected, international and digital, Member States – which remain responsible for operational activities in the area of police and judicial cooperation – rely increasingly on cross-border and EU-level cooperation to support their law enforcement authorities on the ground.

Recognising the severity of the problem and the need for coordinated action, the EU has initiated several measures to encourage closer cooperation between Member States; it has furthermore adopted common legal, judicial and investigative frameworks to address organised crime. The European Parliament has made fighting organised crime a political priority and helped shape the relevant EU legislation. Future EU action will focus on implementing existing rules, improving operational cooperation – even beyond the EU's boundaries – and information-sharing, while also addressing some of the main criminal activities of organised crime groups. Furthermore, the EU aims to make sure that crime does not pay.

This is an updated version of a briefing from September 2020.



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Introduction

Organised crime remains a key threat to the EU's internal security: it affects people's well-being while also inflicting significant political and social costs, and huge economic losses.

Annual estimated [revenues](#) from nine main criminal markets in the EU ranged from €92 billion to €188 billion in 2019, or 0.7% - 1.4% of EU-27 gross domestic product (GDP). The total economic cost of organised crime is much higher, as the revenues are reinvested in further illicit activities or mainstreamed in the legal economy, thus fostering corruption, eroding trust in the institutions and undermining personal and public security, among others. Cybercrime alone – which has flourished in the last few years due to the unstoppable advance of digitalisation and new technologies – is [estimated](#) to have cost the global economy around 1 trillion in 2020, an increase of more than 50% compared to 2018. The impact of organised crime on EU finances is [estimated](#) at between €2.0 billion and 2.7 billion annually (1% to 2% of the EU 2020 budget of €165.8 billion).

According to the European Law Enforcement Agency, [Europol](#), document fraud, money laundering, corruption and online trade in illicit goods and services facilitate organised crime in the EU. Criminal networks go to great lengths to keep up appearances of legality, with more than 80% of those active in the EU using legal business structures for their criminal activities. The fact that a staggering [98%](#) of estimated criminal proceeds is not confiscated and remains at the disposal of criminals, hints at the scale of money laundering aimed at concealing the origin of criminal proceeds.

Organised criminal groups (OCGs) exploit gaps in enforcement and thrive on globalisation, making full use of open borders and free trade. Organised crime syndicates and networks respond to the laws of supply and demand. They are very flexible and quick to adapt their working methods to changing circumstances and situations, as witnessed most recently during the crisis triggered by the coronavirus pandemic. In this context, [Europol](#) observed a rise in coronavirus-related criminality (especially in the form of cybercrime activities, including the distribution of child sexual abuse material; fraud; counterfeiting; deception linked to organised property crime) and the dissemination of fake news, conspiracy theories and harmful narratives.

Europol expects that in the medium term, the volatile economic situation will provoke a rise in [economic and financial crime](#), such as money laundering; an increased use of shell companies and companies based in off-shore jurisdictions; and a potential new wave of irregular migration due to the impact on economies in the developing world. In the longer term, Europol expects criminals to keep adapting, taking advantage of and exploiting opportunities that emerge as a consequence of the economic recession, so as to secure themselves maximum gains. This may [lead](#) to an increase in corruption and money laundering, and to the resurgence of mafia-type organised crime groups in regions with weak governance and economic hardship. Businesses operating in sectors (for instance, hospitality, catering and tourism) that have been particularly affected by negative economic pressure, are becoming [more vulnerable](#) to criminal infiltration. In addition to taking advantage of periods of economic stress, OCGs could even exploit geopolitical tensions, focusing therefore on specific attractive border regions or sectors. Russia's war against Ukraine has already brought and will bring further opportunities to criminal networks. An [initial analysis](#) has shown crime patterns in several crime areas, including trafficking in human beings, online fraud schemes and cyberattacks.

Organised crime in the EU

An evolving landscape

In its latest Serious and Organised Crime Threat Assessment ([2021 SOCTA](#)), Europol stressed the transnational nature of organised crime. More than 180 nationalities are involved in organised crime activities in the EU, and 65% of the criminal groups active in the EU are composed of members of

multiple nationalities. Whereas traditionally crime markets were dominated by hierarchically structured OCGs, Europol now sees a shift towards loose networks – that interact with one another in the pursuit of common criminal objectives – or OCGs that centre around a core group (totalling 60% of all OCGs). This shift is a reflection of the increasing proliferation of individual criminal entrepreneurs offering crime-as-a-service (CaaS). They either work independently or are hired by loose networks and collaborate on an ad hoc basis. CaaS providers are mainly involved in cyber-related criminal activities, such as online trade in illicit goods and services that do not depend on traditional OCG structures. The structure of a criminal network resembles the structure of any normal business, with managers and field operators. A key characteristic is their agility to adapt and capitalise on changes.

The threat emanating from links between serious and organised crime on the one hand, and terrorism on the other, is nothing new. However, according to Europol, there is little evidence of systematic cooperation between criminals and terrorists, and interaction is mostly transaction-based. The agency sees overlapping interests when it comes to weapons, forged documents, finances and a shared pool of potential recruits.

Modi operandi

OCGs have only one goal in mind: making profits. To achieve this objective, they adjust their modi operandi very quickly and try to gain as much [control over the legal economy](#) and political life as possible, or even take over governance tasks in regions and communities. Europol qualifies those OCGs that are able to invest their profits in the legal economy as well as in their own criminal enterprises as 'the most threatening', simply because they can ensure 'business continuity' and a further expansion of their criminal activity.

Document fraud, money laundering and online trade in illicit goods enable and [facilitate](#) virtually all types of serious and organised crime.

Money laundering allows OCGs to introduce the proceeds of crime into the legal economy. The array of techniques used to this end ranges from setting up shell companies and complex international schemes involving a series of bank transfers, to new payment methods, such as cryptocurrencies and anonymous payment methods, which are an area of growing concern due to the absence of a common regulatory regime and the level of anonymity these products offer. Money laundering is also a lucrative business on its own, with some OCGs offering it as a stand-alone service to other groups, in exchange for a commission.

Virtually all criminal activities now feature online components, with some having fully migrated online. Indeed, almost all illicit goods and services are now bought and sold via online platforms, both on the regular web and on the dark net. This process was accelerated during the coronavirus pandemic and in its aftermath. Data are also traded as a commodity. The online illicit trade in goods and services is furthermore estimated to increasingly disrupt both the regular and the established criminal markets and their traditional distribution models over the next few years.

The impact of technology

Advancements in technology are a key enabler of change in the serious and organised crime landscape. Encrypted communication platforms have, for example, become indispensable for criminals. However, the impact of technological advancements goes beyond the internet and covers areas such as drone technology, automated logistics and printing technologies.

Although the more traditional criminal markets – drug trafficking, trafficking in human beings and migrant smuggling – continue to generate the biggest profits for OCGs, cyber-dependent criminal activities have been increasingly used for launching attacks in recent years while also becoming ever more sophisticated.

At the same time, technology (for instance, advanced digital forensics, predictive policing software and drones) is a significant aid to law enforcement authorities in their fight against serious and organised crime.

The use of [fraudulent documents](#) – false documents or genuine ones obtained by means of deception, misrepresentation or theft – has also increased significantly. Each such document can be used repeatedly to facilitate different criminal activities and therefore represents a considerable obstacle in the fight against serious and organised crime. As with illicit goods and services, fraudulent documents are also increasingly traded online.

Violence, corruption and deception are the key tools used by OCGs. Europol sees an increase in the use of violence, both in terms of frequency and severity. Criminals furthermore use violence in an indiscriminate way, often harming innocent bystanders.

[Investigations](#) into organised crime also indicate that corruption is on the rise, with almost 60 % of the criminal networks in the EU engaging in its various forms. Almost all significant cases of serious and organised crime involve corruption, from low-level bribery to high-level political corruption. Organised crime and corruption are in 'a mutually reinforcing relationship', as noted in an [EPRS study](#). Corruption is associated with more unequal societies, higher levels of organised crime, weaker rule of law, weaker state institutions, and lower trust in EU institutions.

Main criminal activities

According to the 2021 SOCTA, nearly 40 % of the organised crime syndicates are active in drug production, trafficking or distribution. Other key criminal activities include trafficking in human beings, migrant smuggling, cybercrime, firearms trafficking, environmental crime, organised property crime, counterfeiting of products, trafficking in cultural goods and various types of economic and financial crimes, to name the most outstanding ones.

Nearly half of the OCGs – in particular those involved in the trafficking of illicit goods – are involved in more than one criminal activity, so as to mitigate risks, reduce operational costs and increase profit margins. They are very flexible and can shift easily from one activity to another, depending on the situation. In many cases, OCGs operate on an on-demand basis and only become active once new profit opportunities arise.

Drug trafficking

[Drug trafficking](#) is the dominant and main profit-generating activity in the area of serious and organised crime in the EU. It is [estimated](#) to account for around one-fifth of global crime proceeds. According to the 2021 SOCTA, 75 % of the OCGs involved in the trafficking of one drug also distribute and traffic other types of drugs, whereas 80 % are simultaneously involved in other criminal activities such as trade in counterfeit goods, trafficking in human beings and smuggling of illegal migrants. Drugs are also used as a means of payment among OCGs. [Europol](#) found that the use of violence related to the drug trade has escalated notably in recent years and that a growing number of criminals resort to more blunt forms of violence. According to the [European Drug Report 2022](#), around 1 million seizures of illicit drugs were reported in 2020 in the EU plus Turkey and Norway, with cannabis products being the most often seized. The report also found that cannabis and cocaine remain the most commonly used illicit drugs in the EU, and that Europe's role in new synthetic drugs is growing. New technologies allow OCGs to maximise their production output, and online marketplaces on the dark net, social media, instant messaging apps and encrypted communication technologies are key to the advertising and sale of drugs. The [coronavirus crisis](#) has not hindered OCGs from producing and trafficking drugs. On the contrary, they have remained active and resilient, and 'have adapted their transportation models, trafficking routes and concealment methods' accordingly. The drug market is also becoming increasingly digitally enabled.

Trafficking in human beings

Thousands of people are [trafficked](#) in the EU every year and exploited in multiple ways or involved in other illicit activities. According to a 2020 European Commission [study](#), the economic cost of trafficking in human beings within the EU is estimated at up to €2.7 billion in a single year. Also

according to the [Commission](#), most of the 14 000 plus victims registered in 2017 and 2018 were women and girls (72%). Almost every fourth victim of trafficking in the EU was a child. The majority were trafficked for sexual exploitation (60%) or for labour exploitation (15%). [Trafficking](#) can also take the form of exploitation for the purpose of slavery, the removal of vital organs or forced criminality, such as pickpocketing, shoplifting and drug trafficking. The EU is primarily a destination region for victims from across the world, but victims are also recruited in EU countries and trafficked either internally or to other countries, inside or outside the EU. In fact, most of the child victims are EU citizens and are trafficked for sexual exploitation. Victims are almost exclusively recruited online. In a [communication](#) from 2017, the Commission furthermore points out the heightened risk of trafficking in the context of migration. Children in migration, and in particular unaccompanied minors, are particularly vulnerable to traffickers. [Europol](#) adds that the boundary between victim and accomplice has become blurred, with female victims also taking up organisational roles and with seemingly formal business agreements preventing victims from identifying as such. EU citizens facing financial difficulties due to the economic downturn resulting from the coronavirus crisis, together with irregular migrants present in the EU, may increasingly often be targeted by traffickers. The current geopolitical situation in Ukraine has also [increased](#) the risk of human trafficking and exploitation, especially of the most vulnerable.

Migrant smuggling

Whereas the victims of human trafficking are often duped or forced into entering another country, people who resort to the help of smugglers in order to enter another country usually do so voluntarily. Indeed, more than [90%](#) of the irregular migrants who reach the EU make use of smugglers, either for parts or for all of their journey. [Smuggling](#) endangers migrants' lives, as [many](#) go missing or even die while attempting to reach the EU. According to the [Commission](#), traffickers increasingly target irregular migrants and asylum-seekers in the EU for exploitation, turning them into victims. The [migrant smuggling](#) business [generates](#) an estimated €4.7 billion - €6 billion in profits annually. Profits depend on the number of people being smuggled. Just like human traffickers, migrant smugglers too [make use of](#) fraudulent travel and identity documents to allow entry and movement within the EU, as well as changes from an irregular to a legalised status. Moreover, migrant smugglers rely heavily on digital services and tools – such as social media and mobile applications for recruitment, communication and money transfers – to offer and organise their services. According to the 2021 SOCTA, the coronavirus pandemic has proven that global crises do not diminish the demand for smuggling services. Over half of the criminal networks involved in migrant smuggling are also involved in other crime activities, such as trafficking in human beings, drug or firearms trafficking, excise fraud or money laundering. These networks are very agile and responsive to changes in their environment. The current conflict in Ukraine and other unstable geopolitical situations or even climate change may cause further mass migration movements toward the EU, fueling the migrant smuggling industry even further.

Cybercrime

Cyber-dependent crime – which causes significant losses to businesses, citizens and the public sector – has been increasing in recent years, both in terms of numbers and in the level of sophistication of the attacks, according to the 2021 SOCTA. Cybercrime is often perpetrated by individual criminals and remains significantly underreported. Given how easy it is to enter into 'the business' of cybercrime, Europol expects OCGs to increasingly enhance or expand their use of cyber-tools and services. The [coronavirus crisis](#) has led to an increase both in the number of cyber-attacks and of users of child sexual exploitation sites. Isolation has made people more vulnerable to internet-related crimes, such as malware, love scamming, online counterfeit sales and social media scams. [Corporate networks](#) have become more vulnerable to cyberattacks, as teleworking became the norm during the pandemic. According to Europol's 2021 Internet Organised Crime Threat Assessment ([IOCTA](#)), cybercrime is becoming more aggressive and confrontational, increasingly so since the start of the pandemic. The agency warns that some methods and tools used by

cybercriminals are being increasingly adopted in other crime areas and that the digital criminal ecosystem continues to evolve at an alarming pace, therefore presenting further challenges for law enforcement.

Firearms trafficking

[Firearms](#) are a key enabler of the increasing violence perpetrated by OCGs. Although there are no precise figures as to the number of illicit firearms in the EU, several [indicators](#) point to their widespread availability and accessibility. Trafficking in illicit firearms is driven by criminal demand, with organised crime groups that engage in firearms trafficking also involved in other forms of criminality, very often drug trafficking. The EU considers illicit firearms a key crime threat precisely because they are used in many crimes and terrorist attacks. Even people who lack extensive criminal connections can access illicit firearms due to increased online trafficking and the availability of easy-to-convert weapons. According to the 2021 SOCTA, illegal firearms available in the EU are typically either diverted from legal supply chains, converted, reactivated or modified within the EU, or originate from weapon stocks outside the EU.

Environmental crime

According to the 2021 SOCTA, environmental crime – which encompasses a broad range of activities, from illegal wildlife trade and derived products to illegal waste trade and pollution crime – is a lucrative and fast-developing industry, which increasingly attracts criminals. In the EU, the illicit waste market is estimated to have generated an [average annual revenue](#) of €3.7 billion to €15.3 billion between 2014 and 2016. This type of crime has harmful effects not only on biodiversity and the environment but also on people's health and social cohesion within the EU and third countries. The Commission, in its [fourth progress report on the security union](#), stated that inspection, law enforcement and judicial authorities often lack the capacity and resources to effectively detect, investigate and prosecute environmental crime. The [proposed revision of the Environmental Crime Directive \(2008/99/EC\)](#) aims – among others – to increase the effectiveness of investigation and prosecution of environmental criminal offences across the EU.

Economic and financial crime

[Economic and financial crimes](#) affect millions of people and thousands of companies in the EU every year. OCGs find these crimes very attractive as they generate big profits and at the same time entail low discovery and prosecution risks. These crimes include a wide variety of activities, from simple fraud to large-scale sophisticated financial scheme, and combine licit financial transactions with illicit ones, making the detection of the latter difficult. New technologies and increased digitalisation of financial transactions pose additional [challenges](#), such as the convergence of different types of criminal activities such as fraud, cybercrime and financial crime into one. Europol qualifies fraud, the production and distribution of counterfeit goods, as well as money laundering, as some of the most threatening forms of economic and financial crime. [Money laundering](#) is linked to nearly all criminal activities that generate profits. Most groups and networks (68%) use [basic money-laundering methods](#), but professional money launderers use a parallel underground financial system to ensure that the proceeds of crimes cannot be traced.

EU action in the fight against organised crime

The EU integration process has brought new challenges and opportunities for those in charge of combatting organised crime. Individual Member States are increasingly reliant on cross-border and EU-level cooperation to support their law enforcement authorities on the ground. This is especially the case for the [Schengen Member States](#), which have lifted border controls with one another.

Security union

Since 2016, many initiatives have been launched with the aim of creating an [effective and genuine security union](#). The latter builds upon the [2015-2020 European Agenda on Security](#), which in turn replaced policy guidelines on EU justice and home affairs, such as the [Stockholm programme](#) adopted in 2009.

Presented by the Commission on 24 July 2020, the [2020-2025 security union strategy](#) intends to create a multidisciplinary, coordinated and integrated approach to security. Key priorities remain the fight against organised crime, terrorism and radicalisation, as well as 'crimes in a digital age'. The strategy focuses on strengthening and better implementing existing legal, practical and support tools. It recognises that security has implications for all parts of society and all public policies, and that work must also go beyond the EU's boundaries.

The problem of organised crime has been tackled through common instruments since the early 1990s. What has facilitated action at EU level has been the consensus among Member States on the need for common efforts in this domain.

EU action extends from crime prevention to law enforcement and is based on various tools, such as legislative measures, harmonised rules, crime statistics and EU-funded projects or specialist networks. Action plans and strategies have been elaborated to either target organised crime in general¹ or to deal with its particular forms. In recent years, the EU has, for example, stepped up information exchange by modernising EU-wide law enforcement databases and making them [interoperable](#); it has furthermore adopted strategies and action plans on [drugs](#), as well as on

[trafficking in firearms](#), [trafficking in human beings](#), [migrant smuggling](#) and [money laundering](#).

Moreover, the problem has been addressed within the EU's foreign policy and accession strategy, for instance, in respect of actions required of candidate countries. Most of the relevant initiatives, however, have been taken as part of police and judicial cooperation in criminal matters.

Legal framework

Member States are bound by a number of legal anti-organised-crime instruments stemming from EU and international law, including those agreed under the auspices of different institutions such as the United Nations ([UN](#)), the Council of Europe ([CoE](#)) and the Organisation for Economic Co-Operation and Development ([OECD](#)). The EU has actively taken part in drafting these international instruments and has also drawn inspiration from them for its own laws and policies.

This international-level legal interaction may be illustrated by the 2000 United Nations Convention against Transnational Organised Crime (the [Palermo Convention](#)). While the convention drew on some essential elements of the Council of the EU's [1998 Joint Action](#) on participation in a criminal organisation (98/733/JHA), it then became the world's tool of reference in the field and as such was incorporated into EU law.

Police and judicial cooperation in criminal matters before the Lisbon Treaty

The Treaty provisions on police and judicial cooperation in criminal matters were created on the basis of the exchanges between the Member States' interior ministers during their informal meetings and the intergovernmental relations under the Schengen Agreement. Issues pertaining to organised crime came to prominence in these forums, and various informal bodies were established.

Whereas the Treaty of Maastricht was still silent on organised crime, the Treaty of Amsterdam – which in 1997 created an area of freedom, security and justice (AFSJ) – provided for the possibility to approximate criminal legislation in this area (former Articles [29](#) and [31\(e\)](#) of the Treaty on European Union, TEU). Furthermore, the Amsterdam Treaty introduced framework decisions as an instrument for aligning national laws in the AFSJ.

One year later, the abovementioned Council Joint Action 98/733/JHA was adopted and remained in force until 2008, when it was replaced by [Council Framework Decision](#) (FD) [2008/841/JHA](#) on the fight against organised crime. The FD criminalised offences linked to participation in a criminal

organisation and laid down penalties for them. Since then, the FD has been met with strong criticism, in particular with regard to its definition of organised crime. The Commission has gone as far as to issue a formal [statement](#), seconded by France and Italy, saying that the FD has not achieved its objective.

Law enforcement cooperation was meanwhile strengthened by the creation of three EU agencies: Europol, established in 1998, building on its predecessor, the Europol Drugs Unit created in 1993; Eurojust, created in 2008 with the aim to improve judicial cooperation across the EU; and CEPOL, created in 2005 for the development of law enforcement training capabilities.

After the Lisbon Treaty

With the entry into force of the Lisbon Treaty in 2009, the fight against organised crime became a shared legal competence of the EU and the Member States. The EU committed to achieving 'a high level of security' ([Article 67\(3\) of the Treaty on the Functioning of the European Union \(TFEU\)](#)) in its territory and for its citizens. This specific objective was to be achieved through a number of EU measures ranging from preventing and combatting [crime](#) to coordinating between [police](#) and [judicial authorities](#), as well as through mutual recognition in criminal matters and, if necessary, through the approximation of criminal laws, including in respect of organised crime. [Article 83\(1\) TFEU](#) provides the legal basis for establishing minimum rules for the definition of criminal offences and sanctions in the area of particularly serious crime with a cross-border dimension, including organised crime. Based on this article, several legal instruments have been adopted to approximate criminal definitions and sanctions in relation to particular forms of crime, such as [drug trafficking](#), [child sexual exploitation](#), [trafficking in human beings](#), [cybercrime](#) and [money laundering](#). [Article 83\(2\) TFEU](#) provides another possibility for the approximation of criminal laws when it is deemed necessary for the effective implementation of an EU policy in an area that has been subject to harmonisation measures. Judicial cooperation in criminal matters is regulated by [Article 82\(1\) TFEU](#), which establishes the principle of mutual recognition of judicial decisions and allows the adoption of tools for [cross-border evidence-gathering](#) and [freezing and confiscation](#) of criminal assets. The Lisbon Treaty also allows the establishment of minimum rules with respect to criminal procedure ([Article 82\(2\) TFEU](#)), which has led to the adoption of directives in areas previously regulated by framework decisions (e.g., the 2012 Directive on the rights of [victims](#) of crime and six directives on procedural rights for [suspected and accused persons](#)).

While the European Council sets the [wider strategic framework](#) when it comes to the EU's internal security, the operational and legislative details are left to the other relevant EU institutions. One of the four main priorities of the European Council's [Strategic agenda 2019-2024](#) is protecting the European citizens and their freedoms. This includes the fight against terrorism and cross-border crime, improving cooperation and information-sharing, and further developing the EU's common instruments. Under the Lisbon Treaty, the European Parliament acquired equal

Definition of organised crime

There is no widely accepted definition of organised crime. Council [Framework Decision 2008/841/JHA](#) (FD) on the fight against organised crime provides a definition of 'criminal organisation' similar to the [Palermo Convention](#)'s definition of the term 'organised criminal group': a structured group of two (FD) or three (convention) or more persons, existing over a period of time, acting in concert with the aim of committing crimes for financial or material benefit. The Commission, in a [2016 report](#), concluded that the FD 'does not achieve the necessary minimum degree of approximation as regards directing or participating in a criminal organisation on the basis of a single concept of such an organisation'. A [2016 EPRS study](#) called for further approximation of the definition of organised crime, notably through a revision of the FD, which it considered to be outdated in view of the rapid pace of globalisation and digitisation as well as the strengthened EU Treaty framework. Parliament, in a 2020 [resolution on the EU security union](#), stressed the need for a definition that takes into account the use of violence, corruption or intimidation by criminal groups to obtain control of economic activities or public procurement, or to influence democratic processes.

[legislative powers](#) with the Council in an area that was previously intergovernmental and where Parliament was merely consulted. Since 2009, it has played a [very active role](#) in developing the EU agenda for the fight against organised crime. It has made fighting organised crime a political priority and has helped shape the relevant EU legislation. Several laws in the areas of [judicial cooperation in criminal matters](#) and [police cooperation](#) were adopted during the previous Parliamentary term (2014-2019). The Parliament has also actively contributed to the evaluation of EU policies: in 2012 it set up a special committee – the [CRIM committee](#) – to investigate the extent and the social and economic impact of cross-border organised crime, corruption and money laundering in the EU and the Member States, to examine the role and activities of EU home affairs agencies, as well as to analyse the implementation of existing legislation and to identify possible new legislative measures. The CRIM committee made several [recommendations](#) for improving EU action in this area, notably calling for the adoption of an EU action plan to eradicate organised crime, corruption and money laundering and to revise the FD on organised crime.

In spite of Parliament's enhanced role under the Lisbon Treaty, [EU criminal policy preparation](#) is still very much in the hands of the Member States', and the Council [Committee on Internal Security](#) (COSI) remains the main forum for discussing criminal intelligence and operational law enforcement cooperation among Member States. Again at Council level, a mutual evaluation mechanism was established under [Joint Action 97/827/JHA](#), for sharing best practices and improving national standards in the implementation of cooperation instruments. Nine rounds of such mutual (peer) evaluations, coordinated by the GENVAL Working Party, have taken place by now, including on [cybercrime](#) and [environmental crime](#), and [financial crime](#).

Operational cooperation

Operational activities are the responsibility of the Member States, but the EU does everything that falls within its remit to assist the Member States in fighting organised crime effectively.

In 2010, the EU set up a four-year EU policy cycle for organised and serious international crime ([EMPACT](#)) to address the most important criminal threats affecting the EU. In 2021, it became a permanent instrument: [EMPACT 2022+](#). The Council defines each cycle's priorities taking into account the recommendations of Europol's SOCTA, as well as data from other agencies, such as the European Border and Coast Guard Agency ([Frontex](#)), [Eurojust](#) and the European Monitoring Centre for Drugs and Drug Addiction ([EMCDDA](#)), from Europol partners – both third countries and private entities – and from open sources. The priorities of the [2022-2025 policy cycle](#) include disrupting the activities of organised crime groups and hampering the enablers of organised crime. Emphasis is placed on high-risk criminal networks; combating cybercrime; migrant smuggling; trafficking in human beings; combating child sexual abuse and exploitation; drug trafficking; firearms trafficking; financial and economic crimes and fraud; organised property crime; as well as environmental crime. In [2020](#), EMPACT's combined all-EU efforts led amongst other things to 7 487 arrests, the identification of more than 5 030 victims of trafficking in human beings and child sexual abuse, the seizure of 2 732 weapons and 12 tonnes of drugs and chemicals, and the freezing and seizure of €4.2 million worth of criminal assets.

There has been growing involvement of specialised agencies supporting national law enforcement authorities in the fight against serious and organised crime. Several of these agencies – including [Europol](#), [Eurojust](#), the European Border and Coast Guard ([Frontex](#)) and [eu-LISA](#) (dealing with the operational management of large-scale IT systems) – have recently had their mandates reinforced; others, such as the [European Public Prosecutor's Office](#) (EPPO), whose remit includes fighting crimes against the EU budget,² have recently been set up. The justice and home affairs agencies are important operational players in the fight against organised crime.

Within this network, Europol acts as the EU criminal information exchange hub and provides operational support and expertise to Member States' criminal investigations. In the area of serious and organised crime, Europol's support for the Member States focuses on the priorities identified in the EU 2022-2025 policy cycle. To maximise its support, the agency has set up several [specialised](#)

[centres](#) that deal directly or indirectly with organised crime.³ [Europol's mandate](#) has recently been strengthened. Europol's numerous successfully completed [operations](#) over the now 20 years of its existence, together with the various training and capacity-building exercises it has carried out, are proof of the agency's positive contribution to the fight against serious crime in the EU.

When it comes to bringing serious criminals to justice, Eurojust assists prosecutors and other investigators from the EU Member States. In [2021](#), Eurojust carried out 10 105 cross-border criminal investigations, the highest number of cases since its establishment. Also in 2021, both Eurojust and Europol were involved – together with several EU Member States – in unlocking the encryption of the encrypted communications platform [SkyECC](#), popular among criminal networks. This operation allowed authorities to expand investigations and solve serious and cross-border organised crime, as well as provide insights into criminal activities in various EU countries and beyond.

Challenges and possible ways forward

In a [comprehensive assessment](#) of EU security policy published in 2017, the Commission stressed the need for proper implementation of EU norms to ensure their effectiveness. When it comes specifically to the fight against organised crime, a more horizontal, comprehensive approach to organised crime and organised crime groups would be appropriate, given their '[poly-criminality](#)', i.e. their involvement in different criminal activities. As already mentioned, the EU legislators have adopted several legal instruments on particular crimes since the entry into force of the Lisbon Treaty. However, the 2008 Framework Decision on Organised Crime has not been updated, despite the fact that, according to [Europol](#), its definition of organised crime groups does not adequately describe the complex and flexible nature of modern organised crime networks.

In 2016, an [EPRS study](#) identified the main gaps and barriers hindering a more effective fight against organised crime as follows: lack of ratification, transposition, implementation and enforcement of international and EU norms; outstanding gaps in the current EU legal framework; lack of accountability with regard to policy-making; and shortcomings in operational cooperation. Further [EPRS research](#) has suggested that an EU criminal policy cycle, building on the current EU policy cycle for organised crime and involving the Parliament and national parliaments more comprehensively, could result in better prioritisation and accountability.

A 2020 [EPRS study](#), analysing the possible scope for action based on the current EU Treaties, looked inter alia into ways to better protect EU citizens from serious and organised crime. One possible path would be to use the provisions of [Article 85\(1\)\(a\) TFEU](#) to grant Eurojust the binding power to initiate investigations in all the [areas of its competence](#), i.e. including organised crime. In [2017](#), the Parliament advocated for Eurojust and Europol to receive '[genuine investigation and prosecution competences and capabilities](#), possibly by a transformation into a true European Bureau of Investigation and Counter-terrorism'. Another way to bring EU added value without creating new powers could be through increased and more effective use of existing tools, such as the [joint investigative teams](#). While organised crime groups are swift to exploit free movement within the EU, the EPRS 2020 study pointed at the practical limitations faced by cross-border police and judicial operations, due to differing national laws and technical tools. Under [Article 89 TFEU](#), several measures could be adopted to allow national criminal justice bodies and police to operate on the territory of other Member States more efficiently. Such measures include broadening the scope of 'hot pursuit', harmonising communication and police equipment standards and improving the gathering of cross-border evidence. Moreover, [Article 87\(2\)\(c\) TFEU](#) could be used to establish [common investigative techniques](#) at EU level, as a means of strengthening police cooperation. The Parliament has previously [called](#) on the Commission to submit, by the end of 2014, a proposal for a directive on common investigative techniques to combat organised crime, based on Article 87(2)(c); however, the Commission has not followed up on these calls thus far.

Outlook

The fight against organised crime – one of the key priorities of the [2020-2025 security union strategy](#) – will remain high on the EU agenda in the years to come.

The Commission has been quite active in recent years in its commitment to contribute to a shift towards a genuine security union. When it comes to organised crime, several [legislative proposals](#) have been put forward, including one on the detection and removal of child sexual abuse, another on an ambitious anti-money-laundering package, a third on a review of the Environmental Crime Directive ([99/2008/EC](#)), and a fourth on a revision of the mandate of the EMCDDA and Europol. As regards the [EPPO](#), it remains to be seen if its mandate (currently limited to crimes against the EU budget) will be extended to other serious crimes,⁴ such as terrorism (as [proposed](#) by the Commission), organised crime and [environmental crime](#) (as [demanded](#) by the Parliament). Besides the ongoing legislative developments, in April 2021 the Commission presented a new [strategy to tackle organised crime 2021-2025](#), setting out the tools and measures to be taken to disrupt the business models and structures of criminal cross-border organisations. More specifically, the strategy aims to boost cooperation of law enforcement and judicial authorities, among others by means of a [new EU Police Cooperation Code](#), a more efficient information exchange and a [cooperation agreement](#) with the international criminal police organisation Interpol. Another aim is to eliminate criminal profits and fight infiltration of the legal economy. Yet another is to make law enforcement and the judiciary fit for the digital age. In order to address some of the main criminal activities conducted by OCGs, the Commission has furthermore put forward several strategies and action plans, such as a new EU [agenda and action plan](#) on drugs, a new EU [action plan](#) against firearms trafficking and an EU [action plan](#) against migrant smuggling, a [strategy](#) on combating trafficking in human beings and for a more effective fight against child sexual abuse online, as well as an [action plan](#) on preventing money laundering and terrorist financing.

In its [fourth progress report on the EU security union strategy](#), the Commission looked at all these developments and the progress made. Given the volatile security situation as a consequence of the Russian war against Ukraine, the report also considered the preparedness needs arising from potential security threats stemming from this war. The Commission concluded that the EU is able to adapt, even in the face of exceptional and unexpected threats such as those resulting from this war, and that determined implementation of the security union strategy is more important than ever. The Commission nonetheless acknowledged that – given the uncertainties – the EU will need to remain extremely vigilant to evolving threats and build preparedness for and resilience to all eventualities. Special attention will need to be paid to the circulation of firearms and the return of foreign fighters. The French Presidency of the EU, in a global assessment of the criminal threat in the context of the war in Ukraine (document [7612/22](#), not publicly accessible), furthermore warned against an increase in trafficking in human beings and in abandoned or stolen private vehicles and parts; chemical, biological, radiological and nuclear (CBRN) risks; hybrid threats; an accelerating flow of drugs to the EU; and the reconfiguration of the trafficking of tobacco products.

Europol, in its [2021 SOCTA](#), envisages that three key factors would have a possible impact on the security of the EU in the next five years: digitalisation, geopolitical developments and the green transition. Digitalisation – a phenomenon accelerated by the coronavirus pandemic – poses data security challenges and increases the risks of data and information manipulation. The internal-external security nexus is more present than ever and geopolitical developments will require stronger EU security autonomy and greater cooperation between national authorities in all security domains. Europol warns that there is significant conflict potential on the periphery of the EU, not only in Ukraine. Finally, the move towards a less resource-intensive and more environmentally sustainable way of life might also be exploited by criminals, as the financial system and green sectors will be increasingly interlinked. They might seek profit by orchestrating increasingly complex and far-reaching fraud schemes involving investments, energy and green certifications. The mid- to long-term consequences of the coronavirus pandemic may also result in further vulnerabilities.

Growing poverty and social inequality may be a fertile breeding ground for organised and serious crime for years to come. Europol expects criminals to further rely on the use of new technologies and further expand their technical capabilities. An [EPRS publication](#) also warns against the potential spread of OGG influence among those working for the government and the public administration, especially where criminal elites occupy leadership roles or criminal elements are integrated into judicial and law enforcement systems.

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ENDNOTES

¹ For instance, the 1997 [action plan to combat organised crime](#) and the [millennium strategy](#), 2000.

² The legal instrument that lays the foundation for the EPPO's competence is the 2017 [PIF Directive](#) on the fight against fraud to the Union's financial interests, which harmonises the definitions, sanctions and limitation periods of criminal offences affecting the EU budget.

³ These centres are the European Cybercrime Centre ([EC3](#)), the European Serious Organised Crime Centre ([ESOCC](#)) – which incorporates the European Migrant Smuggling Centre ([EMSC](#)) – the Intellectual Property Crime Coordinated Coalition ([IPC3](#)) and the European Financial and Economic Crime Centre ([EFEC](#)), which aims to enhance the operational support provided to the EU Member States and EU bodies in the fields of financial and economic crime, and to promote the systematic use of financial investigations.

⁴ The Treaty on the Functioning of the European Union ([Article 86\(4\)](#)) envisages the possibility to extend the powers of the EPPO to 'serious crime having a cross-border dimension'. However, such an extension requires unanimity in the Council.

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