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RELAZIONE

**SULL'ATTUAZIONE DELLA CONVENZIONE CHE
ISTITUISCE L'UFFICIO EUROPEO DI POLIZIA (EUROPOL)**

(Anno 2008)

(Articolo 6, comma 2, della legge 23 marzo 1998, n. 93)

PRESENTATA DAL MINISTRO DELL'INTERNO

(MARONI)

Trasmessa alla Presidenza l'11 giugno 2009

PAGINA BIANCA

INDICE

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1. Evoluzione del quadro normativo	Pag.	5
2. L'Unità Nazionale Europol	»	6
3. Attività svolta nelle principali aree di mandato	»	7
4. Ulteriori contributi	»	17
5. Progetti in atto	»	17
6. Considerazioni	»	18

PAGINA BIANCA

1. Evoluzione del Quadro Normativo

La creazione dell'Ufficio europeo di polizia (Europol) nasce da un'ambiziosa idea della Germania, presentata nel 1989, di istituire un ufficio di polizia con poteri estesi. Europol è stato creato sulla base dell'articolo K.1, punto 9 del trattato di Maastricht. L'Ufficio, noto inizialmente con il nome di "Unità Droghe Europol", ha iniziato la sua attività il 3 gennaio 1994 e inizialmente la sua azione si limitava alla lotta contro la droga e le sue attività sono state progressivamente estese ad altri importanti settori della criminalità.

Europol è stato istituito mediante la Convenzione Europol firmata il 26 luglio 1995 e l'ufficio ha iniziato ufficialmente le attività il 1° luglio 1999, con sede a L'Aia (Paesi Bassi). Dotato di personalità giuridica, ha il compito di migliorare l'efficacia dei servizi nazionali competenti degli Stati membri e la loro cooperazione nell'ambito della prevenzione e della lotta contro le forme gravi di criminalità internazionale organizzata e contro il terrorismo.

Il trattato di Amsterdam (articolo 30, paragrafo 2) gli conferisce una posizione privilegiata nello scambio di informazioni tra le forze di polizia. Cinque anni dopo il trattato di Amsterdam è stato necessario consentire a Europol di facilitare e sostenere le attività di indagine delle autorità competenti e di aiutare il coordinamento delle azioni operative condotte da equipie miste all'interno delle quali i rappresentanti di Europol svolgono un ruolo di appoggio. Dopo l'entrata in vigore della Convenzione, Europol è stato soggetto a modifiche necessarie, che hanno comportato la creazione di tre protocolli aggiuntivi e la revisione della Convenzione stessa.

Attraverso la prevista procedura di ratifica da parte di tutti gli Stati membri, che si rivela particolarmente lunga e faticosa.

Il Parlamento europeo ha spesso denunciato la complessità delle procedure di modifica della Convenzione Europol per le quali è necessaria la ratifica da parte degli Stati membri (iter che richiede almeno quattro anni) e che ritardano l'entrata in vigore di nuove disposizioni e ha più volte chiesto il ricorso a decisioni del Consiglio in base all'articolo 34, paragrafo 2, del trattato dell'UE, accogliendo con entusiasmo la proposta della Commissione europea del 20 dicembre 2006 sulla decisione del Consiglio che istituisce l'Ufficio europeo di polizia, al fine di conferire ad Europol un quadro giuridico più adatto all'evoluzione dei fenomeni criminali.

La principale conseguenza è che in futuro sarà sufficiente, per modificare il quadro giuridico relativo ad Europol, una ulteriore Decisione adottata dalla maggioranza qualificata del Consiglio stesso.

La decisione del Consiglio conferirà ad Europol lo statuto di agenzia dell'Unione Europea e avrà come ulteriore conseguenza che il finanziamento di Europol avverrà mediante il bilancio comunitario e sarà applicato lo statuto dei funzionari delle Comunità europee al personale Europol.

Inoltre, l'intervento dell'Ufficio europeo di polizia non sarà più subordinato all'esistenza di una struttura criminale organizzata e l'estensione del suo mandato produrrà importanti effetti per l'attività di Europol, anche per quanto riguarda le squadre investigative comuni, la richiesta di esecuzione di indagini, il riciclaggio di denaro.

2. L'Unità Nazionale Europol

Il Decreto Interministeriale 21 febbraio 1996 (Ministro dell'Interno e del Tesoro) ha dato attuazione al disposto dell'art. 4 della Convenzione Europol, istituendo l'Unità Nazionale Europol (U.N.E.).

Per lo svolgimento delle sue attività, all'atto della costituzione, furono individuati quali "Servizi nazionali di polizia competenti per la prevenzione e la lotta contro la criminalità", ai sensi dell'art 2 della Convenzione, i seguenti Referenti nazionali:

- il Comando Generale dell'Arma dei Carabinieri - II Reparto;
- il Comando Generale della Guardia di Finanza - II Reparto;
- la Direzione Centrale per i Servizi Antidroga;
- la Direzione Investigativa Antimafia;
- il Servizio Centrale Operativo della Polizia di Stato.

Nelle more dell'approvazione di un auspicato nuovo Decreto Interministeriale che aggiorni quello ormai obsoleto del 1996, l'U.N.E. per necessità di ufficio sta già intrattenendo contatti diretti "ratione materiae" con altri Servizi del Dipartimento della Pubblica Sicurezza. Tra le innovazioni da introdurre, infatti, vi sarebbe anche la necessità di una revisione del suddetto assetto delle competenze.

Il personale attualmente effettivo all'UNE, in mancanza di un organico ancora da definire, è il seguente:

Direttore dell'Unità Nazionale: attualmente Colonnello CC (incarico a rotazione)

1^ Sezione: Funzionario PdS

2^ Sezione: Ufficiale CC

3^ Sezione: Ufficiale GdF

Sono inoltre effettivi, all'Unità Nazionale Europol, complessivamente:

- Polizia di Stato: n. 4 unità
- Carabinieri: n. 5 unità
- Guardia di Finanza: n. 5 unità.

Il totale del personale operante in sede è di complessive 18 unità.

In qualità di ufficiali di collegamento presso la sede di Europol a L'Aia (Paesi Bassi), operano attualmente:

- Carabinieri: n. 1 Ufficiale
- Guardia di Finanza: n. 1 Ufficiale
- Polizia di Stato: n. 1 Ispettore (il funzionario è stato trasferito ad altro incarico e non ancora designato il sostituto).

3. Attività svolta nelle principali aree di mandato

a. Immigrazione clandestina

L'immigrazione clandestina ed i suoi legami con il crimine organizzato restano una priorità per l'Unione Europea, tanto che l'approccio comune a tali fenomeni da parte delle Forze di Polizia degli Stati Membri, si evidenzia come assoluta necessità.

Nello specifico settore, la cooperazione in ambito Europol si estrinseca, oltre che nel consueto scambio di informazioni, anche nella partecipazione all'AWF (Analytical Work File – Archivio di Lavoro ai fini dell'Analisi) denominato “CHECKPOINT”. Questo archivio di analisi, attivo fin dal 2006, racchiude al suo interno una serie di Target Groups, ad alcuni dei quali partecipa l'Italia.

Dal 4 aprile 2007 è operativo il *target group* “MOLUK”, costituito su proposta dell'Ungheria a seguito di investigazioni volte allo smantellamento di reti criminali dedite alla facilitazione dell'immigrazione illegale di cittadini ucraini e moldavi verso i Paesi dell'Unione Europea. Nell'ambito del suddetto Target Group è stata svolta un'attività di polizia denominata “Operazione TRUFAS” condotta dalle Autorità spagnole anche con la collaborazione della Squadra Mobile di Milano.

In data **03.11.2008** tale operazione si è conclusa con l'arresto di circa 50 persone in diversi Paesi europei. Sono tuttora in corso scambi informativi tra i Paesi coinvolti.

Dal 12.06.2007, su proposta della Germania, è operativo il *target group* “STORM”, il cui scopo è quello di contrastare il continuo aumento del traffico di clandestini provenienti dall'Iraq, attraverso l'individuazione e lo smantellamento della rete criminale che si appoggia ai loro connazionali già presenti in Europa.

Nell'ambito del suddetto Target Group, la Francia ha avviato un'indagine, conclusasi nel **giugno 2008**, denominata “BAGDAD”, a cui hanno partecipato Belgio, Danimarca, Francia, Italia, Germania, Grecia, Irlanda, Norvegia Olanda, Svezia e Regno Unito. I riscontri investigativi hanno consentito l'arresto di 75 membri del sodalizio criminale dedito al favoreggiamento dell'immigrazione clandestina di cittadini di nazionalità curdo-irachena, iraniana, afgana e cinese. La correlata attività investigativa italiana, denominata “TICKET TO RIDE” e condotta principalmente dalla Squadra Mobile di Venezia, su espressa richiesta dell'Autorità Giudiziaria ha visto differire la sua esecuzione al 2009.

Dal 27 agosto 2007 è operativo il *target group* “EBANO”, avente come obiettivo l'analisi dello scambio informativo sui flussi migratori illeciti provenienti dall'Africa.

b. Tratta degli esseri umani

Dal 2007 è attivo l'AWF denominato “PHOENIX”, in sostituzione dell'AWF MARITSA.

Tale iniziativa è scaturita dalla necessità, palesata soprattutto a livello operativo, di dotarsi di un archivio di analisi nel quale convogliare i dati relativi al fenomeno della tratta degli esseri umani nella sua globalità, fatte salve le condizioni di cui all'art. 2 della Convenzione Europol.

Tale AWF è in stretta correlazione col progetto denominato COSPOL THB (Trafficking in Human Beings – Tratta degli esseri umani), attivo in seno alla Task Force dei Capi delle Polizie.

Nel **gennaio 2008** questa Unità Nazionale, sulla scorta del continuo incremento di attività di indagine nella lotta al traffico di giovani donne nigeriane (Operazione *Viola*, Operazione *Foglia Nera*) ha proposto ai Referenti nazionali delle Forze di Polizia l'apertura di uno specifico Target Group, tenuto anche conto dell'interesse manifestato sia da Europol che da altri Stati membri dell'UE.

Il flusso prodotto dalle indagini è puntualmente canalizzato anche nel Sistema Informativo di Europol per consentire a tutti gli Stati membri di rilevare collegamenti con proprie attività nazionali e per fornire agli analisti di Europol gli elementi necessari all'elaborazione dei dati volta alla predisposizione del quadro di situazione internazionale.

In generale, lo scambio informativo tra i Paesi membri dell'Unione Europea in materia è sempre attivo e, in tale contesto, sono state avviate attività info-operative che vedono tuttora impegnati i competenti organi investigativi della Polizia di Stato e dell'Arma dei Carabinieri.

Degno di nota, in particolare, risulta lo scambio informativo con la Repubblica Ceca, in relazione a gruppi criminali organizzati dediti, in territorio italiano e in quel Paese, allo sfruttamento della prostituzione.

c. Pedopornografia infantile

In ordine alla specifica area di mandato, Europol si occupa del reato di pedofilia, nelle sue varie forme (on line, tratta di minori, sfruttamento e abuso, turismo sessuale), sotto il profilo dell'analisi del fenomeno, anche attraverso la stesura di rapporti e bollettini redatti sulla base dei contributi forniti dai Paesi Membri.

Nel particolare settore, oltre al consueto scambio informativo da e verso gli altri Stati membri curato dall'Unità Nazionale Europol, l'Italia ha aderito all'**AWF TWINS**, dedicato al fenomeno criminale della pedofilia, che è tuttora il principale strumento di supporto investigativo di svariate operazioni coordinate tra più Paesi. In tale ambito, per agevolare lo scambio del delicato e cospicuo materiale relativo alle indagini, l'AWF si è adottato di uno specifico software (GROOVE network), evitando così l'obsoleto sistema dello scambio di CD o DVD.

Nel corso di una vasta ed articolata indagine, coordinata da Eurojust e da Europol, relativa ad un sodalizio criminale dedito alla divulgazione, per via telematica, di materiale pedo-pornografico, nel novembre del 2007 si è conclusa l'operazione antipedofilia denominata "**KOALA**" coordinata Servizio Polizia Postale e delle Comunicazioni e condotta dal Compartimento della Polizia Postale di Bologna, che ha permesso l'arresto in campo nazionale ed internazionale di numerosi soggetti e l'individuazione di 23 vittime minori, tutte tra i 9 ed i 16 anni. L'indagine, partita da una segnalazione australiana relativa all'intercettazione di un filmato pedo-pornografico girato in Belgio, ha consentito l'arresto di un cittadino italiano dedito al procacciamento dei minori, alla realizzazione dei filmati ed alla loro vendita via internet. La condivisione dei dati con l'Ufficio Analisi di Europol, **continuata nel 2008**, ha permesso di far emergere collegamenti con numerosi Paesi tra cui Australia, Belgio, Canada, Danimarca, Finlandia, Francia Germania, Grecia, Islanda, Irlanda,

Lussemburgo, Malta, Olanda, Norvegia, Polonia, Portogallo, Slovacchia, Spagna, Svizzera, Gran Bretagna, Ucraina e Stati Uniti. Per la parte italiana, la Polizia Postale sulla scorta del controllo incrociato dei dati forniti, per il tramite dell'Unità Nazionale Europol, dai collaterali esteri coinvolti, ha identificato 17 soggetti arrestandone quattro e sequestrando contestualmente un'ingente mole di materiale illegale.

Sono in corso scambi informativi in merito ad otto indagini condotte dalle Autorità belghe, olandesi, danesi, svedesi, britanniche, austriache ed italiane nei confronti di soggetti che scambiano materiale pedo-pornografico on-line.

d. Traffico di veicoli rubati

Lo scambio informativo è costante ed ha consentito, nel corso dell'anno, di coordinare l'attività investigativa degli organi di polizia degli altri Paesi europei con il Servizio di Polizia Stradale, non solo per la ricerca di autoveicoli rubati ma anche per fronteggiare il fenomeno criminale del furto di autobus, presente soprattutto nell'area centrale europea ed quello delle autovetture di lusso.

Continua l'aggiornamento e l'integrazione del software "EUVID" che contiene un manuale informatizzato per il controllo della genuinità di telai e documenti di circolazione. Tale supporto ha ottenuto un diffuso apprezzamento da parte degli operatori di polizia dei Paesi ai quali è stato distribuito da Europol.

e. Attività delittuose compiute da bande di motociclisti

In ordine alla specifica area di mandato, all'interno dell'Archivio di Analisi "MONITOR", aperto nel settembre 1999 con lo scopo di contrastare le attività delittuose compiute ad opera di bande di motociclisti, si è provveduto nel 2008 all'apertura del sotto-progetto "HERMANOS", che ha come oggetto specifico le attività criminali inerenti il traffico di droga e di armi, il riciclaggio, la frode ed estorsione, nel cui ambito si sta svolgendo un'indagine condotta dal ROS Carabinieri di Trento.

f. Terrorismo

Sul piano della cooperazione tra forze di polizia, una delle priorità di Europol riguarda la lotta al terrorismo.

Nello specifico settore, meritano di essere segnalati:

1. Progetti "Check the Web" e "Bomb Data Base".

Nell'ambito dei progetti intrapresi da Europol a cui l'Italia ha aderito, sono in corso le procedure di attivazione di quelli denominati "Check the web" e "Bomb Data Base".

Il primo, finalizzato al monitoraggio dei siti internet sospettati di sostenere il terrorismo islamico, ha l'obiettivo di immagazzinare informazioni di natura tecnica e dati relativi a dichiarazioni, proclami, rivendicazioni e pubblicazioni jihadiste.

Il secondo, derivato da un'iniziativa intrapresa dalla Task Force sulla sicurezza degli esplosivi in seno alla Commissione Europea, è volto alla creazione di una banca dati europea sugli ordigni e materiali esplosivi, consultabile dalle Forze dell'Ordine di tutti gli Stati Membri.

2. la banca dati AWF "HYDRA" sull'estremismo islamico.

Tale piattaforma per lo scambio di informazioni, nel caso in questione raccoglie ed elabora dati sul terrorismo islamico.

Nell'ambito dell'AWF si è sviluppata la collaborazione per le Operazioni "INSILAL" e "CANTATA MALACHEIT" che hanno dato vita a due distinti Target Group con la partecipazione di Italia, Spagna e Germania. La prima operazione riguarda una complessa attività investigativa nei confronti di organizzazioni caritatevoli presenti in Europa ed è tesa ad accertare la partecipazione delle stesse al finanziamento del terrorismo internazionale. La seconda è finalizzata a disarticolare una rete internazionale jihadista sospettata di preparare attentati nell'Europa occidentale. Entrambe dovrebbero portare al più presto ad una serie di arresti.

Tra le attività svolte vi sono anche le risposte da fornire agli Stati Membri, il supporto alle investigazioni, la redazione di rapporti strategici sulle tendenze emergenti, il colmare le lacune riscontrate nei work files, e lo stimolare gli Stati Membri a contribuire ai progetti avviati.

3. la banca dati AWF "Dolphin".

L'AWF in questione costituisce una piattaforma per lo scambio di informazioni sulle organizzazioni terroristiche che minacciano l'Europa.

Nel suo ambito continua a svilupparsi la c.d. "Operazione Mediterraneo" che ha visto la compartecipazione dell'Italia ed è ora volta a favorire l'ulteriore scambio informativo tra Italia, Spagna e Grecia sulle attività dei gruppi e dei militanti di area anarco-insurrezionalista.

4. "Counter Proliferation Program".

Nell'ambito di questo progetto, Europol svolge un importante ruolo di collegamento ed è partner delle istituzioni europee e di organizzazioni internazionali quali l'IAEA, l'Istituto degli elementi transuranici, il Joint Research Centre, il Justice Freedom and Security ed il Rapid Alert System. Riguardo in particolare al traffico illegale di armi da fuoco, Europol fornisce supporto all'ATF (Bureau of Alcohol Tobacco and Firearms), partecipa allo European Firearms Expert Group ed offre un contributo per le operazioni c.d. ad "alto impatto".

5. Realizzazione di bollettini di informazione basati su fonti aperte

L'elaborazione e la diffusione, con cadenza periodica, di rassegne delle fonti aperte quali il *Counter Terrorism Monthly Report* ed il *Counter Proliferation Bulletin*, sono rappresentativi del panorama delle informazioni afferenti la specifica materia diffuse dai media.

g. Traffico di armi

Durante il semestre di Presidenza Francese dell'Unione Europea, nell'ambito del progetto "High Impact Operation", è stata proposta ai Paesi Membri un'operazione congiunta, denominata "Diligence", in materia di traffico illegale di armi dal sud-est europeo.

La stessa, sviluppatasi per ventiquattro ore, tra il **30 novembre ed il 1° dicembre 2008**, è stata condotta dalle Forze di Polizia dei Paesi Membri dell'Unione Europea, con la collaborazione della Commissione Europea, di Europol e della Svizzera.

In Italia l'attività di controllo è stata eseguita da Polizia di Stato, Carabinieri, Guardia di Finanza, Agenzia delle Dogane e Capitanerie di Porto, sotto la supervisione della Direzione Centrale della Polizia Criminale; la gestione del flusso informativo è stata svolta dall'Unità Nazionale Europol.

Il traffico di armi come obiettivo della prima "Operazione Alto Impatto" è stato individuato in quanto tale reato è ritenuto di primaria importanza, poiché potenzialmente connesso al terrorismo, alla criminalità organizzata ed alla microcriminalità.

Il progetto è risultato essere un'assoluta novità, soprattutto in considerazione della vastità dell'area geografica interessata e dell'eccellente cooperazione tra tutti i soggetti italiani ed esteri coinvolti, rappresentando una tra le più importanti forme di mobilitazione europea contro la criminalità transnazionale.

Sul Territorio Nazionale sono stati ispezionati nr.10129 autoveicoli, nr.73 autobus, nr.1229 camion, nr.78 barche e traghetti, nr.107 treni, nr.48 aerei e nr.21.466 persone.

L'analisi dei dati ricevuti dai paesi Europei, tutt'ora in corso di elaborazione da parte di Europol, permetterà di comprendere meglio il fenomeno, individuare i gruppi criminali coinvolti, il modus operandi, le rotte del traffico di armi, con il fine ultimo di migliorare l'attività di contrasto da parte delle Forze di Polizia italiane ed europee alle forme gravi di criminalità organizzata.

h. Criminalità Organizzata

Il supporto operativo attivo da parte di Europol avviene attraverso i due principali archivi di analisi: l'AWF "Copper" e l'AWF "EEOC TOP 100".

1. AWF "EEOC TOP 100"

Nell'ambito dell'AWF EEOC, nel marzo 2008 è stato aperto il sottoprogetto STORK, così denominato in relazione ad un'omonima indagine avviata dalla Polizia austriaca nei confronti di un sodalizio criminale moldavo responsabile in loco di un elevato numero di furti con scasso.

Il target group, al quale hanno aderito Austria, Germania, Francia, Italia e Portogallo, tutti Paesi impegnati in attività riconducibili alla criminalità organizzata moldava, vuole rispondere all'esigenza di creare le premesse per

l'effettuazione, sotto il coordinamento di Europol, di una "azione comune" per fronteggiare il fenomeno.

In rappresentanza dell'Italia partecipa il Comando Provinciale Carabinieri di Verona interessato anch'esso da un'indagine avviata nei confronti di una forte organizzazione criminale moldava – radicata in 10 capoluoghi di provincia italiani ed in collegamento con Austria, Belgio, Francia, Germania, Grecia, Gran Bretagna, Lituania, Portogallo, Repubblica Ceca, Romania, Russia, Spagna ed Ucraina - attiva in diversi campi dell'illecito tra cui l'immigrazione clandestina, il traffico di sostanze stupefacenti, le estorsioni nei confronti di connazionali ed altro. L'indagine, grazie anche al proficuo scambio informativo con i vari Stati Membri interessati attraverso Europol, si è conclusa lo scorso **29 dicembre 2008** con la richiesta all'A.G. di una O.C.C.C. nei confronti di 89 soggetti (moldavi).

2. AWF "FURTUM"

A partire dal 14 dicembre 2007 l'AWF Mare Nostrum, a sua volta divenuto un sottoprogetto del nuovo archivio di analisi, ha mutato la propria denominazione in AWF Furtum.

Quest'ultimo estende il raggio di azione non solo alle organizzazioni criminali itineranti provenienti dall'ex Jugoslavia e dedite alla commissione di crimini contro la proprietà, così come prevedeva il precedente AWF Mare Nostrum, ma a tutte le "organizzazioni criminali itineranti".

3. AWF "COPPER",

Nel contrasto alla criminalità organizzata albanese, estremamente valido si è rivelato il supporto dell'Ufficio di analisi AWF Copper, in concomitanza con la nuova metodologia di cooperazione di polizia a livello UE concretizzata nel progetto COSPOL, nata nell'ambito della Task Force dei Capi della Polizia per migliorare l'efficienza operativa.

Nella fattispecie si segnalano le seguenti operazioni tutt'ora oggetto di scambio informativo tra Europol ed i paesi interessati al Cospol WBOC (Western Balcan Organised Crime) di cui l'Italia è paese Driver:

- Operazione *Gasoline* – indagine condotta dal Raggruppamento Operativo Speciale Carabinieri in stretta cooperazione con le polizie austriaca e slovena, nei confronti di un'organizzazione kossovara dedita al traffico internazionale di eroina destinata al mercato italiano;
- Operazione *Kavaje* – L'indagine, condotta dalla Questura di Udine, trova le sue origini nella necessità di far fronte ad un continuo e regolare rintraccio di giovani clandestini di etnia Albanese o Kossovara;
- Operazione *Cenisio* - condotta dal Nucleo Operativo Compagnia Carabinieri di Milano Porta Magenta e coordinata dalla Direzione Centrale per i Servizi Antidroga, nei confronti di un'organizzazione criminale formata principalmente da soggetti di nazionalità albanese gravitanti nell'area milanese e dediti al traffico di sostanze stupefacenti di tipo eroina e cocaina.

i. Contraffazione monetaria

A seguito dell'introduzione della moneta europea, ed in virtù della nota decisione del Consiglio dell'UE del 6.12.2001 che ha incaricato Europol della raccolta e dell'elaborazione dei dati relativi alla contraffazione dell'Euro, sono state promosse numerose attività tese ad agevolare lo scambio info-operativo tra i servizi investigativi nazionali competenti in tema di lotta alla contraffazione monetaria.

In materia di contraffazione dell'Euro, particolare attenzione merita, inoltre, la Decisione 2005/511/GAI del Consiglio dell'U.E., datata 12 luglio 2005, che designa Europol quale "Ufficio Centrale Competente". Al riguardo, pare opportuno un celere recepimento nella normativa nazionale onde consentire la piena operatività dell'organismo europeo in un settore chiave nel dispositivo di contrasto ai fenomeni criminali.

1. AWF "SOYA"

Nella materia in esame, ha continuato ad operare l'AWF "SOYA", costituito nel 2005 ed in cui sono andati a confluire i dati contenuti negli AWF "BALTIC WALKER" e "DANUBE".

La partecipazione a detto file di analisi ha permesso, **anche nel corso del 2008**, un'azione di contrasto più incisiva nei confronti della criminalità transnazionale attiva nella falsificazione dell'Euro, secondo gli indicativi individuati dalla ECB come pericolose contraffazioni, ed ha facilitato lo scambio informativo in ordine alla falsificazione, in particolare, di banconote maggiormente diffuse in Europa.

Dalle analisi condotte dal team, sulla base dello scambio informativo con i membri dell'AWF, si conferma la diffusione, anche se con un leggero calo, della tipologia di contraffazione di origine bulgara.

L'operazione "MOST", attualmente in corso, è scaturita da un'indagine iniziata nel 2007 dal Regional Division of Central the Bureau of Investigation (CBI) in Polonia, inerente un vasto traffico di banconote contraffatte da 100 e 50 Euro su tutto il territorio europeo. Si ritiene che l'organizzazione criminale, di cui attualmente sono già stati indagati 56 individui, sia molto più vasta e coinvolga numerosi soggetti operanti in Polonia, Italia, Spagna, Francia.

j. Pirateria commerciale

In materia di pirateria commerciale è in atto un'articolata indagine di Polizia Giudiziaria condotta dalla Guardia di Finanza nei confronti di un'organizzazione dedita all'importazione dalla Turchia, ed alla successiva commercializzazione su tutto il territorio comunitario, di cospicui quantitativi di capi d'abbigliamento recanti marchi contraffatti (Baci & Abbracci, Dolce & Gabbana, Armani, Jeckerson, Sweet Years, Fila-Hydrogen, Williams, Monclair, Lamborghini, Guru, etc).

In particolare, la suddetta attività ha interessato soprattutto l'Italia e la Francia, il cui interscambio informativo dovrebbe portare al sequestro di un cospicuo quantitativo di capi di abbigliamento contraffatti. L'indagine è tutt'ora in corso.

1. AWF "COPY"

Il 1° marzo 2008 è stato avviato l'AWF COPY scaturito dalla necessità per Europol di dotarsi di un archivio di analisi nel quale convogliare i dati relativi al fenomeno dilagante della contraffazione e pirateria commerciale.

Al progetto partecipano Francia, Finlandia, Germania, Grecia, Italia, Romania, Spagna e Ungheria con il supporto di Interpol ed Eurojust.

In tale contesto, lo scorso mese di luglio si è concordato di aprire uno specifico Target Group, denominato "Gomorrhah1", attinente lo smercio di generatori elettrici contraffatti ad opera di soggetti provenienti soprattutto dalla città di Napoli e presumibilmente affiliati alla camorra; il fenomeno è diffuso, oltre che nei citati Paesi Europei, anche in Australia e Canada.

k. Contraffazione di altri Mezzi di Pagamento

1. L'AWF "TERMINAL"

Esso sostiene, con l'analisi, l'azione delle Autorità competenti degli Stati Membri in materia di prevenzione e repressione delle attività di organizzazioni criminali coinvolte in fatti delittuosi riguardanti le carte di pagamento, con particolare riferimento alla sottrazione di dati o copiatura elettronica di qualunque tipo di carta di pagamento (skimming). Al citato AWF, nel corso del 2008 hanno aderito anche l'Estonia, la Bulgaria, l'Australia ed il Canada.

In generale, si segnala un sensibile aumento dei già numerosi scambi informativi - non ancora inquadrati in operazioni specifiche - inerenti casi di contraffazione. Negli stessi risultano coinvolti principalmente cittadini rumeni e bulgari, operanti in svariati Stati Membri dell'Unione Europea e con collegamenti in Italia.

In particolare si segnala l'operazione *Plastik*, avviata nell'anno 2007 dal Comando Provinciale Carabinieri di Livorno, relativa ad un'attività investigativa dalla quale era emersa l'esistenza di un'organizzazione dedita alla clonazione ed alla spendita di carte di credito. Il sodalizio criminale operava in ambito internazionale con ramificazioni in Inghilterra, dove era stato localizzato il centro di produzione delle carte di credito clonate, ed in Grecia, dove era stata costituita una base operativa per l'utilizzo dei titoli elettronici di pagamento, facendo confluire gli utili in territorio italiano ove avevano sede stabile i vertici della suddetta associazione.

A seguito di indagini, nell'anno 2008, nel corso di un'azione comune tra Italia, Grecia ed Inghilterra sono state arrestate quattro persone, eseguite sedici perquisizioni personali e domiciliari, emesse nove ordinanze di custodia cautelare ed indagate 19 persone, tra cui il capo dell'organizzazione ritenuto vicino ad ambienti della criminalità organizzata calabrese.

Lo scambio informativo internazionale inerente la predetta operazione *Plastik* è tutt'ora in corso, anche al fine di individuarne ulteriori sviluppi.

I. Stupefacenti

1. AWF “SYNERGY”

Questo file di analisi, nel quale sono confluiti gli AWF “CASE” e “GENESIS”, ha l'obiettivo di individuare le organizzazioni criminali dedite al traffico di droghe sintetiche e precursori, attraverso un'attività di analisi delle informazioni fornite dagli Stati partecipanti, in ordine ai più rilevanti sequestri delle predette sostanze. E' tutt'ora attivo un intenso scambio informativo.

2. AWF “COLA”

Il progetto “COLA”, al quale partecipano 14 Stati Membri, mira alla raccolta dei dati inerenti la rete del traffico di droga, operante nell'Unione Europea, avente collegamenti con i gruppi criminali Latino-Americani. Lo scopo dell'archivio è assistere i Servizi competenti degli Stati Membri nella prevenzione o nella lotta contro forme di criminalità che rientrano nell'ambito delle competenze di Europol e che sono associate alle attività criminose di organizzazioni latino-americane sospette e delle loro reti europee implicate nel traffico illecito di sostanze stupefacenti, nonché contro tutte le altre attività criminali che rientrano nell'ambito delle competenze di Europol e che vengono scoperte nel corso delle indagini a carico di suddette organizzazioni. A tutt'oggi è in corso un attivo scambio informativo. L'Ufficio di analisi dell'AWF COLA collabora anche con il progetto Cospol sulla cocaina (*Cospol Project Cocaine*), istituito in collegamento con la Tarsk Force dei Capi della Polizia.

3. AWF “HEROIN”

Esso è un file di analisi sulle organizzazioni criminali turche dedite al traffico di eroina ed alle relative attività di riciclaggio di denaro attraverso le vie dei Balcani e nuove varianti. Dal 06/12/2008 ha sostituito l'AWF Mustard, aperto nell'aprile del 2000; tale cambiamento si è reso necessario in quanto è stato riscontrato che le organizzazioni criminali romene, albanesi, bulgare ed altri gruppi criminali delle regioni balcaniche non sempre hanno evidenti e diretti contatti, con riferimento al traffico dell'eroina, con il crimine organizzato turco, verso il quale era rivolto l'AWF Mustard.

Estremamente valido si è rivelato il supporto dell'AWF HEROIN nella cooperazione di polizia a livello UE concretizzata nel progetto “Cospol sul traffico di Eroina (Cospol Project on Heroin Trafficking)”, nato nell'ambito della Tarsk Force dei Capi della Polizia, ove all'Italia è stata conferita la responsabilità di “driver”.

Quale indagine guida del Cospol Project on Heroin Trafficking, si evidenzia l'operazione Karaburun, che ha portato all'arresto di 84 persone di diverse nazionalità (sia in Italia che all'estero) ed al sequestro kg.3.900 di marijuana, kg.120 di eroina, kg.1.180 di cocaina e kg.4.300 di sostanze da taglio.

Nel corso dell'anno sono state inoltre portate a termine numerose consegne controllate di stupefacenti, tra cui meritano di essere segnalate quelle operate in cooperazione con la Spagna e la Gran Bretagna, che hanno portato al sequestro di circa kg. 4,500 di cocaina e di kg. 15 circa di hashish nonché all'arresto di tutti i responsabili.

i. Contrabbando di sigarette

1. L'AWF "SMOKE"

Esso si pone come obiettivo principale la lotta al contrabbando di sigarette e di tabacchi in genere, nonché l'individuazione e lo smantellamento di fabbriche clandestine per la relativa produzione.

In sintesi, in Italia i sequestri di sigarette sono stati operati principalmente ai valichi di frontiera nord-orientali (Tarvisio e Ferneti) su autovetture e piccoli furgoncini, muniti di doppifondi o intercapedini, provenienti dai Paesi dell'est Europa (in particolare dalla Polonia, Bulgaria, Ucraina e Romania).

La partecipazione italiana all'AWF in argomento non ha comunque rivelato, nell'anno in corso, grande dinamismo, atteso che si tratta oramai di un fenomeno marginale per il nostro Paese.

Si segnala tuttavia che Europol ha promosso, in ambito internazionale, strette sinergie informative ed investigative con INTERPOL, OLAF ed Organizzazione Mondiale delle Dogane. E tutt'ora in via di realizzazione uno studio volto a definire gli indicatori di rischio nello specifico settore; i risultati che da esso emergeranno, costituiranno la base per la successiva attività di analisi e di indirizzo operativo.

j. Riciclaggio – Transazioni finanziarie sospette

1. " L'AWF "SUSTRANS"

E' stato creato nel novembre 2001 col fine di raccogliere, conservare, analizzare e scambiare rilevanti informazioni atte ad identificare i soggetti coinvolti nella rete internazionale di riciclaggio di denaro e nelle transazioni finanziarie sospette, nonché di sostenere le competenti Autorità nazionali degli Stati Membri nella prevenzione e nella lotta di tutte le forme di criminalità ricomprese nel mandato Europol e collegate a tale tipo di fenomeno.

Nel mese di aprile 2008, nell'ambito del suddetto AWF, le Autorità tedesche hanno proposto, a seguito di una complessa indagine, l'apertura di un nuovo Target Group, denominato "SHELLNET", con l'obiettivo di contrastare gruppi criminali russi coinvolti nella rete internazionale di riciclaggio di denaro. I Paesi interessati a tale fenomeno sono principalmente Germania, Austria, Finlandia, Spagna, Belgio e Regno Unito e Italia.

4. Ulteriori Contributi

Nell'ambito dei Progetti COSPOL, l'Unità Nazionale e l'Ufficio di Collegamento sostengono il flusso informativo da e per gli AWF di cui si avvalgono i Paesi aderenti e soprattutto l'Italia per i progetti di cui è "Driver" e "CO-Driver" e precisamente:

DRIVER:

1. criminalità organizzata dei balcani occidentali;
2. traffico di eroina dall'Afghanistan;

CO-DRIVER:

1. crimini finanziari commessi da organizzazioni criminali di matrice russa.

5. Progetti in atto**Information System (IS) Automatic Data Loader**

Nel mese di **dicembre del 2008**, a conclusione delle attività di collaudo, è diventato pienamente operativo il software, appositamente realizzato dalla società ELSAG-Datamat, per procedere in forma automatizzata al trasferimento dei dati provenienti dalle Forze di Polizia nazionali all'"IS", tramite l'Unità Nazionale Europol.

La Convenzione Europol stabilisce, infatti, che l'Ufficio europeo di polizia istituisca e gestisca un sistema informatizzato per consentire l'inserimento, l'accesso e l'analisi di dati. Il progetto connesso alla realizzazione di una banca dati europea, per quanto riguarda l'Italia, è entrato nella fase esecutiva nel primo trimestre del 2006.

In questo contesto, l'Unità Nazionale Europol (UNE) ha il compito di verificare, validare ed inviare al detto Sistema Informativo, dislocato a L'Aia (Olanda), i dati relativi a quelle categorie di crimini internazionali stabilite dalla Convenzione EUROPOL, il cui inserimento finora avveniva in modo manuale.

Principale obiettivo del nuovo software è quello di dotare l'Unità Nazionale di un proprio sistema informatico che sia in grado di connettersi e di scambiare dati in maniera più rapida e strutturata con l'IS, che costituirà l'asse portante della Banca Dati europea di polizia, allorché tutti gli Stati membri completeranno le procedure nazionali per la connessione automatica.

Studio di fattibilità per una sicura trasmissione dei dati tra UNE e i Referenti

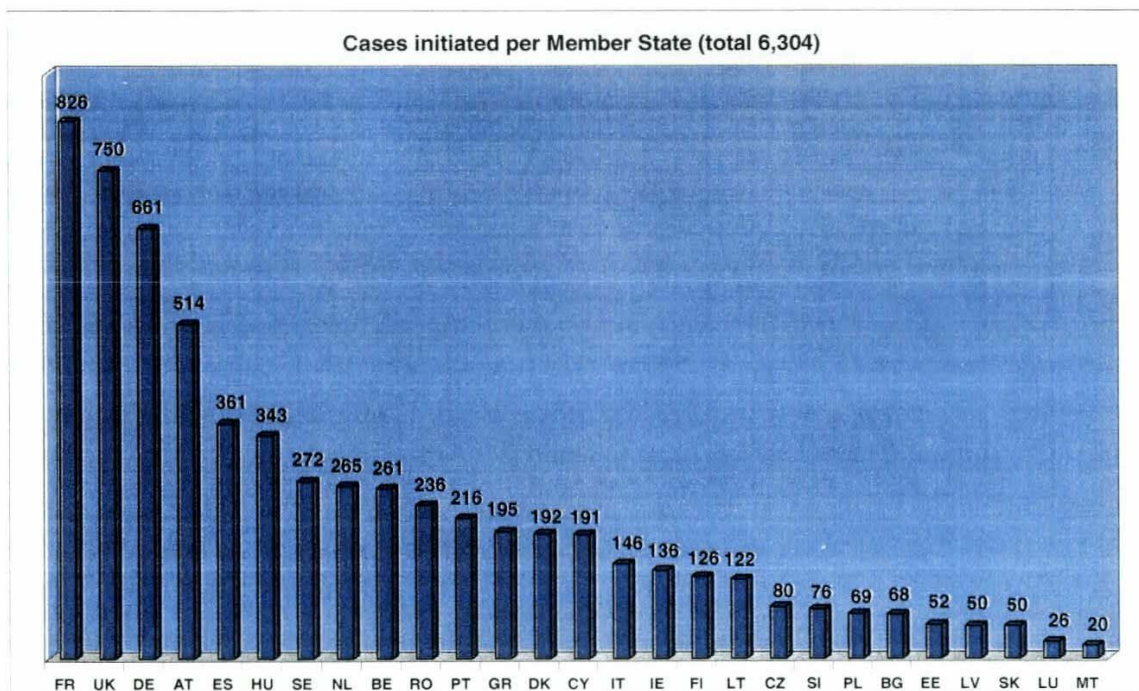
Il progetto, in itinere, consiste nella predisposizione di connessioni punto-punto tra la Direzione Centrale della Polizia Criminale, in cui è inserita l'Unità Nazionale Europol, ed i Referenti, utilizzando quale infrastruttura la rete multimediale della Polizia di Stato, e predisponendo successivamente delle connessioni sicure attraverso meccanismi di riconoscimento degli accessi e di cifratura delle informazioni veicolate.

Una soluzione del genere, con elevato standard di sicurezza – certificata per la trasmissione di documenti classificati - consentirebbe di risolvere nel lungo termine i problemi di connessione alle banche dati Europol, anche alla luce delle previsioni introdotte dal Protocollo Danese e dalle modifiche derivanti dalle previste mutazioni del quadro normativo di riferimento.

6. Considerazioni

La situazione relativa alle attività dell'Unità Nazionale Europol e degli Ufficiali di Collegamento (Europol Liaison Officers - ELOs) – riportata nel documento - invita ad una riflessione tutte le parti coinvolte in questa forma di cooperazione ad ogni livello, affinché si prenda atto del fatto che:

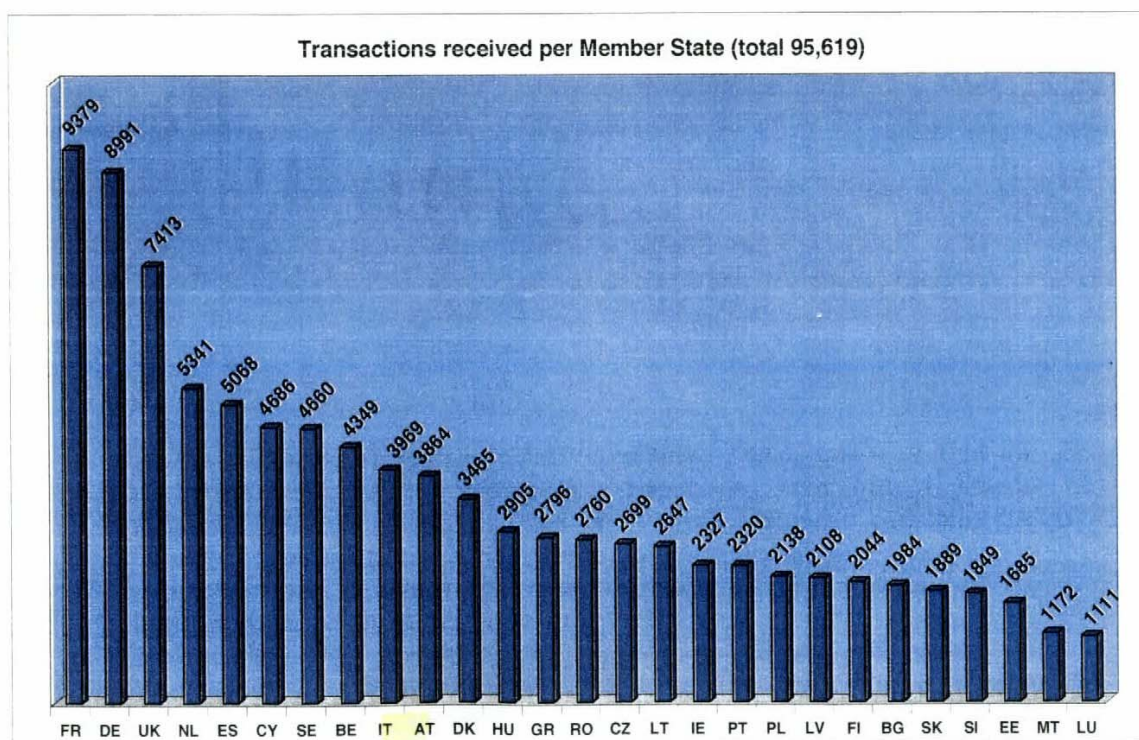
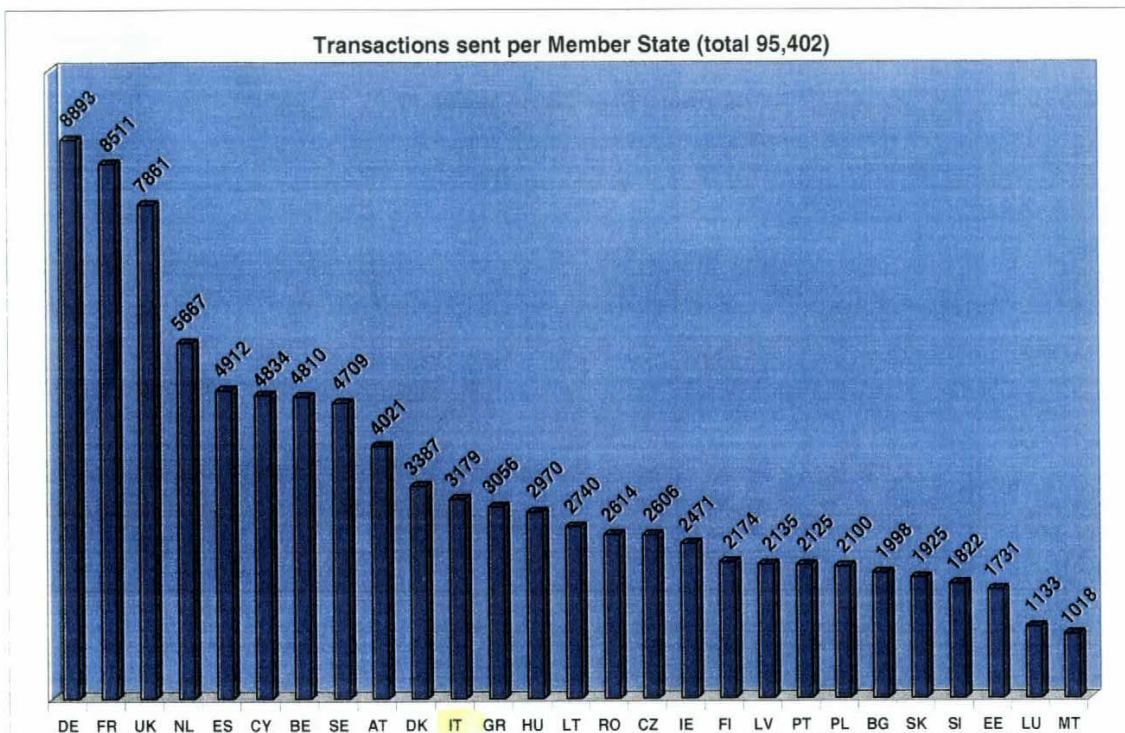
- a. il coinvolgimento di Europol è sempre più richiesto da parte dell'UE, come dimostrano le iniziative internazionali che trovano riscontro nei Trattati e nelle Convenzioni e relative modifiche, che anche l'Italia ha sottoscritto e che si è quindi impegnata a mettere in atto;
- b. i contributi che le Forze di Polizia nazionali offrono o richiedono ad Europol, attraverso i Referenti e l'Unità Nazionale, ancorché in costante crescita, non sembrano essere adeguati rispetto agli impegni formalmente assunti e ai fenomeni criminali transnazionali che emergono dai rapporti ufficiali e dall'impatto mediatico che hanno negli altri Stati membri. Come emerge dalle sottostanti tabelle statistiche redatte da Europol, l'Italia è al quindicesimo posto per nuove investigazioni di rilevanza europea e dal 2005 il trend è in costante diminuzione.



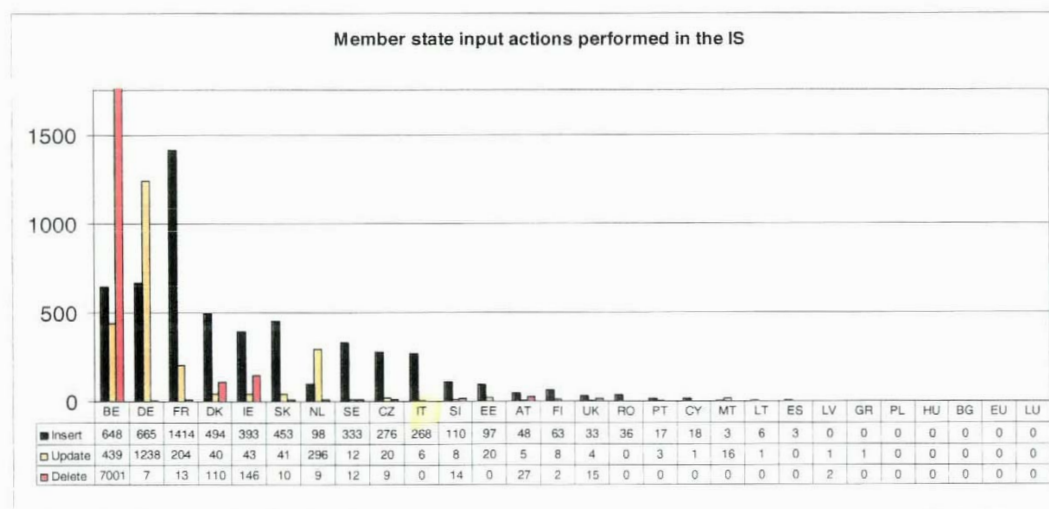
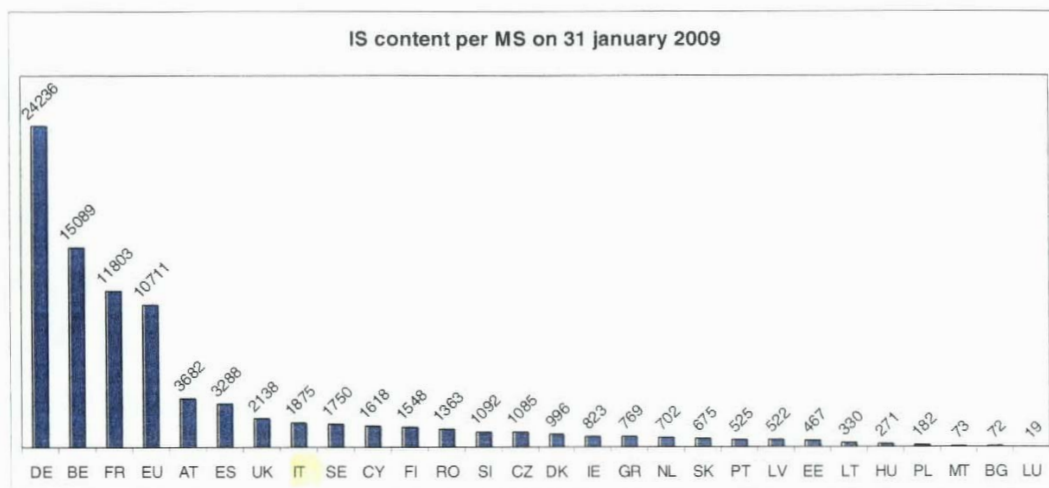
1.1.1. Cases initiated per Member State between 2005 and 2008

2005		2006		2007		2008	
Germany	917	Belgium	928	France	678	France	826
France	744	France	699	United Kingdom	568	United Kingdom	750
Austria	479	Germany	631	Germany	562	Germany	661
United Kingdom	466	United Kingdom	400	Austria	500	Austria	514
Belgium	359	Austria	382	Belgium	351	Spain	361
Spain	334	Spain	381	Spain	350	Hungary	343
Portugal	273	Netherlands	316	Hungary	337	Sweden	272
Netherlands	243	Portugal	257	Netherlands	287	Netherlands	265
Denmark	242	Denmark	232	Sweden	270	Belgium	261
Italy	194	Sweden	222	Portugal	266	Romania	236
Sweden	170	Hungary	201	Cyprus	196	Portugal	216
Hungary	135	Lithuania	143	Denmark	164	Greece	195
Lithuania	119	Cyprus	142	Greece	159	Denmark	192
Greece	109	Italy	125	Italy	139	Cyprus	191
Finland	98	Greece	116	Lithuania	139	Italy	146
Czech Republic	88	Czech Republic	96	Romania	103	Ireland	136
Slovak Republic	87	Finland	89	Finland	88	Finland	126
Poland	85	Ireland	77	Poland	87	Lithuania	122
Cyprus	78	Poland	73	Slovenia	85	Czech Republic	80
Slovenia	77	Slovak Republic	63	Czech Republic	70	Slovenia	76
Ireland	51	Estonia	54	Bulgaria	69	Poland	69
Estonia	31	Slovenia	51	Ireland	69	Bulgaria	68
Latvia	28	Latvia	46	Estonia	50	Estonia	52
Malta	24	Malta	39	Slovak Republic	47	Latvia	50
Luxembourg	12	Luxembourg	14	Latvia	41	Slovak Republic	50
				Malta	25	Luxembourg	26
				Luxembourg	22	Malta	20

Anche il numero di transazioni nell'ambito degli AWF, che evidenzia lo scambio informativo avvenuto, vede l'Italia all'undicesimo posto per numero di informazioni inviate ed al nono per informazioni richieste, ancorché l'Italia partecipi a tutti i progetti di analisi e sia ampiamente rappresentata negli stessi da "esperti nazionali".



Inoltre, per ciò che concerne l'alimentazione della Banca dati europea (Information System – IS), le sottostanti tabelle mostrano come l'Italia sia in ottava posizione per quantità di informazioni globalmente fornite ed in decima posizione come Paese contribuente nell'anno 2008.



- C. non vi è ancora una adeguata sensibilità verso questa forma di cooperazione di polizia. Eppure essa, rispetto ad altre, offre il valore aggiunto dell'analisi, componente che, come numerosi casi concreti dimostrano, ha consentito di ottenere risultati operativi di tutto rilievo con il coinvolgimento di numerose Forze di Polizia di diversi Paesi, e che meriterebbe di essere incrementata.

In considerazione del sempre maggiore potenziamento ed utilizzo di Europol auspicato dalle istituzioni Europee, e di cui si fa esplicita menzione in atti ufficiali dell'UE, appare necessario che venga posta maggiore fiducia

in questo strumento di cooperazione internazionale, avvalendosi pienamente dei servizi offerti, anche attraverso la diffusione della sua conoscenza e delle sue potenzialità dai livelli strategici fino ai livelli operativi.

Dal quadro di situazione fin qui illustrato, con particolare riferimento all'impatto che avrà a livello nazionale la trasformazione della base giuridica di Europol da Convenzione in Decisione del Consiglio nonché alle incombenze connesse ai numerosi progetti in atto, si evincè che l'attività svolta dall'Unità Nazionale Europol è in costante aumento.

Dal 1996 ad oggi, inoltre, l'Ufficio si è trovato a dover affrontare un crescente impegno in termini di attivazioni e relazioni con i Paesi Membri. Non è infatti da trascurare il fatto che il processo di allargamento dell'Unione Europea che ha portato al passaggio da 15 a 27 Stati Membri, e le conseguenti accresciute necessità di inserimento dei dati nazionali nel nuovo sistema di informazione di Europol (Information System) insieme all'incremento dei file di analisi, comportano come conseguenza l'aumento di oneri e responsabilità che richiedono maggiori e qualificate risorse umane.

In merito si evidenzia come già dal 2000 il Comitato Parlamentare di vigilanza sull'Unità Nazionale Europol, a pag. 23 del documento conclusivo dell'indagine conoscitiva sull'attuazione della Convenzione Europol, aveva ritenuto insufficiente l'organico dell'UNE e del dipendente Ufficio di collegamento a L'Aia, a fronte dell'estensione del mandato e dell'aumento esponenziale delle richieste informative.

Un rinnovato impegno da parte di tutte le componenti istituzionali è auspicato per risolvere il ricorrente problema dell'asfissia informativa e per un adeguamento dell'organico in considerazione degli aumentati oneri che in questi anni sono stati progressivamente attribuiti e gravano in capo all'Unità Nazionale.

La soluzione di tali questioni potrebbe trovarsi anche nell'adeguamento del Decreto istitutivo dell'Unità Nazionale Europol del 1996, al fine di far fronte in maniera sempre più efficiente ed efficace agli impegni internazionali assunti dall'Italia.

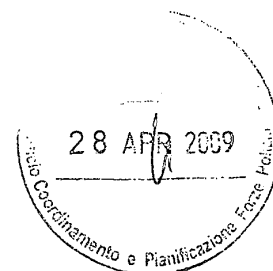
In allegato:

- Report of the Informal High Level Advisory Group on the Future of the European Home Affairs Policy ("The Future Group")
- Europol Draft Work Programme 2010
- La Strategia per l'Europol e documenti connessi
- OCTA 2008 (Open Version)
- TE-Sat 2008
- Statistical_report_for_the_month_of_December_2008
- Elenco degli AWF a cui partecipa l'Italia

AWF a cui partecipa l'Italia

PAGINA BIANCA

AWF a cui partecipa l'Italia



File #	Name	Mandated Crime area	Opening Date
99-001	Monitor	Outlaw Motorcycle Gangs	07/09/99
99-008	Hydra (già Islamic Terrorism)*	Islamic Terrorism	29/06/08 22/02/00*
	<ul style="list-style-type: none"> • <i>T.G. Insilal</i> • <i>T.G. Cantata - Malachiet</i> 		
99-009	EEOC	Eastern European Organised Crime networks	16/11/99
	<ul style="list-style-type: none"> • <i>T.G. RUDOL II</i> • <i>T.G. Stork</i> 		
00-002	Mustard	Turkish networks involved in heroin trafficking	13/10/00
01-001	Sustrans	Suspicious financial transactions	26/11/01
	<ul style="list-style-type: none"> • <i>T.G. Shellnet</i> • <i>T.G. Shovel</i> 		
01-002	Cola	Latin-American networks involved in cocaine trafficking	07/09/99
01-004	Twins	Child pornography networks on the internet	16/08/01
03-027	Terminal	Payment card fraud	18/04/03
03-029	Dolphin	Most important non-Islamic terrorist organisations threatening the EU.	08/09/03
03-030	Copper	Ethnic Albanian Organised Crime networks	30/12/03
03-031	Furtum	Itinerant ex-Yugoslav burglary gangs	05/01/04
03-032	Phoenix	THB	26/06/07
04-034	Synergy	Synthetic Drugs	13/12/04
04-035	Soya	Counterfeiting of the Euro	01/03/05
05-036	Smoke	Illicit Tobacco Trade	25/04/05
05-037	Checkpoint	Facilitated illegal immigration	09/10/06
	<ul style="list-style-type: none"> • <i>T.G. Moluk</i> • <i>T.G. Storm</i> 		
08-038	Copy	Pirateria commerciale	30/01/08
08-040	MTIC	Frodi intracomunitarie	02/04/08

PAGINA BIANCA

EUROPOL

The Hague, 05 January 2009

**Information Management Operations Unit
INFORMATION MANAGEMENT REPORT
December 2008**

PAGINA BIANCA

EUROPOL

The Hague, 05 January 2009

Information Management Operations Unit INFORMATION MANAGEMENT REPORT December 2008

Index

1. Summary
2. Definitions
3. Abbreviations
4. Cases initiated in total
 - 4.1. Cases initiated per crime field
5. Transactions
 - 5.1. Total number of transactions
6. Member States Information Exchange
 - 6.1. Cases initiated by Member States
 - 6.2. Type of cases initiated by Member States
 - 6.3. Requests sent & received by Member States
 - 6.4. All transactions by Member States
7. Europol Information Exchange
 - 7.1. Cases initiated by Europol groups (Units & AWFs)
 - 7.2. Requests sent & received by Europol groups
 - 7.3. All transactions by Europol groups
8. Non EU States and international organisations (Third Parties)
 - 8.1. Cases initiated by Third Parties
 - 8.2. Requests sent & received by Third Parties
 - 8.3. All transactions by Third Parties

PAGINA BIANCA

1. Summary

Information flow

Based on available data from the InfoEx system concerning the information flow through Europol it can be summarised that, in December 2008:

- **628 new cases were initiated. The monthly average since December 2007 is 683. Compared to that month the number of cases initiated has increased by 25.85%.**

- **The Member States have initiated 75.64% of the new cases whereas Europol has initiated 9.71% and its external partners (Third States and Third Bodies) initiated 14.65%.**

- **“Drugs” represents 22.29% of the new cases, followed by “Fraud and Swindling” with 14.49%, “Forgery of Money” with 12.26%, “Terrorism” with 10.83% and “Money Laundering” with 7.80%.**

- **23,452 messages were exchanged in total; the monthly average since December 2007 is 23,352. In comparison to the same month in the previous year, the number of messages exchanged increased by 18.67%.**

- **The Member States overall activity represents 63% of the information exchange, Europol represents 27.35% and its external partners 9.65% of the volume of messages exchanged.**

- **2,264 messages were exchanged with external partners. The monthly average since December 2007 is 2,037. In comparison to the same month in the previous year, the number of messages exchanged with external partners has increased by 42.21%.**

2. Definitions

Global figures: Information on figures related to all units (actors) present in the Info-Ex application.

Case initiated: New initial info-ex request created.

Request sent: Amount of all requests sent including the initial and additional ones. It should be noted that when one request is sent to several recipients it counts as several requests (e.g.: 1 request sent to 3 recipients is counted as 3 requests sent).

Requests received: Amount of requests received.

All transactions: Amount of Info-Ex requests and answers sent and received.

3. Abbreviations

Member States:

Complete name	Abbreviation	Complete name	Abbreviation
Austria (AT)	AT	Latvia (LV)	LV
Belgium (BE)	BE	Lithuania (LT)	LT
Bulgaria (BG)	BG	Luxembourg (LU)	LU
Cyprus (CY)	CY	Malta (MT)	MT
Czech Republic (CZ)	CZ	Netherlands (NL)	NL
Denmark (DK)	DK	Poland (PL)	PL
Estonia (EE)	EE	Portugal (PT)	PT
Finland (FI)	FI	Romania (RO)	RO
France (FR)	FR	Slovak Republic (SK)	SK
Germany (DE)	DE	Slovenia (SI)	SI
Greece (GR)	GR	Spain (ES)	ES
Hungary (HU)	HU	Sweden (SE)	SE
Ireland (IE)	IE	United Kingdom (GB)	GB
Italy (IT)	IT		

Third States and Third Bodies:

Complete name	Abbreviation
Albania (AL) via Europol	AL
Australia (AU) via Europol	AU
Bosnia-Herzegovina (BA) via Europol	BA
Canada (CA) via Europol	CA
Colombia (CO) via Europol	CO
Croatia (HR) via Europol	HR
Eurojust via Europol	Eurojust
Former Yugoslav Republic of Macedonia (MK) via Europol	MK
Iceland (IS) via Europol	IS
LO Europol (Lyon ICPO)	ELO Lyon
LO Europol (Washington)	ELO Wash.
LO Interpol (The Hague)	ICPO
LO US ATF (The Hague)	LO US ATF
LO US DEA (The Hague)	LO US DEA
LO US FBI (The Hague)	LO US FBI
LO US Secret Service (The Hague)	LO USSS
LO USPIS (The Hague)	LO USPIS
Moldova (MD) via Europol	MD
Norway (NO) via Europol	NO
Russian Federation (RU) via Europol	RU
Switzerland (CH) via Europol	CH
Turkey (TR) via Europol	TR

Europol mandated areas:

Complete name	Abbreviation
Bodily Injury	Bod. Injury
Child Pornography	Child Porn.
Computer Crime	Comp. Crime
Corruption	Corruption
Cultural Property Crime	Property Crime
Drugs	Drugs
Environmental Crime	Envir. Crime
Forgery of Administrative Documents	FoAD
Forgery of Money	FoM
Fraud and Swindling	Fraud & Swin.
Illegal Immigration	Illeg. Immig.
Kidnapping and Hostage Taking	Kidnapping
Money Laundering	Money Laund.
Murder	Murder
Nuclear	Nuclear
Other Means of Payment	OMoP
Product Piracy	Prod. Piracy
Racism and Xenophobia	Racism
Racketeering and Extortion	Extortion
Robbery	Robbery
Terrorism	Terrorism
Trade in Endangered Species	Trade End. Species
Trade in Hormonal Substances	Trade Horm. Subs.
Trade in Human Organs	Trade Hum. Organs
Trafficking in Human Beings	THB
Vehicle crimes	Vehicles
Weapons and Explosives	Weapons

Europol AWFs:

Complete name	Abbreviation
AWF00-002 Mustard	AWF Mustard
AWF01-001 Susp-Trans	AWF Susp-Trans
AWF01-002 Cola	AWF Cola
AWF01-004 Twins	AWF Twins
AWF03-026 Key Process	AWF Key Proc.
AWF03-027 Terminal	AWF Terminal
AWF03-029 Dolphin	AWF Dolphin
AWF03-030 Copper	AWF Copper
AWF03-031 Furtum	AWF Furtum
AWF03-032 Maritsa	AWF Maritsa
AWF04-034 Synergy	AWF Synergy
AWF04-035 Soya	AWF Soya
AWF05-036 Smoke	AWF Smoke
AWF05-037 Checkpoint	AWF Checkpoint
AWF07-038 Phoenix	AWF Phoenix
AWF08-038 Copy	AWF Copy
AWF08-040 MTIC	AWF MTIC
AWF99-001 Monitor	AWF Monitor
AWF99-008 Hydra	AWF Hydra
AWF99-009 EEOC	AWF EEOC

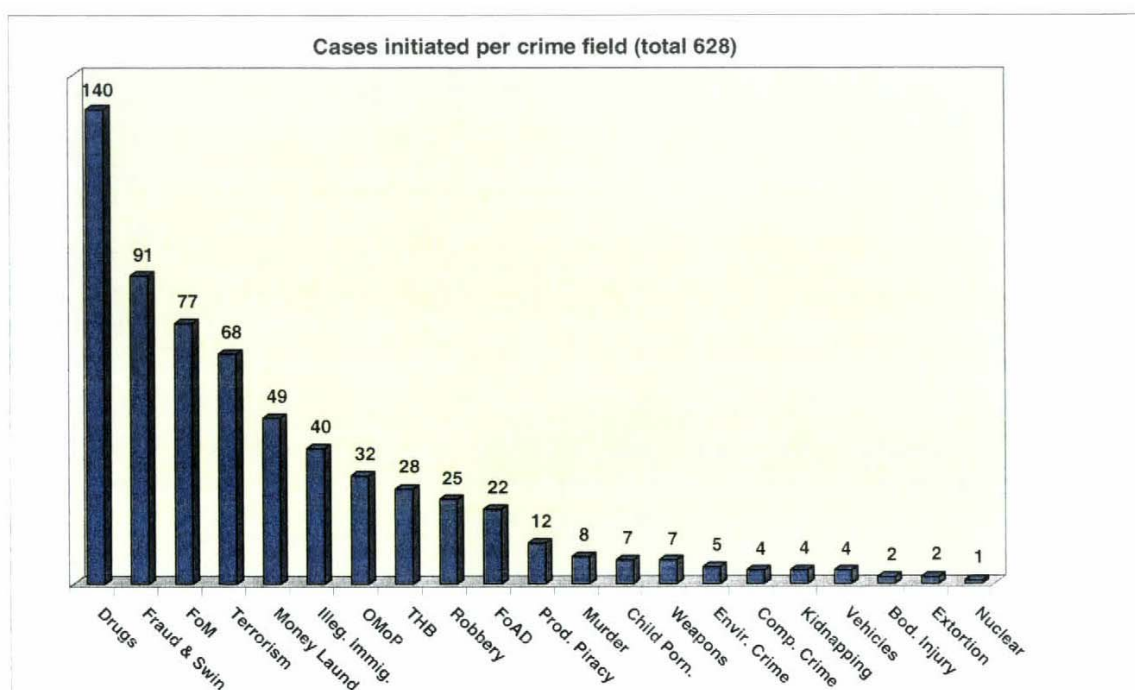
Europol Units:

Complete name	Abbreviation
SC7 – Analysis	SC7 – Analysis
IMT4 – Input IS	IMT4 – Input IS
IMT4 – Operational Exchange	IMT4– Op.Ex.
IMT4 cross-check	IMT4 Cross Ch.
IMT4 DB Searches	IMT4 DB
IMT4 Knowledge Management Centre	IMT4 KMC
SC1 OC Groups	SC1 OCG
SC2 – Drugs	SC2 – Drugs
SC3 – Child sexual exploitation group	SC3 – Child Sex. Exploit.
SC3 – Facilitated Illegal Immigration	SC3 – Illeg.Immig.
SC3 – Trafficking in Human Beings	SC3 – THB
SC4a – Crimes against Property	SC4a – Prop.crime
SC4b – Financial Crimes	SC4b – Fin.Crime
SC5 – Check the Web	SC5 – CTW
SC5 – Terrorism	SC5 – Terrorism
SC6 – Forgery of Money	SC6 – FoM
IMT7 Confidentiality Desk	IMT7 Conf. Desk

4. Cases initiated in total

4.1. Cases initiated per crime field

Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	June 2008	July 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008
499	702	717	716	705	662	691	853	609	692	768	634	628



4.2. Cases initiated by Member States: [see chapter 6](#)

4.3. Cases initiated by Europol: [see chapter 7](#)

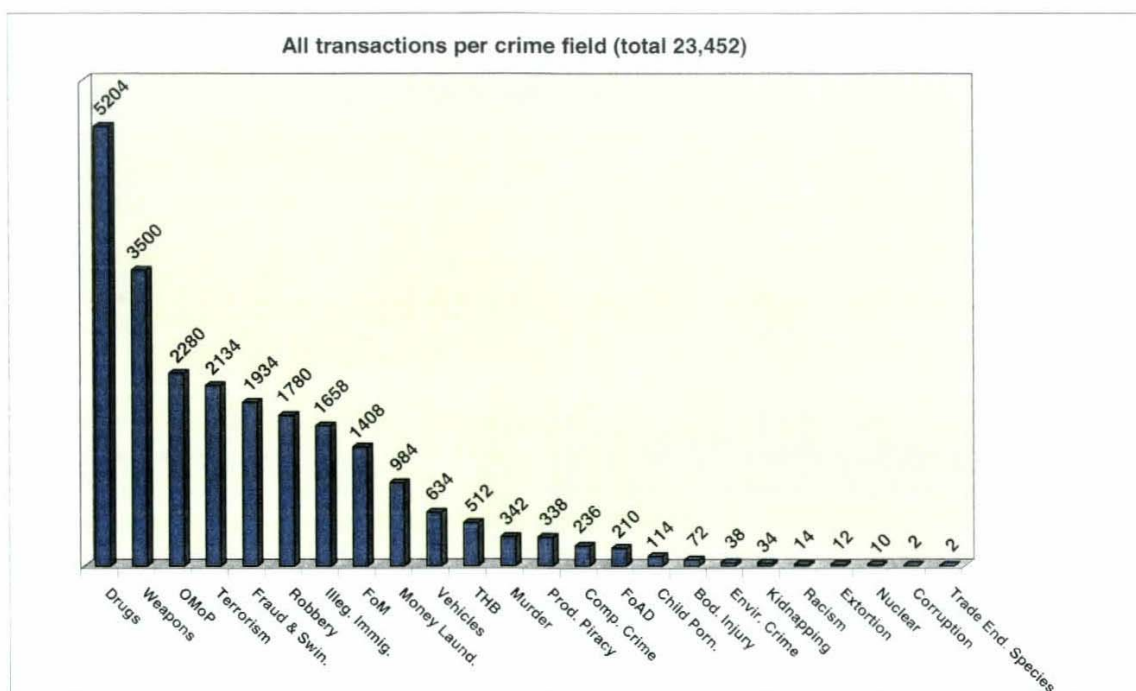
4.4. Cases initiated by Third States and Third Bodies [see chapter 8](#)

5. Transactions

5.1. Total number of transactions

Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	June 2008	July 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008
19,762	26,114	25,544	19,894	23,048	19,562	21,820	26,988	24,130	22,898	25,846	24,524	23,452

5.1.1. Transactions per crime field



5.1.2. Transactions of Member States

see chapter 6

5.1.3. Transactions of Europol

see chapter 7

5.1.4. Transactions between Non EU States

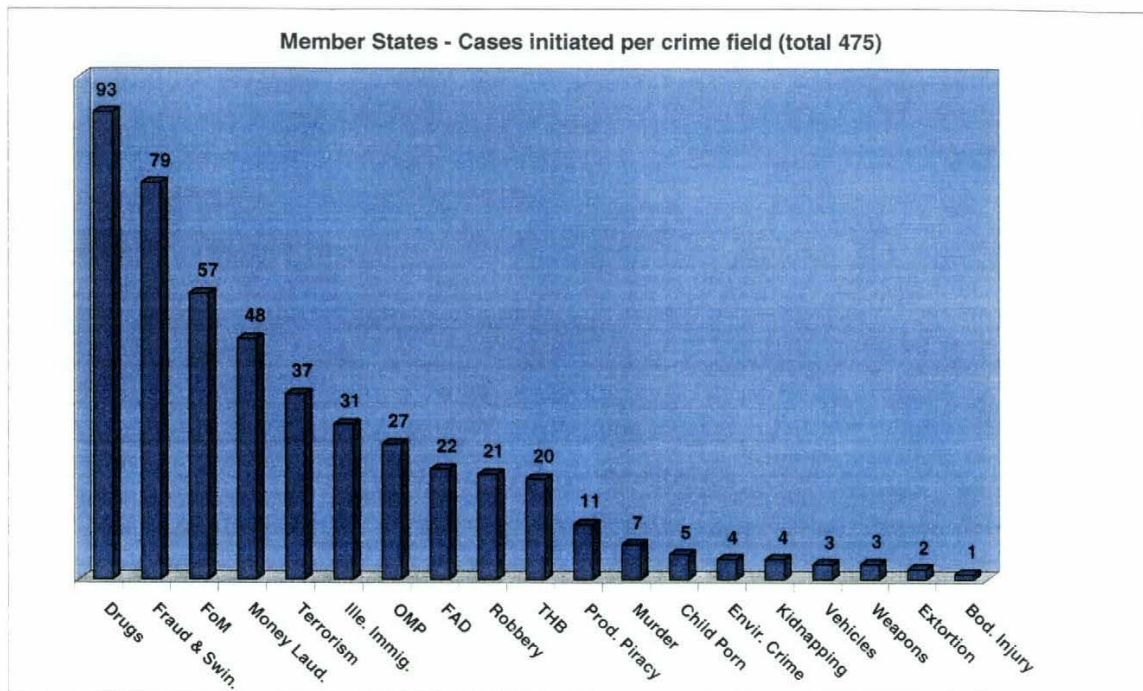
see chapter 8

6. Member States Information Exchange

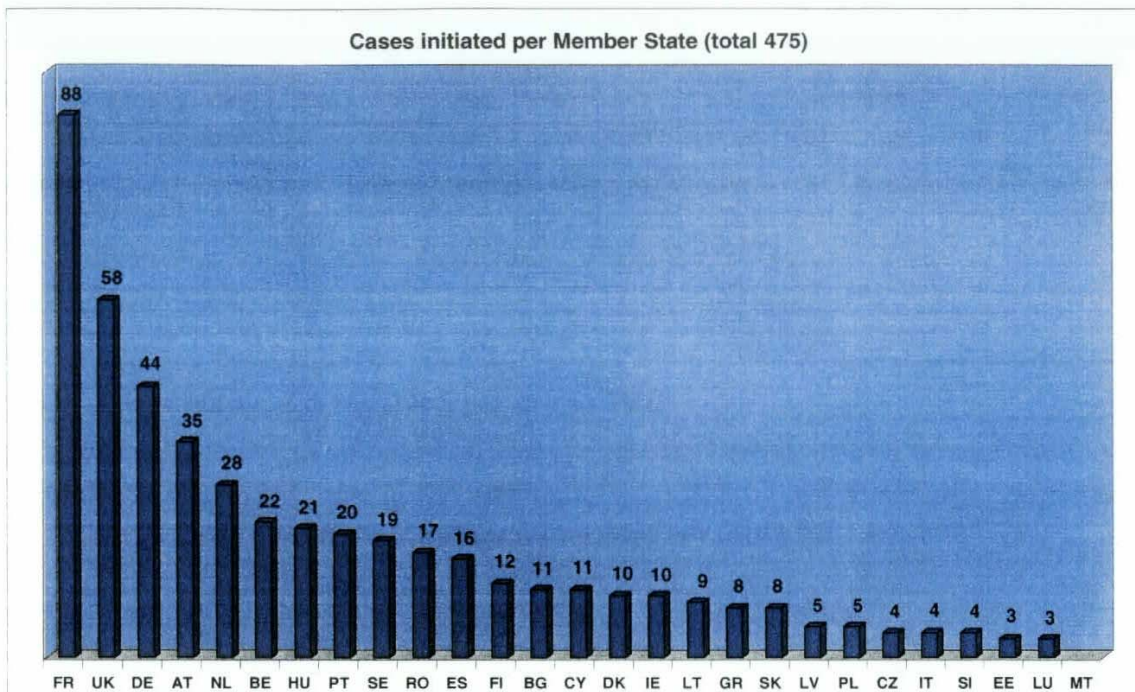
6.1. Cases initiated by Member States

Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008
357	538	575	534	521	478	508	581	437	526	611	520	475

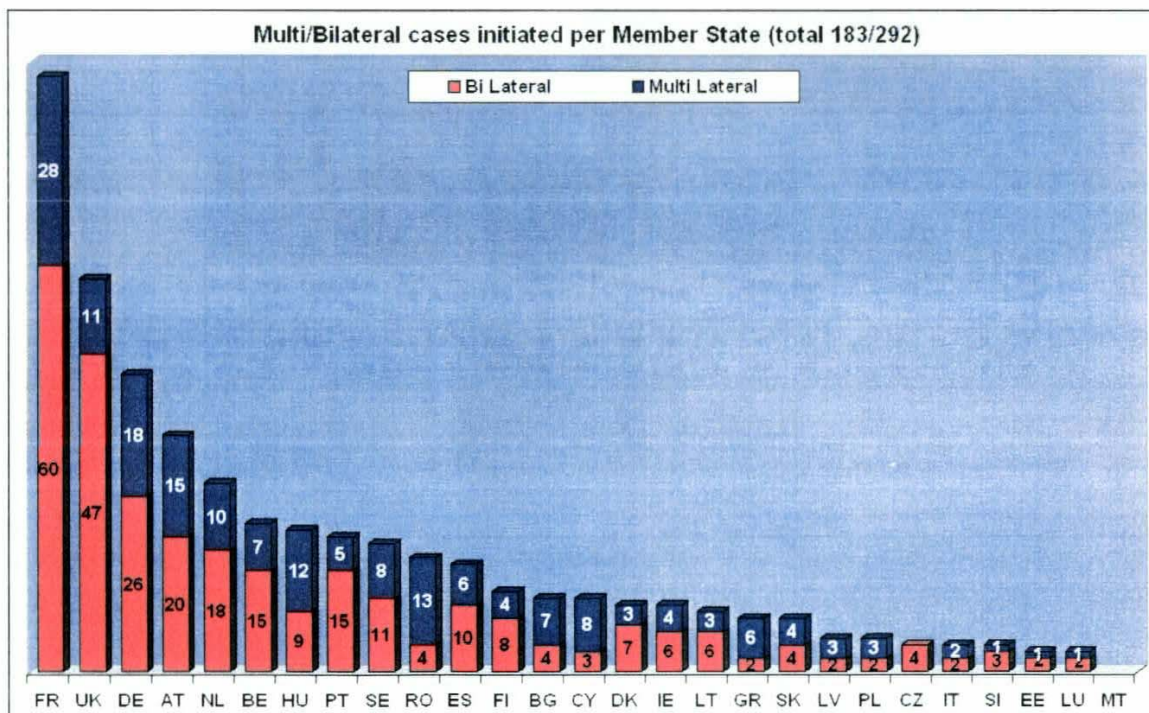
6.1.1. Cases initiated per crime field



6.1.2. Cases initiated per Member State



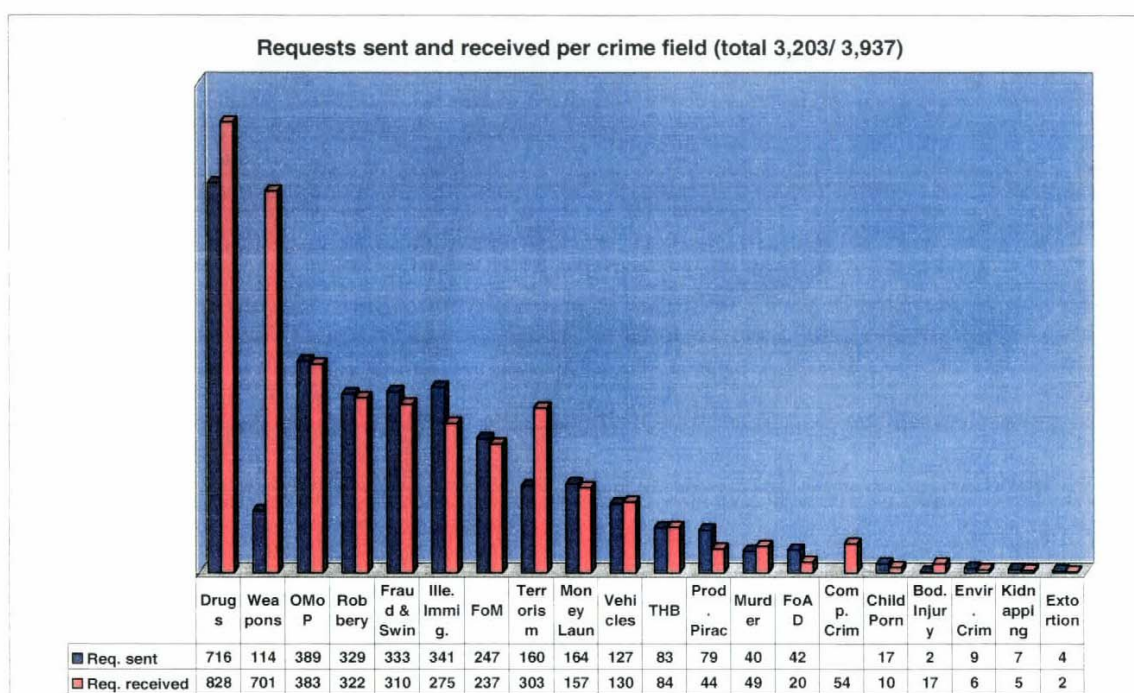
6.2. Type of cases initiated by Member States



6.3. Requests sent & received by Member States

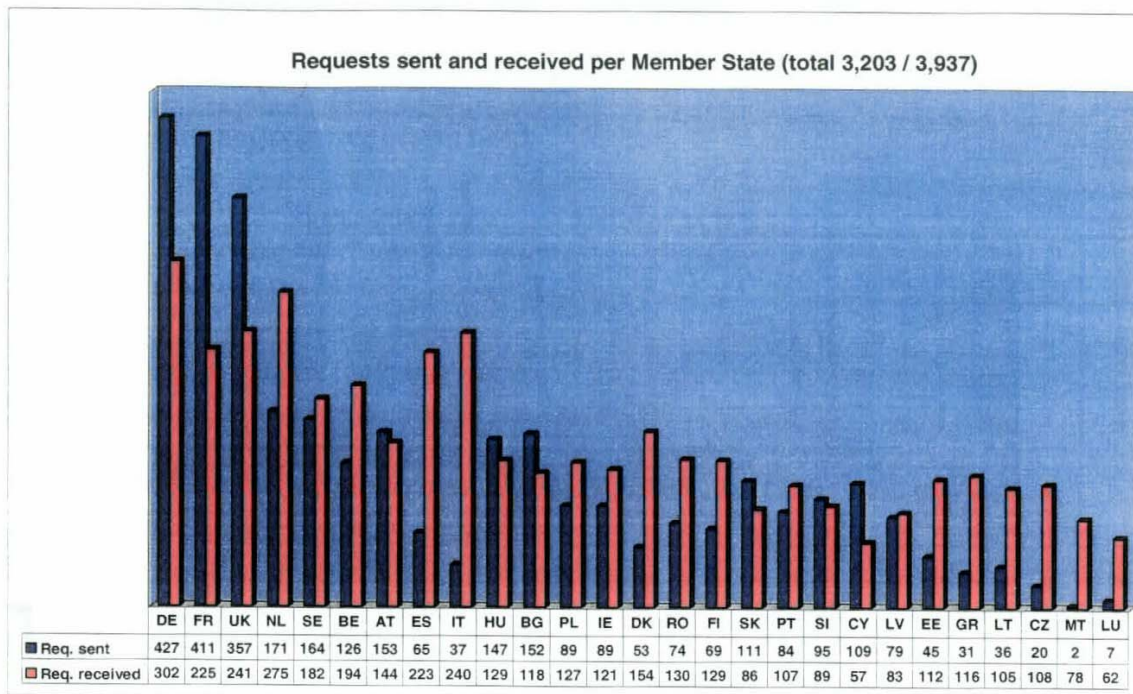
Request	2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008
sent	3,356	4,292	4,771	3,277	3,768	3,157	3,592	4,321	3,608	3,769	4,345	4,345	3,203
received	3,541	4,531	4,725	3,410	4,055	3,251	3,735	4,453	3,816	3,985	4,571	4,571	3,937

6.3.1. Requests sent & received per crime field¹



¹ It should be noted that when one request is sent to several recipients it counts as several requests (e.g.: 1 request sent to 3 recipients is counted as 3 requests sent).

6.3.2. Requests sent & received per Member State¹

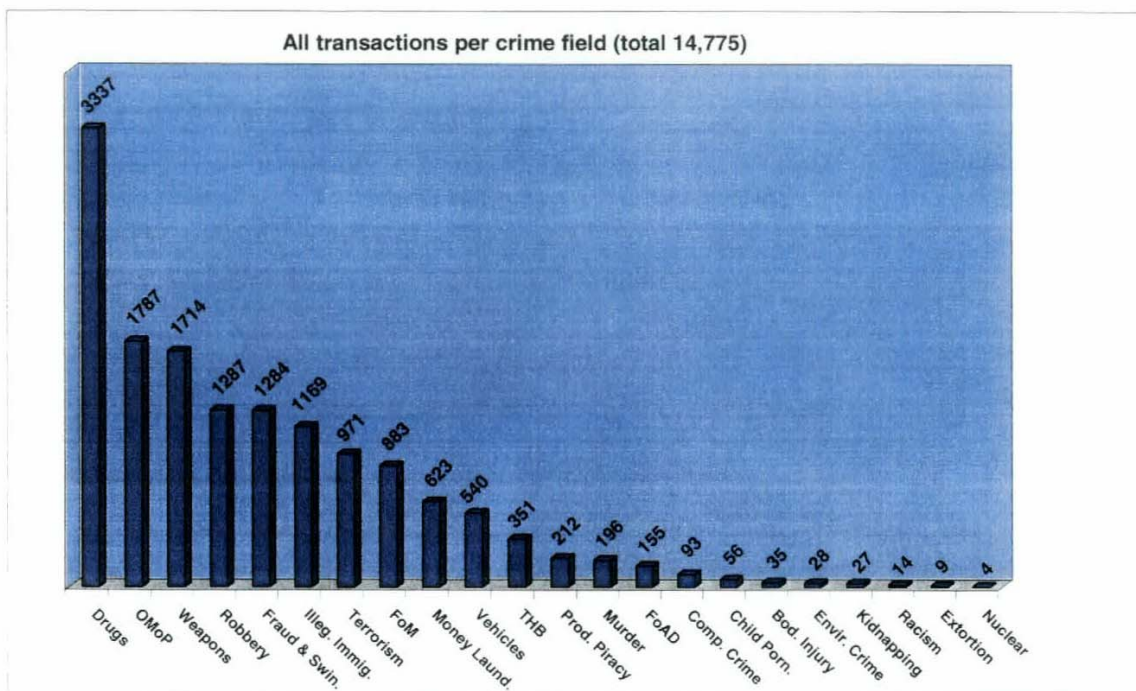


¹ It should be noted that when one request is sent to several recipients it counts as several requests (e.g.: 1 request sent to 3 recipients is counted as 3 requests sent).

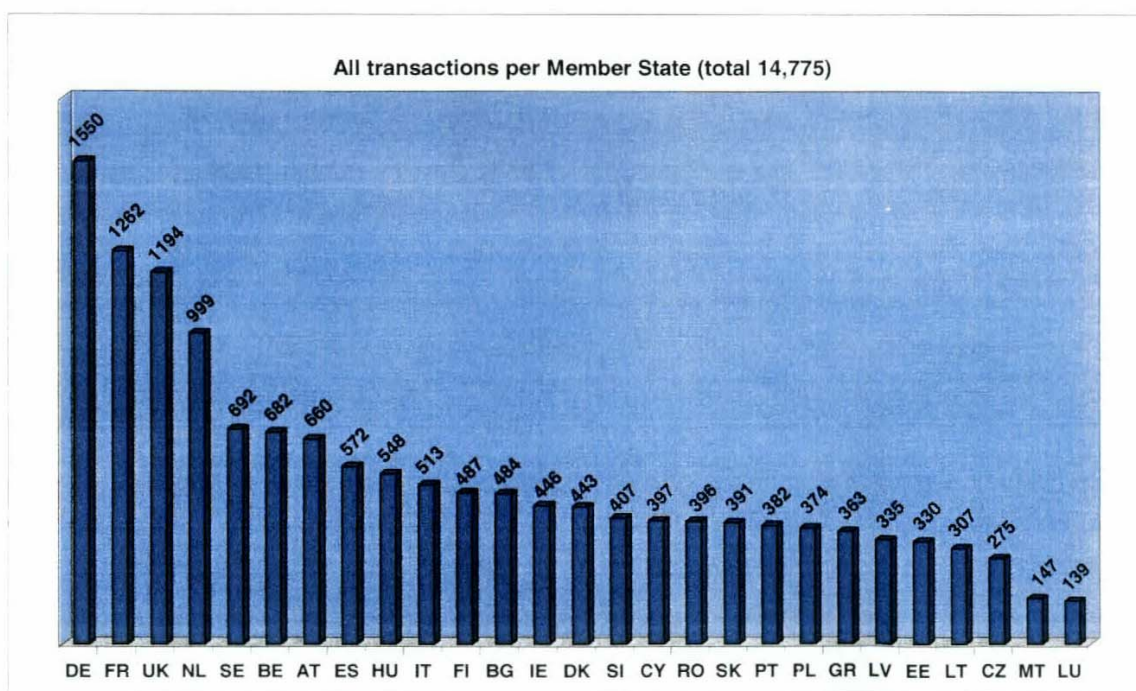
6.4. All transactions by Member States

	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008
14,775	17,844	18,192	13,146	15,284	12,829	14,460	18,442	16,465	15,326	17,563	16,695	14,775

6.4.1. All transactions per crime field



6.4.2. All transactions per Member State

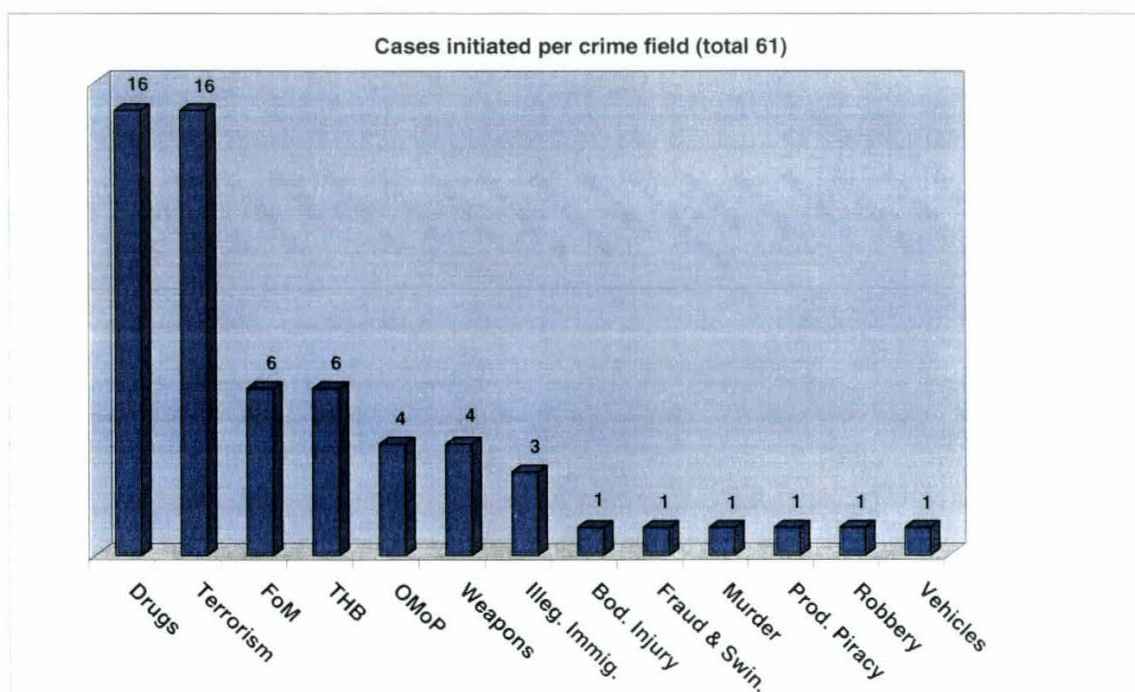


7. Europol Information Exchange

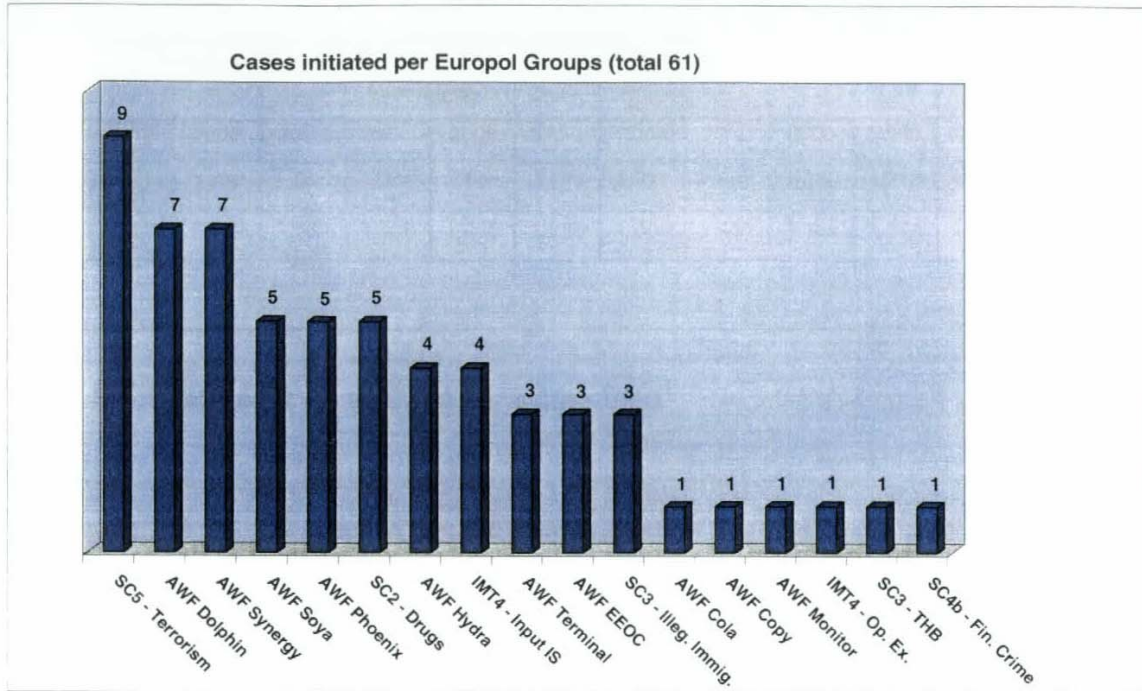
7.1. Cases initiated by Europol groups (Units & AWFs)

Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008
78	86	69	98	80	59	68	142	64	75	67	43	61

7.1.1. Cases initiated per crime field



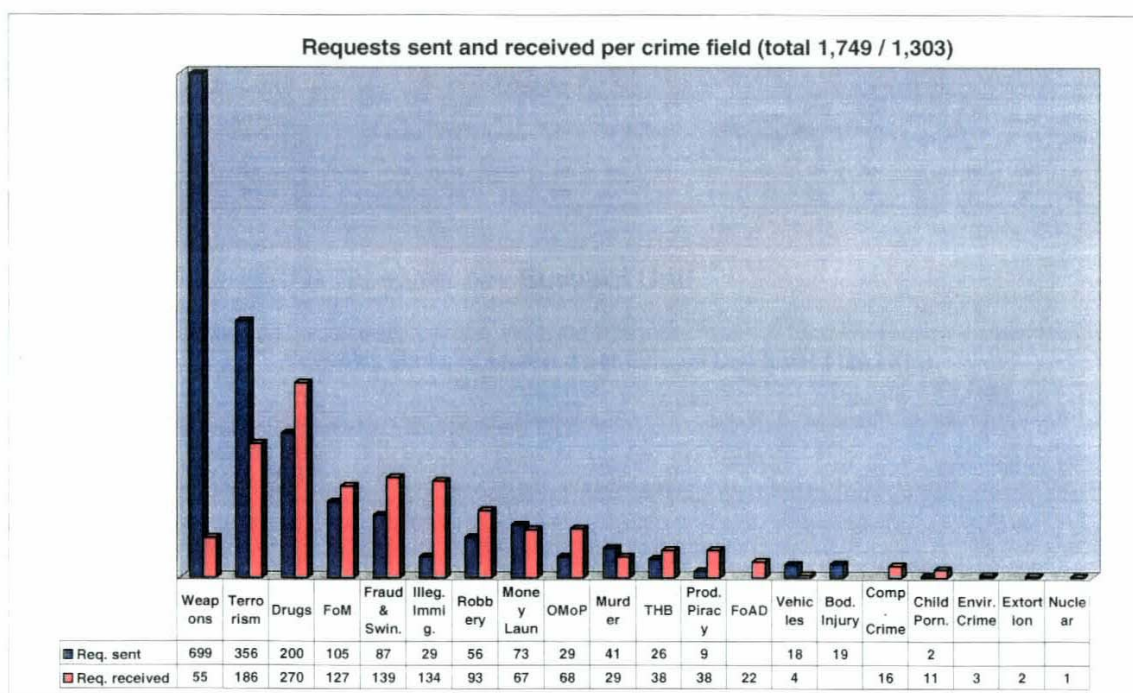
7.1.2. Cases initiated per Europol group



7.2. Requests sent & received by Europol groups

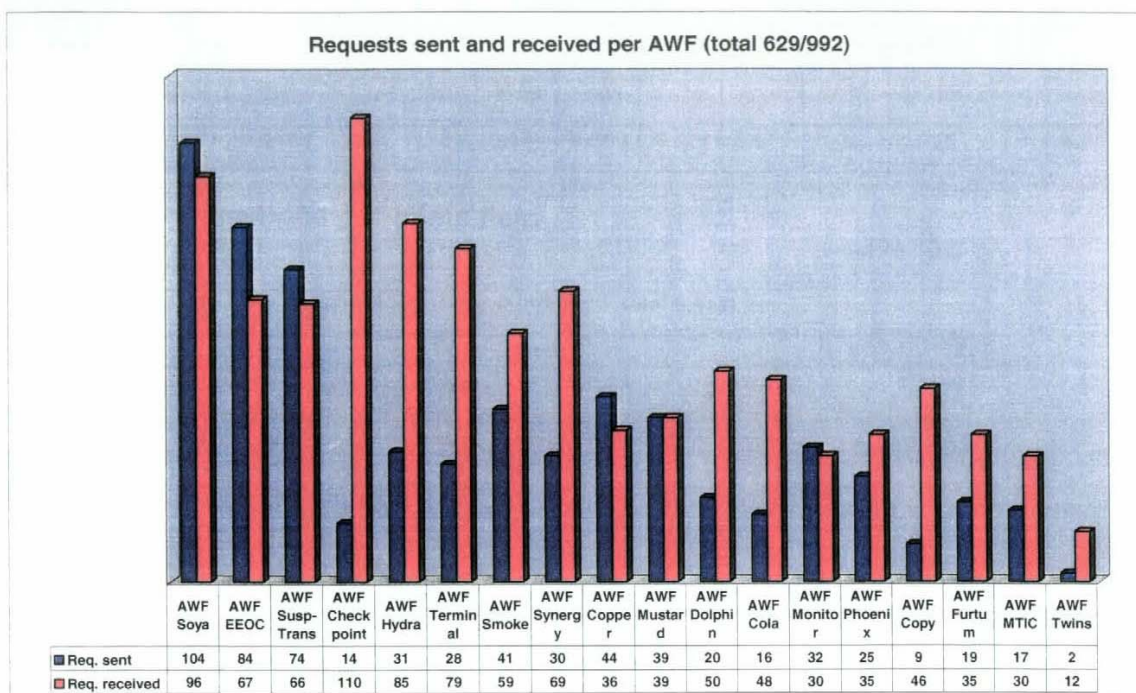
Requests	Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008
sent	1,300	1,580	1,385	1,380	1,682	1,178	1,521	1,607	1,330	1,218	1,571	1,604	1,749
received	1,018	1,414	1,531	1,338	1,415	1,286	1,388	1,411	1,189	1,348	1,403	1,385	1,303

7.2.1. Requests sent & received per crime field¹

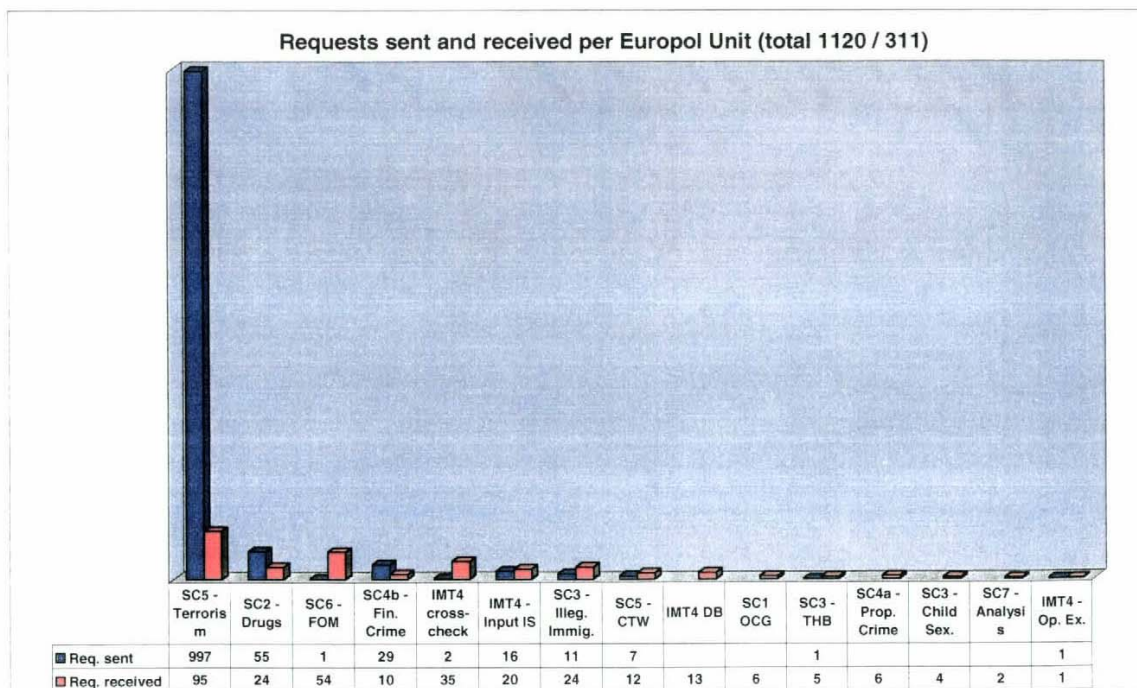


¹ It should be noted that when one request is sent to several recipients it counts as several requests (e.g.: 1 request sent to 3 recipients is counted as 3 requests sent).

7.2.2. Requests sent & received per AWF¹



7.2.3. Requests sent & received per Europol Unit

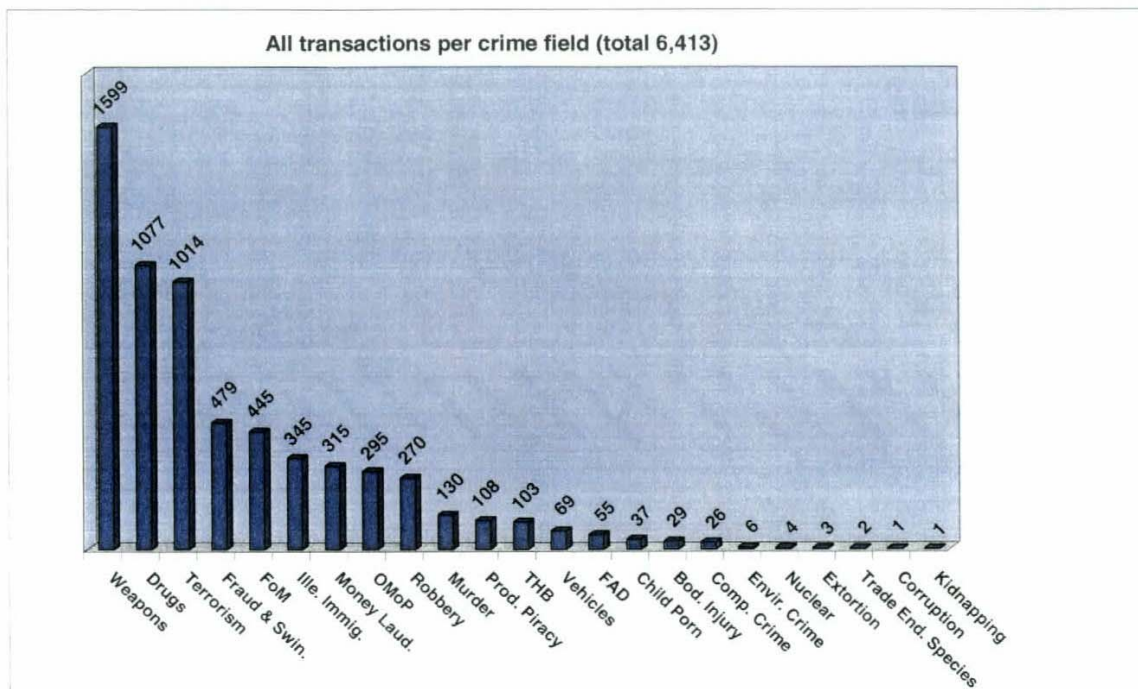


¹ It should be noted that when one request is sent to several recipients it counts as several requests (e.g.: 1 request sent to 3 recipients is counted as 3 requests sent).

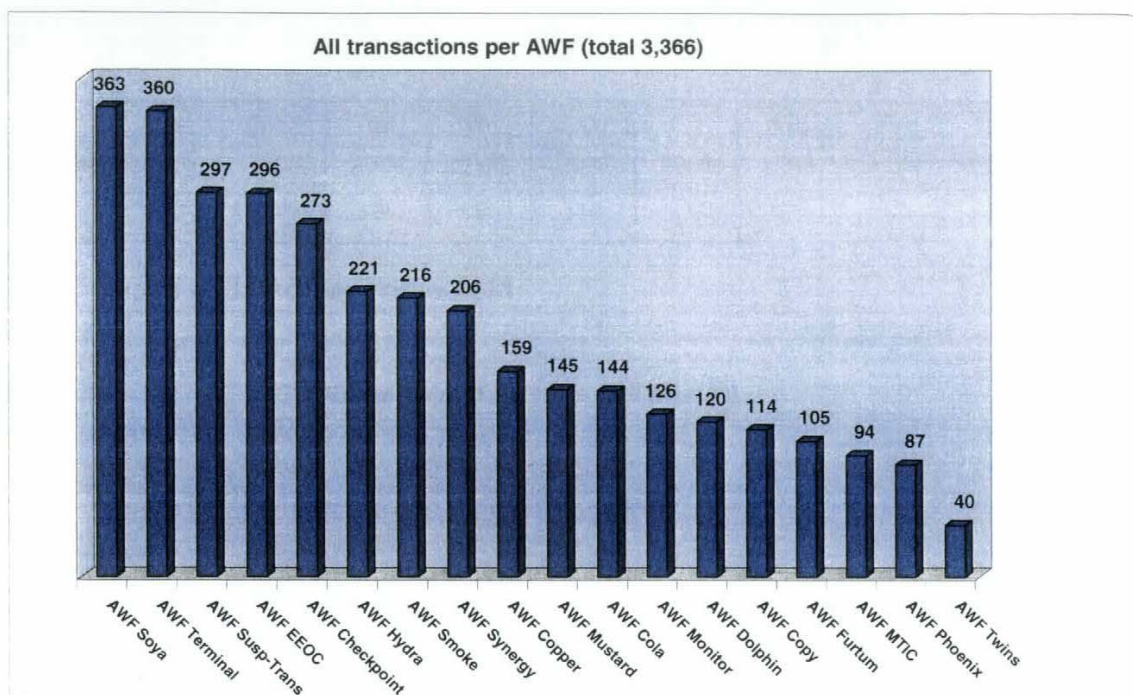
7.3. All transactions by Europol groups

Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008
6,244	6,244	5,436	5,096	5,924	4,841	5,580	6,376	5,517	5,028	5,897	5,518	6,413

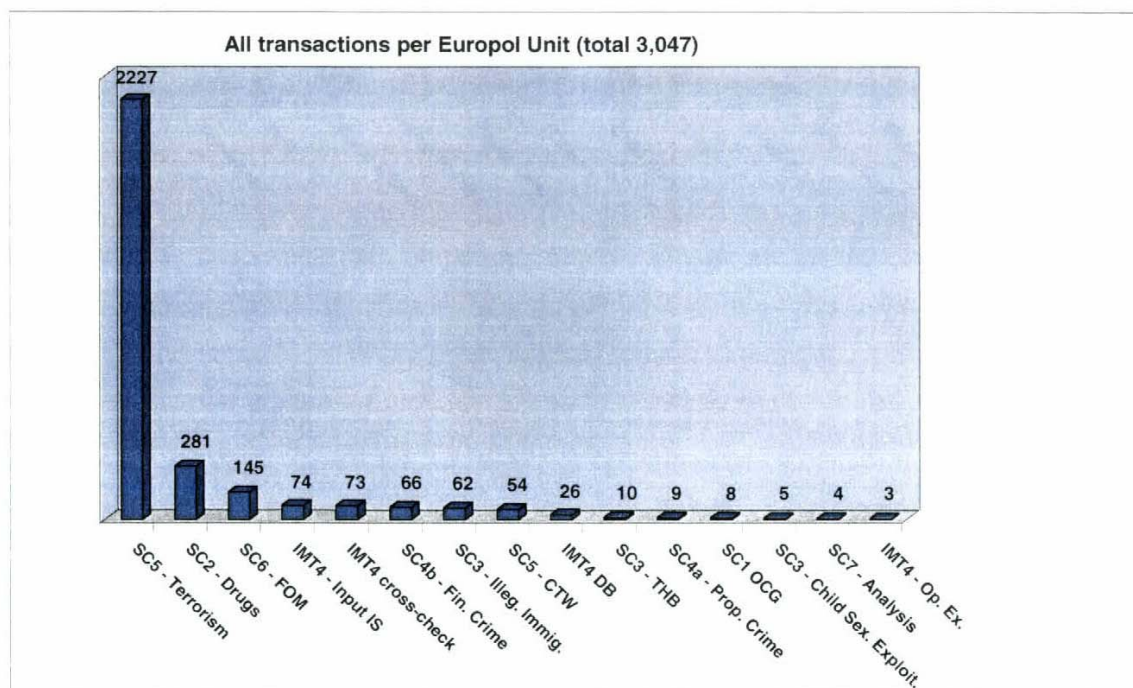
7.3.1. All transactions per crime field



7.3.2. All transactions per AWF



7.3.3. All transactions per Europol unit

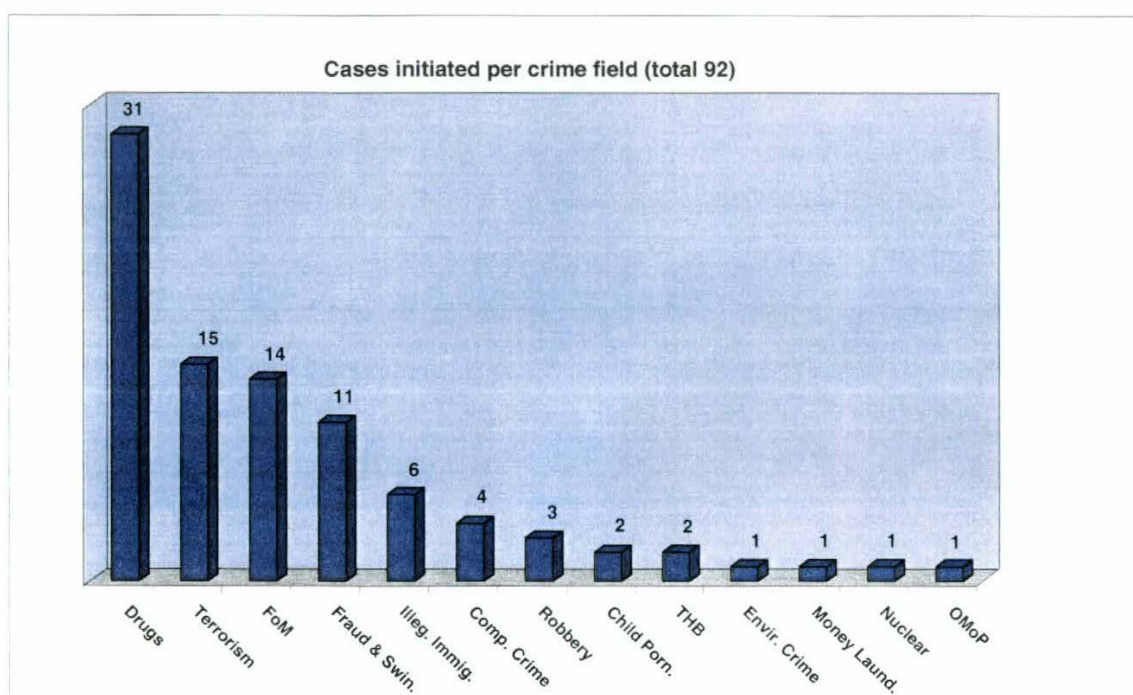


8. Non EU States and international organisations (Third Parties)

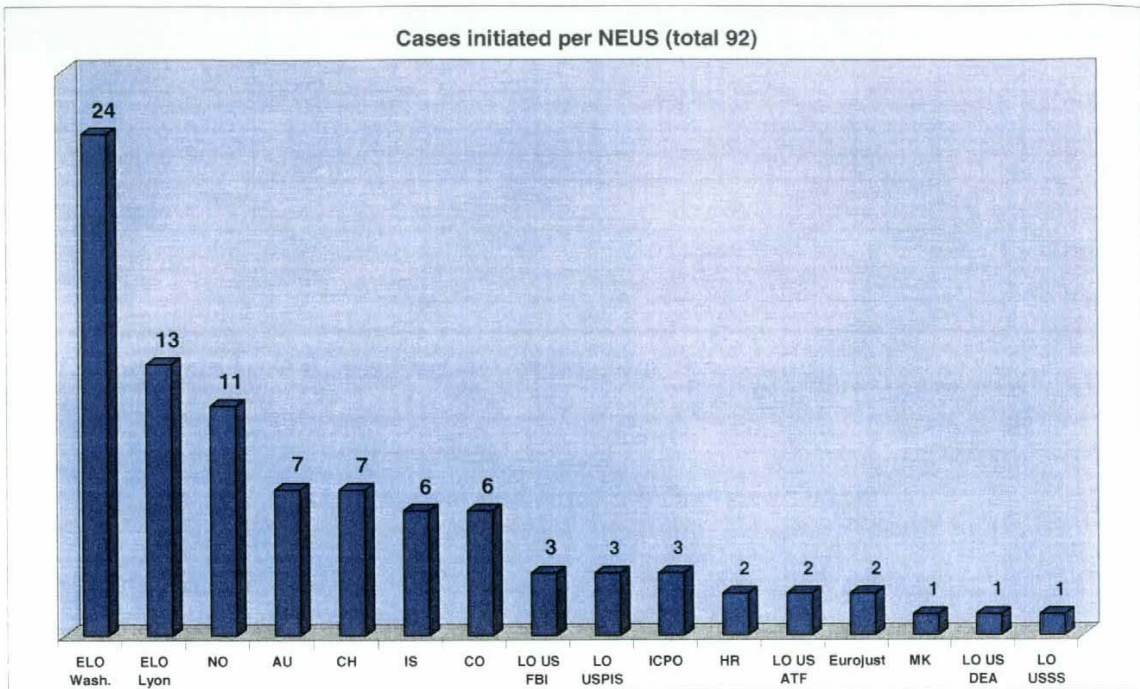
8.1. Cases initiated by Third Parties

Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	June 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2007
64	78	73	84	104	125	115	130	108	91	90	71	92

8.1.1. Cases initiated per crime field



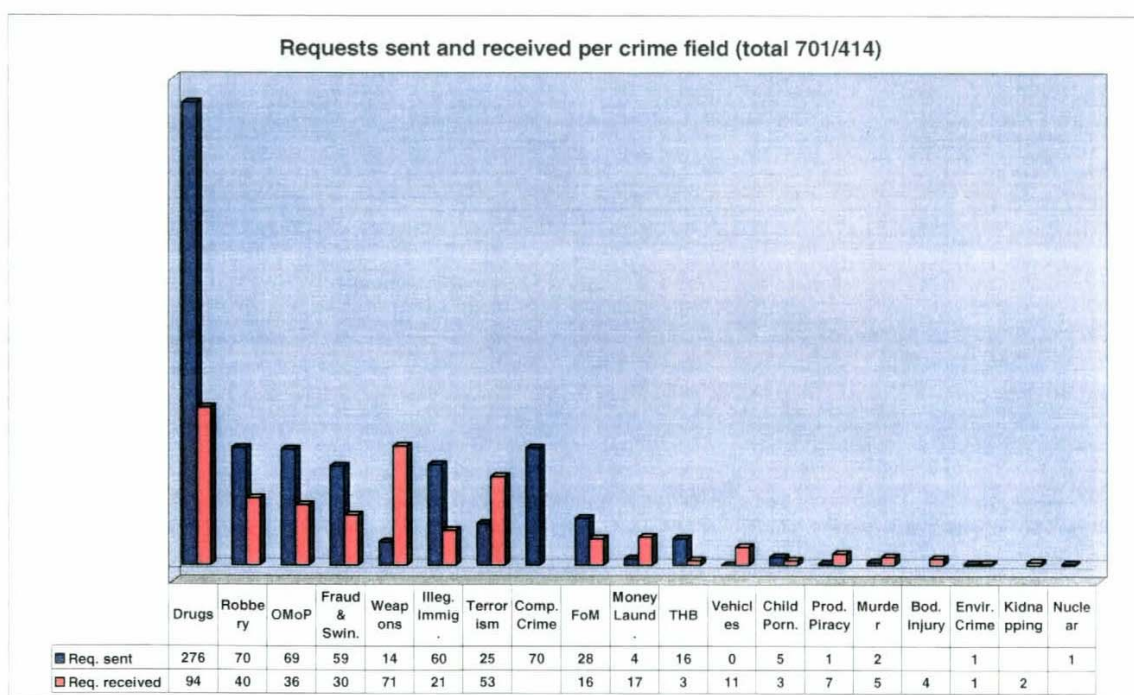
8.1.2. Cases initiated per Third Party



8.2. Requests sent & received by Third Parties

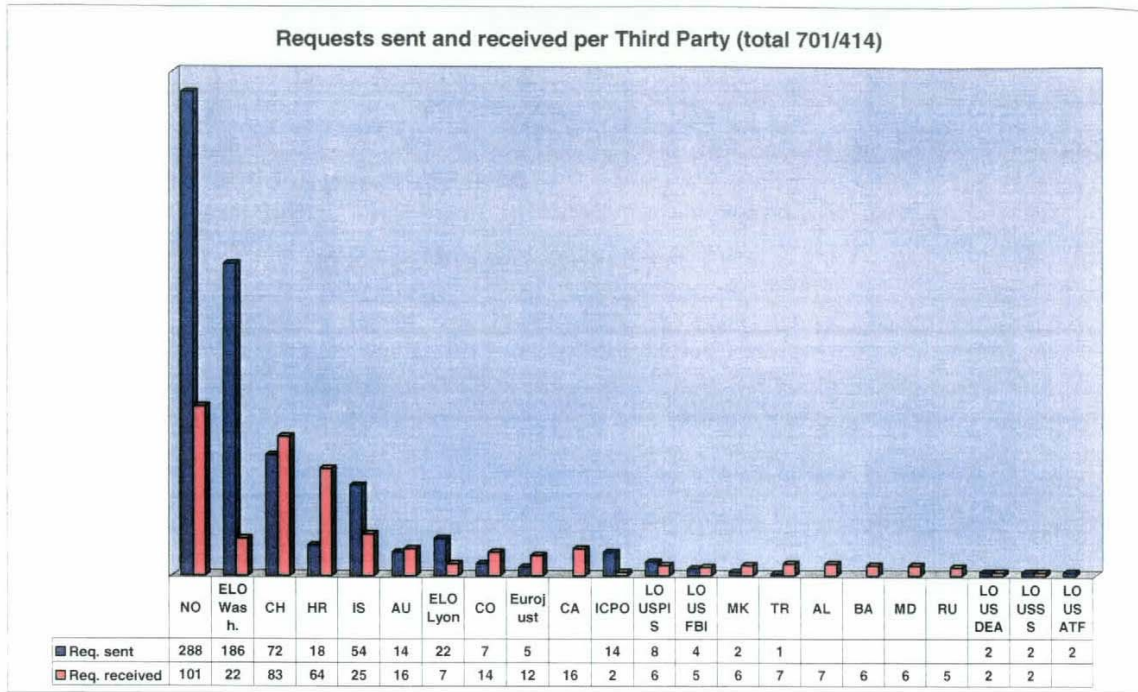
Requests	Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	June 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008
sent	378	545	540	456	493	545	460	472	548	828	705	566	701
received	414	472	440	365	473	343	450	536	481	482	460	559	414

8.2.1. Requests sent & received per crime field¹



¹ It should be noted that when one request is sent to several recipients it counts as several requests (e.g.: 1 request sent to 3 recipients is counted as 3 requests sent).

8.2.2. Requests sent & received per Third Party¹

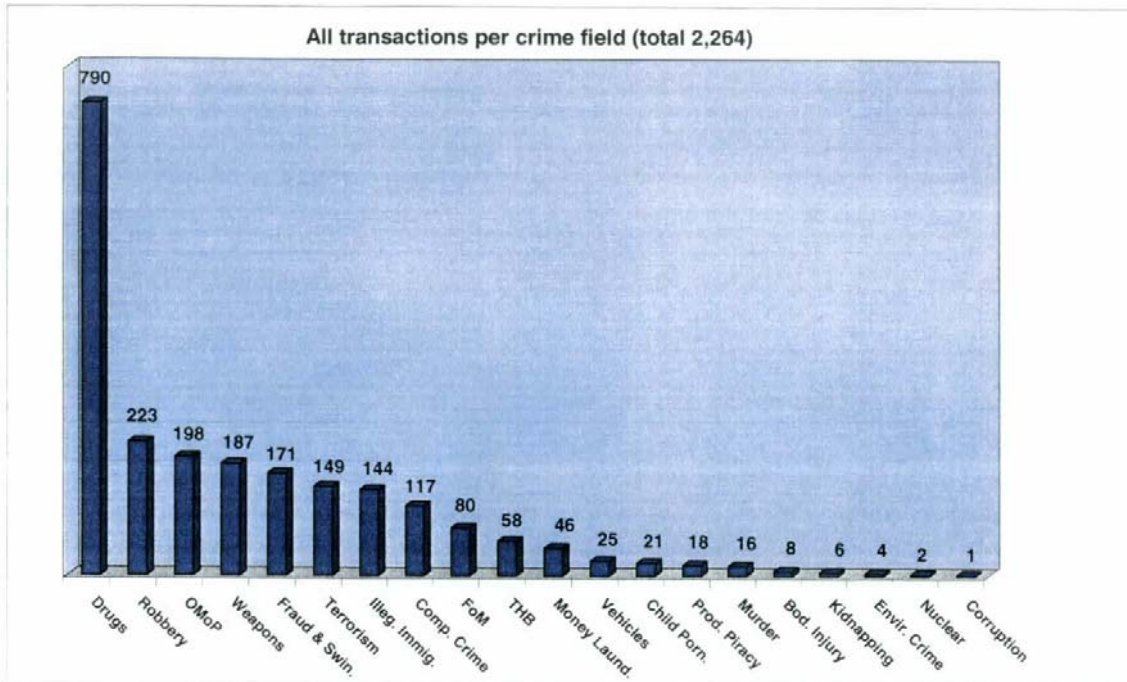


¹ It should be noted that when one request is sent to several recipients it counts as several requests (e.g.: 1 request sent to 3 recipients is counted as 3 requests sent).

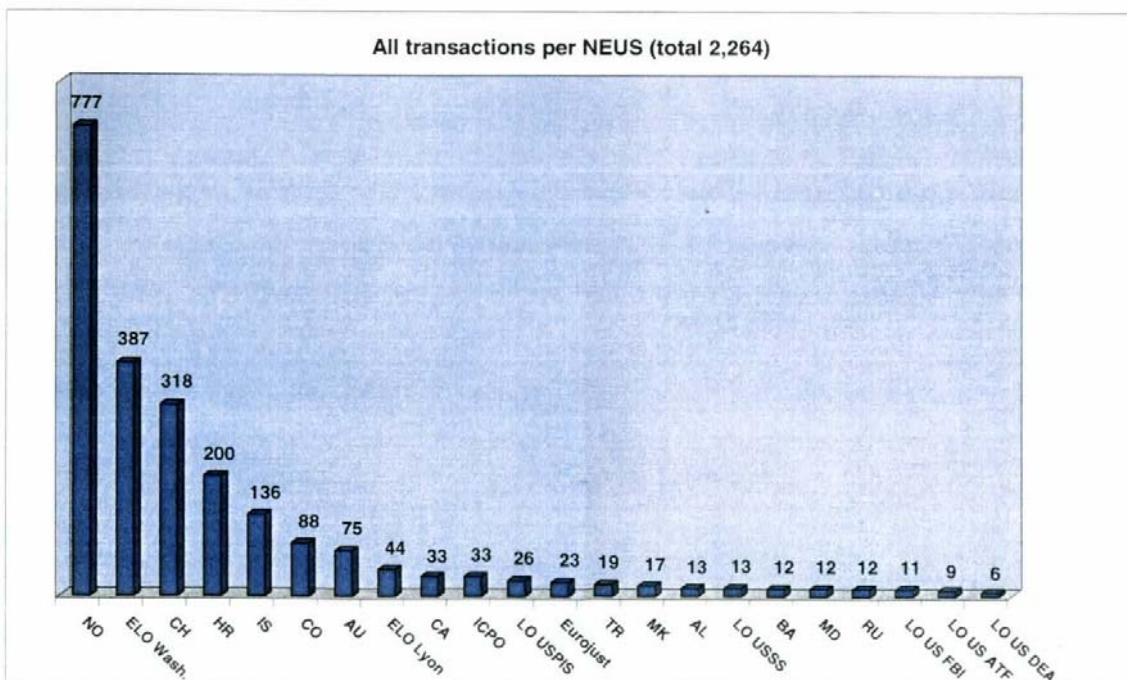
8.3. All transactions by Third Parties

	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	June 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008
2008	2,026	1,916	1,652	1,840	1,892	1,780	2,170	2,148	2,544	2,386	2,269	2,264

8.3.1. All transactions per crime field



8.3.2. All transactions per Third Party



Europol Draft Work Programme 2010

PAGINA BIANCA

Europol Draft Work Programme 2010

1. Table of Contents

1. Table of Contents
2. Introduction
3. Influencing Factors
 - 3.1. Factors at the Operational Level
 - 3.2. Factors from the European Union Justice and Home Affairs domain
4. Work Programme Objectives – Overview
 - 4.1. Methodology
 - 4.2. Europol's Strategy Map for 2010
5. Work Programme Objectives – Detail
 - 5.1. Goal 1: First Platform of Choice for Information Sharing
 - 5.2. Goal 2: Operational Analysis
 - 5.3. Goal 3: Strategic Analysis
 - 5.4. Goal 4: Operational Support
 - 5.5. Cross-Cutting Issues
6. List of Abbreviations

2. Introduction

The Work Programme is Europol's annual business plan. Its purpose is to translate the Organisation's strategy into annual objectives, taking into account the current situation, and to provide the basis for the budgetary planning. It is used to communicate the Organisation's objectives to the European Union (EU) Member States in a transparent and structured manner.

Adopted in full on the occasion of the Management Board meeting on 3-4 October 2007, *The Strategy for Europol* encompasses mission-oriented goals, consequential objectives and a benchmarking framework allowing the monitoring of their implementation. It emphasises the operational aspect of Europol and is meant to be flexible and future-oriented. The Work Programme 2010 is fully aligned with *The Strategy for Europol*, which is now recognised as the Organisation's main guiding document, providing a roadmap towards the vision. This alignment is not new, but should be more visible in the present document, as the Work Programme 2010 objectives are presented to reflect the structure of the Strategy.

The operational content of the document reflects the Member States' requirements, as expressed by the Heads of Europol National Units (HENUs) at

their 17-18 September 2008 meeting. It also reflects the findings of the Organised Crime Threat Assessment (OCTA) 2008, as well as the Council Conclusions resulting from the OCTA 2007.

As Europol will be governed by a new legal framework, expected to enter into force on 1 January 2010, this is the first Work Programme produced in order to fulfil Articles 37(10) and 38(4) of the Council Decision establishing the European Police Office (Europol). Every effort has been made to restructure the Work Programme in order to comply with the provisions of the Europol Council Decision (ECD) and the resulting financial regulations. In recent years, Europol has already strengthened the links between its Work Programme and budget; these efforts will take on more significance in the context of the Organisation's new legal framework.

As well as requiring changes in the structure of the Work Programme, the new legal framework necessitates a number of additional consultation steps before the Work Programme can be adopted. The greater involvement of the European Commission, and the new role of the European Parliament, make it necessary to submit the first draft Work Programme to the Management Board (MB) in December instead of in January or February, as was previously the case. At the first MB meeting of 2009, a second draft of the Work Programme 2010 will be tabled, reflecting any feedback received from Member States and the European Commission on the first draft, and including the performance indicators and links to the budget.

3. Influencing Factors

3.1. Factors at the Operational Level

As mentioned above, the Work Programme is an expression of the annual objectives to be achieved in accordance with the Strategy. However, the following important inputs have also been used in identifying the objectives:

- Europol Evaluation Report 2007 and interim Europol Evaluation Report 2008;
- Member States' operational requirements, as expressed by the HENUs at their 17-18 September 2008 meeting;
- Operational planning at the Unit and Department level;
- Budgetary considerations;
- The move into the new Europol Headquarters, scheduled to take place from September 2010.

3.2. Factors from the European Union Justice and Home Affairs domain

The policy factors below have been taken into account in the preparation of the Work Programme 2010:

- The entry into force of the ECD, including the new governance rules applicable to the Organisation;
- The possible entry into force of the European Union (EU) Reform Treaty (or related developments);
- Preliminary discussions underway in preparation for the new multiannual "Programme for Strengthening Freedom, Security and Justice in the European Union" (Post The Hague Programme - available by 2010);
- Preliminary discussions underway in preparation for the new Strategy for the External Dimension of Justice and Home Affairs (available by 2010);
- The Council working priorities established on basis of the OCTA, including developments relating to the geographical areas of special attention in the OCTA (especially for the Western Balkans);
- Policy developments in the field of information exchange (e.g. Principle of Availability, Prüm Treaty, etc.).

4. Work Programme Objectives – Overview

4.1. Methodology

The 15 objectives for the Work Programme 2010 have been identified based on departmental and corporate planning for implementing the Strategy, taking into account the influencing factors described in chapter 3 above.

The objectives are structured in a Strategy Map, which is a starting point for implementing a strategy-focused performance monitoring system. These perspectives are based on the principles of the Balanced Scorecard¹ a widely used strategy management and performance management methodology. The approach is in use in some EU Agencies² and mentioned by the European Court of Auditors³ as a valuable system for monitoring the implementation of an EU agency's annual work programme. The perspectives have been chosen to suit Europol's unique status and mandate and to present different perspectives (viewpoints) in a comprehensive way. After the Strategy Map is agreed, relevant performance indicators are designed for the monitoring of Europol's performance against each of its annual objectives.

The following three perspectives are used:

- **Learning & Growth Perspective:** Objectives in this perspective describe the ways in which Europol will invest in its innovation and learning capacity, in order to ensure that it has the right knowledge, human resources, technical and physical infrastructure in place;

¹ "The Balanced Scorecard: Translating Strategy into Action", Robert S. Kaplan, David P. Norton; Harvard Business School Press, Boston, Massachusetts, USA, 1996

² Including, but not limited to, the European Foundation for the Improvement of Living and Working Conditions (EUROFOUND) and the European Environment Agency (EEA)

³ The European Union's Agencies: Getting Results, Special Report No 5, //2008

- **Process Perspective:** Objectives in this perspective describe the way Europol will adjust and improve its processes, by making them more efficient and raising the quality of the output (products and services);
- **Customer Perspective:** Europol has a complex array of stakeholders: primarily customers (users of Europol's products & services) represented by the competent Law Enforcement Authorities of the 27 Member States, but also cooperation partners (organisations and Third States) as well as political decision makers such as European Parliament and The European Commission. Objectives in this perspective describe how Europol will:
 - meet expectations of the governing bodies;
 - increase the satisfaction of existing customers;
 - identify new customers and encourage them to use Europol's products and services.

Causal links can be drawn between the three perspectives. Achievement of **learning and growth** objectives enables the Organisation to achieve its **process** objectives. Improved processes will result in higher quality products and services, which will lead to increased **customer** satisfaction. Increased customer satisfaction will result in greater, more efficient and effective usage of Europol's products and services. Ultimately this should lead to improvement of the effectiveness and cooperation of the competent law enforcement authorities in the Member States in preventing and combating all forms of serious international crime and terrorism.

4.2. Europol's Strategy Map for 2010

The Strategy Map presented in Figure 1 below is designed to provide an overview of Europol's strategic objectives for 2010. The arrows on the left-hand side show how the achievement of objectives in the Learning & Growth and Process perspectives contribute to achieving strategic objectives from Europol's Customers' perspective. All objectives support the Strategy and the Vision.

For visual purposes, the Strategy Map does not show the individual causal links between individual objectives.

Some objectives can be viewed from two perspectives, for example "5.1 transition to New Legal Framework". The achievement of this objective will be measured via both learning & growth indicators and process indicators. Further details about each objective can be found in Chapter 5 below.

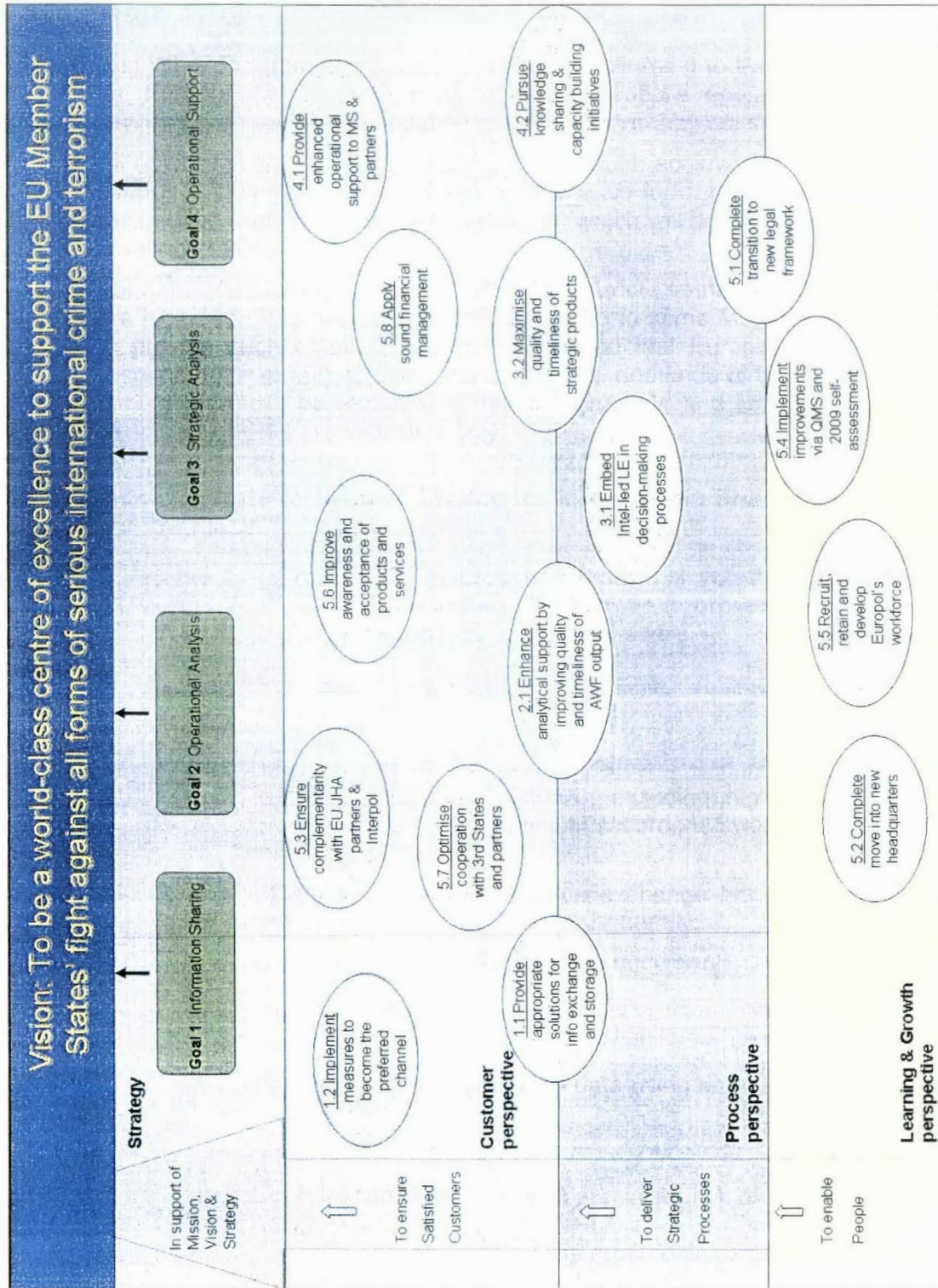


Figure 1: Strategy Map showing Europol's Work Programme 2010 objectives, supporting the four Goals of the Strategy (see Chapter 4.2 for further details)

5. Work Programme Objectives – Detail

The Work Programme objectives are listed according to the goal in the Strategy for Europol they support most directly. Europol's operational products and services are then listed in relation to the objective they will support most directly.

All objectives will be made specific, measurable, achievable, relevant and timed (SMART) with the addition of key performance indicators (KPIs) and targets in the second draft of this Work Programme, which will be submitted to the first MB meeting of 2009.

For some operational objectives, detailed lists of planned products and services are included. This has been done to respond to some Member States' requests to provide such detail. However, it is crucial that Europol remains flexible in responding to emerging crime trends and the demands of the Member States. It should therefore be understood that the products and services listed beneath certain objectives are indicative only.

5.1. Goal 1: First Platform of Choice for Information Sharing

5.1.1. Objective 1.1: Provide the appropriate technical solutions for information exchange and storage, including the further improvement of the IS and SIENA and specialised solutions when necessary.

Products and Services:

- Information exchange:
 - Development of the new application Secure Network Exchange Network Application (SIENA), including high quality and timely releases of its new versions in accordance with the requirements of users and stakeholders;
 - Facilitation of the information exchange between Member States and Europol bilaterally and multilaterally;
 - Drafting of policy and procedure documents;
 - User support;
 - Statistical reports;
 - Communication of classified data using special encryption software and secure links;
- The Information System (IS):
 - Coordination of the business administration of the IS;
 - Drafting of policy and procedure documents;
 - User support;
 - High quality and timely releases of new versions of the IS in accordance with the requirements of users and stakeholders;
 - Statistical reports;

- Cross-checks against non-Europol systems on behalf of Member States and partners;
- Specialised data exchange and storage solutions:
 - EU Bomb Data System: Platform to share timely and relevant information and intelligence on explosives, explosive devices and chemical, biological, radiological and nuclear (CBRN) materials;
 - 3-in-1 Early Warning System platform for CBRN, explosives and firearms.
 - Europol Check the Web (CtW) Portal: Platform to share information on the use of Islamist extremist propaganda on the Internet;
 - Database of technical analysis of skimming devices;
 - ATLAS collaboration platform - to facilitate mutual support between Member States in the event of a crisis situation resulting from a terrorist threat or attack;
 - High Risk Informant Database & High Risk Informant Request Database;
 - European Cyber Crime Platform;
- Data protection and confidentiality:
 - Registration, reproduction, dissemination, storage and destruction of information classified Europol CONFIDENTIAL and above;
 - Provision of awareness training and updates in organizational data protection, confidentiality and information security policies, procedures and practices;
 - Data protection audit;
 - Contact point Joint Supervisory Body (JSB) and national supervisory bodies;
 - Information security management and assurance;
 - Information security compliance audits;
- Information and Communication Technology (ICT) Support, including helpdesk support to National Units and Liaison Bureaux, secure email, telephony and videoconferencing;
- Subject to the agreement of the Member States, establish the accommodation, facilitation and integration of FIU.NET structure - the infrastructure which enables the Member States' Financial Intelligence Units (FIUs) to exchange information on suspicious financial transactions.

5.1.2. Objective 1.2: Implement measures to become the preferred channel of choice for information exchange within the EU and with third partners.

The meaning of this objective is that Europol must promote – at political and operational levels – its role as the main hub for information exchange within the EU and in the Member States.

Europol believes that a European Information Management Strategy would be in the Member States' best interests. Europol also sees itself playing a central role in the information exchange mechanisms foreseen by such a strategy.

In terms of developing such a strategy, Europol will need to raise awareness among decision-makers about the possibilities of its existing legal and technical frameworks, and the potential for developing additional technical solutions.

In terms of implementing such a strategy, Europol will need to raise awareness at the working level in the Member States, so that officers in the field know when and how to use Europol's services.

Products and Services:

- Presentations and training curricula for CEPOL (within its mandate) and for the Member States (see also Objective 4.2);
- Other communications tools:
 - Press releases;
 - Press conferences;
 - Articles and publications;
 - Speeches and presentations and relevant events;
 - Hosting visits and events;
 - Europol website.

5.2. Goal 2: Operational Analysis

5.2.1. Objective 2.1: Enhance analytical support to Member States and partners by improving the quality and timeliness of AWF output

The performance of the AWFs will be measured and reported based on the results of the work undertaken within the different HENU subgroups and based on evaluation conducted within the Europol SC department.

Products and Services:

- AWF Overview & Coordination
 - Inform Europol Directorate, HENUs and the MB on the status of all new and existing AWF projects;
 - Ensure flexible horizontal allocation of analytical resources through the AWFs;
- Maintain the Europol Analysis System to ensure optimal performance and to be able to customise as quickly as possible to follow changes in crime areas;
- Develop computer forensic analysis capacities within the AWF framework;
- Ensure proper on-the-spot analysis support with the help of an up-to-date mobile office solution;
- Promote criminal and intelligence analysis research and development;

- Miscellaneous activities enabling Europol to stay abreast of developments and to assist the Member States in their activities related to emerging operational initiatives;
- Operational Analysis and Reports: to provide operational intelligence analysis to Member States' live investigations, supported in the framework of the AWFs, covering all highly prioritised serious crime areas EU-wide, including support to Comprehensive, Operational, Strategic Planning for the Police (COSPOL) projects, Joint Customs Operations, Joint Investigation Teams (JITs) and regional initiatives. The AWFs foreseen in 2010⁴ are:
 - Organised Crime Groups & Cyber Crime:
 - Monitor
 - EEOC
 - Copper⁵
 - Smoke
 - New Cyber Crime AWF foreseen⁶
 - Drugs Trafficking:
 - Cola⁷
 - Mustard⁸
 - Synergy⁹
 - A new AWF on Cannabis could be considered, if requested by Member States
 - Illegal Immigration, Trafficking in Human Beings (THB) & Child Sexual Exploitation:
 - Checkpoint¹⁰
 - Phoenix¹¹
 - Twins¹²
 - Financial crime, property crime & intellectual property crime:
 - MTIC

⁴ During the HENUs meeting, the HENUs will be invited to express an opinion on the need to list the AWFs individually in the Work Programme.

⁵ Supports COSPOL project on Western Balkans Organised Crime (WBOC)

⁶ Supports COSPOL project on "Organised Crime exploiting ICT"

⁷ Supports COSPOL Cocaine project

⁸ Supports COSPOL Heroin project

⁹ Supports COSPOL Synthetic Drugs project

¹⁰ Supports COSPOL Facilitated Illegal Immigration (FII) project

¹¹ Supports COSPOL Trafficking in Human Beings (THB) project

¹² Supports COSPOL Internet Related Child Abusive Material Project (CIRCAMP)

- Copy
- Sustrans
- Furtum
- Terrorism:
 - Dolphin
 - Hydra
- Euro counterfeiting and payment card fraud:
 - Soya
 - Terminal
- New AWFs may be launched to address relevant crime trends, if requested by the Member States after comprehensive feasibility studies.

5.3. Goal 3: Strategic Analysis

5.3.1. Objective 3.1: Lead by example in the EU Law Enforcement Community by embedding the principles of Intelligence-Led Law Enforcement in Europol's decision-making processes.

The meaning of this objective is that Europol should update its planning methodology to recognise more formally the principle of intelligence-led law enforcement. The exact proposals are under development and will be discussed with the Member States at a later date. Part of the solution could be to use the expert fora in different crime areas to develop action plans to respond to the crime trends highlighted in the Council Conclusions based on the OCTA. The role of the Police Chiefs' Task Force (PCTF) and the COSPOL projects will also be considered in this context.

Naturally, this objective can only be successful if the operational and strategic products are of a sufficiently high quality, so the products listed under 5.2.1 above and 5.3.2 below will support this objective as well.

Furthermore, the objective cannot be achieved by Europol alone but will require the active participation of the Member States.

5.3.2. Objective 3.2: Maximise the quality, relevance and timeliness of strategic products, including the OCTA, TE-SAT and thematic threat assessments and situation reports.

Products and Services:

- EU Organised Crime Threat Assessment (OCTA);
- EU Terrorism Situation and Trend Report (TE-SAT);

- Thematic threat assessments, regional threat assessments¹³ and intelligence assessments:
 - Update of the initial Europol threat assessment on Ethnic Albanian Crime Groups (EACGs) (Project Copper);
 - Thematic intelligence assessment report on Outlaw Motor Cycle Gang (OMCG) Violence (Project Monitor);
 - Baseline intelligence assessment report on OMCG Threat (Project Monitor);
 - East European Organised Crime (EEOC) threat assessment / strategic situation report (Project EEOC);
 - Threat Assessment on Cyber Crime;
 - Illegal Immigration intelligence assessment on Marriage of Convenience;
 - Illegal Immigration intelligence assessment on China, Vietnam or another critical areas identified;
 - THB intelligence assessment on Central Asia;
 - THB intelligence assessment on the Middle East and North Africa Region
 - Industrial Product Piracy Assessment;
 - Motor Vehicle Crime Assessment;
 - Threat Assessment on extremist/terrorist attacks and activities;
 - Threat and Risk Assessment for Council Summit Meetings;
 - Threat Assessment supporting major sporting events in the EU and other major international events;
 - Threat and risk assessments for countries who are introducing the Euro;
 - Miscellaneous activities enabling Europol to stay abreast of developments and to assist the Member States in their activities related to emerging initiatives in the field of High Tech Crime
- Strategic reports:
 - OMCG strategic report (Project Monitor);
 - OMCG influential membership strategic report (Project Monitor);
 - Expert strategic reports focusing on issues in the field of drugs;
 - Reporting on new psychoactive substances in association with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA);

¹³ Based on the Council Conclusions based on the OCTA 2009, the need for further regional threat assessments might arise.

- Annual Situation Report on Illicit Trafficking in Nuclear and Radiological Substances;
- Annual Situation Report on Illegal Trafficking in Arms and Ammunition;
- Situation report into the Criminal Funding of Terrorism
- Bi-annual Situation Reports on Euro Counterfeiting;
- Strategic Reports on Organised Crime Groups;
- Strategic Reports on types of crime and on key Organised Crime features;
- Intelligence bulletins:
 - Illegal Immigration bi-monthly Bulletins;
 - THB and Child Abuse bi-monthly bulletins;
 - CT Monthly (counter-terrorism bulletin);
 - Monthly Counter-Proliferation Bulletin;
 - Animal Rights Extremism Quarterly;
 - Counterfeit Currency News;
- Other strategic products:
 - Dialogue on Mediterranean Transit Migration (MTM) “I-Map” (a web-based interactive tool with restricted access) presenting risks and threats faced by partner states, notably on organised crime activities linked to migration and/or border control-related issues;
 - Special briefing papers on terrorist incidents;
 - Glossary of Terrorist Organisations: tailored reports on terrorist organisations describing their structure, modus operandi etc.;
 - Payment Card Fraud Report.

5.4. Goal 4: Operational Support

5.4.1. Objective 4.1: Provide enhanced operational support to Member States and partners

In the pursuit of this objective there should be a particular focus on offering added value to Member States' JITs.

Products and Services:

- Hi-Tech Forensic Support to AWFs: operational support delivering expertise to support AWFs and Member States' requests;
- Cocaine Logo System (incorporating Catalogue & CD-ROM);
- Ecstasy Logo System (incorporating Catalogue & CD-ROM);

- Europol Illicit Laboratory Comparison System (EILCS) incorporating the Europol Synthetic Drug Production Equipment Catalogue (ESDEC) (Project Synergy);
- Facilitation and support to the European Joint Unit on Precursors (EJUP) (Project Synergy);
- On-the-spot technical and analytical support in dismantling and investigating illicit synthetic drug facilities (Project Synergy);
- Support to the European Drug Profiling System (EDPS);
- Europol Asset Seizure Centre;
- First Response Network of Europol and Member States' Experts to provide support to a Member State affected by a terrorist attack;
- Early warning messages on Euro counterfeiting and non-cash payment fraud
- Technical and Evaluation Reports on counterfeit Euro banknotes and coins;
- Implementation of a European Monitoring Centre for currency counterfeiting at Europol;
- Provision of operational subsidies to support Member States' Euro counterfeiting investigations;
- Ad Hoc reports on Euro counterfeiting for judicial authorities;
- Technical Support on dismantled print-shops;
- Counterfeit Currency Image System / Pay Safe project and database;
- Provision of swift and relevant information on equipment being used by counterfeiters, including technical investigations carried out on request;
- Technical Analysis reports for counterfeit plastic payment cards;
- Technical Analysis overview of skimming devices;
- Mobile toolkit to support investigations in payment card fraud;
- Availability of Europol personnel to testify in court.

5.4.2. Objective 4.2: Pursue knowledge sharing and capacity building initiatives to build Europol's reputation as a "Centre of Excellence"

Products and services:

- Knowledge Management Centre (KMC):
 - Gathering, registration and updating of uncommon areas of investigative expertise in the KMC database;
 - Providing of search facility for Member States to find relevant experts, to learn from each other and prevent duplication of efforts;
- Other knowledge products and services:
 - Manual on the identification of ethnic Albanian individuals (Project Copper);

- Good Practice Report (Project Monitor);
 - CD-ROM on Witness Protection legislation and regulations within the EU and relevant Third States;
 - CD-ROM to provide expertise and best practice to Member States concerning controlled deliveries;
 - EU Manual on best practices on the Use of Informants;
 - CD-ROM on training and best practices issues for investigation officers dealing with informants;
 - CD-ROM on cross border surveillance;
 - JIT Manual for Member States' JIT experts (law enforcement and judicial authorities), produced jointly with Eurojust;
 - Financial Crime Information Centre (FCIC) (including asset recovery section for members of the Camden Assets Recovery Inter-Agency Network (CARIN));
 - European Union Vehicle Identification Database (EUVID);
 - DOCIS-Europol (database to centralise Knowledge and best practice related to the identification of ID, travel and other documents);
 - Europol version of German "RAKK" database (to identify the country and region in which vehicle licence plates were issued);
 - Training manual on combating non-cash payment fraud;
 - Management, administration of content up-grade and support to the users of the Automated Translation System SYSTRAN;
 - European Law Enforcement Dictionary;
 - Crime Scene Website to support the exchange of methods and best practices in forensic expertise with regard to crime scenes;
 - Guidelines for a Memorandum of Understanding in covert human intelligence matters;
 - Miscellaneous activities enabling Europol to stay abreast of developments and to assist the Member States in their activities related to emerging initiatives in the field of High Tech Crime
- Capacity building:
 - Composition, presentation and continuous updating of the Europol Training Module and case studies;
 - Cyber Crime training packages: Ad hoc training in internet and forensic investigations as result of the working group on training harmonisation established at Europol;
 - Courses under the umbrella of Specialised Law Enforcement Techniques (SPLET) project such as the informants handler course, witness protection seminars on best practice, and others

- Training course on the dismantling of illicit synthetic drugs laboratories;
- Support to European Police College (CEPOL) training courses on drugs and JITs;
- Europol Annual Training Combating the Sexual Exploitation of Children on the Internet;
- Training on currency counterfeiting and on the use of specific tools in detecting counterfeit money;
- Tactical and technical training on currency counterfeiting and Euro recognition;
- Training course in Operational Integrated Analysis through the train the trainer concept;
- Training course on Strategic Intelligence Analysis;
- Training course on Financial Crime Intelligence Analysis;
- Policy guidance:
 - Expert support to regional and international policy making and other strategic seminars;
 - Secretariat of CARIN;
 - Working Group at European level on 'Issues and further procedures related to the Monitoring of Internet Communications';
 - EU Network on Advisory Teams (EuNAT);
- Conferences and meetings:
 - Euro Conference 2010;
 - Working group on "Issues and further procedures related to the Monitoring of Internet Communication" at European level;
 - Working Group on the technical Analysis of skimming devices;
 - 6th JIT expert meeting, organised jointly with Eurojust.

5.5. Cross-Cutting Issues

5.5.1. Objective 5.1: Complete the transition to the new legal framework effectively and efficiently, in full compliance with the new financial and staff regulations.

The Council Decision established the European Police Office is expected to enter into force on 1 January 2010. This means that the objectives of the current ECD Programme, which focuses on preparing Europol for the changes ahead, will mostly have been achieved by then.

The focus of this objective in the Work Programme 2010 will therefore be to ensure compliance with all the new regulations which will apply to Europol for the

first time, and to perform the new functions associated with the new framework as efficiently and effectively as possible.

5.5.2. Objective 5.2: Complete the move into the new headquarters in a timely manner and with minimum disruption to service delivery.

This objective reflects the objectives of the New Headquarters Programme:

- Ensure Europol has a new headquarters that meets all current spatial, functional and technical requirements for all the building requirements for the next 20 years;
- Ensure a safe, secure, pleasant and efficient working environment for all users of the new headquarters;
- Create a working environment that is supported by improved policies, plans and services to ensure a mechanism for efficient management of the new headquarters.

The current schedule indicates that the New Headquarters is to be finalized in September 2010, at which point the transfer of staff and functions should commence. There will therefore be a significant commitment of resources to the move throughout 2010.

5.5.3. Objective 5.3: Develop more effective horizontal cooperation with the relevant EU agencies and bodies and with relevant international organisations.

The EU Agencies with which Europol will attempt to develop and enhance cooperation will include Eurojust, Frontex, CEPOL, EMCDDA, the EU Joint Situation Centre (SitCen), the European Anti-Fraud Office (OLAF) and the EU Police Missions.

The primary international organisations with which Europol will seek to enhance cooperation will be INTERPOL, the United Nations Office on Drugs and Crime (UNODC) and the World Customs Organisation

The guiding principles of Europol's interaction with these bodies, and with Interpol, will be to ensure that products and services complement each other and to avoid duplication, but also gaps in service provision.

Products and services:

- Analytical and expert support to regional initiatives such as the Maritime Analysis and Operational Centre - Narcotics (MAOC-N) and the Coordination Centre for the Fight against Drugs in the Mediterranean Area (CeCLAD-M).

5.5.4. Objective 5.4: Implement organisational improvements, as identified via Europol's Quality Management System and the self-assessment to be conducted at the end of 2009.

In 2009 Europol will begin implementation of its Quality Management System (QMS) by focusing on certain key processes. In 2010, this approach will be extended to other processes throughout the Organisation. Meanwhile, the work

on the first key processes in 2009 is expected to identify areas for improvement. It is therefore planned to implement these improvements in 2010.

Following the self-assessment which was conducted in the first half of 2008, the Europol Improvement Programme (EIP) has been launched. This Programme consists of ten improvement projects which should be concluded by the end of 2009. Any remaining or ongoing actions will be handed back to the responsible Units.

Europol then intends to conduct a second self-assessment at the end of 2009. This self-assessment should again generate a plan of action for organisational improvements, for which resources in 2010 are foreseen under this Work Programme objective.

Meanwhile, one important ongoing improvement initiative will be to provide a strategic and operational business continuity framework and assist in resolving business issues related to recovery planning and recovery plan development, in order to increase resilience to disruption, interruption or loss of business processes.

Work will also progress in terms of the implementation and coordination of business planning and performance management throughout the Organisation.

5.5.5. Objective 5.5: Recruit, retain and develop Europol's workforce in keeping with the Vision & Values.

The current Human Resource (HR) Strategy, which includes 2010, provides three strategic goals:

- Attract and recruit staff with the right competencies;
- Optimise the workforce;
- Develop competencies and reinforce psychological contract.

5.5.6. Objective 5.6: Improve awareness and acceptance of Europol's products and services, particularly within the Law Enforcement community

This objective focuses on communication with the competent law enforcement authorities in the current Member States and third partners, as well as with the EU bodies and EU agencies, in particular in the field of Justice and Home Affairs.

Cooperation with law enforcement authorities in the Member States and the respective EU partners is crucial for the organisation: strengthening the communication in this area, by better promoting awareness of Europol, should lead to increased usage of the Organisation's products and services, and therewith contribute to more operational cooperation.

The fulfilment of this objective will be achieved through the implementation of the corporate communication strategy (including improvements to the Europol website) as well as the continuation of the relevant activities launched as part of the EIP (in particular the "relationship with law enforcement communities" project). Continued participation in CEPOL training activities will also support the achievement of this objective.

5.5.7. Objective 5.7: Optimise cooperation with Third States and partner organisations in accordance with the operational needs and EU priorities as reflected in the Europol External Strategy

- Negotiation and effective implementation of new cooperation agreements with third states, when requested by the Member States and when data protection considerations allow, and with a particular focus on the Western Balkans;
- Logistic implementation of cooperation agreements with third states and international organisations (secure communication links, liaison bureaux, etc.);
- Facilitation of the exchange of data between Europol and third states and partners;
- Input of data received from third states and partners into the IS in compliance with relevant legislation and internal procedures;
- Security inspection visits to third parties in order to verify security measures applied to protect classified information;
- Assistance for analytical activities at the SECI Centre.

5.5.8. Objective 5.8: Apply the principles sound financial management to demonstrate improved economy, efficiency & effectiveness

The principle of sound financial management is defined in Article 25 of EU Commission Regulation No 2343/2002 of 23 December 2002. It refers to the principles of economy, efficiency and effectiveness:

- The principle of economy requires that the resources used by Europol for the pursuit of its activities shall be made available in due time, in appropriate quantity and quality and at the best price;
- The principle of efficiency concerns the best relationship between resources employed and results achieved;
- The principle of effectiveness concerns attaining the specific objectives set and achieving the intended results.

Sound financial management also means that SMART objectives shall be set for all sectors of activity covered by the budget and that the achievement of those objectives shall be monitored by performance indicators for each activity. This means that Europol's efforts to embed performance management more fully in its management processes, as required in the Strategy for Europol, will also support this objective.

6. List of Abbreviations

AWF	Analysis Work File
CARIN	Camden Assets Recovery Inter-Agency Network
CBRN	chemical, biological, radiological and nuclear
CD-ROM	Compact Disc Read-Only Memory

CeCLAD-M	Coordination Centre for the Struggle against Drugs in the Mediterranean Area
CEPOL	<i>Collège Européen de Police</i> (European Police College)
CIRCAMP	COSPOL Internet Related Child Abusive Material Project
COSPOL	Comprehensive, Operational, Strategic Planning for the Police
CT	Counter-terrorism
CtW	Check the Web
EACG	Ethnic Albanian Crime Group
ECD	Europol Council Decision
EDPS	European Drug Profiling System
EEA	European Environment Agency
EEOC	East European Organised Crime
EILCS	Europol Illicit Laboratory Comparison System
EIP	Europol Improvement Programme
EJUP	European Joint Unit on Precursors
ELO	Europol Liaison Officer
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
ESDEC	Europol Synthetic Drug Production Equipment Catalogue
EU	European Union
EUROFOUND	European Foundation for the Improvement of Living and Working Conditions
EUVID	European Union Vehicle Identification Database
FCIC	Financial Crime Information Centre
FII	Facilitated Illegal Immigration
FIU	Financial Investigation Unit
HENU	Head of Europol National Unit
HR	Human Resources
ICT	Information and Communication Technology
INTERPOL	International Criminal Police Organisation
IS	Information System
JHA	Justice and Home Affairs
JIT	Joint Investigation Team
JSB	Joint Supervisory Body
KMC	Knowledge Management Centre
MAOC-N	Maritime Analysis and Operational Centre - Narcotics
MB	Management Board
MTM	(Dialogue on) Mediterranean Transit Migration
OCTA	Organised Crime Threat Assessment
OLAF	<i>Office de Lutte Anti-fraude</i> (European Anti-Fraud Office)
OMCG	Outlaw Motor Cycle Gang
PCTF	Police Chiefs' Task Force
QMS	Quality Management System

SC	Serious Crime (Department)
SECI Centre	Southeast European Cooperative Initiative Regional Centre
SIENA	Secure Network Exchange Network Application
SitCen	EU Joint Situation Centre
SMART	Specific, Measurable, Achievable, Relevant and Timed
TE-SAT	EU Terrorism Situation and Trend Report
THB	Trafficking in Human Beings
UNODC	United Nations Office on Drugs and Crime
WBOC	Western Balkans Organised Crime
WCO	World Customs Organisation

Future Group
*new ideas for
a free and safe Europe*

Freedom, Security, Privacy – European Home Affairs in an open world



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Report

**of the Informal High Level Advisory Group on the
Future of European Home Affairs Policy
(„The Future Group“)**

June 2008

PAGINA BIANCA

Table of Contents

Executive Summary

Chapter I: Introduction

- 1.) The Future Group: A different way of policy-making in the area of European Home Affairs
- 2.) Overarching structural challenges
- 3.) Horizontal political challenges
- 4.) Priority policy areas

Chapter II: Preserving Internal Security and External Stability

- 1.) Police cooperation
- 2.) Fighting global terrorism
- 3.) Coordinating third-country missions

Chapter III: Managing Migration, Asylum, External Borders and Integration

- 1.) Migration policy
- 2.) Asylum policy
- 3.) Modernising the Schengen border and visa approach
- 4.) Further developing Frontex
- 5.) Enhancing cooperation with third States

Chapter IV: Developing Civil Protection

Chapter V: Using New Technologies and Information Networks

- 1.) Public security, privacy and technology
- 2.) The Principle of Availability and a European Union Law Enforcement Information Management Strategy
- 3.) Elements of the proposed EU JLS Law Enforcement Information Management Strategy

Chapter VI: Implementing the External Dimension of Home Affairs Policy

Annex

Executive Summary

The Future Group

1. At the informal meeting of Ministers of Interior and Immigration in Dresden in January 2007, the German Minister of the Interior and the Vice President of the European Commission responsible for Justice, Freedom and Security proposed the creation of an informal Group at ministerial level with the objective to consider the future of the European area of justice, freedom and security. The findings and recommendations of the Future Group are meant to be an important contribution and a source of inspiration for the European Commission's proposal for the next multi-annual programme in the field of Justice and Home Affairs.
2. The Future Group was co-chaired by the Vice President of the European Commission and the Minister of Interior of the acting Presidency. It brought together, *ad personam*, the Ministers of Interior of the two current trios of Presidencies (Germany, Portugal, Slovenia; France, Czech Republic, Sweden) and a representative of the future Presidency trio, i.e. Spain, Belgium and Hungary. Further participants were a common law observer (United Kingdom), the President of the LIBE Committee of the European Parliament and a representative of the Secretariat General of the Council.
3. The Group reported regularly on the progress of its discussions to the ministers responsible for Home Affairs at Council meetings and an interim report on the Group's work was presented to all Member States by the Slovenian Presidency during the Informal Justice and Home Affairs Council in January 2008. The work of the Future Group has been summed up in this final report putting together the essential ideas and reflections of the Group. This report is aimed at both the Member States, Parliament and the general public in order to launch a debate on its content and the future of Home Affairs in the European Union.

What are the horizontal challenges for 2010-2014?

4. Throughout its mandate the Future Group strove to identify the major structural changes the European Union has undergone in recent years. When considering what the environment of the European Union will be in the period 2010-2014, three horizontal challenges appeared essential to safeguard and complete the area of justice, freedom and security in the light of continuously changing framework conditions:
 - preserving the "European model" in the area of European Home Affairs by balancing mobility, security and privacy;
 - coping with the growing interdependence between internal and external security;
 - ensuring the best possible flow of data within European-wide information networks.

Preserving Internal Security and External Stability

Police Cooperation

5. The Group recommends deepening law enforcement cooperation within the Union while ensuring that the different aspects of this cooperation progress consistently and while preserving active cooperation in the field. Police forces in the Union belong to Member States' field of competence. In the years to come, these law enforcement services should, however, get closer to each other. There is a need for improving the environment of police cooperation, especially by reinforcing Europol, exchanging knowledge and integrating police file management and security technologies.
6. To this effect, the Group proposes that the European Union should work towards a simplification of the regulations applied when a criminal investigation needs to be carried out on another Member State's territory. This could, for example, mean that certain non coercive acts carried out by police officers on another Member State's territory could be simplified or that a system of written requests for information could be organised.
7. Europol is to function as close partner and focal point for national police forces at the European level. Improving data transfers from Member States to Europol is necessary if it is to become a genuine information platform for Member States. The requirement of the so-called "Swedish" framework decision of 18 December 2006, aiming at better information sharing, could be fulfilled by means of creating automatic data transfer instruments. Furthermore, Europol should be, within its legal framework, increasingly used and expanded into a competence centre for technical and coordinative support.
8. The Group suggests that the European Union should establish a model of Police and Customs Cooperation Centre (PCCC) applicable to all Member States. The structure and missions of PCCCs could be re-evaluated, in order to make them real police-customs centres of crisis management capable of handling events on an international scale. Especially in the border zones, PCCCs should become a model of future police cooperation.
9. The technical management of SIS-, VIS- and Eurodac-type European files should be grouped within a single specific structure for greater efficiency, on the basis of a preliminary evaluation.
10. The research and development activity on European-level security equipment should similarly be considered a priority. In this context intensified use should be made of means available in the 7th Framework Programme for research and technological development. The entire area of security technology has undergone major developments. Efforts must be made to standardise new materials in order to obtain better interoperability.

11. Meanwhile, a common culture of all European Union police forces needs to be further developed with systematic common European training and a greater use of the European Police College for this purpose should be encouraged.

Fight against terrorism

12. The Group recommends that the work initiated within the scope of the 2005 European Union Strategy be carried on and further developed so as to fight terrorism based on a comprehensive global approach. The European Union must ensure that Member States' competences and resources are better tapped, since these are responsible for the operational fight against terrorism.
13. The Group deems it advisable that the different actors of the fight against terrorism be better coordinated within the Union and that, therefore, a concept should be developed on the future institutional architecture in this area. The Group suggests an improvement of the information flow between Member States' law enforcement authorities, Eurojust and Europol. In this context, the role of the Joint Situation Centre (SitCen) should be analysed with particular consideration.
14. Terrorist risks could be better taken into account by European policies: weapons control, the fight against explosives, transport protection, control of financial transactions. Progress is necessary in the preparation of European-level crisis management.
15. Regarding external relations, better political, technical and operational cooperation should be reached with third countries, especially with countries most affected by the menace of terror as well as the Union's major strategic partners – the United States and Russia.
16. The Group suggests promoting exchanges of best practices between the Union's Member States and possibly with third states concerning the legal tools for expulsion and surveillance as well as on appropriate measures to fight home-grown terrorism.
17. From a political standpoint, the Group recommends focusing on mid- and long-term prevention, especially as regards recruitment and radicalisation, by reinforcing the cooperation already started in this field at European Union level, and by continuing the fight against the use of Internet for terrorist purposes. As terrorism is often accompanied by political propaganda, the Union must develop a positive counter-system based on its values: the rule of law, fundamental rights, peace and liberty. The European Union has to improve communication with civil society, using every communication mode, including Internet.
18. A responsible and up-to-date European counter terrorism policy should take into account the possible threat of terrorist attacks with nuclear, biological or chemical weapons. The group suggests creating a platform or mechanism for

sharing information between the Member States' special police units responsible for dealing with current Chemical Biological Radio Nuclear situations.

Third Country Missions

19. The Group observes an increase in the number of European Union peace-keeping missions throughout the world. These interventions increasingly require comprehensive support in terms of military, police, civil protection, development aid and rule of law devices. The Group recommends making the most of past experience gained in this area.
20. To this end, the Group calls for greater coordination of police, diplomatic and military action in order to improve the preparation and assessment of these missions, with closer cooperation between different Council structures. Pooling together European Union's financial resources for third country missions should also be considered. Member States participating could be asked to provide Integrated Police Units for certain missions. Future reflections should also include the integration of the "European Gendarmerie Force" and civilian police units from Member States into the legal framework of the European Union.
21. The Group also suggests improving the coherence of missions by integrating their different components right from the start, when the operation is in the planning stages. The different civil, military and judicial entities taking part in the same mission could be grouped together in Mission situation centres.
22. Finally, greater care should be taken to disseminate the information obtained by these missions in the European Union. Europol and the Member States should receive this information. Conversely, the missions should be able to access appropriate information. The Group deems it necessary to seek an effective information-sharing method.

Managing Migration, Asylum, External Borders and Integration

Migration policy

23. There seems to be a consensus in the European Union about the fact that migration is an inherent phenomenon in our increasingly globalised societies and economies. Demographic trends will create even more demand for labour migration. The Future Group is convinced that the response needs to be at a European level, and recommends the implementation of a forward-looking and comprehensive common immigration policy.
24. With regard to cooperation with partner countries and implementation of the Global Approach to Migration, an integrated approach should be applied. Dialogue, cooperation and partnership with countries of origin and transit should be deepened and broadened in terms of both actions and resources in

a fully balanced manner. The notions of a mobility partnership, circular migration and co-development should be further developed. Member States, third countries and migrants will be able to benefit.

25. The Group thinks that the principles of responsibility, solidarity and mutual trust are prerequisites for the definition of a common policy in this area. The need for implementation of these principles will have to be fully integrated into the next multi-annual programme.
26. The Group recommends designing a common immigration policy as a function of long-term demographic and economic evolutions, in line with Member States' competencies. Prerequisite for such legal migration is a demand for specific qualifications on the labour markets of the Member States on the one hand and a supply of workers from third countries possessing such qualifications on the other. Based on these principles, the Group suggests that Member States should fully exploit all possibilities of intra-European economic migration.
27. The Group agrees that general regularisations should be avoided. In the future, regularisations in exceptional circumstances and with individual case-by-case approach could be acceptable.
28. On the subject of illegal immigration, the Group encourages an effective European return policy, which would allow for an organised coordination of Member States' actions in this field. The Group suggests avoiding general and unconditional regularisations in one Member State.
29. Finally, the ways and means for successful integration need to be deepened. They are an integral part of legal migration policy. Respecting the different national competencies, a set of common minimum standards and requirements of both the immigrant and the Member State should be further implemented as a complement to national integration policies.

Asylum Policy

30. The Group notes that wide divergences in practices still exist between Member States in the granting of refugee status and subsidiary protection, despite the adoption of common minimum standards.
31. The Group recommends pursuing the implementation of the Common European Asylum System (CEAS), based on the Geneva Convention, as envisaged by the Hague-Programme. Increasing practical cooperation between the Member States is a very important step. The role of the European Support Office in coordinating such practical cooperation is essential. It must help reduce the differences in the treatment of asylum seekers by different Member States and improve the support to States faced with exceptional pressure.

32. The Group deems it necessary that the Union has to continue to provide secure borders and prevent illegal immigration at the same time as ensuring that those with a genuine right to asylum are able to claim it.
33. Support for refugees in the regions of the world most concerned must become a strong European Union policy. There should be an increased emphasis on the external dimension of the asylum policy. The concept of Regional Protection Programmes should, on the basis of an evaluation, be developed and if necessary redesigned. A common resettlement instrument should be agreed.

Border Management and Cooperation with Third Countries

34. The European Union border management policy is coming to the end of its first phase, which aimed mainly at the abolition of internal borders controls. Member States admit that the cooperation of law enforcement teams on external borders is necessary to reach an effective and mutually supportive policy.
35. The Group encourages the European Union to outline an integrated border management strategy capable of coping with the increasing flows of migrants and the impressive mobility of today's world, while ensuring mutual support among Member States.
36. Fully aware that border control itself is only one element of a global policy of security management, the Group recommends integrated control of European Union borders, up and down stream. This should include one stop approach integrating all checks and controls carried out for different purposes. Possibilities offered by new technologies, hand in hand with well-trained border guards, must play a central role. As a complement, adequate data protection tools are necessary.
37. The Group thinks that Frontex must play a central role in maximising threat analysis; cooperation between Member States (Frontex should especially be in a position to manage joint operations); training of Member States' border guards and reinforcing links with third countries in this field. The resources belonging to Frontex – personnel and equipment – must be reinforced. The agency should also be given the responsibility to regularly evaluate and inspect national border forces.
38. The Group strongly recommends developing further a strategy vis-à-vis third countries particularly in the fight against illegal migration, with a focus on border management problems, and support measures such as development of mobility partnerships and circular migration. This strategy should be mutually beneficial for all partners. The Group recognises that a comprehensive European strategy on visas gives political leverage when dealing with third countries.

Developing Civil Protection

39. Civil protection is a genuine responsibility of Member States. Yet, the Group supports the development of a European policy in this area in order to improve overall consistency, better efficiency and even greater solidarity between Member States.
40. The key to the future is striking the right balance between the principle of Member States' responsibility and that of solidarity at the European level. This is all the more important since the Union today faces multiple risks – natural but also technological disasters especially in the context of terrorist Chemical Biological Radio Nuclear threats.
41. The importance of prevention has been stressed in the Group, which considers this aspect of civil protection as something that need to be developed in order to create a safer environment.
42. The Group proposes improving information management, developing common training and exercises in this area and setting up a network between schools. Better interoperability of operational techniques and systems must be sought. Similarly, the capacity of the Monitoring and Information Centre should be strengthened so as to turn it into a central coordination point and to develop its monitoring functions.
43. A European mutual assistance would develop reaction capabilities based on the Member States' resources, in order to help countries deal more effectively with major events in Europe and in the world. This system would operate on a voluntary basis. The European Union would thus be in a better position to tackle today's civil protection challenges.

Using new technologies and information networks

44. In a space where people and goods move freely, information exchange is a key component of European security. The Hague-Programme established the Principle of Availability. The Group estimates that European information networks should now be developed from a legal as well as from a technical standpoint, with a global and coherent approach taking fully into account operational needs. It therefore recommends implementing a European Union Information Management Strategy (EU IMS) promoting a coherent approach to the development of information technology and exchange of information.
45. The Group proposes putting forward a "top ten" of data categories where exchange should be developed between Member States within the scope of the Union's global information exchange strategy.
46. Efforts should be made to launch an "European Security Tool-Pool" Initiative. Such a "tool pool" would allow Member States and European Union institutions to make available tools of proven or potential use in the security

field for appraisal and or testing by authorities of other Member States and, when useful, support its mutual deployment.

47. A working group of the Council must be in charge of drafting this global strategy. This perspective, however, requires decision-making on data protection and on the authority in charge of compliance and control. Reflection should also be given to the common stance to adopt vis-à-vis third countries.

Implementing the External Dimension of Home Affairs Policy

48. The Group is aware that external and internal security issues are intrinsically linked and that the external dimension of Home Affairs policy is vital if common action is to be taken in the area of security and migration along the lines of the 2005 European Union Strategy for the External Dimension of the Area of Justice, Freedom and Security. An intensified cooperation between ministers of Home Affairs, Foreign Relations, Development and Defence shall ensure an integrated approach. European policies in this area must promote the development of the rule of law and fundamental rights in third countries. They must also help prevent threats to the European area.

49. A differentiated approach to individual third countries and regions is warranted. Measures have to follow a geographical prioritisation and political differentiation.

50. The Group advocates tightening links with the Union's neighbouring States and with its strategic partners – especially the United States and Russia. By 2014 the European Union should make up its mind with regard to the political objective to realise a Euro-Atlantic area of cooperation in the field of freedom, security and justice with the United States. Furthermore, it deems that Home Affairs issues should be linked with the Union's external relations in the political as well as technical dimensions; this is a major challenge for the internal security of the European area. The Justice and Home Affairs sector itself will have to overhaul its working methods in this respect.

Which strategy can best take up the 2010-2014 challenges?

51. In the first years of Justice and Home Affairs policies, the European Union strove to set up forms of cooperation allowing Member States to face common issues together and organised information availability between Member States. The next step must now be taken. Member States preserve essential competences in the area of internal affairs – especially law enforcement activities. The Group considers it important for Member States to continue to look for practical opportunities to co-operate together, even in areas which clearly remain the national responsibility of those states.

52. The underlying thread to a coordinated management of European migration and security issues could be the *convergence principle*. The aim of this idea is to bring Member States closer not only by means of standardisation when necessary but also by operational means. Common training programmes,

exchange networks, solidarity mechanisms, the pooling of some equipment, simpler cooperation procedures, and of course, information exchanges are essential ways of reaching true and genuine operational cooperation between the Union's Member States.

53. The *convergence principle* would apply to all areas where closer relations between Member States are possible: agents, institutions, practices, equipment and legal frameworks. These closer relations would be based on the Union's Acquis and would make full use of the European Union instruments. Added value would be systematically sought in the definition and implementation of the corresponding projects. Seeking added value and developing the convergence principle lead to the same goal. The closer Member States cooperate with each other, the clearer the shared values as well as the national reservations will be.
54. To achieve these goals, the Group deems it desirable to promote good understanding of every actor's current competences in the European Union. It therefore suggests that a structured and consolidated compilation of all law instruments in force in the area of European Home Affairs should be made available to the public on the Internet. Better coordination should be sought regarding the transposition of directives and framework decisions. Both European legislation in force and certain agreements between Member States could be codified in a user- and reader-friendly way. These Codices could provide an advanced and flexible system of legislation in the European Home Affairs and could become a key element for making the Acquis more transparent, easier to understand and to apply. Political action needs to be "disentangled", i.e. citizens need to be able to understand on which level a decision was taken and why.
55. The European Pact on migration and asylum tabled by the French Presidency is an example of the methods that could be used in the future: a collective commitment to be translated into concrete objectives and actions at European Union and national level; an approach targeting practical results that are easy to understand by our citizens. In this manner, they will better make the actions of the European Union their own.

Chapter I: Introduction

1.) The Future Group: A different way of policy-making in the area of European Home Affairs

1. Home Affairs policy has been dealt with at European level for years, and it now takes place increasingly in an international and even global environment. Policy-makers are confronted with continually shifting political surroundings requiring dynamic decision-making. The general framework requiring political action in this climate is made up of: globalisation; the right balance between mobility, security and privacy; the increasing blurriness of internal and external security; the worldwide and borderless use of information and communication technologies and, linked thereto, an increasing need to protect sensitive data in an exemplary manner.
2. In the area of Justice and Home Affairs of the European Union, there has been positive experience with formulating and promoting major political objectives in multi-annual programmes adopted by the Heads of State and Government. Based on those roadmaps, the European Commission proposes concrete implementation measures in preparation for transforming political will into legal action.
3. In 1999 the European Council adopted the first multi-annual programme for the field of Justice and Home Affairs in Tampere, enabling the European Union to make major progress e.g. in the fields of visas, asylum, border controls and illegal migration. The Hague Programme, that goes back to November 2004 and is scheduled to continue to the end of 2009, identified important priorities in European Justice and Home Affairs.
4. The timetable for a Programme following the Hague Programme is tight. In June 2009, a new European Parliament will be elected. In autumn 2009, the present European Commission will be replaced by a new College. In parallel, the Hague Programme will be coming to an end. Against this background, the proposal for a programme to follow the Hague Programme will be presented by the Commission well in advance of the elections to the European Parliament. This "post-Hague Programme" would have to be adopted by the Council in 2009. For that reason reflections on the future of European Home Affairs have already started within the Future Group.
5. In the comparatively new area of Home Affairs in the context of the European Union, which touches the core of the national constitutional orders, Member States have a special interest in maintaining a dialogue with each other as well as with the European Commission. Yet in the Justice and Home Affairs Council at times, the length of decision-making procedures on the one hand and the lack of time for substantial discussions on the other appear unsatisfactory.
6. The last enlargements of the European Union in 2004 and 2007, nearly doubling the number of Member States from 15 to 27, have helped to overcome the division of Europe. In the area of Home Affairs, the enlargement

and the ensuing extension of the Schengen area at the end of 2007 have improved freedom and security for millions of European citizens. However, they have also generated a search for new ways to facilitate substantial debate at political level. One solution is to launch preliminary discussions in informal, smaller *fora*, mandated by the Council. The degree of their acceptance will depend on transparency, a representative structure of participants, and the possibility for non-members to contribute.

7. Against this background, it was considered useful to unite the European Commission Vice-President responsible for Home Affairs and the respective Ministers in those Member States holding, in the coming months and years, the team presidencies in the Council, thereby creating a “centre of gravitation” launching a discussion about the future of Home Affairs well in advance.
8. At the informal Justice and Home Affairs meeting in Dresden on 14 to 16 January 2007 and in the margins of the JHA Council on 14 February 2007, Ministers principally endorsed a proposal of the German Minister of the Interior Dr Wolfgang Schäuble, then President of the Council, and then Commission Vice-President Franco Frattini to establish a High Level Advisory Group consisting of the European Commission; the acting, outgoing and incoming Presidencies of Germany, Portugal, Slovenia, France, the Czech Republic and Sweden; and one representative of the following presidencies of Spain, Belgium and Hungary. Further participants were a common law observer, a representative of the European Parliament and a representative of the General Secretariat of the Council. The Group was co-chaired on a rotating basis by the Minister of the Interior of the acting Presidency and the Commission Vice-President responsible for Home Affairs.
9. Accordingly, the European Council concluded in June 2007: “On the basis of the Tampere and Hague Programmes significant progress has been made in developing the Union as an area of freedom, security and justice. The European Council stresses the need to continue the implementation of those programmes and to work on the succession to them in order to further strengthen Europe’s internal security as well as the fundamental freedoms and rights of citizens.”
10. The purpose of the Group was to draft a political report with recommendations that will serve as a source of ideas for the European Commission and the Member States in preparing a new programme for the design of European Union policies in the area of home affairs after 2010. It especially examined areas where more cooperation is needed at European level, because there is an added value compared to national action, and areas where, for the period of 2009-2014, European action is considered less urgent for the time being. The Treaty of Lisbon would provide significant changes in the area of home affairs which have not been dealt with by the Group in order not to anticipate the outcome of the ratification process.
11. The Group met informally and although its opinions are not binding in any way on the European Commission with regard to the preparation of the proposal for a post-Hague Programme and do not influence the Council's decision-

making regarding the latter's treatment and adoption, they could serve as a source of reflection and ideas.

12. Membership of the Group was *ad personam*. The Group worked in accordance with the Chatham House rule. To nevertheless ensure transparency and offer the possibility of contributing, all documents and minutes were circulated to the other members of the Justice and Home Affairs Council responsible for Home Affairs. At informal dinners of Ministers in the margins of Council meetings, Ministers were regularly informed about the state of the work. Under the Slovenian Presidency at the beginning of 2008, the Justice and Home Affairs Council was presented with an Interim Report of the Group.
13. The Group prepared the present Final Report offering the European Commission and the Council an important contribution to the preparations and discussions on the "post-Hague Programme" to be proposed by the European Commission.

2.) Overarching structural challenges

Efficient Cooperation

14. The European Union has to be ambitious. But as we need a real vision for the future on the one hand, on the other hand we need to focus on efficient and practical cooperation, which allows for quick and targeted results in the interests of citizens.
15. Political efforts must aim at finding the right balance between vision and pragmatism: new entities or harmonised rules at European level are not objectives in themselves.

General Principles

16. Europe's strength and efficiency rely to a great extent on a well-functioning division of tasks between the European level on the one hand and the national and regional levels on the other.
17. The key areas of Home Affairs, e.g. the provision of security and the safeguard of liberty and privacy by the State, affect the core of national sovereignty as well as lives of citizens. At the same time, European action is needed to cope with the challenges to freedom and security of our citizens that cannot be solved by national action alone. European citizens expect policy-makers to guarantee security as one basis for freedom while at the same time offering strong standards of privacy. In accordance with these expectations, the term "European Model", commonly used in the areas of economic and social affairs as a synonym for a unique societal approach, can also be used in Home Affairs. It has become an essential part of the quality of life in the European Union. Citizens are entitled to responsible and efficient national as well as European policy-making that respects and preserves this "European Model".

18. Due to this sensitiveness it is indispensable that decision-making is transparent and comprehensible. Citizens will accept and welcome a decision taken by “Brussels” if the responsibilities are clear and the added value is obvious.
19. This requires an efficient and balanced distribution of tasks between the different levels of decision-making. Political action needs to be “disentangled”, i.e. citizens need to be able to understand at which level (European, national or regional) a decision was taken and why.

Better Regulation and Simplification

20. The existing Acquis in the field of European Home Affairs which was developed step by step is necessarily unstructured and therefore difficult to explain to European citizens. Sometimes it is hard to understand even for specialists. It is considered by some as being both too juridical and too technical: it consists of a high number and a large variety of regulations, directives and framework decisions, as well as bi- and multilateral agreements. Some of these instruments overlap, and the legal basis for some actions can be found in different acts. Finally, it is becoming increasingly difficult and time-consuming to monitor the proper implementation of European Union Directives by as many as 27 Member States.
21. On the basis of this analysis, the Group suggests the following measures aimed at improving the *status quo*:
 - Law needs to be coherent, clear, understandable and accessible. Therefore it should be examined whether a structured, consolidated compilation of all existing secondary law in the area of European Home Affairs can be made available (electronically) to the public. In addition, consideration should be given to ways of enhancing the better regulation exercise.
 - With the objective of minimising the difficulty of monitoring their proper implementation, the process of transposing European Union Directives should be better coordinated.
 - Furthermore, it should be reflected whether and to what extent existing and future legislation could be codified. One option could be to concentrate and bundle European legislation in Codices, completing them, when necessary, with a compilation of bi- and multilateral agreements, comprising all legislation for a specific area in a user- and reader-friendly way. These Codices could allow for an advanced and flexible system of legislation in European Home Affairs and could become a key element in making the Acquis more transparent, easier to understand and simpler to apply. The Visa Codex (adoption pending) is a good example in this context.
22. Since the setting up of such Codices is a multi-annual and far-reaching project, the Group suggests first launching a feasibility study immediately after the adoption of the “post-Hague Programme”. The study should also be used

for the development of further ideas on how to exercise existing European Union powers in the field of European Union Home Affairs in a simpler and more structured manner with the objective of taking them into account in the context of the evaluation of the post-Hague Programme.

Prioritisation

23. In general terms, in developing long and medium-term prior targets and possible ways of achieving these objectives, the European decision-makers should take into consideration whether European action in these fields generates an added value in accordance with the principles of subsidiarity and proportionality as enshrined in the Treaties.
24. Prior to adoption of any new instruments and establishment of new mechanisms, the effectiveness of current legislation and measures should be fully exploited or, if desirable, further enhanced.
25. In this context, when taking into account the whole range of competences in European Union Home Affairs, clear political priorities have to be pre-defined in order to focus activities on selected important targets. This would also imply better oriented action and better use of available resources.

Communication

26. Communication is key to bringing the results of European Home Affairs policies closer to people's everyday life. To this end the European Commission as well as Member States should enter into a discussion on ways to better communicate the concrete results of European Home Affairs policy to citizens and to develop a concept of how to best present its contents. This would include, for example, high-profile debates with a view to forming a more aware and positive public opinion. In communicating European Union legislation and policies, all decision-makers should take into account in their public statements the fact that adoption has been a common task involving the Council, i.e. the Member States, the European Commission and the European Parliament.

Financial Resources

27. For the period of 2007-2013, more financial resources are available to Member States in the area of Justice and Home Affairs, e.g. in migration, border management and prevention of crime and terrorism, as well as in security research. Based on experience gained up to 2009, the European Commission should, at the beginning of the implementation period of the "post-Hague Programme", provide a comprehensive breakdown of Community funds available in the area of Home Affairs. In addition, efforts should be made to better tailor the available funds to the special nature of operational projects with real impact to be proposed by Member States, as well as proposing more user-friendly procedures for access from beneficiaries to such funds. Member States have to build up better functioning information channels within national governments and from them to possible applicants. In this context it would be a great benefit if the Commission could examine how to provide more

addressee-oriented information and guidance on the scope and the availability of funds.

3.) Horizontal political challenges

28. In the upcoming decade the main tasks for political leaders in the area of European Home Affairs will be to safeguard freedom, security and privacy of European citizens while at the same time shaping Europe's position in a globalised world. This includes reacting to security, migration and technological challenges as well as acting as frontrunner with regard to the chances globalisation provides. Special attention has to be paid to the new challenges resulting from internationalisation, the worldwide use of information and communication technologies and the increasing mobility of persons and goods. Our common aim must be to adapt our legal provisions and political decisions to these challenges while upholding our constitutional and legal orders and the rule of law.
29. To safeguard and complete the area of freedom, security and justice in the light of continuously changing framework conditions, the Group considers that all political concepts will have to be developed on the basis of the following three horizontal pillars:

Preserving the “European model” in the area of European Home Affairs by balancing mobility, security and privacy

30. Mobility, security and privacy (comprising private life as well as data protection) constitute a triangle influencing all areas of European Home affairs. Especially the possibilities of mobility of persons and, as a consequence, freedom, have increased over the past few years due to technological progress and political developments such as the enlargement of the Schengen area. These rapid developments require tackling the balancing not only of security and privacy, aspects to which the subject is often reduced in the public debate, but the triangle formed by mobility, security and privacy as a general underlying challenge for the post-Hague Programme. The three issues are closely interlinked and dependent on each other. For example, the general perception is that measures to enhance security (e.g. availability of data for police forces and law enforcement authorities, and increased checks at airports) undermine privacy and mobility, whilst measures to increase mobility are seen to have an adverse affect on security, etc. However, if citizens did not feel secure, then it is highly likely that they would not wish to travel at all.
31. One priority for each proposal based on the post-Hague Programme therefore will be the reflection on how to balance mobility, security and privacy in a proportionate way. There is a need to overcome the stereotype of seeing security, mobility and privacy as opposing concepts which exclude each other. Therefore, under the post-Hague Programme, an intensive public debate including a substantial inter-institutional discussion involving the European and national parliaments will have to be launched on how to address the current

equilibrium in a way that allows for significantly improved security, at the same time as equally enhanced privacy and mobility.

32. Databases and new technologies will play a central role in further developing Home Affairs policies in the areas of border management, migration, the fight against organised crime and terrorism. Even if technology can never completely replace the human factor, technological progress can provide the necessary means to optimise mobility, security and privacy simultaneously. In particular, enhanced use of technological developments can provide satisfactory solutions to the important issue of how to ensure more security for citizens and at the same time greater protection of their right to privacy. Developing innovative technologies and improving their effectiveness should therefore be a key aspect in balancing mobility, security and privacy.

Coping with the growing interdependence between internal and external security

33. A further new pillar in comparison to the Hague Programme is the increasing interdependence between internal and external security. This will make external relations a priority for the future design of European Home Affairs. In all Home Affairs policy fields, the European Union needs to shift its attention towards the emerging challenge of incorporating external aspects, and to co-operate with relevant third States. This requires a coherent external concept, especially taking into account the increasing interdependence between internal and external security.
34. The Group strongly advocates developing a holistic concept covering e.g. development, migration, security, economic, financial, trade and foreign policy aspects in this regard, allowing the European Union to play a responsible and credible role in international relations.

Ensuring the best possible flow of data within European information networks

35. We are living in a global information society covering all areas of social life. Home Affairs policies have to keep pace with this development in which the rapid exchange of information is a key aspect for efficiency and success.
36. Suitable and state-of-the-art information networks and databases are needed within European Home Affairs. Information technology management strategies and solutions have to be developed to provide the technical support for political objectives. Technical feasibility, efficiency and cost-effectiveness on the one hand and legal sensitivity of the data on the other should be decisive for the question of how systems of access should be designed. As a long-term objective, only a common European standard for data storage and transmission, including compatibility guidelines and harmonised technical data formats, can improve the conditions for more efficient information sharing. In the post-Hague Programme, these principles should be further developed especially taking the first pillar on balancing mobility, security and privacy into account.

4.) Priority policy areas

37. Based on these three horizontal pillars, the Group suggests, in the following chapters, setting the political priorities of the post-Hague Programme in the areas of police cooperation and the fight against terrorism, the management of third country missions, migration and asylum as well as border management, civil protection, new technologies and information networks.

Chapter II: Preserving Internal Security and External Stability

1.) Police cooperation

38. Police cooperation covers a broad range of common policies, aligned along three major axes: making police officers more aware of European themes and of the legal systems of other Member States; cooperating with other Member States' police forces in the field, particularly in border zones; and sharing information with other Member States' police forces, making use *inter alia* of Europol.
39. Strengthening these axes of cooperation over the coming years is an essential question for the Member States, which are confronted with security risks that often go beyond the limits of their territory. In each of these three domains, it is particularly important to take into account technological development in the area of security, in order to provide Member States' police forces with effective tools that respond to current transformations.
40. Police cooperation covers various domains which have evolved very differently over the past few years. There have been important changes regarding the improvement of police cooperation and they can be hard to understand for both security practitioners and citizens of the Union in general. It is necessary to ensure that different aspects of police cooperation progress in a coherent and coordinated way, so that certain areas, which may be very important, do not fall back in relation to the others. This principle of coordinated improvement could serve as a guideline for the work of Member States and the European institutions in the future, provided that it brings added value.
41. The Member States' police forces need to be trained also at European level, in order to ensure mutual understanding and an exchange of best practices. Indeed, it is indispensable that police forces in the Member States acquire a European dimension. Two closely linked objectives can be identified: facilitating collaborative work by acquiring knowledge of other States' systems and raising the level of professionalism of European police agents through exchange of experience. The establishment of the European Police College (CEPOL) in 2001 marked a commitment to providing European training for police officers. For the past 2 years CEPOL has provided training to 2500 police officers from Member States and should continue to further develop these activities.
 - These dimensions of training policies could be enhanced by systematising training initiatives in Member States and expanding them to include every level of the police hierarchy, in particular middle-ranking officers. It would thus be advantageous to reinforce the strategy implemented by CEPOL, of widely diffusing this knowledge within the Union.
 - Teaching methods could be diversified, with an emphasis on computer-assisted instruction. Officer exchange programmes could also be developed further by integrating "Police Erasmus programmes" into initial

- training curricula and into continuing education for police officers. Language training should also be improved so as to attain satisfactory levels of foreign language competency among police personnel.
- Finally, there is the question of the choice of a working model of CEPOL. The States seem to prefer the idea of an agency based on the network of Member States' training institutions. This principle has ensured thus far certain uniformity, standardising training policies in Member States and CEPOL activities; it would make sense for CEPOL to have a general overview of training at European level offered to police officers throughout the EU. It should develop its activities in this direction.
42. Furthermore, the Group agreed that cooperation in the field should be enhanced, in order to improve internal security within the European Union and especially in the Schengen area. The tools for that kind of cooperation should be developed and diversified.
43. Set up by bilateral or multilateral agreements between the States concerned, Police and Customs Cooperation Centres (PCCC) are support tools for direct cross-border cooperation that bring together in the same place officers of two, three or even four countries.
- PCCCs can be developed as an essential tool for police cooperation in particular in the border zones. The structure and missions of PCCCs could be re-evaluated, in order to make them real police-customs centres of crisis management capable of handling events on an international scale. Especially in the border zone, PCCCs could become a model of future police cooperation.
44. Joint Investigation Teams (JIT) are an important aspect of cross-border cooperation in crime investigation. Member States have the power to create JITs allowing officers of two or several Member States to work together on a criminal investigation, each State allowing officers of the other State to perform certain investigation activities on its territory. The involvement of Europol officers in JITs is also possible. JITs appear to be an efficient tool in large-scale, complex investigations requiring concerted, coordinated action on the part of the Member States concerned. In the existing legal context, it is crucial to take better advantage of Europol's availability, in order to benefit from its analytical strengths.
45. However, JITs do not seem to be suitable for all types of criminal investigation with an international aspect. For certain aspects of criminal investigation, it will probably be necessary to work towards a simplification of the regulations applied when an investigation needs to be carried out on the territory of another Member State. There are many ways in which police and legal cooperation – which are closely related – could be improved. One would be to allow police officers, after the simplified formalities, to perform non-coercive acts on the territory of another Member State, such as taking witness testimony on a voluntary basis. Another simplification would be a system of written requests for information by public entities or individuals from one country to another. Such a system would make today's extremely constraining

procedural practices more flexible, without affecting the general principles of legal cooperation in criminal matters.

46. Finally, the Group pointed out the need for improving the environment of police cooperation, especially by reinforcing Europol, exchanging knowledge and integrating police file management and security technologies.
- At the moment, the objective of Europol is to improve the fight against organised crime and terrorism whenever two or more Member States are affected. The current transformation of the Europol Convention into the legal framework of the European Council decision will extend the Europol mandate to encompass all forms of serious crime and also to improve its functioning.
 - Europol is to function as a close partner and focal point for national police forces at the European level. The Group proposes that the following measures be considered for the post-Hague Programme:
 - Within its legal framework Europol should be increasingly used and expanded into a centre of competence for technical support.
 - Moreover, Europol should develop its capacity to diffuse intelligence to Member States' police forces. To achieve that aim it is necessary to guarantee that information is transmitted to Europol and used by Member States. The requirement of the so-called "Swedish" framework decision of 18 December 2006, that information is shared, could be fulfilled by means of creating automatic data transfer instruments. At the same time, Europol National Unit (ENU) structures could be made more flexible to provide smoother links between operational services and Europol.
 - Taking into account the external dimension of police cooperation, in the long run a "security partnership" between Europol and Interpol through mutual information and consultation on working programmes should be envisaged.
47. Networking in police cooperation should also be extended. Police activities cover various fields of action particularly in the fight against organised crime and terrorism. The specialists in these different areas regarding criminal activity should share their professional skills and knowledge on a wider level. These specialists, along with Europol, could work together through a network which would help collect specific information that would give the Committee on Internal Security food for thought on internal security strategy.
48. Beyond police cooperation in the strictest sense, the Hague Programme also recommended upgrading information exchanges in order to improve the functioning of crime prevention services in the Member States. In order to achieve a better exchange of information among police services of the Member States, the respective provisions of the Treaty of Prüm, integrated in the *acquis* of the European Union, should be fully implemented.

49. Furthermore, this enhancement is made possible by broadening the range of information that is pooled: the extension of SIS to the new Member States, thanks to SISone4all; the implementation of SIS II, which will be able to integrate biometric data; and that of VIS all marked the increasing role of information systems in police cooperation.
50. The technical management of SIS-, VIS- and Eurodac-type European files could be grouped within a single specific structure for greater efficiency, on the basis of a preliminary evaluation. This structure for security technology could also be given the broader role of guaranteeing that all police files and other technological materials are interoperable.
51. Indeed, beyond the technical aspects of pooling files, security technologies can offer significant possibilities in the area of police cooperation. As is well-known, the entire area of security technology has undergone major developments in the past few years. Efforts must be made to standardise new materials in order to obtain better interoperability, especially in the areas of video surveillance, Internet telephony, and police use of unpiloted aircraft. Sharing certain state-of-the-art materials requiring large investments should be considered when they do not need to be in continuous use. It appears that this sector cannot be managed politically by individual Member States or industrially only by the companies working in this field.
52. Intensified use should be made of means available in the context of the 7th research framework programme (security research programme) for objectives connected with police cooperation, the fight against terrorism, border management and information and communication technology objectives.
53. Some of the proposals relating to networking and integrated management in the security area could be dealt with within the Council Working Group on information exchange.

2.) Fighting global terrorism

54. The European Union should play an active role in the worldwide fight against terror, based on a comprehensive global approach including preventive and repressive elements. In order to provide the greatest possible protection for citizens of the European Union against the terrorist threat, political and legal actions focusing on preventive measures are of special importance in a medium and long-term perspective. In particular, pro-active measures against radicalisation and recruitment must be further developed and implemented, taking into account the potentials of civil society and the economy.
55. Due to the lasting and multi-faceted threats caused by terrorism, common action and the pooling of resources of the Member States of the European Union and European institutions, in line with their competences, are indispensable in the area of counter-terrorism. It is crucial that Member States further intensify their cooperation. In this context, the Group considers it necessary to fully implement and further develop a comprehensive approach

as laid down in the European Union Counter-Terrorism Strategy, according to up-to-date threat assessments.

56. The intra-European structures dealing with the prevention of and the fight against terrorism should be improved in order to ensure efficient, coherent and speedy counter-action. Thereby, the main responsibility of Member States for the prevention of and the fight against terrorism and the political objective of achieving synergy effects as far as possible need to be combined.
 - For example, it should be reflected on how to improve coordination of anti-terrorism policy at European level with a view to closer cooperation of different actors. Coordination will remain fragmentary unless it covers not only the work within the Council but also in relation to the European Commission, Europol, Eurojust and the Joint Situation Centre (SitCen). In line with this, a concept should be developed on the future institutional architecture in this area.
 - Similarly, a dovetailing of the fight against terrorism with civil protection policy should be considered. The European rules on civil protection should facilitate a civil protection response to all major emergencies, including acts of terrorism.
57. The Group suggests asking the European Commission to identify the potential offered by greater cooperation with civil society organisations and to propose appropriate fields and forms of cooperation. Over and above analysing and reacting to radicalisation and recruitment efforts, this could assist the development of active counter-measures by government agencies and civil society to oppose such phenomena.
58. The Internet is increasingly misused by terrorists in various ways, namely for incitement, recruitment purposes or for practical support for potential terrorists. It thereby has become a decisive vector for radicalisation. Checking the Internet is therefore a paramount task. The Group therefore considers that further reflection on possible measures directed against terrorist use of the Internet is indispensable.
59. At the same time, the Group holds that the fight against terrorism itself has to make the most efficient and pro-active use of the Internet with the aim of de-radicalisation. "Cultural intelligence" needs to fight radicalisation over the Internet and the media, thereby especially taking into consideration the special characteristics of "cyber-language".
60. The Group therefore recommends further developing the Media Communication Strategy in the following ways:
 - focusing on intercultural dialogue and developing a clear and convincing positive message to different communities in Europe and abroad – possibly even in non-European languages, with regard to European core values of good governance, fundamental rights and safeguarding of peace and freedom;

- challenging the terrorist message and countering the single narrative, *inter alia* making it very clear that terrorist speech leads to further aggression and that terrorist propaganda is not covered by the freedom of speech; and
 - making pro-active use of Internet information fora in this respect.
61. The Group considers it essential to intensify the exchange of best practices between Member States and possibly with third States in order to develop and elaborate legal bases, for example with regard to:
- appropriate measures to fight home-grown terrorism based on current discussions;
 - new and more flexible expulsion and surveillance measures respecting fundamental rights and laws of the Member States;
 - consider, in the context of public international law, the need for international law in the area of police, including the development of international standards on criminal law dealing with acts preparatory to terrorism based on current discussions.
62. Action at national level can only achieve the best results if maximum information flow between Member States is guaranteed. While an exchange of information between national police forces is increasingly seen as common sense, the exchange of information between intelligence services creates a considerable challenge for the European Union. A possible solution for increased synergies between police and security intelligence services at national level is the establishment of networks of anti-terrorist centres in Member States. On the one hand, relevant security-related information should be available to all security authorities in the Member States. On the other hand, this principle of availability collides with the "principle of confidentiality" which is essential for the exchange of information by national intelligence services. Careful consideration is needed regarding the question of whether and to what extent European Union structures could contribute to bringing these divergent interests in line with each other. In this context particular consideration must be given to the role of SitCen.
63. The Group also recommends:
- further improvement of practical cooperation and information exchange between police and judicial authorities, in particular through Europol and Eurojust;
 - intensified use of Europol databases, namely the Europol Information System;
 - intensified cooperation between Europol and SitCen.

64. Special investigative techniques should be placed higher on the agenda of the European Union. As regards video surveillance, further measures should be discussed in the light of pending analyses.
65. Special attention should be paid to the control of explosives, detonators and precursors.
66. Preventing terrorist financing remains a permanent task of Member States and European Union institutions. Therefore, the European Union's strategy to combat terrorist financing should be further developed.
 - Cooperation between Financial Intelligence Units should be enhanced, while a possible future measure could be the systematic monitoring of financial transactions in the Union.
 - Law enforcement agencies responsible for combating terrorist financing should be provided with more efficient legal instruments which might authorise them to use databases such as SWIFT.
67. A responsible and up-to-date European counter-terrorism policy cannot neglect the possible threat of terrorist attacks with nuclear, biological or chemical weapons. It is obvious that this risk confronts all States with an exceptional challenge as regards the prevention of an attack, immediate reaction to an attack as well as the ensuing civil protection and crisis management measures. Existing instruments still need to be improved. Therefore, the European Union needs to further develop and adapt its counter-terrorism strategy in order to fully cover prevention, reaction, civil protection and crisis management, also with regard to CBRN terrorism. This should include proposals on how to improve transport security and better protection against the illegal import of hazardous substances, such as:
 - effective controls of container transport operations entering the EU, including transport checks to avoid the import of radioactive and certain biological and chemical materials;
 - background security checks of transport employees linked to authorisation to access critical infrastructures.
68. In addition, the Group suggests creating a platform or mechanism for sharing information between the Member States' special police units responsible for dealing with current CBRN situations, allowing CBRN units to share best practices in managing such situations, to report on relevant research projects and results, and to participate in each other's CBRN training exercises.
69. The particular positive characteristics of cooperation of third countries with the European Union should be promoted. This refers to the tradition of providing security within the rule of law and democratic structures as well as the diversity of cultural experiences and intercultural competences because of its own multi-ethnicity and its geographical setting.

70. To achieve the increased cooperation that is needed within the Union and with third States and regions, Home Affairs ministers and Foreign Affairs ministers should increasingly act as natural partners.
71. The European Union will inevitably need strong partners to succeed in the fight against terrorism on a global scale. In the same way as Europe, the United States is especially confronted with these threats. Therefore the Group considers close and continuous cooperation with the United States to be indispensable. First of all, this requires a greater understanding of the *de lege lata* situation on both sides. In the medium term, this cooperation should lead to greater convergence, including in the different legal frameworks of data protection. By 2014 the European Union should also make up its mind with regard to the political objective of achieving a Euro-Atlantic area of cooperation with the United States in the field of Freedom, Security and Justice.
72. In this context, the European Union should also deepen the regular dialogue mechanism with the Russian Federation within the framework of the Permanent Partnership Council on security, also including, where appropriate, trilateral meetings with the United States.
73. Intensified cooperation is also needed with States and regions that are considered to be particularly relevant for terrorist structures and activities, either as targets of terrorism or lacking the means to effectively challenge it.
74. The European Union has reached agreement on a common definition of terrorism. However, the global fight against terrorism suffers from the fact that there is no UN-wide common definition of terrorism. The discussions in the United Nations on the UN Comprehensive Convention on International Terrorism need to be continued with the aim of common agreement on a definition. The European Union, the United States, the Russian Federation and other partners should work together towards this objective.

3.) Coordinating third-country missions

75. The recent years have shown three parallel but interdependent developments:
 - inside the European Union, increasing cooperation in the area of security, namely police cooperation;
 - globally, a growing internationalisation of conflict resolution following from the blurriness between internal and external security increasingly requiring engagement abroad;
 - and, as a consequence, a growing political willingness of the European Union to use its weight and capabilities in international conflict situations.
76. This has resulted in an increasing number of third-country missions including a commitment by the European Union to provide police and military forces, civil protection entities and civilian staff in charge of e.g. institution-building, rule-of-

law missions, election monitoring, democratisation, civil society and humanitarian aid. Demands in the operational areas on military and police forces as well as on civil protection and other entities are multifaceted and interlinked: the vast variety of threats ranges from war situations to terrorist attacks, organised crime, violent demonstrations, natural or man-made disasters and usual police tasks.

77. Experience gained up to now has revealed significant shortcomings in the area of cooperation and internal decision-making involving different actors and rather bureaucratic internal rules blocking the European Union from quickly coping with needs and demands of the forces abroad. The following principles should guide future policy and decision-making:
78. A closer link between European police, external and defence policy and consequently a closer correlation between the different policy areas within the European Foreign and Security Policy needs to be established. This would allow for a better use of the expertise and experience of the police in the planning and evaluation of civilian crisis missions. To this end, closer cooperation between different Council structures (General and External Affairs, Justice and Home Affairs) involving a prior consultation as well as a post-evaluation of missions is indispensable. In financial terms we could pool European Union resources for third-country missions to enable the European Union to provide them faster.
79. The increasing variety of threats requires the European Union and others to cope with the overlapping police and military challenges in crisis regions. The mission command needs to be able to respond flexibly, i.e. to be able to call up personnel trained to cope with specific threat situations. Therefore, common robust police forces able to exercise armed law enforcement should be available for third-country missions. To this end, participating Member States could be asked to provide Integrated Police Units for certain missions. Future reflections should also include the integration of the “European Gendarmerie Force” and civilian police units from Member States into the legal framework of the European Union. Common education and training of those forces would be appropriate.
80. In addition, a maximum degree of transparency, coordination and information flow between all actors and structures should be achieved. An even closer correlation and increased mutual use of external, military, security, police, civil protection and development aid expertise could *inter alia* be established through:
 - enhanced and more coherent cooperation between the civilian and military elements through stronger political support for the Civilian Operations Commander – one commander for all missions – and his Civilian Planning and Conduct Capability;
 - missions’ situation centres bringing together all entities participating in the mission - e.g. military, police, rule of law, civil protection entities - on an equal footing;

- fully integrating civil protection assets and capabilities identified by the Member States for civilian crisis management operations into European Security and Defence Policy missions, with setting up infrastructure an important condition for peace and stability.
81. Finally, in relation to police work:
- it should be examined whether and to what extent the police-liaison officer network should be extended and strengthened;
 - consideration should be given as to whether to establish an institutional link between the police missions and Europol to allow for optimal collection of security information gathered in the course of missions abroad relevant to Europol.

Chapter III: Managing Migration, Asylum, External Borders and Integration

1.) Migration policy

82. Migration is an inherent phenomenon in our increasingly globalised societies and economies. In the European Union, many Member States experience growing immigration. Demographic trends will create even more demand for labour immigration. These factors increase the need for further development of a forward-looking, broad and comprehensive common European Migration Policy frequently highlighted by the European Council in its Conclusions during the years 2005-2007. This Comprehensive European Migration Policy should remain a key policy objective in order to meet the challenges and further increase the benefits of migration.
83. Solidarity, mutual trust and responsibility among Member States and between them and the European Institutions are prerequisites for further successful development and implementation of the Comprehensive European Migration Policy. However, differences in needs, conditions and approaches of Member States persist. Nevertheless, these do not need to stand in the way of the further development of the Comprehensive European Migration Policy. Our task is to define a common basis and framework.
84. Increased coordination, cooperation and partnership should be an important component of the post-Hague process. At the same time, the post-Hague Programme should be based on effective monitoring and evaluation, i.e. a thorough analysis of achievements and deficits of the recent programmes and benchmarking with regard to the degree of fulfilment of goals set in these programmes.
85. Well-managed immigration can be beneficial to all. Immigration policies should consider all sides from a multidisciplinary point of view and by minimising losses and maximising mutual benefits while fully respecting national competences. On the basis of the European Commission's Communications on Asylum and Migration tabled in June 2008 and the Immigration Pact announced by the incoming French Presidency, the post-Hague Programme should set out common policy measures in the area of migration. The Group holds that a comprehensive migration policy is, in principle, based on the following interdependent pillars, making the allocation of adequate resources necessary:
- policies for well-managed legal migration;
 - strengthened measures against illegal immigration;
 - increased focus and means to foster positive synergies between migration and development;
 - improved management of the European Union's external borders;
 - integration of migrants; and

- completion of the Common European Asylum System.

In all aspects, cooperation with third countries is essential to ensure progress and results.

86. Citizens of third countries can play a significant economic and social role in the Member States' labour markets while contributing to sustainable development in their countries of origin. In order to maximise positive effects of legal migration for the benefit of all, i.e. countries of origin and destination as well as the migrants themselves, innovative approaches are needed. The overall aim must be to ensure that people migrate out of choice rather than necessity. This demands a broad, balanced and long-term approach. A key aspect in this process is fostering bilateral, regional and international cooperation and dialogue in the formulation and implementation of European Union migration policies.
87. The prerequisite for such legal migration is a demand for specific qualifications on the labour markets of the Member States on the one hand and a supply of workers from third countries possessing such qualifications on the other. Labour markets and social systems do differ in each Member State. Thus each Member State should retain responsibility for managing its labour market and determining volumes of admission of immigrants coming to their territory for work purposes. It is important that common European Union measures for labour migration should be demand-driven from a Member State perspective, and based on the principle of subsidiarity as well as on the principles of non-discrimination and equal rights.
88. Based on these principles, the post-Hague Programme should, amongst other important considerations, take into account the following – non-exhaustive – aspects and proposals in the area of migration policy:
 - Member States should fully exploit all possibilities of **intra-European economic migration**.
 - **Legal migration** should be treated *inter alia* from the perspective of the Lisbon Strategy and demographic developments in Europe: migration management and broader possibilities for third-country nationals to participate legally in the Member States' labour markets can play a role in achieving the objectives of the Lisbon Strategy, in easing the negative repercussions of demographic ageing, as well as in preventing illegal migration and associated criminal activities, such as smuggling, trafficking in human beings and labour exploitation.
 - Increased efforts to curb **illegal immigration** and, in particular, to prevent illegal employment which often leads to human exploitation remain important. A more effective and coordinated European return policy should be established. Harmonised rules for effective return procedures and decisions in Member States are needed which fully respect and guarantee human rights.

- General regularisations of illegally staying third-country nationals should be avoided, given the absence of internal border controls. Increased exchange of information between Member States and consistent use of the consultation mechanism prior to Member States adopting decisions on regularisation must be ensured in the future. However, in the future, regularisations in exceptional circumstances and with individual case-by-case approach could be acceptable. This is without prejudice to the negotiations within the framework of the European Pact on migration and asylum.
- Recognising the complementary linkage between immigration and integration, the Group considers **integration** to be one of the key elements for tackling migration and migration-related challenges. Successful management of the consequences of the influx of migrants for the receiving societies is often closely linked to the level of integration reached in the Member State, and integration potential is a prerequisite for legal long-term immigration. Integration policy is therefore an integral part of legal migration policy.
- Taking into account the fact that integration takes place in the local community or at regional level and the different conditions and approaches in the Member States, the Group supports that integration policies remain within the competence of Member States also in the future.
- As a complement to national integration policies, the Group proposes the following measures at the European level:
 - The regular dialogue and the exchange of best practices among Member States at European Union level within the common framework defined by the Council in December 2005 and June 2007 should be enhanced, while further action directed at strengthening this framework and developing the common agenda should be considered. This dialogue could include an exchange on the modules Member States have developed on certain aspects of integration, such as language or political institutions.
 - Respecting the different national approaches, a set of common minimum standards and requirements of both the immigrant and the Member State should be further implemented. A balance between the immigrant's rights and obligations must be found. The immigrant's personal responsibility and his own initiative in the process of his or hers and their family's integration need to be strengthened. Legitimate requirements of the receiving society have to be considered.
- The Group also holds that **intercultural exchanges** for better understanding, trust and ultimately solidarity should be extended. Exchange of best practices on existing national initiatives for an intercultural dialogue should be intensified.

- The Group proposes to set up and develop a European Union website for public information on integration as well as on intercultural dialogue.
- Efforts to promote **policy coherence** between migration and other relevant policy areas, especially development policies, in line with the European Union's broad agenda for Policy Coherence for Development, are crucial to the successful development of the Comprehensive European Migration Policy. Mechanisms to promote synergies and to identify and reconcile conflicting interests and goals between migration and development - and other policy areas such as foreign policy, international trade, peace and security, and the environment - should be explored and implemented.
- With regard to the **Global Approach to Migration**, an integrated approach should be applied. Dialogue, cooperation and partnership with countries of origin and transit should be deepened and broadened in terms of both actions and resources in a fully balanced manner.
- Consideration should be given to increased use of the instrument of mobility partnerships. The concept of mobility partnerships is based on an equitable "give and take" and utilises the economic potential of legal migration for the benefit of countries of origin as well as of those of destination while strengthening its development policy relevance. It thereby creates incentives for third States to cooperate more closely with the European Union in fighting illegal migration and efficient returns. Possible elements could be personnel and financial help in setting up of capacities, promotion of circular migration, academic cooperation or a link with development aid considerations.
- The concept of "circular migration" should be further developed, in particular in the context of closer cooperation and partnerships with third countries, in order to promote the positive development aspects of migration for countries of origin and destination whilst minimising negative effects such as "brain drain." In particular, consideration could be given to developing a system for transmitting the disbursement of pension or other social contributions to the country of origin, in order to allow migrants to keep their social benefits when returning to their home country, thereby making circular migration more attractive.
- Multilateral as well as bilateral partnership approaches between Member States and third countries should take into account new ideas to improve a deeper linkage between better management of migration, improvement of return policies and temporary or circular migration schemes. This may include offering incentives to third countries, like the admission of structured circular migration in relation to proved readmission of illegal immigrants. This kind of incentive could make developing third countries interested themselves in succeeding with reintegration and readmission policies.
- Information campaigns in countries of origin and transit are an important aspect in view of increased legal mobility between the European Union

and partner countries as well as being relevant to reduce the number of illegal migrants. Detailed information about legal possibilities of migration as well as possible consequences of illegal immigration may contribute significantly to the management of migration.

- Finally, current **financial instruments** should be evaluated and further developed according to new needs.

2.) Asylum policy

89. A certain degree of harmonisation in the area of asylum has been achieved since 1999. However, the existing common minimum standards agreed at EU level, which leave the Member States a wide margin of discretion in their application, have not led to a level playing field and do not guarantee equality of protection across the EU. In a common space based on the respect of fundamental rights, it is not admissible that the national application of one of them, the right to asylum, varies so much between the Member States.
90. One of the constituent parts of the Area of Freedom, Security and Justice is a **Common European Asylum System** (CEAS). Its framework shall be based on the Geneva Convention. Its objective is to achieve common eligibility criteria for protection, common procedures for applying those criteria and a common status valid throughout the Member States. In order to achieve this and to reduce the differences between decisions taken by the Member States, it is necessary to continue with further harmonisation of the legislation in the field of asylum even after 2009, based on evaluation of the current legislation. This should be accompanied primarily by enhanced practical cooperation.
91. The challenge in devising a Common European Asylum System is inevitably intertwined with the wider issue of migration. The Union has to continue to provide secure borders and prevent illegal immigration at the same time as ensuring that those with a genuine right to asylum are able to claim it.
92. A Common European Asylum System requires a common legal framework with a series of uniform norms and standards. Procedural rules must be shaped on the basis of the principle of effectiveness while at the same time there must be assurance that it does not result in lowering the existing standards of protection.
93. The examination of asylum applications should remain at national level and every application should be examined individually. A coherent application and interpretation of the common rules must be ensured. The European Court of Justice must be granted sufficient means to be able to meet the requirements for swift processing.
94. Increasing practical cooperation between the Member States is a very important step towards a Common European Asylum System. This may involve common training courses, coordination of special measures, exchange of information and best practices, resettlement measures, administration of a common portal on country-of-origin information, etc. Closer cooperation will

lead to more equal treatment of asylum seekers and a more coherent approach to the processing of their asylum applications. The role of the **European Support Office** in coordinating such practical cooperation is essential.

95. An increase in the efficiency of the Dublin Regulation remains a challenge for all participants. Findings that emerge in the evaluation of the Dublin and Eurodac Regulations must be taken into account. The Dublin system is one of the cornerstones of a Common European Asylum System. A clear definition of the responsibilities of the Member States in processing asylum applications is indispensable, both for the asylum seeker and the Member States. Equally, on the basis of the evaluation of the current financial instruments financial solidarity solutions could also be further examined.
96. Increased emphasis on the external dimension of asylum policy is important. It is necessary to devote ourselves more intensely to the situation in the countries of origin and link the Common European Asylum System with humanitarian and development programmes in the third countries. Such a link should be systematic and should form a global approach to migration and asylum policies.
97. A **common asylum policy** cannot focus only on the asylum seekers who apply for asylum in a Member State. The European Union has a strong interest in maintaining the international refugee protection regime and should be a key player at the international level. Strengthening its partnership with UNHCR should be one of the means to carry out this endeavour. In this context cooperation with transit States should be enhanced, especially by using Regional Protection Programmes.
98. The concept of **Regional Protection Programmes (RPP)** should, on the basis of evaluation, be developed and if necessary redesigned, in order to ensure their added value as a strategic complement to other forms of humanitarian support and capacity building.
99. A **common resettlement instrument** should be created. Resettlement programmes should be used strategically to complement and encourage additional durable solutions in host countries (local integration) and countries of origin (return) and thereby ultimately contribute to solving protracted refugee situations. If all Member States could contribute to a common programme, we could attain the volumes necessary to achieve a strategic impact. The common resettlement scheme should be based on existing experience and best practices among the Member States and should lead to increased resettlement potential in the European Union.

3.) Modernising the Schengen border and visa approach

100. The Schengen system was established in the 1990s to achieve free movement of people as a necessary complement to the realisation of the internal market.
101. With the abolition of border controls between most of the Member States, the European Union has reached a historical landmark. The free movement of persons and goods is an achievement that finally put an end to the post-war period and the overall objective must be to preserve the integrity of the Schengen area while continuing to expand it.
102. The Schengen system, though still functioning well, needs to be continuously modernised and adapted to new political and technological challenges.
103. There is a need for a well-functioning balance between the desired free movement within Europe and a state-of-the-art border control system that combats illegal migration, organised crime and terrorism efficiently and with modern means. New technologies, hand in hand with well-trained border guards, must play a central role in border management. As a complement, adequate data protection tools are necessary. It is necessary to launch a transparent public debate to raise awareness of the advantages of increased use of information and communication technologies.
104. Checks and controls at the external borders should be as efficient and customer-friendly as possible. To achieve these aims, an “E-Border” concept on the basis of current reflections by the Commission should be established in the course of the post-Hague programme period. Bearing in mind the border package presented by the Commission on 13 February 2008, which aims to develop the integrated Border Management Strategy of the European Union in a comprehensive way, taking into account the possibilities offered by new technology, in particular the use of biometrics, action should be taken on:
 - a registered traveller’s programme; travel opportunities for certain groups of third-country nationals to the European Union should be facilitated;
 - an Electronic System for Travel Authorisation;
 - an entry/exit system for third-country nationals;
 - automated border control systems for European Union nationals, to speed up passenger flows.
105. Additional measures should be considered under the new Programme in order to develop security and smoother border control:
 - develop the European Border Surveillance System (Eurosur);
 - checks and controls at the external borders should be as efficient and customer-friendly as possible. A one-stop approach integrating all checks and controls carried out for different purposes, i.e. relating to persons,

goods, veterinary and phyto-sanitary, pollution, terrorism and organised crime, would contribute to this objective. In order to generate synergies and thereby added value, border and customs controls could be gradually merged.

106. Hand in hand with the facilitation of border controls, visa-issuing procedures should become more efficient. To this end the establishment of Common Visa Application Centres in third countries should be stepped up, and uniform European Schengen visas should be issued.
107. Border and visa policies should be treated as parts of a holistic approach linking specific progress/measurable benchmarks to the decision as to whether to abolish visa requirements vis-à-vis third States with the prospect of access or vis-à-vis neighbouring countries. This would encourage the development of more secure structures at an early stage and accelerate cooperation with Member States.

4.) Further developing Frontex

108. Several factors linked to globalisation and technological progress, as well as to Europe's economic development, contribute to the fact that the European Union is increasingly becoming a region of destination for worldwide migration, organised crime and international drug trafficking, and a target of terrorist attacks.
109. These developments increasingly require coordination and – where appropriate – implementation of security policies at EU level. In this context, Europol and Frontex have to cooperate closely with the national (border) police forces. Nevertheless, there are widely differing views on how far European agencies should be strengthened.
110. With regard to the – still young – Frontex agency, the Group recommends a step-by-step approach.
111. There are, however, several far-reaching measures that can be recommended in order to give Frontex the central role it needs to efficiently contribute to its functioning as the European focal point for integrated border issues.
112. Experience to date shows that successful operational missions led by Frontex depend on a clear legal framework as well as close links to Member States' border forces. The operational capacity of Frontex in the area of border control needs to be further developed:
 - the success of Frontex missions to date is undermined by the lack of precise legal provisions on, for example, the regime governing Frontex measures with regard to e.g. sovereign action executed by national ships or planes and responsibilities for refugees, asylum seekers and castaways. Therefore, priority should be given to the development of such common rules.

- Frontex Reinforcement Teams need to be speedily implemented, *inter alia* involving the secondment of Member States' border policing experts to the agency, subsequently taking special account of priority border areas.
 - Frontex should be closely involved in the European Surveillance System.
 - Consideration should be given to establishing regional and/or specialised branches.
 - Member States should fully cooperate to make the Frontex tool box function effectively. At the same time, consideration should be given to providing Frontex with its own equipment for border control as necessary, taking into account the experience of other Community agencies.
 - Frontex needs responsibility to initiate, organise and coordinate joint operations as well as return flights to third countries (countries of destination).
113. Coherent and effective controls along the external borders of the European Union require the national border forces to be of a uniform high standard. To this end:
- Frontex needs to be able to regularly evaluate and inspect national border forces. Reflections in this context should include the option to replace the current – very infrequent – Schengen evaluations and should find a way to ensure appropriate participation by the Member States in the evaluations;
 - a European Border Guard Certificate in the area of training activities should be considered;
 - Frontex should be given an extended role as advisory body for the Member States in all technical border management questions.
114. Increased operational and coordinating responsibilities should be accompanied by complementary competences for Frontex aimed at achieving synergies, cost savings and better interoperability. This implies, for example, initiating and coordinating joint calls for tender and further coordinating options in the field of procurement.
115. Development of a common border police “corporate identity” depends on regular contacts between Frontex and national experts. To this end, the Group proposed that exchange programmes be promoted as a component of border guard training. Frontex should be responsible for the overall coordination of these measures, including responsibility for harmonising the individual training units in the Member States.
116. Finally, a joint examination should be carried out as to how far closer cooperation between Frontex and the Member States' border forces with the

responsible customs authorities would generate added value. For example, joint analyses, serving as the basis for joint measures, could help create synergies in combating illegal migration and drug trafficking.

5.) Enhancing cooperation with third States

117. The modern internal approach on managing migration, asylum and the external borders of the European Union, as outlined above, can counter the symptoms of illegal migration, but is not sufficient to deal with the systemic problem. Especially in this area, a responsible policy needs to follow the principle “prevention is better than a cure”. Therefore the Group strongly recommends further developing a politically shaped strategy vis-à-vis third States, which would in particular allow illegal migration to be curbed at its roots, with a focus on border management problems.
118. Acknowledging that cooperation with third countries can only take place successfully in accordance with the *do ut des* principle, such a strategy should include, inter alia, the following objectives which are essential from the European perspective:
- The Group maintains that it is necessary to examine whether and to what extent Frontex could play a greater role in supporting and building up border management organisations in third countries. For example, it would generate added value if Frontex conveyed to third countries strategies developed by the European Union in a more continuous and consistent way than if individual Member States were assigned this responsibility in the framework of twinning and similar projects.
 - Some Group members considered it to be in the European Union’s interest to assist and advise third countries on producing and issuing forgery-proof identity documents as well as detecting forged and falsified documents. They proposed to give Frontex first-hand responsibility in this respect, while Member States’ experts should be tasked to accompany Frontex activities in both these areas. Financial and/or technical support by the European Union will be needed in order to achieve the intended success.
 - A sustainable preliminary measure to resolve problems before they occur at the borders of the European Union is the installation of European immigration staff of the Member States in third States with responsibility for advising on visa and related questions and recruiting possible immigrants. In order to achieve a high degree of flexibility, permanent operational groups of immigration staff could be established.
 - As regards ongoing patrols at sea led by Frontex, the political objective should be to also include the territorial waters and “search and rescue areas” of third countries affected, thereby helping them to meet their obligations under public international law. In order to extend the radius of operations, thus lowering the risks for asylum seekers and combating illegal migration more effectively, agreements should be reached with

third States on joint patrols at sea as well as on coordinating measures. The Group recommends giving Frontex a central role in the implementation of such agreements. If and where appropriate, start-up financial or material assistance should be made available to third States, either as an asset in the framework of the negotiations or as an alternative to joint measures.

- In parallel, joint return measures should be facilitated. To this end, negotiations with third States in order to agree on practical arrangements should be intensified.
119. The willingness of third States to accept such agreements will clearly depend on the European Union making attractive offers in return, such as further development of mobility partnerships and circular migration. In particular, the Group recognises that a comprehensive European strategy on visas offers political leverage when dealing with third States.

Chapter IV: Developing Civil Protection

120. Natural or man-made disasters usually have severe consequences and are often not limited to one Member State. In order to limit the consequences of catastrophes as far as possible, it is necessary to improve preventive measures and rapid response of civil protection capacities and the use of other tools to protect people, property and environment. The key to the future development of the Community Civil Protection Mechanism lies in the right balance between two most important principles: national responsibility and European solidarity.
121. Prevention is an essential prerequisite for effective civil protection. Member States are responsible for civil protection and must actively build up their capacities at national and local level, taking the necessary preventive measures to enable them to be prepared for their own safety and protection. Member States should improve their national capacity for prevention and preparedness, not only for natural disasters but also for chemical, biological, radiological and nuclear risks. Through prevention, human suffering and economic damage can be avoided more effectively.
122. Regional cooperation between Member States facing the same type of natural disasters (floods, forest fires) should be promoted and encouraged through exchange of best practices, training and practical cooperation.
123. Solidarity is a key principle within the European Union. Therefore, Member States confronted with major emergencies can expect to receive support by Member States and the Community. Supporting and additional civil protection measures by the European Union should complement the responsibility of Member States to ensure their own national and local capability. At EU level it is necessary to develop this solidarity principle, which will enable a country at risk to obtain appropriate help from other Member States.
124. European added value can be improved in several fields: better coordination of instruments and capacities available, putting together tools and resources, improving training in civil protection areas, improving inter-constitutional coordination and relations with third countries as well as coordination with other actors such as the United Nations.
125. Development of the Civil Protection Mechanism should follow a step-by-step approach; we need to fully implement the recent recast of the civil protection mechanism, including setting up the modules, and make appropriate use of the new financial instrument, especially its measures facilitating transport.
126. There is a general consensus on the need to establishing a tool box of modules, equipment and personnel that should be available in the event of a major emergency for the benefit of any Member State, transforming the actual database of the CECIS (Common European and Coordination Information System) into a more dynamic platform which will constitute a natural upgrade of existing tools.

127. The European Union should focus on a better knowledge of the existing capabilities, not only to be able to offer a better response in a situation of crisis but also to identify more effectively assets and the need for capacities avoiding duplication of resources. In addition it is necessary to provide for interoperability of communication systems, technical equipment and existing response systems and structures in order to better coordinate operations by national operational centers of the receiving Member State. Such an intervention could be of great help to any Member State affected, which could in this way acquire additional support in terms of staff and other resources and also obtain more specialised equipment which is not available in every country.
128. The Monitoring and Information Centre (MIC) functions as both an information platform and a service provider, and should be further developed. The MIC should reinforce its analytical capacities and competence for gathering, selecting, analysing and weighing the appropriate information to be transmitted to the participating States. To do so, it would be necessary to upgrade the existing MIC which could become a central coordination point, having had a more operational role.
129. There is a need for an improved system of common training in the civil protection field, possibly through the networking of existing training or a common definition of training standards. This European Civil Protection training network should have a broad scope and focus on prevention, preparedness and response. It should improve the coordination of civil protection assistance interventions by ensuring compatibility and complementarity between the intervention teams from the participating States. It will also enhance the skills of experts involved in civil protection assistance operations through the sharing of best practices.
130. In accordance with the principles mentioned above, further development of European reaction capabilities could reduce time taken to send help and assistance. The main role of such capabilities would be to facilitate cooperation in civil protection assistance interventions in the event of major emergencies which might require urgent response actions. This applies also to situations where there may be an imminent threat of such major emergencies.
131. The role of civil protection in preventing and managing the consequences of terrorism should be given greater attention. Measures to deal with the consequences of specific terrorist threats and the role of civil protection in the protection of critical infrastructures could be further developed.

Chapter V: Using New Technologies and Information Networks

1.) Public security, privacy and technology

132. Balancing citizens' expectations of privacy against their expectations of proactive protection is not a new dilemma for public security organisations, but it is taking on an ever more acute form. In the "digital tsunami" environment the traditional measures to protect privacy will become less and less effective unless appropriate technological measures are used as an essential complement to legal means. In order to achieve a sufficient level of protection, "privacy-enhancing technologies" are absolutely essential to guarantee civil and political rights in the age of cyberspace.
133. Information is the key to protecting the public and in an increasingly connected world in which public security organisations will have access to almost limitless amounts of potentially useful information. This is a challenge as well as an opportunity – public security organisations will need to transform the way they work if they are to master this data tsunami and turn it into intelligence that produces safe, open and resilient communities. The key to effectiveness will be using technology to connect the capabilities of a multitude of stakeholders and ensure the right information gets to the right person in the form they are best able to use.
134. Member States should prioritise investment in innovative technologies that enable automated data analysis and improve real-time collaboration. Research in these areas should be encouraged, ensuring that ideas can move quickly from a research context to practical implementation.
135. Secondly, the European Union should ensure that these activities are coordinated as efficiently as possible. Member States should be aware of any significant research activities or pilot programmes being undertaken in other Member States and the teams involved in these activities should be given opportunities to share information and collaborate.
136. Thirdly, Member States individually and collectively should take a "platform" approach to delivering public security. This involves moving beyond interoperability and focusing on a services-oriented approach, so that outputs from different parts of the system can be shared (within and across organisations) and elements of the system can be easily and quickly reused.
137. Fourthly, Member States need to focus on building converged platforms – they need to move towards converged networks (or, where necessary, solutions that ensure all their networks can "talk" to each other) and they need to ensure all data streams are digital and capable of being meshed together.
138. Another way collaborative innovation could be encouraged would be to use the new collaborative tools in the workings of the European Security Research and Innovation Forum (ESRIF) to have a wide and deep discussion amongst experts of the type of projects that should win support and funding.

139. Efforts should be made to launch a “European Security Tool Pool” Initiative. Such a “tool pool” would not be a place, a body or a database but rather an innovative concept allowing Member State and European Union institutions to make available and secure tools of proven or potential use in the security field for appraisal and/or testing by authorities of other Member States and, where useful, support their mutual deployment e.g. by meeting related licence costs, translation and training.

2.) The Principle of Availability and a European Union Law Enforcement Information Management Strategy (EU IMS)

140. It has long been agreed that a key factor for success in international cooperation in preventing and fighting crime is the exchange of information between law enforcement agencies. This conclusion is reiterated by the Group and pointed out as a major challenge for the enhancement of future EU law enforcement cooperation. For this reason, the Hague Programme also established the Principle of Availability (PoA) with a view to improving the exchange and availability of law enforcement information.
141. As regards the legal framework for the exchange of law enforcement information, a pragmatic step-by-step approach is needed towards a comprehensive and coherent strategy for EU information exchange. A list of data categories appropriate for use in further attempts towards more integration should be identified.
142. It is obvious that the implementation of the PoA is a complex matter that requires thorough reflection and discussion. Besides continuous political appraisal, the implementation of the PoA raises a number of other important issues, i.e. issues of a legal, organisational and technical nature. In addition, a sound data protection regime is a prerequisite for the implementation of the PoA. Although not yet completed in operational terms, perhaps the most prominent example of achievement so far is the incorporation of the Prüm Treaty on DNA, fingerprints and vehicle registrations into the EU acquis. Europol has also developed competence and a means to enhance availability at EU level.
143. Exchange of law enforcement information in European Justice and Home Affairs in general and in connection with the PoA has been dealt with according to an approach taking each issue in isolation. This has led to a somewhat uncoordinated and incoherent palette of information systems and instruments, but has also incurred costs and delays detrimental to operational work. It seems clear that in formulating a future EU policy on the exchange and availability of information, this is an opportune moment to go beyond the limited perspective of a case-by-case approach and aim for a holistic objective in law enforcement information management.
144. On this basis, the Group recommends in general for the post-Hague Programme that:

- the PoA be carried over to a new programme with necessary adjustments and additions;
- an EU JLS Information Management Strategy (EU IMS) be established, with a view to making the PoA tangible and providing a coordinated and coherent approach to the exchange of information, aiming at a professional, business-oriented and cost-effective use of information technology and information networks.

3.) Elements of the proposed EU JLS Law Enforcement Information Management Strategy (EU IMS)

Objectives

145. The objectives enshrined in the PoA were developed in the 2005 report of the Friends of the Presidency on the implementation of the PoA (FoP report): "The objective must be to establish business processes which can facilitate the quick, efficient and cost-effective means for exchanging data. These processes must be accountable and incorporate good practices in the sharing of data. [...] The technical solution must be designed to meet current and future business needs, taking into account functional and technical requirements. Its functionality and interoperability should be maximised and it must be easy to expand and modify".
146. These objectives can be said to encapsulate the discussions held within the Group and they could serve as a contribution to the formulation of policy on exchange of information beyond 2010.

Setting out guidelines

147. The objectives of the FoP report are also valid for law enforcement services at national level. Models describing communication and information flows have been developed, as well as specific guidelines to ensure that the solutions devised take into account present and future demands on interoperability, integration and cost efficiency. There is a need for such work also at EU level. An example of specific guidelines is the proposal for Council Conclusions on the definition of a policy for a coherent approach to the development of information technology (IT). This proposal is an appropriate expression of a holistic approach to exchange of information and work should therefore be undertaken to agree on such guidelines as one element of a future EU JLS Law Enforcement IMS.

Updating the inventory

148. An ad hoc study on the third-pillar information systems was presented in May 2003. The study provided a first general inventory of existing and planned law enforcement IT systems at EU level at the time. An updated, appropriately expanded and more business-oriented overview would inter alia contribute to ensuring that the capabilities of the systems are fully exploited and that overlapping mechanisms and duplications are avoided.

Establishing a dedicated working group

149. A dedicated Council working group in which senior officials responsible for prioritising and balancing business needs and investments in technical solutions for information flows would enable progress towards an EU JLS Law Enforcement IMS as well as on specific endeavours to enhance the exchange of information. It is therefore recommended that such a group is established.

Developing a Common Requirements Vision

150. Furthermore, a basic element for any law enforcement service is to identify needs or requirements in terms of access to information and intelligence. During 2008, the Police Chiefs Task Force is expected to establish a Common Requirements Vision (CRV). The Group anticipates that on the basis of the CRV as one element, it will be possible to describe the desired situation of information exchange, i.e. an Information Model based on business practitioners' needs. The transition to the desired situation can then be effected through a progressive approach and should be guided by an Information Management Strategy.

Using a coherent approach

151. The Common Requirements Vision and an Information Model should be seen in conjunction with the agreed progressive (data field by data field) approach to further work on the PoA. A key issue is to assess which types of information are useful, needed or required, i.e. carry out a prioritisation. So far a total of 49 types of relevant information have been identified, of which six have been the subject of an assessment as to how the PoA could be applied to them (DNA, fingerprints, ballistics, vehicle registrations, telephone numbers and minimum data for the identification of persons contained in civil registers). Departing from the work already done, a top ten list of data categories appropriate for use in further attempts towards more integration should be identified.
152. Continued work on the progressive approach in the overall context of an EU Law Enforcement IMS would also look at technical means and modalities, in particular to find out whether law enforcement services at a strategic level in other Member States hold or have access to information needed for successful operational work and cooperation. The continuation of work on the progressive approach should be carried out by the aforesaid dedicated working group on exchange of information for further consideration by the Council. Such work in conjunction with an Information Model will also assist in identifying the needs for enhanced functionality for already existing systems.

Ensuring data protection

153. Finally, an adequate normative framework as well as specific provisions on data protection are essential requirements for the implementation of the PoA. Besides the Framework Decision on data protection, specific provisions should be developed. As new actions are undertaken, additional standards for the processing of information potentially aimed at EU cooperation might be

needed. Effort to bring national legislations and practices into line can and should also be continued in order to progressively improve their compatibility whilst adapting them to current law enforcement realities.

154. Ensuring greater public understanding of the benefits of data sharing between Member States should be a priority. The strategy should include a commitment to make clear to European Union citizens how information will be processed and protected, on the basis of proportionality and necessity.

Chapter VI: Implementing the External Dimension of Home Affairs Policy

155. In the era of globalisation, external relations increasingly comprise challenges linked simultaneously to various policy areas. This development requires a modern policy response able to keep pace with the growing complexity and speed of change. Interlinked policy areas demand an integrated approach intensifying the cooperation between the responsible Ministers and Commissioners for Foreign or External Affairs, Development Policy, Defence and Home Affairs, depending on the subject. This cooperation should be realised by way of consultation and, where appropriate, joint meetings.
156. Key thematic priorities within the external dimension of the area of freedom, security and justice are migration, the fight against terrorism and organised crime and strengthening fundamental rights.
157. Cooperation with neighbouring regions should also address security concerns in the European Union and making best use of all leverages available. Relations with third countries should be based on partnership in order to meet common challenges and shared policy objectives. A differentiated and flexible approach to individual third countries and regions is warranted, which recognises the importance of working with the European Union's neighbours given their proximity. Comprehensive policies encompassing all aspects of justice, freedom and security are being developed with priority countries, such as candidate or neighbourhood countries, while with other countries cooperation will focus on specific issues.
158. Where appropriate and as a complement to the European Union, Member States should mobilise their significant political, financial and operational resources alongside the Community and Union to work towards common objectives. In addition to the ongoing work on geographic and thematic issues, the European Union should take forward action on specific priority issues by means of Action Oriented Papers.
159. In the area of freedom, security and justice, actions and measures have to follow strict geographical prioritisation and political differentiation: the European Union first has to define its key strategic interests. To this end, the European Commission should table an issues paper at the beginning of the period of the post-Hague Programme". At a second stage the European Union has to identify which third countries are of vital interest for cooperation.

Thematic challenges

160. Terrorism is a constant threat. Terrorist attacks have led to an increased international commitment to combat terrorism, as exemplified by the EU Action Plan on Combating Terrorism. The European Union is reaching out to third countries, regional and international organisations to develop and deepen cooperation in this context. Efforts will be directed towards the protection of people and critical infrastructure.
161. The ever-growing sophistication in organised crime, including money laundering and other financial crimes, and cross-border trafficking in drugs,

persons and arms can only be countered through improved law enforcement and judicial cooperation, both within the European Union and externally, and through support for capacity-building in third countries.

162. Given the economic and/or social gap between the European Union and other regions, migration, including the problem of illegal immigration, is set to continue. This requires increased dialogue and true partnership with partner countries in order to focus, develop and benefit from synergies between migration and development. Instruments under the Global Approach to Migration should be further developed and implemented in order to achieve cooperation with third countries.
163. Another requirement and policy priority is the protection of fundamental rights. We need to promote human rights in third countries in order to ensure that they are placed at the heart of law enforcement policies. As to the latter, developments in information technology and enhanced use of databases within the European Union (e.g. SIS II, Visa Information System, possibly an entry-exit control system) will raise *inter alia* the question of increased data exchanges also with third countries with implications for our data protection regime that need to be considered. A clear legal framework for protection of data inside the European Union and when transferred to third countries is essential. The European Union has a strong political interest in presenting a coherent policy in this sensitive matter by signalling to third countries that data transfers can take place provided that certain guarantees are in place.

Geographical challenges

164. Enlargement means the transposition of the *acquis*, as well as the transformation of institutions, in the **candidate countries**. The accession process should focus on reform in the area of justice and home affairs from the very beginning. It should be assured that the necessary reforms are fully implemented prior to accession in order to allow subsequent harmonisation among Member States in this sensitive field. The strengthening of institutions such as the judiciary and the police makes a decisive contribution to consolidating the rule of law and respect for human rights in the candidate countries.
165. Cooperation with the **Western Balkan countries** is intensive, with the aim of strengthening stability and prosperity in the region in the light of the countries' European perspective. The launching of the dialogue on visa liberalisation will open further prospects to peoples from the region. Within the Stabilisation and Association Process, the European Union is supporting the Western Balkan countries in developing their performance in the four priority areas of police and organised crime, integrated border management, judicial reform, and asylum and migration. The pace of reform in the Western Balkan countries is uneven and we therefore need to continue using the European perspective to drive the reform process forward in the four priority areas.
166. The **European Neighbourhood Policy (ENP)** provides the political framework for our cooperation with the "near abroad", i.e. our Mediterranean partners and the countries further to the East and Southeast. Our self-interest

in upgrading policies in these countries is self-evident – they are at the doorstep of the European Union. The ENP builds upon existing agreements between the European Union and the partner in question (Partnership and Cooperation Agreements or Association Agreements). The bilateral ENP Action Plans cover ambitious chapters on justice, freedom and security policy, thus giving the relationship a closeness which differs from cooperation with other third countries. The implementation of JHA reforms by ENP partners will also be vital for ensuring the success of the whole policy, which aims at enhancing the security of the European Union by exporting stability to their neighbours.

167. The European Union's proximity policy towards the **Mediterranean region** is governed by the comprehensive Euro-Mediterranean Partnership. The Mediterranean has a strategic importance for the European Union's stability and security. The regional dimension of the MEDA programme has proven particularly useful in the AFSJ, spreading a message of developing confidence in cooperation among the countries concerned on such sensitive issues as migration, justice and police. This should be developed further.
168. The European Union and the USA should cooperate bilaterally in order to secure visa-free travel for all Member States. Moreover, they should cooperate in relevant international fora in order to create an environment where travel is safe, secure, and expeditious for bona fide travellers. Modern technology will play a key role in delivering targeted and more secure controls and allow us to focus our border control resources on identified risks. Besides the areas of counter-terrorism and border security, current cooperation between the European Union and the US includes the fight against international crime, cybercrime, drug trafficking and trafficking in human beings. As to data protection, our common goals are clear: to protect our citizens' security by making sure law enforcement authorities have the information they need to do their work and to protect our citizens' fundamental rights and privacy. In the context of the ongoing work in the High Level Contact Group on Data Protection, the European Union should aim at concluding a binding agreement with the US on data protection, based on reciprocity. Consideration could further be given to a common transatlantic space with more sharing of relevant information and at the same time greater protection of personal data, expedited travel for bona fide passengers and more secure borders.
169. **Russia** is, together with the US, our main strategic partner in the field of justice, freedom and security. The framework for our cooperation with Russia is the EU-Russia Common Space of Freedom, Security and Justice which is very comprehensive, ranging from counter-terrorism to the fight against drug trafficking, from migration and asylum to judicial cooperation in criminal and civil matters. It is widely acknowledged that this is the best-functioning of the four Common Spaces with Russia.
170. **Africa** should remain a priority for enhanced dialogue and cooperation in the field of Justice and Home Affairs, covering a broad range of issues on the JHA agenda, *inter alia* migration, fight against terrorism, drugs and trafficking of human beings. The Joint EU-Africa Strategy and its Action Plan for the period 2008-2010 are the cornerstones of cooperation.

171. In addition to the priority geographical challenges identified above, it is important to address in the post-Hague Programme other challenges in the JHA area: **Latin America, Afghanistan, Iraq and its neighbouring countries, China and India.**
172. Given the increasing importance of JHA external relations, it is necessary to reflect on how to deal with these issues in the European Union's institutional framework in the future.

Future Group
*new ideas for
a free and safe Europe*

ANNEX

Informal High Level Advisory Group on the Future of European Home Affairs Policy („The Future Group“)

Group Members

Jacques Barrot, Vice-President of the European Commission responsible for
Justice, Freedom and Security (since May 2008)

Franco Frattini, Vice-President of the European Commission responsible for
Justice, Freedom and Security (until April 2008)

Dr. Wolfgang Schäuble, Minister of the Interior of the Federal Republic of Germany

Dr. Rui Pereira, Minister of Internal Administration of the Portuguese Republic

Dragutin Mate, Minister of the Interior of the Republic of Slovenia

Michèle Alliot-Marie, Minister of the Interior of the French Republic

Brice Hortefeux, Minister of Immigration of the French Republic

Dr. Ivan Langer, Minister of Interior of the Czech Republic

Beatrice Ask, Minister for Justice of the Kingdom of Sweden

Tobias Billström, Minister for Migration and Asylum Policy

Temporary Group Members (on a rotating basis)

Antonio Camacho Vizcaino, Secretary of State for Security,
Ministry of the Interior, Kingdom of Spain

Patrick Dewael, Minister of the Interior of the Kingdom of Belgium

Dr. Judit Fazekas, Secretary of State for EU Affairs,
Ministry of Justice, Republic of Hungary

Observers

Baroness Patricia Scotland, The Attorney General, The Rt Hon, The Baroness
Scotland QC

Gérard Deprez, Chair of the Committee on Civil Liberties, Justice and Home Affairs
of the European Parliament (since January 2008)

Jean-Marie Cavada, as Chair of the Committee on Civil Liberties, Justice and Home
Affairs of the European Parliament (until January 2008)

Ivan Bizjak, Director General for Justice and Home Affairs, General Secretariat

TE-SAT 2008
EU TERRORISM SITUATION AND TREND REPORT 2008

PAGINA BIANCA

TABLE OF CONTENTS

1. Foreword by the Director

2. Introduction

3. TE-SAT 2008 Methodology

- 3.1. Definitions
- 3.2. TE-SAT 2008 Data

4. Overview of the Situation in the EU 2007

- 4.1. Terrorist Attacks
- 4.2. Arrested Suspects
- 4.3. Convictions and Penalties
- 4.4. Key Findings

5. Islamist Terrorism

- 5.1. Terrorist Attacks
- 5.2. Arrested Suspects
- 5.3. Terrorist Activities
- 5.4. Situation outside the EU
- 5.5. Key Findings

6. Ethno-Nationalist and Separatist Terrorism

- 6.1. Terrorist Attacks
- 6.2. Arrested Suspects
- 6.3. Terrorist Activities
- 6.4. Key Findings

7. Left-Wing and Anarchist Terrorism

- 7.1. Terrorist Attacks
- 7.2. Arrested Suspects and Terrorist Activities
- 7.3. Key Findings

8. Right-Wing Terrorism

- 8.1. Key Findings

9. Single Issue Terrorism

- 9.1. Key Findings

10. Trends



1. FOREWORD BY THE DIRECTOR



Europol, the European Police Office, was created by the member states of the European Union as the central hub for the exchange and analysis of law enforcement information. Its existence is proof that the cooperation between member states in creating a single area of freedom, security and justice has reached a new multilateral level.

Working in close cooperation with the member states, Europol is in a unique position to provide an overview of the security situation in the European Union. Two annual public awareness reports are produced by Europol: the EU Organised Crime Threat Assessment (OCTA) and the Terrorism Situation and Trend Report (TE-SAT). Both have become important awareness tools for decision makers at European level.

The TE-SAT is a forward-looking document. Its aim is not only to describe the situation in the European Union regarding terrorism and related phenomena, but also to identify trends. For the first time since the adoption of a new methodology in 2006, TE-SAT 2008 offers the possibility to compare the findings of one year with those of the previous year.

As an annual product, the TE-SAT is still in its infancy. Nevertheless, awareness in the member states about the importance of such a tool is growing. It is my pleasure to note that contributions for TE-SAT

2008 have increased significantly in quantity and quality. I would like to thank the member states and Eurojust for their continuing commitment and cooperation.

Terrorism manifests itself in a variety of ways and has been an issue in the EU for many years. The impact of terrorist attacks became obvious again in 2007 with the murder of two Spanish police officers in France by the Basque separatist terrorist group ETA. Our thoughts are with their families.

The overall threat to the member states from terrorism remains serious, as demonstrated by the failed attacks in London and Glasgow and the disrupted plots in Germany and Denmark. The transnational nature of this threat requires an EU-wide response. In order to effectively meet the challenge of counter-terrorism in the EU, the member states must continue to develop robust cooperation and coordination networks to facilitate information exchange and to assist in our understanding of the challenges that face us.

I would like to take this opportunity to express my gratitude to the Portuguese and Slovenian Presidencies as well as to Eurojust and SitCen for their support and valuable contribution to the project throughout the year.

A handwritten signature in black ink, which appears to read 'Max-Peter Ratzel'. The signature is fluid and cursive.

Max-Peter Ratzel
Director of Europol

2. INTRODUCTION

The EU Terrorism Situation and Trend Report (TE-SAT) was established in the aftermath of the 11 September 2001 attacks in the United States as a reporting mechanism from the EU Council's Terrorism Working Party (TWP) to the European Parliament. The first five editions of the TE-SAT were presented by the respective Presidencies of the EU Council, "based on a file and on the analyses supplied by Europol" from member states' contributions.¹

At the beginning of 2006, Europol proposed to widen the data collection for the TE-SAT in order to enhance the quality of the report. The proposal was endorsed by the Justice and Home Affairs Council on 1 and 2 June 2006, and TE-SAT 2007 was based on a new methodology developed by Europol in consultation with the advisory board of 2006, consisting of the Finnish and German Presidencies, Eurojust and SitCen (the EU Joint Situation Centre).²

For TE-SAT 2008, the scope of the report has been slightly modified regarding the qualitative data, allowing the member states to report on criminal acts committed by extremists. This change has been made in consultation with the advisory board of TE-SAT 2008, consisting of the Portuguese and Slovenian Presidencies, Eurojust and SitCen.

In accordance with ENFOPOL 65 (8196/2/06), the TE-SAT is an unclassified annual document which provides information on the phenomenon of terrorism in the EU. The TE-SAT discusses terrorism from a law enforcement point of view, i.e. as a "crime", although terrorism is fundamentally a

political phenomenon driven by political motives and oriented toward political ends.

The TE-SAT is a situation report which describes and analyses the outward manifestations of terrorism, i.e. terrorist attacks and activities. It neither attempts to analyse the root causes of terrorism nor to assess the threat posed by terrorism. Furthermore, the TE-SAT does not assess the impact or effectiveness of counter-terrorism policies and law enforcement measures taken, despite the fact that they form an important part of the phenomenon.

The TE-SAT is an EU report and, as such, aims at providing an overview of the situation in the EU rather than describing the situation in individual member states. It seeks to establish basic facts and figures regarding terrorist attacks, arrests and activities in the EU.

The TE-SAT is also a trend report. Since a trend can be defined as a general tendency in the way a situation is changing or developing, the TE-SAT is a forward-looking report. As TE-SAT 2007 was the first report based on the new methodology, no comparison with previous years was possible. Consequently, TE-SAT 2008 is the first edition that attempts an analysis of trends.

The TE-SAT is based mainly on information contributed by the member states concerning and resulting from criminal investigations into terrorist offences. The TE-SAT does not contain information which is classified or which could jeopardise ongoing investigations.

¹ ENFOPOL 41 REV 2 (8466/2/01).

² SitCen monitors and assesses events and situations worldwide with a focus on potential crisis regions, terrorism and WMD proliferation.

3. TE-SAT 2008 METHODOLOGY

3.1. Definitions

Terrorism

Terrorism is not an ideology or movement, but a tactic or a method for attaining political goals. This view is also reflected in the Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA).³ All member states had to align their national legislation with this Framework Decision by 31 December 2002. At the end of November 2007, the EU Counter-Terrorism Coordinator reported to the European Council that, apart from Slovakia, all member states had fully completed the implementation. In Slovakia, the Framework Decision was partially implemented with the exception of the provisions concerning the liability of legal persons.⁴

An overview of the legislation on terrorism, or current proposals of legislation, regarding the ten countries which provided information on court cases to Eurojust is described in Annex 3.

Whereas the member states have harmonised their national legislation with the provisions of the Framework Decision, the definition of terrorist acts provided in Article 1 of the Decision includes elements, such as the impact of the act concerned, which are open to interpretation. **For practical reasons, the data collected for TE-SAT 2008 relies on the member states' definitions of terrorist offences.**

TE-SAT 2007 restricted its reporting purely to terrorism, disregarding extremism. The disparities currently existing between the member states

with regard to the crime areas which are defined as terrorism or extremism, respectively, were reflected in the contributions to the report. As a result, the European scope of the crime areas could not be fully described. For TE-SAT 2007 this was especially true for left-wing and right-wing terrorism. For TE-SAT 2008, this problem would also have affected the reporting on the new category of single issue terrorism.

TE-SAT 2008 continues to focus on terrorism. Although not all forms of extremism sanction the use of violence, extremism as a phenomenon may be related to terrorism and exhibit similar behavioural patterns. **Criminal acts committed by extremists, with the potential to seriously destabilise or destroy the fundamental political, constitutional, economic or social structures of a country** will consequently be included in TE-SAT 2008 if reported by the member states.

In TE-SAT 2008, this methodological modification only applies to the qualitative part. **With regard to the quantitative part, the member states were again asked to provide data on arrests, attacks and activities defined as terrorism at national level.**

The member states have been asked to contribute data on all individuals arrested for terrorism offences in the course of 2007. **"Arrests" refers to judicial arrests warranted by a prosecutor or investigating judge, whereby a person is detained for questioning on suspicion of committing a criminal offence for which detention is permitted by national law.** That the person

³ An outline of this Council Decision is included in the Annex 2.

⁴ An amendment of the Criminal Code is in preparation in Slovakia and will comprise specific provisions on this aspect.

may subsequently be provisionally released or placed under house arrest does not impact on the calculation of the number of arrests.

Attacks have been reported by member states as failed, foiled or successfully executed. The category “reported activities” relates to terrorist activities investigated as such in the member states.

Types of Terrorism

Terrorist organisations in the TE-SAT are categorised by their source of motivation. However this is not always an easy task, as many groups have a mixture of motivating ideologies, although usually one ideology or motivation dominates. The choice of categories used in the TE-SAT is pragmatic and reflects the current situation in the EU. The categories are not necessarily mutually exclusive.

Islamist terrorism is motivated either in whole or in part by an abusive interpretation of Islam; the use of violence is regarded by its practitioners as a divine duty or sacramental act.⁵

Ethno-nationalist and separatist terrorist groups, such as Euskadi Ta Askatasuna (ETA), Kurdistan Workers’ Party (PKK/KONGRA-GEL) and Real Irish Republican Army (RIRA), seek international recognition and political self-determination. They are motivated by nationalism, ethnicity and/or religion.

Left-wing terrorist groups, such as the Revolutionary People’s Liberation Army (DHKP-C), seek to change the entire political, social and economic system of a state according to an extremist leftist model. Their ideology is often Marxist-Leninist. The agenda of **anarchist terrorist groups**, such as the Unofficial Anarchist Federation (Federazione Anarchica Informale, FAI), is usually revolutionary, anti-capitalist and anti-authoritarian. Not all member states have distinguished between activities of left-wing and anarchist terrorist groups in their contributions. For this reason, both categories are discussed in the same chapter of this report.

Right-wing terrorist groups seek to change the entire political, social and economic system on an extremist rightist model. The ideological roots of European right-wing terrorism can usually be traced back to National Socialism.⁶

Singe Issue Terrorism is violence committed with the desire to change a specific policy or practice within a target society. The term is generally used to describe animal rights and environmentalist terrorist groups.⁷

3.2. TE-SAT 2008 Data

The data collection for TE-SAT 2008 covered terrorist attacks, activities and arrests in the EU in 2007 and terrorist attacks outside the EU in which EU interests were affected. In addition, Eurojust collected data on prosecutions and convictions for terrorist offences in member states.

Both quantitative and qualitative data on terrorist attacks and activities was collected from the member states. Terrorism is not mass or collective violence but rather the work of small groups, however popular these groups may be. Even if supported by a larger organisation, the number of militants who engage in terrorism is usually very limited.⁸ However, some aspects of the phenomenon, such as attacks and arrested suspects, can also be analysed with the use of quantitative research methods. Due to the relatively small number of investigations into terrorist activities reported by the member states, terrorist activities are analysed and described mainly with the help of qualitative data, although quantitative data was also collected to support the analytical work.

Europol extracted quantitative TE-SAT data on terrorist attacks and activities as well as on arrested suspects from reports on terrorist incidents contributed by the member states. The processed data was cross-checked and, in case of gaps, complemented by open source data systematically monitored, collected and processed by Europol.

⁵ Compare to Hoffman, Bruce (2006) *Inside Terrorism*, pp. 83 and 89-97.

⁶ Their American counterparts, white supremacist groups, are often categorised as religious terrorists. See Hoffman, Bruce (2006) *Inside Terrorism*, p. 237.

⁷ See Wilkinson, Paul (2001) *Terrorism versus democracy*, first edition, p. 20.

⁸ Crenshaw, Martha (2003) “Thoughts on Relating Terrorism to Historical Contexts”, in *Terrorism in Context*, ed. Crenshaw, Martha (2003), pp. 3-26, esp. p. 4.

After this, Europol requested the member states to validate their national data.

Eurojust collected data on the basis of the Council Decision of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (2005/671/JHA), according to which the member states are obliged to collect all relevant information concerning prosecutions and convictions for terrorist offences and send it to Eurojust.

According to the 2005 Council Decision, the information submitted to Eurojust is in relation to *final* convictions. If convictions in 2007 were appealed but came to a conclusion before the end of the year, Eurojust counted the proceedings as one.

Ten member states provided Eurojust with information on cases in their national courts: Belgium, Denmark, France, Germany, Greece, Ireland, Italy, the Netherlands, Spain and the UK. The UK was not able to provide a comprehensive overview for 2007 within the timeframe set, but most high-level cases were included. Although some data is still lacking, the member states most affected by terrorist offences provided their contribution. In general, the contributions to Eurojust were of better quality compared to 2006 with a much higher level of detail.⁹ Due to differences in the data contributed to Eurojust for 2006 and 2007, however, it was not always possible to compare the findings.

The aforementioned Council Decision 2005/671/JHA also obliges the member states to collect all relevant information concerning and resulting from criminal investigations conducted by their law enforcement authorities with respect to terrorist offences and sets out the conditions under which this information should be sent to Europol. This information facilitates Europol's data collection for the TE-SAT only to a limited extent, as the TE-SAT does not contain information that may jeopardise ongoing investigations.

The data contributed by the member states to TE-SAT 2008 was generally of high quality with a high level of details. In addition to the quantitative contribution, all member states also provided Europol with a qualitative contribution.

The collected data for 2007 referred to a total of 583 attacks, 1044 arrested suspects and 331 convictions for terrorism charges in the EU. **It should**

be noted that the arrests and convictions may be related to terrorist offences that took place before 2007 and, consequently, may not be related to activities and attacks reported for the purpose of TE-SAT 2008.

Although the member states' reporting on terrorist attacks, activities and arrests continues to vary in degree of elaboration, it can generally be stated that the data contributed by the member states for 2007 was more detailed than that for 2006. Concerning TE-SAT 2008, the main information gap is found in the number of fatalities and casualties in terrorist attacks. Regarding Islamist terrorism, reporting on group affiliation was generally missing. In a few cases, the type of terrorism was not specified. In the statistics, such cases were registered under the category "other".

Gaps in the data collected by Europol may be due to the fact that the investigations into the terrorist attacks or activities concerned are still ongoing. In addition, it is a well known fact that terrorist activities are not always prosecuted as terrorist offences. Furthermore, it seems likely that terrorist attacks and activities with perceived low and/or local impact remained underreported to Europol. It is not possible to track these investigations by monitoring open sources and include them in the data, as generally only the most "spectacular" cases, in particular as regards terrorist activities, are reported in the media.

As was the case for TE-SAT 2007, the UK was not able to provide Europol with comprehensive quantitative data for TE-SAT 2008. Nevertheless, two failed Islamist terrorist attacks in 2007 were contributed. As for the TE-SAT 2007, UK authorities contributed the total number of persons arrested under the Terrorism Act 2000 without any affiliation. The UK did, however, contribute a comprehensive qualitative report. TE-SAT 2008 describes and analyses the situation in the UK mainly based on this contribution.

Information on and analysis of Islamist activities on the Internet is the result of a project initiated at Europol in October 2004 within the framework of the second EU counter-terrorism task force and later transferred to Europol's counter-terrorism unit. The description and analysis of the situation outside the EU, both for separatist and Islamist terrorism, is mainly based on open sources.

⁹ Contribution to the TE-SAT 2008: Eurojust.

4. OVERVIEW OF THE SITUATION IN THE EU 2007

4.1. Terrorist Attacks

In 2007, nine member states reported a total of 583 failed, foiled or successfully executed attacks. This is a 24 percent increase from what was reported in 2006. Of the 583 attacks, 517 were claimed or attributed to separatist terrorist groups in Spain and France. The vast majority of these attacks were arson attacks aimed at causing material damage. Although the number of casualties and fatalities is limited, two persons were killed in an attack claimed by the Basque separatist terrorist group ETA.

With regard to Islamist terrorism, two failed and two attempted attacks were reported for 2007. As in 2006, failed or attempted Islamist terrorist attacks took place in the UK, Denmark and Germany. Police investigations into the attempted attacks in Denmark and Germany have shown that the intended targets were likely to be located on their national territory. The failed and attempted attacks mainly aimed at causing indiscriminate mass casualties.

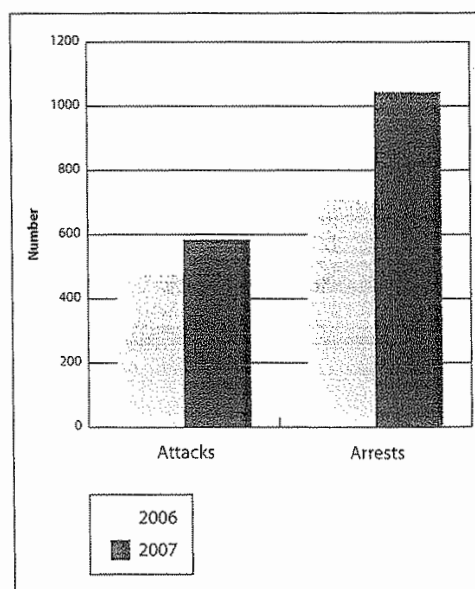


Figure 1: Number of failed, foiled and successfully executed attacks and number of arrests 2007 compared to 2006

Member state	Islamist	Separatist	Left Wing	Right Wing	Single Issue	Not Specified	Total 2007
Austria	0	0	1	0	0	0	1
Denmark	1	0	0	0	0	0	1
France	0	253	0	0	0	14	267
Germany	1	15	4	0	0	0	20
Greece	0	0	2	0	0	0	2
Italy	0	0	6	0	0	3	9
Portugal	0	0	0	1	1	0	2
Spain	0	264	8	0	0	7	279
UK	2	-	-	-	-	-	2
Total	4	532	21	1	1	24	583

Figure 2: Number of failed, foiled and successfully executed attacks in 2007 per member state and affiliation

Left-wing and anarchist groups were responsible for 21 attacks in the EU during 2007. The most affected countries were Italy followed by Spain. The vast majority of the attacks were successfully executed and aimed at governmental institutions or private businesses.

The majority of attacks related to right-wing organisations are contributed as extremism. One right-wing terrorist attack was reported for 2007, in Portugal.

Single issue terrorism was introduced as a new category for 2007. Although a number of incidents were attributed or claimed by animal rights and environmentalist extremist groups, only one was contributed as a terrorist attack.

A complete list of all contributed attack and arrest data for 2006 and 2007 can be found in Annex 4 and 5.

4.2. Arrested Suspects

A total of 1044 individuals were arrested for terrorism-related offences in 2007. This is an increase of 48 percent compared to 2006. France, Spain and the UK have reported the largest number of arrests per member state.

The number of arrested suspects for separatist terrorism has more than doubled in comparison to 2006. This increase is mainly due to the vast increase in the number of arrests in France and Spain. In 2007, Spain saw a seven-fold increase in arrested suspects: from 28 in 2006 to 196 in 2007. France went from 188 people arrested in 2006 to 315 in 2007, an increase of almost 68 percent.

Concerning Islamist terrorism, the number of arrested individuals decreased compared to 2006. In 2007, 201 persons were arrested for Islamist terrorism, compared to 257 in 2006. This decrease can mainly be attributed to a 35 percent decrease in the number of arrested suspects reported by France.

Member state	Islamist	Separatist	Left Wing	Right Wing	Single Issue	Total 2007
Austria	5	0	0	3	0	8
Belgium	9	1	0	0	0	10
Bulgaria	4	0	0	0	0	4
Cyprus	2	0	0	0	0	2
Denmark	9	0	0	0	0	9
France	91	315	3	0	0	409
Germany	3	8	4	0	0	15
Ireland	0	24	0	0	0	24
Italy	21	0	23	0	0	44
Portugal	1	0	0	31	0	32
Romania	1	2	0	0	0	3
Slovakia	1	1	0	0	0	2
Spain	48	196	17	0	0	261
Sweden	2	0	0	0	0	2
the Netherlands	4	1	1	10	0	16
UK	–	–	–	–	–	203
Total	201	548	48	44	0	1044

Figure 3: Number of arrested suspects in 2007 per member state and affiliation

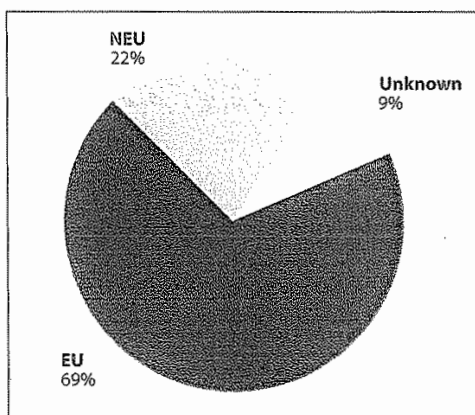


Figure 4: Citizenship of arrested suspects in 2007

However, the UK reported a 30 percent increase in arrested suspects. Although no affiliation could be assigned, UK authorities estimate that, out of the 203 persons arrested in 2007, the vast majority were in relation to Islamist terrorism.

At the time of their arrest, all suspects were between 17 to 72 years of age. The average age was 35 years, with two thirds of the arrested being between 23 and 43 years old. Persons arrested for anarchist and right-wing terrorism offences were generally younger than 30.

The vast majority of the arrested suspects were EU citizens. A large number of these were separatist terrorists arrested in France and Spain. Furthermore, an increasing number of the arrested suspects have the citizenship of the country of arrest.

As in 2006, the vast majority of suspects were arrested for membership of a terrorist organisation. Twenty-two percent were arrested for attack-related crimes such as planning, preparing or executing an attack. As in 2006, financing, facilitation and recruitment continue to be activities of which the arrested are suspected. The number of suspects arrested for propaganda has increased. The suspects arrested for this offence are mainly linked to Islamist terrorism.

The number of women arrested for terrorism offences is still relatively low.¹⁰ In 2007, ten percent of all arrested suspects were women. There is, however, a noticeable difference between the different types of terrorism, ranging from seven percent among Islamist terrorists to fourteen percent among separatist terrorist groups. Eighty percent of all women arrested for terrorism were EU citizens.

4.3. Convictions and Penalties

In the course of 2007, 418 individuals were tried on terrorism charges in the member states, in a total of 143 proceedings. No consistent information was available regarding the time that had elapsed between arrests, trial and date of conviction but, in general, it can be stated that the convictions relate to events which occurred before 2007.

Of the 418 individuals, 34 were women. The vast majority of these were charged in relation to separatist terrorism.

Member state	2006	2007
Belgium	24	5
Denmark	0	11
France	21	54
Germany	16	7
Greece	0	17
Ireland	0	6
Italy	0	47
Spain	154	231
Sweden	3	0
the Netherlands	20	8
UK	3	33
Total	241	419

Figure 5: Number of individuals tried for terrorism charges per member state¹¹

¹⁰ In the 2007 statistical data, the gender of only 8.5 percent of the arrested remained unknown, compared to 17 percent in 2006.

¹¹ The total number of 419 individuals tried (instead of 418) is caused by the fact that one individual was tried in both Italy and Spain.

The large difference in the number of individuals tried for terrorism charges in 2006 and 2007 can partly be explained by underreporting from the member states in 2006. Only eight member states contributed data in 2006, as opposed to ten member states in 2007.

Also noteworthy is the fact that trials with large groups of defendants took place in several countries in 2007. This was the case in Spain where 52 individuals were indicted in one trial. The trial concerning the 2004 Madrid bombings involved 29 defendants. In Italy, a court case involving 14 individuals came to its conclusion in December. In France, there were two cases against 16 and 11 individuals respectively, whilst all 17 individuals reported by Greece were tried in the same case.

Of a total of 143 court proceedings in 2007, 54 percent were related to separatist terrorism, whilst 38 percent were related to Islamist terrorism. Only one trial in 2007 concerned right-wing terrorism. This trial confirmed the sentence imposed on an individual previously convicted of the bombing of the Bologna railway in 1980.

The court proceedings resulted in 449 verdicts. The number of verdicts does not correlate directly to the number of suspects tried for terrorism charges as some suspects received more than one sentence in separate court proceedings. This applies in particular to Spain where 231 suspects received a total of 255 verdicts. These verdicts were mainly related to Basque separatist terrorism.

All verdicts reported by Belgium, Germany and the UK were related to Islamist terrorism. In Italy, this was the case for 44 of 47 reported verdicts.

Of the total of 449 verdicts in 2007, 331 were convictions. Eight of the thirty-four women tried for terrorism charges were acquitted. The percentage of acquittals increased from 15 percent in 2006 to 26 percent in 2007. This increase may be explained by law enforcement authorities working to disrupt terrorist plots at an early stage in order to avoid casualties or destruction of infrastructure and properties. Individuals planning attacks and promoting terrorist crimes may have been brought before court before they were able to reach the stage of carrying out a successful terrorist attack. It is generally more difficult to produce evidence in court for intent, propaganda and planning than for the execution of attacks. See figure 7.

Court proceedings in relation to Islamist terrorism have the highest acquittal rate: 31 percent of the defendants were found not guilty. Left-wing and separatist terrorism both have an acquittal rate of approximately 20 percent.

The Council of Europe has adopted a convention on the prevention of terrorism. Such an instrument is lacking at the EU level, and national legislations are still being developed in this regard. An overview of the current state of legislation in the EU member states which had court cases in 2007 is provided in Annex 3.

Member state	Islamist	Separatist	Left Wing	Right Wing	Not Specified	Total
Belgium	5	0	0	0	0	5
Denmark	9	0	0	0	7	16
France	31	24	0	0	0	55
Germany	7	0	0	0	0	7
Greece	0	0	17	0	0	17
Ireland	0	6	0	0	0	6
Italy	44	0	2	1	0	47
Spain	61	184	8	0	2	255
the Netherlands	8	0	0	0	0	8
UK	33	0	0	0	0	33
Total	198	214	27	1	9	449

Figure 6: Number of verdicts for terrorism charges in 2007 per member state and affiliation

Several interesting investigations and prosecution cases came to a conclusion in 2007. On 31 October 2007, the sentences in the trial against the suspected perpetrators of the 11 March 2004 attacks in Madrid were pronounced. The Spanish high court, the Audiencia Nacional, convicted three main defendants on charges of mass murder with a terrorist intent and other charges. In total, 21 persons were found guilty of participating in the Madrid bombings. For one of the convicted individuals, the sentences imposed added up to 42,952 years. However, the maximum time to be served in prison in Spain is 40 years.

The year 2007 also saw the conviction of four persons in relation to the failed bomb attacks on the London transport system on 21 July 2005. The four individuals were sentenced to life imprisonment which in the UK means 40 years. The UK also had its first conviction in relation to terrorism propaganda. The three men convicted had been found in possession of materials suggesting that they were involved in the production of terrorist propaganda. The suspects were also in possession of information on how to cause explosions or build bombs. On trial, the defendants admitted to having urged British Muslims to wage violent *jihād*¹² against all non-believers. They were sentenced to six, eight and twelve years' imprisonment, respectively.

In November 2007, the Danish high court convicted three persons for planning a terrorist attack in Denmark. The investigation showed that the men procured fertiliser and chemicals which could be used for producing peroxide-based primary explosives. Members of the group gathered large amounts of information on the Internet regarding the manufacturing of explosives and bombs. Two of the accused were sentenced to 11 years' imprisonment, while the third received a four-year sentence. The prosecution subsequently appealed the sentences to the Danish supreme court in order to get the sentences increased.

In Belgium, a network of intermediaries for al-Qaeda was successfully prosecuted in 2007. The prosecutors made use of a judicial decision in Italy: in 2007, the Italian supreme court held that the impact of individual terrorist actions needs to be seen in the wider criminal plan of a terrorist organisation. Sentences in Italy amounted to nine and six years; in Belgium, the five individuals were sentenced to up to ten years in early 2008.

Figure 8 provides an overview of the average penalty per convicted individual in the ten member states. In 2006 and 2007, several convictions in Spain resulted in long cumulative sentences. For the purpose of this overview, Eurojust counted 40 years for all sentences exceeding this period of time.

Member state	Convicted	Acquitted	Total Verdicts	Acquitted %
Belgium	5	0	5	0
Denmark	5	11	16	69
France	52	3	55	5
Germany	7	0	7	0
Greece	13	4	17	24
Ireland	4	2	6	33
Italy	28	19	47	40
Spain	181	74	255	29
the Netherlands	3	5	8	63
UK	33	0	33	0
Total	331	120	449	26

Figure 7: Number of verdicts, convictions and acquittals per member state in 2007

¹² Throughout the report referred to as the use of violence or violent struggle, allegedly in defence of Islam.

The large difference in average penalty between 2006 and 2007 is mainly due to the fact that the number of contributing member states has increased. Another factor is that a number of very serious cases were successfully concluded in the UK. Although this prevents a general comparison, it is still possible to compare the mean average for 2006 and 2007.

As in 2006, the relatively high average for Spain can be explained by the fact that a majority of the defendants were convicted of murder or of “collateral” fatalities. In average, membership of a terrorist organisation, taken as an offence in its own right, has resulted in sentences amounting to five to ten years. The average sentence in Spain has gone down slightly from 2006 to 2007.

In the UK, of the 33 convicted individuals, twelve received a full 40 year sentence. These included the four individuals connected to the failed July

2005 London transport bombing. Thus, the average sentence imposed in the UK has increased compared to the year 2006.

The relatively low sentences in the Netherlands may be due to the fact that individuals suspected of planning attacks and promoting terrorist crimes were brought before the court before reaching the stage of successfully executing a terrorist attack.

In Greece, very high sentences were passed for one group of individuals jointly tried for different crimes. Almost all individuals were convicted of criminal association, in addition to causing explosions, attempted murder, robberies and carrying weapons. One individual received 17 lifetime sentences and another 11. All these sentences have been recalculated to count as 25 years which, according to Greek law, is the maximum term to be spent in prison.

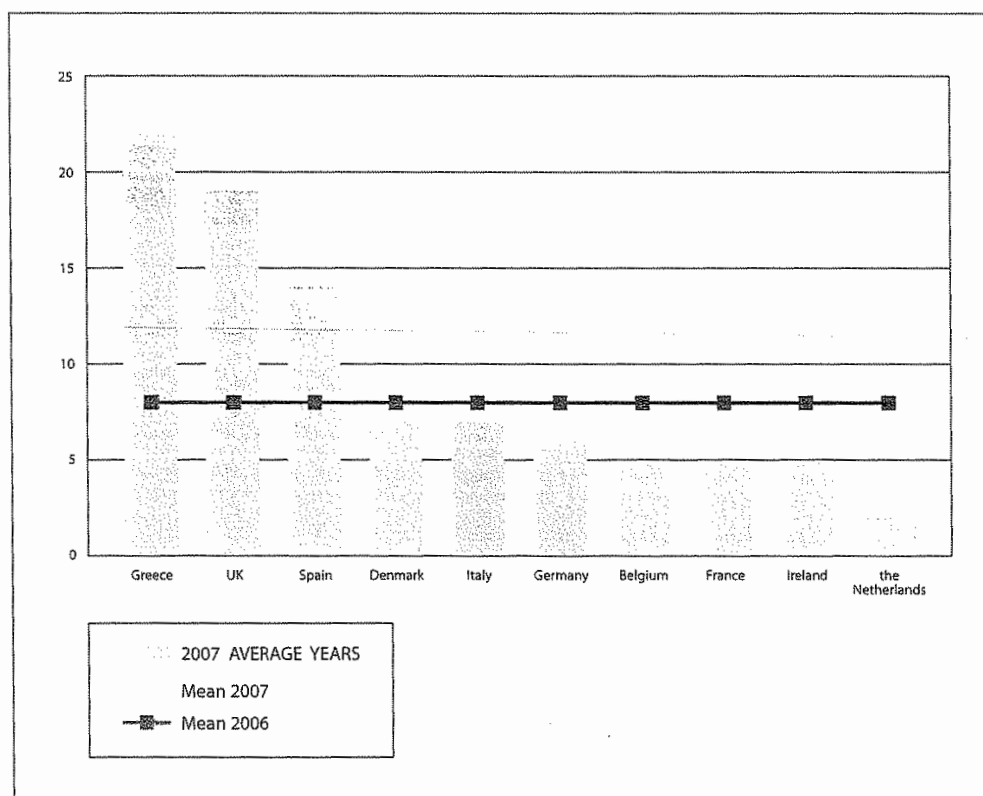


Figure 8: Average penalty per convicted individual per member state in 2007

4.4. Key Findings

- The member states reported a total of 583 attacks and 1044 arrested suspects in the EU.
- Eighty-eight percent of all reported terrorist attacks are separatist terrorist attacks targeting France and Spain. The attacks were claimed by, or attributed to, Basque and Corsican separatist terrorism.
- Arson attack was the most common type of attack perpetrated by terrorists in the EU.
- The majority of all suspects were arrested for membership of a terrorist organisation. Twenty-two percent of all suspects were arrested for attack related offences.
- The average age of arrested suspects was 35 years with two thirds of all arrested between 23 and 43 years old. The vast majority of all arrested were EU citizens.
- The number of women arrested for terrorism offences is generally low. The highest number of female arrested suspects was reported in relation to separatist terrorism.
- Most attacks and arrests related to the categories left-wing, right-wing and single issue are contributed by the member states as extremism.
- Fifty-four percent of all court cases in 2007 were related to separatist terrorism, followed by thirty-eight percent in relation to Islamist terrorism.
- Court proceedings in relation to Islamist terrorism had an acquittal rate of 31 percent compared to 20 percent for left-wing and separatist terrorism.

5. ISLAMIST TERRORISM

The Netherlands, Portugal and Spain reported that the general threat of an attack by Islamist terrorists on their territory increased during 2007. In France and Italy, the threat remains high.¹³ The UK has estimated the risk of an attack as highly likely.¹⁴

In addition, France, Italy, Spain and Portugal consider that the increasing activities of *al-Qaeda in the Islamic Maghreb* (AQIM) aiming at international targets have an impact on the threat level in their member state. Italian authorities also estimate that, due to their geographical proximity to

the Maghreb, they face the risk of terrorists linked to AQIM attempting to enter the EU via Italy.

5.1. Terrorist Attacks

In 2007, Europe saw four failed and attempted Islamist terrorist attacks. The UK experienced two failed terrorist attacks, while Denmark and Germany both reported one attempted attack each.

Failed attacks – the UK

On 29 June, two car bombs failed to explode in central London. Improvised explosive devices (IEDs) were found in the cars, one of which was parked outside a popular night club, while the second was stationed just a short distance away. The IEDs consisted of gas cylinders, containers filled with petrol and an initiation system. Bags of nails had been placed on the gas cylinders and on the vehicle floors in order to increase the number of casualties. The UK police believe that a number of attempts were made to detonate the IEDs whilst the night club was still open. Approximately 1,700 people were on the premises at the time.

The day after the vehicles were found, a burning car loaded with gas cylinders was driven into the Arrivals Terminal at Glasgow International airport. The gas cylinders failed to explode; a limited number of people sustained minor injuries in this failed attack. The two male perpetrators were arrested at the scene. One of the men later died in hospital from severe burn injuries, which he suffered after throwing around petrol inside the burning car.

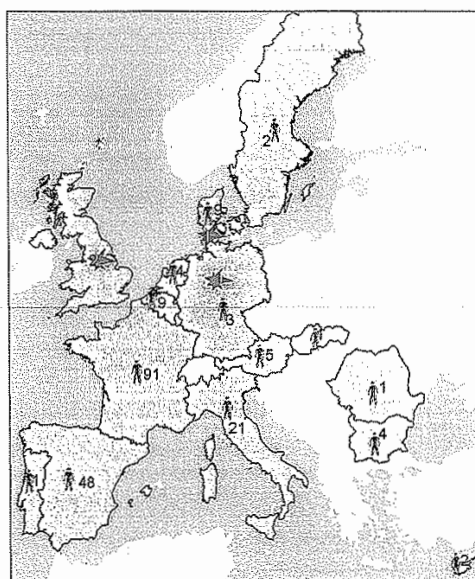


Figure 9: Number of failed, foiled and successfully executed attacks and number of arrested suspects for Islamist terrorism in member states in 2007

¹³ Contribution to the TE-SAT 2008: France, Spain.

¹⁴ Contribution to the TE-SAT 2008: UK.

It quickly emerged that the attacks in London and Glasgow were linked. Three men were arrested and charged in relation to these attacks. One of the men was charged with withholding information about a terrorist offence. The other two are accused of conspiracy to cause explosions.¹⁵ The trial is expected to start in October 2008.

Attempted attack – Germany

Three men — a 28-year-old Turkish national and two German nationals aged 22 and 28 — were arrested on 4 September 2007, suspected of planning several coordinated bomb attacks in Germany with the aim to cause mass casualties. At the time of their arrest, the three men were in the process of making highly powerful explosives using hydrogen peroxide and military detonators. Although the targets had not yet been definitively selected, the investigation revealed that possible targets included US military facilities in Germany. Had the suspects succeeded in building the bombs, they would have had a higher explosive effect than the bombs used in the 2004 attacks in Madrid¹⁶, where 191 people were killed and 1,841 injured.¹⁷

The suspects had acquired the know-how to build the bombs mainly through specialised explosives training courses in training camps in Pakistan, run by the *Islamic Jihad Union* (IJU). Instructions for building similar bombs are also available on the Internet. The IJU, which originates from Uzbekistan, was founded in March 2002 by former members of the *Islamic Movement of Uzbekistan* (IMU). It is believed to have close links to al-Qaeda.

On 11 September 2007, the IJU posted a claim in Turkish on a Turkish *jihadist* Internet site in which they referred to the arrested suspects as members of the IJU. They also claimed responsibility for the attempted attack in Germany, naming the US Air Base at Ramstein and the US and Uzbek consulates-general in Germany as the intended targets. According to the message, the aim of the attack was to force the closure of the German Air Base at Termez in Uzbekistan.¹⁸

Attempted attack – Denmark

In the so-called Glasvej case, on 4 September 2007, the Danish police arrested eight people on suspicion of planning an attack in Denmark. The arrested individuals were between 19 to 29 years of age. Two of the arrested—a Pakistani-born Danish citizen and an Afghan citizen living in Denmark—are expected to be charged with planning the attack.

The Pakistani-born main suspect is alleged to have gone through training in Pakistan. After his return to Denmark, he manufactured and tested tricycloacetone triperoxide (TATP). He also made extensive use of the Internet for various operational purposes. The police investigation revealed links between the suspects and people abroad. The trial is expected to start in summer 2008.

On 11 November 2007, police arrested an additional person in connection with the case. The individual is suspected of planning to kidnap Danish citizens abroad. Allegedly, the plan was to pressurise the Danish authorities into releasing the suspects arrested in the Glasvej case.¹⁹

5.2. Arrested Suspects

For 2007, the member states reported a total of 201 suspects arrested for Islamist terrorist offences. In 2006, the number of arrested suspects reported was 257. This decrease can mainly be explained by a 34 percent decrease in arrests in France. Despite the small number of failed and attempted terrorist attacks reported for 2007, 25 percent of all suspects were arrested for offences relating to Islamist terrorism. The number of member states which reported arrests increased from nine in 2006 to fourteen in 2007.

The majority of the arrests took place in France, Italy and Spain. As in 2006, the majority of those arrested came from North African countries, such as Algeria, Morocco and Tunisia. France, however, also reported a high number of arrests of French nationals. In Austria, Bulgaria, Belgium and Germany, the majority of those arrested had the

¹⁵ Contribution to the TE-SAT 2008: UK.

¹⁶ Contribution to the TE-SAT 2008: Germany.

¹⁷ Contribution to the TE-SAT 2008: Eurojust.

¹⁸ Contribution to the TE-SAT 2008: Germany.

¹⁹ Contribution to the TE-SAT 2008: Denmark.

citizenship of the country of arrest. This may indicate an increase in the number of home-grown terrorists.

As in 2006, the vast majority of the arrested suspects in the UK were in relation to Islamist terrorism. However, since these arrests were not reported as affiliated to any type of terrorism, they were not included in the statistics. For 2007, the arrests in the UK increased by 30 percent.

As in 2006, the arrested suspects originating from North Africa were often loosely affiliated with North African terrorist groups, such as the *Moroccan Islamic Combatant Group* (GICM) and *al-Qaeda in the Islamic Maghreb* (AQIM).

The percentage of women among all arrested suspects remains low. In 2007 fifteen women were arrested for Islamist terrorist offences. This repre-

sents seven percent of the total number of those arrested for Islamist terrorism. As in 2006, no women were arrested for planning, preparing or executing an attack. Furthermore, no women were reported arrested for recruitment or training. Three women were arrested for an offence related to propaganda.

The statistics of offences reported for 2007 include propaganda as a new category for Islamist terrorism. Six percent of the arrested were accused of offences related to the production and spreading of propaganda. At the same time, the UK had its first convictions in relation to the spreading of propaganda on the Internet. In July 2007, three men were found guilty of using the Internet to incite murder. The men had distributed films of beheadings and published bomb-making instructions as part of al-Qaeda's propaganda campaign.²⁰

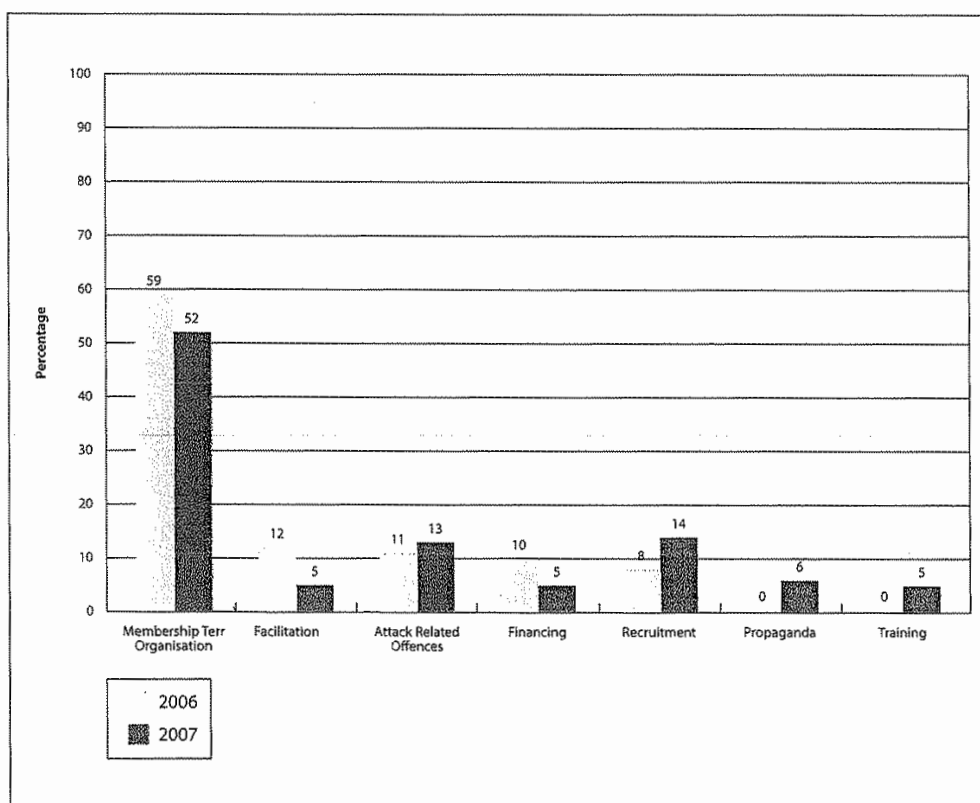


Figure 10: Percentage of arrested suspects for Islamist terrorism per offence in 2006 and 2007

²⁰ "Trio fuelled al-Qaeda propaganda", *BBC News*, 4 July 2007.

As in 2006, almost half of the suspects arrested in 2007— 45 percent—were arrested for membership of a terrorist organisation. Another 13 percent were arrested for attack-related offences, such as planning, preparing and/or executing an attack. These arrests took place in Austria, Cyprus, Denmark, France, Germany, Italy, the Netherlands and Spain.

The average age of the arrested suspects was 33 years. Two thirds of the arrested were between 23 and 43 years old. The pattern described in TE-SAT 2007 regarding the correlation between age and type of offence continues to be observed in the data for 2007: arrested suspects aged between 31 and 40 were linked to financing of terrorism and handling of false documents to a greater extent than those under 30. Activities such as recruitment and facilitation, on the other hand, were more frequently linked to arrested suspects aged between 17 and 30. All suspects arrested in relation to the publication and spreading of propaganda were younger than 31.

The vast majority of suspects arrested for an offence relating to an attack were between 26 and 30. By contrast, suspects arrested for offences related to training were mainly found in the age category 41 to 50.

The arrests in relation to financing of Islamist terrorism decreased slightly compared to 2006. In 2007, France arrested six people suspected of providing financial support to AQIM. In Denmark, two members of the *al-Aqsa Association* in Denmark were charged with financing of terrorism. The suspects were accused of sending money to the military branch of *Hamas*. Both suspects were acquitted in the city court. The case has been appealed to the high court.²¹

The number of suspects arrested for recruitment increased in 2007. Twenty-nine individuals were arrested in four member states: Belgium, Rumania, Spain and Sweden. The majority of those arrested were suspected of recruitment for *jihād* in Iraq. One of the suspects was arrested for recruitment on behalf of AQIM.

In December, the French security services arrested one Algerian and one French national suspected of shipping material—binoculars, maps, telephones, portable computers, radios and navigating systems—to AQIM. The filming equipment was intended to be used for filming future attacks. One of the suspects planned to join the organisation on location in Algeria.²²

In May 2007, a French citizen of Algerian descent was arrested after contacting AQIM via the Internet. He had identified potential American and French military, political and civilian targets in France and Luxembourg, and made reconnaissance videos. A number of bomb-making components were found in his possession.²³

5.3. Terrorist Activities

Radicalisation and Recruitment

The member states continue to report on EU nationals and residents who are being recruited for *jihād* in Iraq and Afghanistan. In 2007, Iraq attracted the largest number of recruits from EU member states. In Belgium, an investigation into the recruitment of suicide bombers for Iraq revealed a network of intermediaries for al-Qaeda spread across Europe and the Middle East. The investigation started in 2005 after a Belgian woman became the first European female suicide bomber in Iraq.

Routes and logistics to smuggle recruits from France, Spain and Italy to Iraq continue to be dominated by North African Islamists.²⁴ North African cells in Europe were also found to be recruiting young EU nationals for training in North or West Africa. In June 2007, three Moroccans were arrested in Spain attempting to transfer recruits to training camps in the Sahel region.²⁵

Dutch authorities reported an increasing number of Dutch nationals and residents willing to participate in *jihād* outside the EU. In the Netherlands as well as in France, the country's military participation in Afghanistan—but also

²¹ Contribution to the TE-SAT 2008: France, Denmark.

²² Contribution to the TE-SAT 2008: France.

²³ "Nancy: le djihadiste avait décidé de passer à l'action", *Le Figaro*, 14 October 2007.

²⁴ "Spanish police arrest 6 suspected jihād recruiters", Associated Press, 28 May 2007.

²⁵ "Spain arrests three al Qaeda suspects in Barcelona", Reuters, 26 June 2007.

in Lebanon—is a motivating factor for the *ihadists*.²⁶

In France, police and intelligence services found increasing evidence that Somalia is becoming a new alternative destination for people willing to fight *ihad*.²⁷ In early 2007, UK authorities estimated that British passport holders fighting with the Islamists in Somalia were “in their dozens”.²⁸ There are also indications that terrorist training and planning of attacks—with a focus on the UK—is taking place in Somalia.²⁹

In the past few years, a number of terrorist groups have pledged allegiance to *al-Qaeda* and its leaders. Two groups have been confirmed as part of the organisation by its leadership: *al-Qaeda in Mesopotamia* in Iraq in September 2004 (now part of the so-called Islamic State of Iraq) and the Salafist Group for Preaching and Combat in Algeria in September 2006 (now *al-Qaeda in the Islamic Maghreb*). In addition, former leading personalities of the *Egyptian Islamic Group* and the *Libyan Islamic Fighting Group* have, in 2006 and 2007 respectively, committed themselves to the ideals of *al-Qaeda*. However, the relationship between these groups and networks and the *al-Qaeda* leadership is characterised by different levels of autonomy, sophistication and motivation. Nevertheless, this expansion of the “*al-Qaeda franchise*” has the potential to constitute a threat to the EU’s security. It could provide *al-Qaeda* with access to new centres of support which it can motivate and exploit.³⁰

Over the last five years, much of the command, control and inspiration for planning attacks came from *al-Qaeda*’s remaining core leadership in the tribal areas of Pakistan. In the UK, the plans often

included the use of young, radicalised British citizens to mount the actual attacks.³¹ The foiled attacks in Germany and Denmark in 2007 demonstrated that contacts between networks in the EU and *al-Qaeda*-affiliated groups in the Pakistan-Afghanistan region are not a problem for the UK alone.³²

The UK reported a significant and increasing number of suspects that are under investigation on suspicion of Islamist terrorism. At the time of the 11 September 2001 attacks in the US, approx. 250 Islamists were under investigation on charges of terrorism in the UK. Since then, there has been a major increase in numbers: from 500 people under investigation in July 2004, the figure reached 1,600 by the end of 2006.³³ In November 2007, the British Security Service was looking at no fewer than 2,000 individuals posing a direct threat to national security.³⁴

Some of these individuals, both British and foreign, were involved in planning attacks. However, a still larger proportion provides support through financing of terrorism and making ideological and military training available.³⁵

Propaganda

Terrorist propaganda aims at providing a coherent interpretation of the world which justifies terrorist activities as acts of war or self-defence. It is an important tool for attracting resources and recruits to terrorist groups and networks.

The *al-Qaeda* leadership used the year 2007 for an unprecedented public relations campaign. In September 2007, Osama bin Laden appeared in a video tape for the first time since 2004. The video

²⁶ Contribution to the TE-SAT 2008: the Netherlands, France.

²⁷ Contribution to the TE-SAT 2008: France.

²⁸ “Backed by British money and men”, *The Times*, 10 January 2007.

²⁹ “Intelligence counter terrorism and trust”, speech by the director general of the British Security Service, 5 November 2007, www.mi5.gov.uk

³⁰ Contribution to the TE-SAT 2008: UK.

³¹ *ibid.*

³² Contribution to the TE-SAT 2008: Denmark, Germany.

³³ Contribution to the TE-SAT 2008: UK.

³⁴ “Intelligence counter terrorism and trust”, speech by the director general of the British Security Service, 5 November 2007, www.mi5.gov.uk.

³⁵ Contribution to the TE-SAT 2008: UK.

was followed by several audio messages.³⁶ At the same time and throughout 2007, Ayman al-Zawahiri continued to issue a great number of prepared speeches and interviews through al-Qaeda's media wing *al-Sahab Media Production Company*.

Since mid-2006, *al-Sahab* has become the exclusive label of multimedia and multilingual propaganda for al-Qaeda leading figures. The speeches published by *al-Sahab* are often accompanied by English subtitles. Where the speaker uses English, Arabic subtitles have been added. *Al-Sahab* has also started to use other languages such as Pashto and, very recently, German.

Propaganda material is also produced by supporters of Islamist terrorism who act on the Internet without necessarily being members of a particular terrorist group. Much of the material is published in several languages under the name of the *Global Islamic Media Front* (GIMF). The GIMF first appeared in 2002 and was initially only publishing material in Arabic. Today, it produces documents in various languages, including English, French and German. In 2007, the German-speaking GIMF published two videos, threatening Austria and Germany with attacks unless they pulled their troops out of Afghanistan.³⁷

The recent investigation in the UK which led to the conviction of three men for using the Internet to incite murder shows how the Internet can facilitate the *ihadists'* activities. The investigation revealed a large international network of people who jointly provided support to *ihadist* movements on a global scale without ever having met in person.³⁸

Videos and films calling on Muslims to take part in the global *ihad* continue to play a significant role

in the recruitment process. The ongoing conflicts in the Middle East and South Asia are dominant issues for al-Qaeda and affiliated groups in relation to propaganda. The increasingly sophisticated methods of promoting this agenda, in particular using the Internet and other electronic media, have been identified as factors contributing to the increasing number of Islamist terrorists.³⁹

In Bulgaria, four persons were arrested for distribution of Islamist terrorist propaganda on the Internet. Two of the arrested were female converts. The four suspects had, among other things, translated material from Chechen sites and posted it onto their website.⁴⁰

Law enforcement agencies in Luxembourg have identified a group of Islamist extremists who are radicalising young Muslims. Both self-produced videos and propaganda obtained from other groups are used for this purpose.⁴¹

In Denmark, a Moroccan-born Danish citizen was sentenced to three years and six months in prison in April 2007 for distributing Islamist terrorist propaganda with the purpose of instigating terrorism. The man owned his own publishing company which he used for disseminating terrorism propaganda.⁴²

In November 2007, the European Commission presented to the European Council a proposal to amend the 2002 Council Framework Decision on combating terrorism with a view to criminalising the use of the Internet to provide terrorist training.⁴³

Training

An increasing number of EU nationals attended training in Pakistan and were later involved in, or suspected of, terrorist offences in the EU. The

³⁶ Guido Steinberg, "The Return of al-Qaeda", SWP Comments 22, December 2007.

³⁷ Contribution to the TE-SAT 2008: Austria.

³⁸ "UK terrorism convictions", *Jane's Terrorism & Security Monitor*, 12 September 2007.

³⁹ Contribution to the TE-SAT 2008: UK.

⁴⁰ Contribution to the TE-SAT 2008: Bulgaria.

⁴¹ Contribution to the TE-SAT 2008: Luxembourg.

⁴² Contribution to the TE-SAT 2008: Denmark.

⁴³ "Justice and Home Affairs: Commission adopts counter-terrorism package", Europe Information Service, 8 November 2007; "Proposal for a Council Framework Decision amending Framework Decision 2002/475/JHA on combating terrorism", Communication of the European Commission (COM (2007) 650 final), 6 November 2007.

majority of the arrested suspects in the foiled attacks in Germany and Denmark had received some form of training in Pakistan.⁴⁴ The trial, in 2007, of the perpetrators of the failed attack in London on 21 July 2005 revealed that they had received training both in Pakistan and in the UK.⁴⁵

In 2007, Italian police arrested three Moroccans accused of providing terrorist training at a small mosque in central Italy. The training allegedly consisted of the use of arms, explosives and toxic substances in terrorist operations. During a house search, Italian counter-terrorism police found barrels of chemicals and instructions on how to pilot a Boeing 747.⁴⁶ The suspects had contacts with the members of the GICM arrested in Belgium in 2005.⁴⁷

Logistical support

A majority of the member states continue to report on EU-based suspects providing logistical support to terrorist groups and networks based outside the EU. The logistical support generally consists of providing material, funds, and false identity documents. These types of terrorist activities are also frequent in member states which otherwise reported a general low risk from Islamist terrorism.

Although for 2007 the member states reported fewer arrests in relation to financing of terrorism than for 2006, financing activities are still frequent within the EU. Recent terrorist cases show that organisations or individuals involved in financing of terrorism use a great variety of methods to raise funds. In Italy, nine people suspected of ties with AQIM were arrested in June.⁴⁸ Allegedly, the cell's high revenues mostly originated from drug deal-

ing and counterfeiting money. Other counter-terrorism operations in Europe uncovered the use of front companies in the real estate sector, as in Spain,⁴⁹ or the transfer of funds to aid terrorist organisations, as in France⁵⁰ or Germany.⁵¹

Financing of terrorism does not only imply the transfer of money but also of material goods which, upon arrival at the final destination, can be sold and converted into money. This was noted in the investigation into a Moroccan network operating in southern Portugal and Spain. The network was involved in the theft of high value vehicles which were then shipped to North African countries and sold in order to fund local Islamist terrorist groups.⁵²

Besides financial support, European-based terrorist networks provide other logistical support to Islamist terrorists travelling to, from or within the EU. In France, Islamist terrorists were found to provide logistical support to AQIM.⁵³ Italy reported on logistical support in the form of providing false documents for terrorist operations outside Italy.

Member states, such as Finland, Hungary, Poland, Slovakia and Slovenia, which reported a generally low threat from Islamist terrorism, nevertheless highlighted the risk that their country may be used as a logistical base for terrorists operating outside of the EU. The majority of these countries, together with Romania and Estonia, also reported on the potential risk that their countries may be used as transit countries by terrorists trying to enter other EU countries. Romania reports an increase in the number of individuals attempting to enter the country illegally from Pakistan with the aim of continuing to other member states. Pakistani individuals in Romania with links to

⁴⁴ Contribution to the TE-SAT 2008: Denmark, Germany.

⁴⁵ "Europeans get terror training in Pakistan", *International Herald Tribune*, 10 September 2007; "Pakistan to Europe: a pipeline of terror", *Boston Globe*, 17 October 2007; "Danish intelligence said to hold pictures of terrorist suspect at training camp", *Politiken*, 18 January 2008.

⁴⁶ "Italy's underground Islamist Network", *Jamestown Terrorism Monitor*, 16 August 2007.

⁴⁷ "Italy holds 3 on terror charges", *Associated Press*, 21 July 2007.

⁴⁸ "Al-Qaeda-linked cell was planning attacks in Milan", *Adnkronos International*, 7 June 2007.

⁴⁹ "Detenidos dos presuntos islamistas que reinían dinero para financiar atentados", *La Vanguardia*, 25 July 2007.

⁵⁰ "13 Kurds arrested in France over terror financing", *Agence France Presse*, 5 February 2007.

⁵¹ "German prosecutors charge man founding terror group", *Associated Press*, 16 May 2007.

⁵² Contribution to the TE-SAT 2008: Portugal.

⁵³ Contribution to the TE-SAT 2008: France.

Islamist extremism were involved in such activities. Lithuania reported an increasing number of individuals with suspected links to Islamist terrorism transiting the country in 2007.

5.4. Situation outside the EU

In 2007, French and Spanish and German nationals were killed in terrorist attacks outside the EU. On 2 July, eight Spanish nationals were killed in a terrorist attack in Yemen. Yemeni government officials believe that the attack was carried out by al-Qaeda.⁵⁴ French nationals were the target of two separate terrorist attacks: one in Saudi Arabia on 26 February and one in Mauritania on 24 December. Both attacks claimed four fatalities each.⁵⁵ In Mauritania, local prosecutors announced that they believed the suspected perpetrators of that attack belonged to AQIM.⁵⁶ In August 2007, three police officers working at the German Embassy in Kabul, Afghanistan, were killed in an attack which was claimed by the Taliban.⁵⁷

Al-Qaeda in the Islamic Maghreb (AQIM)

In 2007, AQIM further adapted its tactics and propaganda to the model of al-Qaeda in Mesopotamia, Iraq. It committed several suicide attacks with high numbers of casualties. AQIM demonstrated the threat it poses to Europe by specifically targeting European citizens and international bodies in Algeria. In April 2007, AQIM claimed an attack which, according to its claim of responsibility, targeted the Interpol office in Algiers. French nationals in Algeria were specifically targeted and injured on 21 September when a vehicle convoy of a French company was attacked.⁵⁸ Europeans were also amongst the fatalities and casualties of AQIM's attack on UN offices in Algiers in December 2007.⁵⁹

On 29 December 2007, AQIM published a statement in which they criticised the Mauritanian

government for their support of the Dakar Rally, referring to it as a "collaboration with the Crusaders". In view of the possible threat against the event, the Dakar Rally 2008 was cancelled.

AQIM, which until 24 January 2007 was known as *the Salafist Group for Preaching and Combat* (GSPC), has received massive international publicity since changing its name and adopting al-Qaeda's modus operandi. Whilst the Algerian government and France remain AQIM's principal propaganda targets, 2007 saw increased AQIM media-output identifying all Western nations as potential targets. In 2007, direct threats were made by both AQIM and al-Qaeda towards the Spanish autonomous cities of Ceuta and Melilla in North Africa. Both AQIM and al-Qaeda were also advocating attacks against US, French and Spanish interests in North Africa.⁶⁰

So far there has been little indication that radicalised Islamists seek to travel from Europe to join AQIM as part of the wider *jihad* against the West. Nonetheless, as indicated by the 2007 arrests in France, there is evidence to suggest that radicalised individuals may offer to act on behalf of AQIM to attack European targets.

Pakistan/Afghanistan

Al-Qaeda and affiliated pro-Taliban groups in Pakistan and Afghanistan are increasingly recognised as one of the main drivers of Islamist extremism and terrorism in the EU. In 2007, terrorism investigations in at least three countries showed links to groups in this region.

The tribal areas of Pakistan host a number of terrorist training camps operating in support of the Afghan Taliban, pro-Taliban Pakistani groups and foreign *mujahideen*. Both Germany and Denmark reported that several suspects in the attempted terrorist attacks in 2007 had received training in Pakistan.

⁵⁴ "Muere la turista española que quedó ingresada en Yemen tras el atentado", *La Vanguardia*, 2 July 2007.

⁵⁵ Contribution to the TE-SAT 2008: France.

⁵⁶ "Two held over Mauritanian killings", *BBC News*, 11 January 2008.

⁵⁷ Contribution to the TE-SAT 2008: Germany.

⁵⁸ "French open probe on Algeria attack that injured two French", *Associated Press*, 25 September 2007.

⁵⁹ "UN raises toll in Algeria bombing to 17 dead", *Associated Press*, 14 December 2007.

⁶⁰ "El 'número dos' de Al Qaeda incita otra vez a atacar a España", *El País*, 4 November 2007.

Afghan Taliban and pro-Taliban groups in Pakistan have links to the increasingly active core-structure of al-Qaeda that is currently based in the Pashtun tribal areas in western Pakistan. There it is believed to have reorganised and rebuilt its capabilities as well as its command and control functions.⁶¹

Terrorist attacks in both Afghanistan and Pakistan increased significantly in 2007, compared to 2006. These attacks were mainly directed at foreign troops in Afghanistan and government troops in Pakistan. In the course of 2007, Afghanistan saw an increase in the use of IEDs and suicide bombers. Statistics on terrorist attacks in Pakistan show a three-fold increase from 2006 to 2007.⁶²

In July 2007, the frequency of attacks in Pakistan more than doubled and remained high throughout the rest of the year. This shift happened virtually overnight and coincided with the storming by Pakistani security forces of the besieged complex of Lal Masjid, the Red Mosque, in the capital Islamabad on 11 July, during which the pro-Taliban militants inside the complex were defeated.⁶³ The same day, al-Qaeda issued a statement calling for *jihād* against the Pakistani government as a response to the siege of Lal Masjid.⁶⁴ Immediately afterwards, an unprecedented wave of suicide bombings struck the capital and other parts of the country, mainly targeting the Pakistani armed forces and intelligence services.⁶⁵ Fighting escalated in the Pakistani tribal areas, especially in Waziristan, where Pashtun militants clashed with government troops as well as with Uzbek foreign fighters.⁶⁶

Afghanistan and Pakistan in general, and the Pashtun areas in particular, are of utmost importance to EU counter-terrorism. In the past, terrorist links between Pakistan and the EU were almost exclusively focused on the UK. The foiled plot in Germany, related to an Uzbek group based in the Pakistani tribal areas, and recent cases in the UK and Denmark indicate an increasingly assertive and efficient Pakistani-based command and control of Islamist terrorism in the EU.

Somalia

In 2007, leaders of militant Islamists in Somalia, as well as the leadership of al-Qaeda, renewed the call for *jihād* against Ethiopian forces in Somalia and the internationally recognised Transitional Federal Government of Somalia. In the EU, the former spokesman of the proscribed UK group *al-Muhajiroun* posted a statement on the Internet calling followers to join the *jihād* in Somalia.⁶⁷ In January 2007, the US launched air strikes in the south of the country, targeting senior al-Qaeda operatives. This provoked agitation by the Islamist group *Hizb-ut-Tahrir* on the streets of London.⁶⁸ In Greece, the far-left militant group Revolutionary Struggle claimed responsibility for a rocket-propelled grenade attack against the US embassy in Athens in response to US intervention in Somalia and elsewhere.⁶⁹

The success of the Somali Islamists in 2006 attracted some foreign fighters to join, but the new calls to *jihād* likely engaged additional volunteers from abroad. More than 90 suspected foreign Islamist

⁶¹ "Intelligence counter terrorism and trust", speech by the director general of the British Security Service, 5 November 2007, www.mi5.gov.uk.

⁶² Approx. 10 percent of the attacks are attributed to the non-Islamist Balochistan separatist movements. "Country statistics: Pakistan", *Jane's Terrorism and Insurgency Centre*.

⁶³ *Ibid.*

⁶⁴ "The Aggression Against Lal Masjid", audio speech by Ayman al-Zawahiri, 11 July 2007.

⁶⁵ There were a total of 56 suicide bombings in Pakistan in 2007, 36 of which targeted the military and intelligence services. See: Abbas, Hassan, "A Profile of Tehrik-i-Taliban Pakistan", *CTC Sentinel*, Vol. 1, Issue 2, January 2008; "Suicide Attacks Spread to Islamabad", *Terrorism Focus*, Vol. 4, Issue 25, 31 July 2007.

⁶⁶ Richards, Julian, "Terrorists in the Tribal Areas: Endgame for Musharraf?" Pakistan Security Research Unit, 22 September 2007; "Open borders and the militant Uzbeks of Pakistan", *Jane's Intelligence Digest*, 25 January 2008.

⁶⁷ "UK preacher in secret web call for *jihād*", *Sunday Times*, 14 January 2007.

⁶⁸ "Islamists use raid to stir up UK Somalis", *Sunday Telegraph*, 14 January 2007.

⁶⁹ "Greek militants claim US Embassy attack responsibility", *Dow Jones International News*, 25 January 2007.

insurgents were reported captured or killed during 2007; among them were five Swedish and five British nationals.⁷⁰

The Islamist insurgents employ guerrilla tactics against military targets as well as acts of terrorism against civilian targets. The frequent suicide bombings, perpetrated by both men and women, are a new phenomenon in Somalia suggesting a foreign, al-Qaeda-driven, influence from other scenes of global *jihād*.⁷¹

Iraq

The overall security situation in Iraq improved during 2007. Although ethno-sectarian violence continues to be of concern, civilian casualties and attacks with IEDs decreased. The number of attacks with IEDs fell from 1,700 in June 2007 to less than 700 in December. The number of reported security incidents is now down to the same level as in 2005. Targets of terrorist activity in Iraq include Iraqi civilians as well as foreigners employed by private businesses.

Since 2005, 14 of the 667 suicide attacks have been committed by women. Although the overall number of attacks decreased, the number of women involved in suicide attacks increased in 2007.⁷²

Kidnappings of foreign nationals in Iraq continue to be frequent. In May 2007, five British nationals were kidnapped by an Iraqi group who demanded the withdrawal of all British armed forces from Iraq.⁷³ A German national and her son were taken hostages in Iraq in 2007. While the woman was later released, her son is still missing. An Austrian national kidnapped in 2006 is also still missing. A video of this hostage was disseminated by his captors in January 2007.

Al-Qaeda in Mesopotamia, under the umbrella of the *Islamic State of Iraq*, remains a major and direct obstacle to peace and stability in Iraq. However, the terrorist organisation appears to face increasing opposition across Iraq from armed groups led by tribal leaders. There are strong indications that its military capabilities and its ability to fund operations have been significantly affected.⁷⁴

By the end of 2007, the majority of *al-Qaeda in Mesopotamia's* leadership and many of its fighters were foreign-born. Likewise, over 90 percent of suicide bombers were foreign terrorists.⁷⁵ As the security situation improves, foreign terrorists may leave Iraq or relocate their *jihād* activities to other regions, including the EU.

5.5. Key Findings

- In 2007, the EU saw two failed and two attempted attacks related to Islamist terrorism; 201 suspects were arrested.
- The failed and attempted attacks in the member states aimed at causing indiscriminate mass casualties by means of detonating a main charge composed of home-made explosives. In two cases the suspects attempted to produce TATP.
- Manuals on how to build bombs, together with Islamist terrorist propaganda, are increasingly spread on the Internet. In 2007, al-Qaeda launched an unprecedented media campaign. Islamist terrorist propaganda is increasingly available in European languages.
- Al-Qaeda's remaining core leadership in the tribal areas of Pakistan is exercising command and control on and inspiration for planning

⁷⁰ "Four Swedes arrested in Somalia", *CNN*, 20 February 2007; "Official says Western *Jihadists* killed in Somalia", *Reuters*, 3 June 2007; "Secret SAS mission to Somalia uncovers British terror cells", *Daily Mail*, 23 June 2007.

⁷¹ "Foreign Fighters Face Obstacles Joining the Somali *Jihad*", *Terrorism Focus*, 24 July 2007; "Veiled Threats", *Washington Post*, 12 August 2007.

⁷² "Increase in female bombers raises concern", *CBS News*, 4 January 2008.

⁷³ "Briton held in Iraq for 8 months is put on TV", *Times online*, 27 February 2008.

⁷⁴ "DoD News Briefing with Lt. Gen. Odierno from Iraq", Office of the Assistant Secretary of Defense (Public Affairs), U.S. Department of Defense, 17 January 2008.

⁷⁵ "Al-Qaeda in Iraq Update", press conference with Rear Admiral Gregory Smith, Multi-National Force-Iraq's Communication Division, Baghdad, 20 January 2008.

attacks in the EU. A number of EU-nationals who attended training in Pakistan were later involved in terrorist offences in the EU.

- The member states are threatened with violence by Islamist terrorist groups outside and within the EU in an attempt to influence national policies in conflict areas.
- Although the majority of all arrested suspects for Islamist terrorism continue to be North African citizens, the member states reported a high number of arrested suspects with the nationality of the country of arrest.
- The number of persons arrested for recruitment increased. The majority of the suspects were arrested for recruiting for *jihād* in Iraq, while Somalia was reported as a new destination for *jihādists*.
- Suspects arrested in relation to financing of terrorism, handling of false documents and training are generally older than those arrested for recruitment, facilitation and the production and spreading of propaganda.
- The member states on the eastern border of the EU may be used as transit countries for terrorists in order to reach other parts of Europe.

6. ETHNO-NATIONALIST AND SEPARATIST TERRORISM

6.1. Terrorist Attacks

In 2007, 91 percent of the attacks in the EU were claimed by, or attributed to, separatist terrorist groups. A total of 532 terrorist attacks were reported in three member states: France, Spain and Germany. Of these, 97 percent were claimed by, or attributed to, Basque and Corsican separatist terrorist groups.

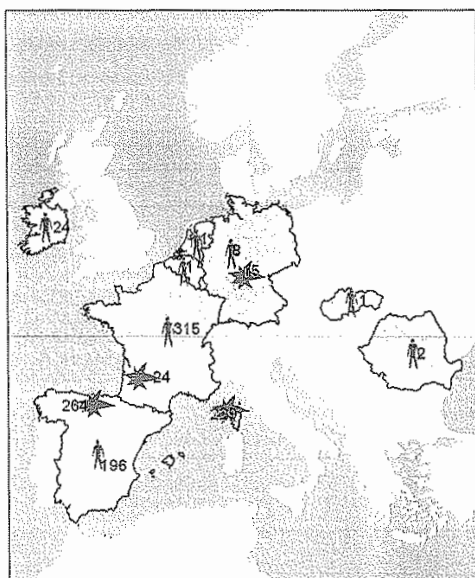


Figure 11: Number of failed, foiled and successfully executed attacks and number of arrested suspects for separatist terrorism in member states in 2007

The number of casualties and fatalities caused by separatist terrorist attacks in Europe remains limited. However, Spanish law enforcement officials remain an explicit target for Basque separatist terrorism. In 2007, this was further evidenced by the deadly attack on two Guardia Civil officers in France.⁷⁶ The attack was claimed by ETA.

France saw a slight decrease in the number of attacks compared to 2006. Spain, on the other hand, reported a 95 percent increase. This can partly be explained by the end of the ceasefire between ETA and the Spanish government. In early 2007, ETA stated that, despite the attack on the Madrid airport on 30 December 2006, they still considered the unilateral ceasefire declared in March 2006 to be valid. However, on 6 June 2007, ETA publicly announced the end of the ceasefire. In 2007, ETA claimed responsibility for a total of ten attacks in Spain and one in France.

Taldes Y attacks are perpetrated in support of ETA activities by a network of individuals with links to ETA's youth organisation SEGI. *Taldes Y* attacks decreased in frequency immediately after the ceasefire of March 2006. However, during the second half of 2006, the number of attacks increased again and remained high throughout the reporting period. For 2007, the vast majority of all attacks reported by the member states in relation to Basque separatist terrorism were categorised as *Taldes Y* attacks. See figure 12.

In Spain, the vast majority of the attacks committed were arson attacks. Eighty-nine percent of all

⁷⁶ Contribution to the TE-SAT 2008: France.

attacks were reported as successfully executed. Basque separatist terrorists in Spain mainly attack governmental⁷⁷ and business⁷⁸ targets. Twelve percent of the attacks were directed at critical infrastructure⁷⁹ and the vast majority of these were attributed to Taldes Y. The majority of the attacks in Spain were carried out in the Basque region.

In France, two regions were targeted by separatist terrorist groups: the Basque region and Corsica. In the Basque region, thirty-three percent of the separatist terrorist attacks targeted private property⁸⁰, a decrease compared to 2006. Forty-one percent of the attacks were directed at business

targets.⁸¹ In Corsica, fifty-five percent of separatist terrorist attacks targeted private property such as private holiday apartments. Only sixteen percent were directed towards governmental interests, a small decrease compared to 2006. See figure 13.

In Corsica, 31 percent of the attacks carried out were attributed to FLNC or FLNC UDC. Two attacks were attributed to ARMATA CORSA 1774. The remaining 154 attacks either were not claimed or could not be attributed to a particular group.

Germany reported fifteen separatist terrorist attacks for 2007. Fourteen were claimed by the *Kurdistan Workers' Party* (PKK/KONGRA-GEL). The

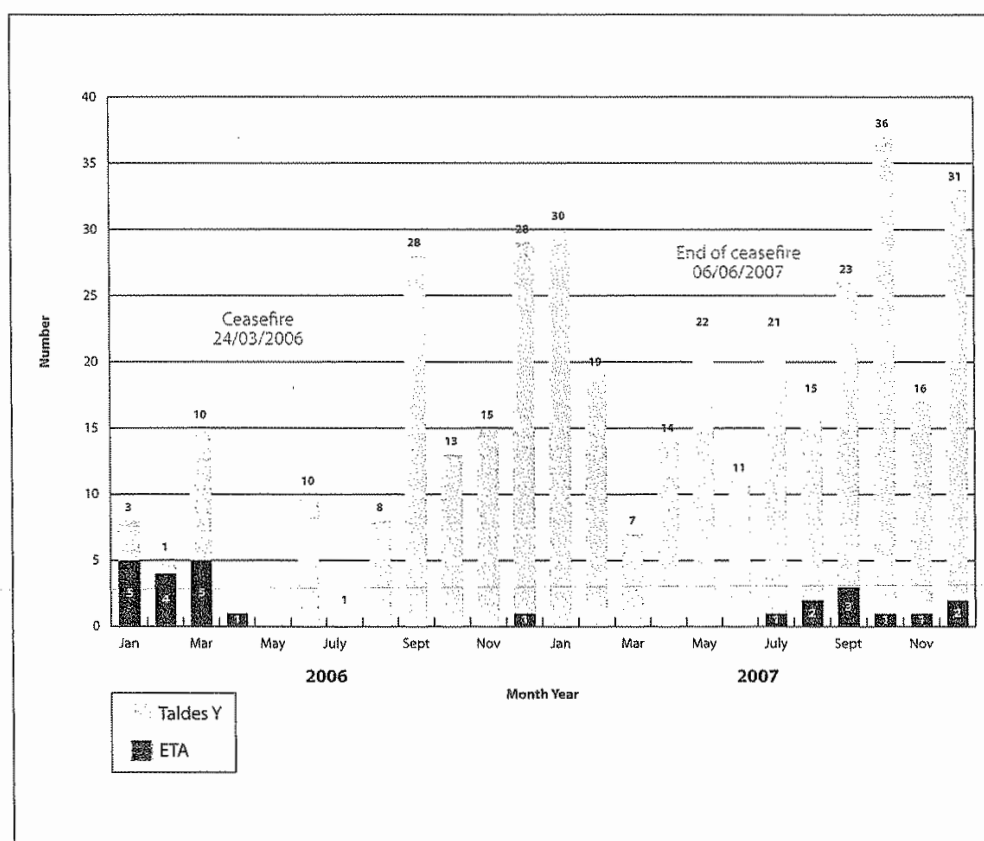


Figure 12: Number of Taldes Y attacks and attacks by ETA in Spain in 2006 and 2007

⁷⁷ Governmental targets in Spain include government offices, court houses, and political parties.

⁷⁸ Business targets in Spain include ATMs, bank branches, real estate agencies.

⁷⁹ Critical infrastructure in Spain includes highways and railways.

⁸⁰ Private property includes holiday apartments and cars.

⁸¹ Business targets in France include real estate agencies and the tourist sector.

remaining attack was not claimed by PKK/KONGRA-GEL, but has been attributed to the organisation by German authorities. The attacks took place in February and March 2007. Most of them were arson attacks, directed at Turkish interests in Germany, such as Turkish travel agencies, banks and mosques in Bottrop, Dortmund and Hagen.

6.2. Arrested Suspects

For 2007, eight member states reported the arrest of a total of 548 people suspected of separatist terrorism offences. Fifty-seven percent of the arrests took place in France, followed by thirty-six percent in Spain.

The total number of suspects arrested for separatist terrorism in 2007 increased by over 100 percent compared to 2006. This is caused by an increase in arrests related to both Basque and Corsican separatist terrorism. In Spain, sixty percent of the arrested suspects were linked to ETA and nine percent to ETA's youth organisation SEGI. France reported an increase of eight percent in arrests related to Basque separatist terrorism compared to 2006. The majority of the arrested were linked to ETA. Seven percent of the arrested suspects were linked to SEGI.

In France, the increase in arrested suspects linked to Corsican separatist terrorism can be explained in part by the numerous arrests carried out after

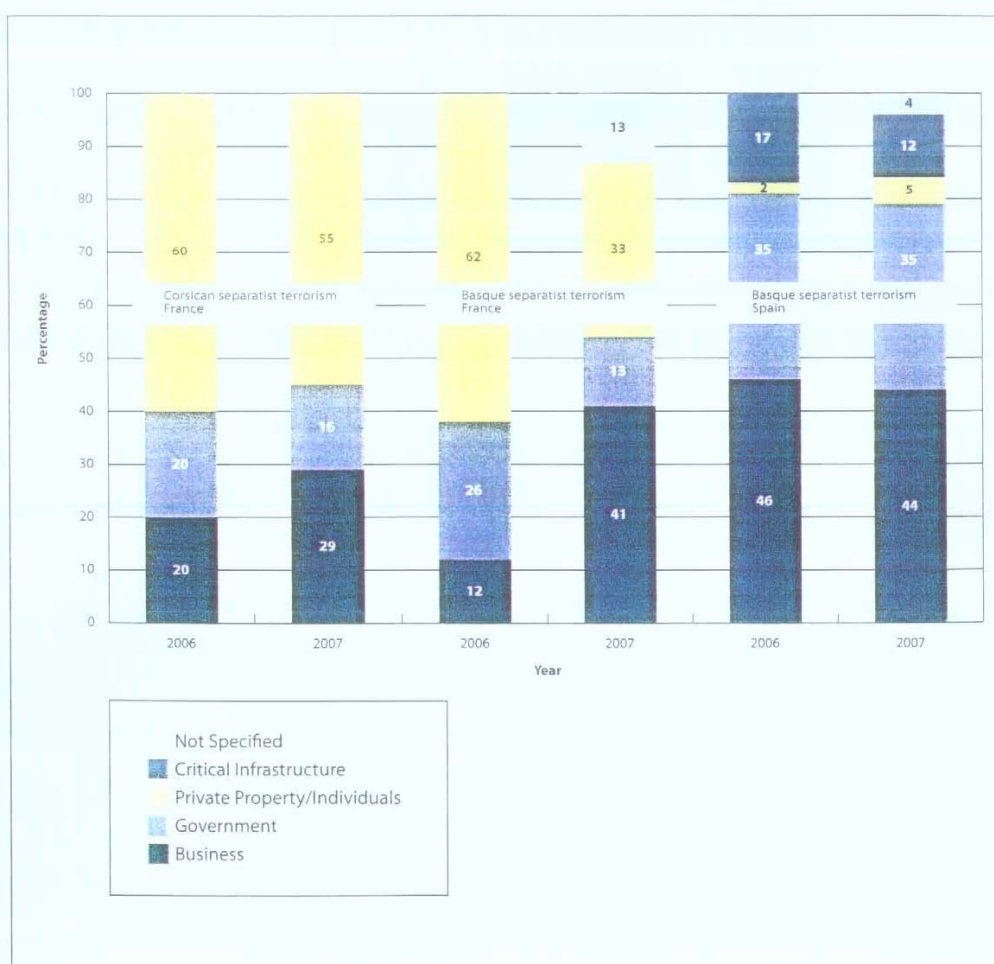


Figure 13: Targeting of separatist terrorist groups in France and Spain in 2006 and 2007

Yvan Colonna, a prominent figure within Corsican separatist terrorism, was sentenced to imprisonment. After Colonna's conviction, the youth of the island, considering him a hero, mounted a wave of violent protests. Several of the protesters were arrested.⁸²

Twelve percent of all suspects arrested for separatist terrorism were women. For ETA the figure is eighteen percent, which is the single highest percentage for all terrorist groups in the member states, regardless of affiliation.

Suspects arrested for Basque separatist terrorism are generally younger than those arrested for Corsican separatist terrorism. Fifty-five percent of those arrested for Basque separatist terrorism in France and Spain were younger than 30 compared to only thirty-one percent under 30 for Corsican separatist terrorism. This may be explained by the fact that most reported suspects arrested relating to Basque separatist terrorism were linked to *Taldes Y* attacks.

In Spain, just over 70 percent of the suspects were arrested for membership of a terrorist organisation. This high percentage may be explained by a ruling of the Spanish supreme court determining that three or more acts of collaboration with a terrorist organisation automatically are to be considered as membership of a terrorist organisation. By contrast, in France, the majority of suspects arrested for Corsican separatist terrorism were arrested for attack-related offences.

In 2007, 38 persons were reported arrested in relation to PKK/KONGRA-GEL in five member states:

Belgium, France, Germany, the Netherlands and Slovakia. The majority of all suspects were arrested for attack-related offences. The arrests caused a series of protests amongst the Kurdish populations in several of these countries. Although the majority of the protests were peaceful, in some instances violence erupted, mainly directed towards Turkish interests.⁸³ In February, Belgian authorities arrested the EU leader of PKK/KONGRA-GEL on suspicion of financing terrorism via drug trafficking.⁸⁴

In Ireland, the number of arrested suspects went up from four in 2006 to twenty-four in 2007. The majority of the arrested suspects were members of the *Irish National Liberation Army* (INLA). The arrests were linked to an increase in criminal activity by this group in 2007. The majority of the arrested were charged with membership of an unlawful organisation.⁸⁵

French law enforcement arrested a total of 25 members of Liberation Tigers of Tamil Eelam, LTTE during 2007. All arrested suspects were men. The vast majority of the suspects were arrested on suspicion of financing terrorism through extortion. Seventy-two percent of the arrested were Sri Lankan citizens.⁸⁶ The LTTE has a vast global network of ethnic Tamils and associates in the diaspora, with structures of fundraising, procurement and propaganda firmly in place.⁸⁷ One of the core activities of the LTTE in the EU is the collection of funds from the Tamil diaspora on a monthly basis to finance military and military-related procurement.⁸⁸

⁸² Contribution to the TESAT 2008: France.

⁸³ *Zwischenbericht 2007: Entwicklungen und Analysen des Extremismus in Nordrhein Westfalen*, North Rhine-Westphalia Office for the Protection of the Constitution, September 2007.

⁸⁴ Contribution to the TE-SAT 2008: Belgium.

⁸⁵ Contribution to the TE-SAT 2008: Ireland.

⁸⁶ Contribution to the TE-SAT 2008: France.

⁸⁷ "Funding the 'Final War': LTTE Intimidation and Extortion in the Tamil Diaspora", Human Rights Watch, Vol. 18, No. 1(C), March 2006.

⁸⁸ "Feeding the Tiger – How Sri Lankan insurgents fund their war", *Jane's Intelligence review*, 1 August 2007.

6.3. Terrorist Activities

For the second half of 2007, Portugal reported an unusual increase in the number of ETA activities in Portugal. The activities seemed to be confined to renting vehicles that were later used in ETA operations. This may be an attempt by ETA to avoid detection from law enforcement agencies in France and Spain. Portuguese and Spanish law enforcement agencies responded by creating joint investigation teams.⁸⁹

Traditionally, ETA carries out its activities in Spain, France and, to a lesser extent, in other EU countries. France is mainly used as an operational rear base from which ETA develops its logistic means. It is also used for housing and training ETA reserve activists.

In the course of 2007, Spanish authorities noted a decrease in the use of commercial explosives in ETA-related attacks. In the past, ETA mainly used a combination of commercial explosives and home-made explosives (HMEs). Recent attacks, however, have been based mainly on HMEs.⁹⁰ This change in tactics may be the result of increased security measures taken by the French authorities to protect explosive factories, depots and explosives transportation, which prevents ETA from getting access to commercial explosives.⁹¹

In summer 2007, ETA released several versions of a recruitment video which showed some of their activities. The videos were released just after ETA had called off the ceasefire. The aim was probably to encourage young people to join ETA. This method of recruitment has rarely been seen in

the past and may indicate a new *modus operandi* for ETA.

Financing of terrorism by extortion is reported in relation to Corsican and Basque separatist terrorism as well as the LTTE. According to open sources, extortion is an important source of income for ETA. In 2007, Spanish media reported on several extortion campaigns directed at businessmen in the Basque region and Navarre.⁹² Fourteen of the arrests reported by France in relation to extortion were linked to Corsican separatist terrorism. The majority of the arrested suspects were members of FLNC, targeting private businesses such as real estate agents.⁹³

In Ireland, law enforcement authorities witnessed an increase in the number of terrorism-related arrests in 2007 compared to 2006. This, however, is mainly due to an increase in criminal activity by INLA. Based on capability and intent, the threat from the Continuity Irish Republican Army (CIRA) and Real Irish Republican Army (RIRA) is estimated to be moderate to substantial.⁹⁴

The year 2007 saw great strides forward in the political process in Northern Ireland, including the restoration of full power to the Northern Ireland Assembly in May. An important milestone was the announcement by the nationalist party, Sinn Féin, that it would recognise and support the Police Service of Northern Ireland (PSNI) and participate in policing bodies.⁹⁵ In view of this historical decision, the dissident terrorist group RIRA vowed to continue attacks against Police and British forces until a full withdrawal of troops.⁹⁶

⁸⁹ Contribution to the TE-SAT 2008: Spain, Portugal.

⁹⁰ Contribution to the TE-SAT 2008: Spain.

⁹¹ *Evaluation of the Cosmetics and Explosives Directives: Final report (Explosives)*, submitted to DG Enterprise and Industry, European Commission, by the E E C (GHK, Technopolis), 21 September 2007.

⁹² "ETA amenaza en nuevas cartas a los empresarios con 'tomar medidas' si no pagan", *El Mundo*, 5 August 2007.

⁹³ Contribution to the TE-SAT 2008: France.

⁹⁴ Contribution to the TE-SAT 2008: Ireland.

⁹⁵ "Power-sharing begins in Northern Ireland", *International Herald Tribune*, 8 May 2007.

⁹⁶ "Attacks on police will go on in New Year'—Real IRA", *Derry Journal*, 8 January 2008.

6.4. Key Findings

- A total of 532 separatist terrorist attacks were perpetrated and 548 suspects were arrested for separatist terrorism. The vast majority of attacks and arrests relating to separatist terrorism were reported by France and Spain.
- The vast majority of all attacks by Basque and Corsican separatist terrorists mainly aim at causing material damage. Spanish law enforcement officials are however explicitly targeted by Basque separatist terrorists.
- The vast majority of reported separatist terrorist attacks against critical infrastructure are committed by youth organisations related to ETA. In Spain, only a very small number of Basque separatist terrorist attacks are directed towards private interests. This is, however, one of the main targets for Basque and Corsican separatist terrorists acting in France.
- Traditionally, ETA used a combination of commercial and home-made explosives. In 2007, the use of commercial explosives in ETA attacks decreased.
- Basque separatist terrorists continue to use France as a logistical base. However, in 2007 some activities were also noted in Portugal, indicating an attempt to escape France and Spanish law enforcement.
- With 18 percent, ETA has the highest percentage of women arrested compared to all other terrorist groups in the member states.
- Financing through extortion is reported for Basque and Corsican separatist terrorist groups as well as LTTE.
- In Germany, separatist terrorist attacks are mainly perpetrated by Kurdish separatist terrorist groups. In 2007, the attacks were motivated by the escalation in the Turkish-Kurdish conflict.

7. LEFT-WING AND ANARCHIST TERRORISM

7.1. Terrorist Attacks

In 2007, left-wing and anarchist terrorist groups carried out 21 attacks in five member states. The targeted member states were Austria, Germany, Greece, Italy and Spain. Eighty percent of all left-wing and anarchist terrorist attacks were successfully executed. There have been no reports on fatalities or casualties in relation to these attacks.

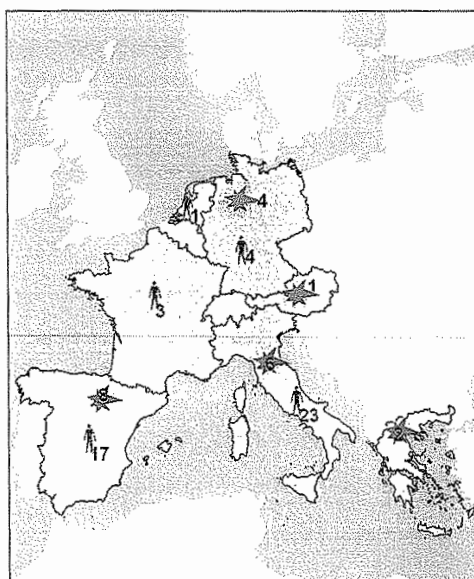


Figure 14: Number of failed, foiled and successfully executed attacks and number of arrested suspects for left-wing and anarchist terrorism in member states in 2007

In TE-SAT 2007, a large number of the reported anarchist attacks were contributed by Greece. However, Greek authorities regard the vast majority of these attacks as extremism rather than terrorism. Therefore, they are not included in the 2007 statistics. For TE-SAT 2008, Greece reported two attacks as anarchist terrorism.⁹⁷

Greece reported two attacks as anarchist terrorism: the attack on the American embassy on 12 January and the attack on a police station in New Ionia on 30 April. Both attacks were reported to have been committed by the anarchist terrorist group *Revolutionary Struggle*.

Taking into account the difference in the number of attacks reported by Greece, it is still possible to conclude that there has been a decrease in the number of left-wing and anarchist terrorist attacks compared to 2006. In both Italy and Germany, attacks have gone down by approx. 50 percent.

In 2007, 55 percent of all left-wing and anarchist terrorist attacks were arson attacks. The majority targeted businesses or governmental interests. Only one attack was directed at private property or individuals. See figure 15.

Attacks by GRAPO in Spain decreased compared to 2006. In 2007, only one attack was attributed to GRAPO in Spain. In 2006, Spanish authorities reported five attacks attributed to GRAPO and one claimed by the organisation. The attributed attack in 2007 was the kidnapping of a bank manager for ransom.⁹⁸

⁹⁷ Contribution to the TE-SAT 2008: Greece.

⁹⁸ Contribution to the TE-SAT 2008: Spain.

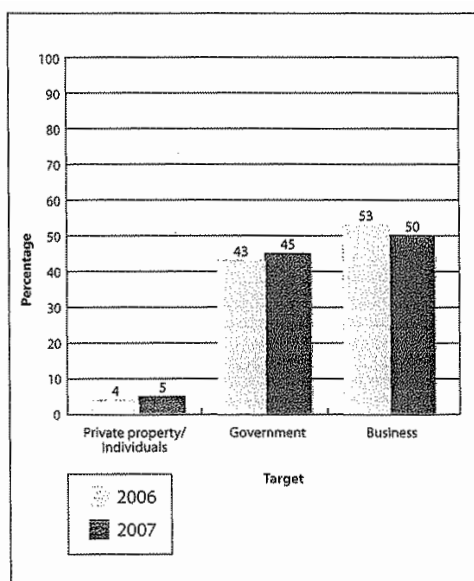


Figure 15: Targeting of left-wing and anarchist terrorist groups in 2006 and 2007

In Germany, unidentified individuals attacked representatives of a private company which produces naval ships for private and military use. In Hamburg, high-value company cars of two managers were damaged. One of the cars was set on fire. In addition, the attackers vandalised the house of one of the managers. In the past, similar attacks were linked to left-wing terrorism.⁹⁹

Italy reported an increased threat from left-wing groups and individuals using the same strategies and ideologies as the *Brigate Rosse* (Red Brigades). These groups mainly target high-ranking Italian businessmen and politicians. The arrests in February 2007 leading to the dismantlement of the *Partito Comunista Politico-Militare* (PCP-M) sparked a series of incidents in solidarity with the arrested. Italian authorities reported that these incidents brought together several rival groups adhering to different ideologies. One such exam-

ple is the *Fronte Rivoluzionario per il Comunismo* (Revolutionary Front for Communism), which supports a revolution based on armed struggle.

On 5 March 2007, the *Fronte Rivoluzionario per il Comunismo* attempted an attack in Milan.¹⁰⁰ A home-made explosive device was found in front of an unoccupied police station. The *Fronte Rivoluzionario per il Comunismo* claimed responsibility for the attempted attack, stating that it was in retaliation for recent arrests.¹⁰¹

The *Partito Comunista Combatente* (PCC), a smaller left-wing group with the same ideology as the *Red Brigades*, claimed two attacks in 2007.¹⁰² The PCC justifies its attacks as blows against imperialism within Italian economic policy and Italy's "contribution to the NATO strategy".¹⁰³

Italian authorities have also noted a revival of anarchist revolutionary ideologies, particularly among groups and individuals united under the banner of the *Federazione Anarchica Informale* (FAI).¹⁰⁴

In Austria, on 12 March 2007, a device looking like a pipe bomb was found in the underground parking of a bank. The pipe bomb later turned out to be a dummy. A message attached to the device demanded amnesty for members of the *Red Army Fraction* (RAF) imprisoned in Germany.¹⁰⁵

Extremism

In the second semester of 2007, extremist anarchist activities in Greece mainly took the form of arson attacks against low-profile targets. The main targets were bank branches, vehicles and political party offices. The number of attacks, however, decreased significantly compared to the first semester of 2007. The activities appeared to be isolated and decentralised. The targets seemed to be randomly chosen. As in previous years, the attacks only caused material damage.¹⁰⁶

⁹⁹ Contribution to the TE-SAT 2008: Germany.

¹⁰⁰ Contribution to the TE-SAT 2008: Italy.

¹⁰¹ Alvanou, M., "Left Wing Terrorist groups in European countries, a threat still alive", ITSTIME, May 2007.

¹⁰² Contribution to the TE-SAT 2008: Italy.

¹⁰³ Alvanou, M., "Left Wing Terrorist groups in European countries, a threat still alive", ITSTIME, May 2007.

¹⁰⁴ Contribution to the TE-SAT 2008: Italy.

¹⁰⁵ Contribution to the TE-SAT 2008: Austria.

¹⁰⁶ Contribution to the TE-SAT 2008: Greece.

In Estonia, extremist left-wing groups were responsible for extensive vandalism and mass riots in relation to the relocation of a Soviet-era war memorial, the Bronze Soldier, in Tallinn in April 2007. The Estonian embassy in Moscow was also attacked and vandalised. Four persons were charged with organising the riots. The trial is ongoing.¹⁰⁷

7.2. Arrested Suspects and Terrorist Activities

Forty-eight individuals were arrested for left-wing and anarchist terrorism in five member states: France, Germany, Italy, the Netherlands and Spain. Spain and Italy reported a total of twelve suspects arrested for anarchist terrorism. All other arrests were reported as left-wing.

The vast majority of the arrests were made in Italy and Spain. As for all other affiliations, the vast majority of the suspects were arrested for membership of a terrorist organisation. Twelve percent of the suspects were arrested for arson attacks.

Six of the arrested suspects were women. Only one woman was arrested for an attack-related offence: she was linked to anarchist terrorism and was involved in an arson attack. This is the only attack-related offence for which a female suspect was reported arrested, regardless of affiliation.

Extremism

In 2007, the G8 summit was held in Heiligendamm in Germany. G8 meetings traditionally attract large crowds of left-wing and anarchist activists from all over the world. Demonstrations against the summit occasionally turned violent.¹⁰⁸ Both Belgium

and Sweden reported the arrest of a number of their nationals during the meeting. Germany reported two investigations relating to left-wing extremist groups planning attacks against the summit in 2007.

In 2007, Italy observed a merger of anarchist terrorist groups and single-issue extremist groups linked to e.g. anti-militarism, immigration, environmentalism and social rights. This merger may eventually mean that single-issue groups, which to date have only been involved in social protest, will change their activities and become more involved in subversive activities.¹⁰⁹

In Belgium, anarchist extremists took part in actions organised by animal rights extremists. In the course of these activities, the anarchists engaged in acts of vandalism. The principal left-wing extremist group present in Belgium is the *Secours Rouge* (APAPC), which contains former members of the *Cellules Communistes Combattantes* (CCC). The activities of the *Secours Rouge* are mostly related to public order. Nevertheless, it should be noted that former CCC members released from prison publicly declared that they continue to believe that armed struggle is necessary.¹¹⁰

Sweden reported on activities by extremist autonomous groups prepared to use violence as a means to achieve their political goals. Several different ideological currents exist within this environment with anarchism being most prominent. Both men and women are active within these groups. The majority are under 30 years old. Swedish authorities have reported that activists belonging to these groups are willing and able to use incendiary bombs against symbolic targets.¹¹¹

¹⁰⁷ Contribution to the TE-SAT 2008: Estonia.

¹⁰⁸ Contribution to the TE-SAT 2008: Germany.

¹⁰⁹ Contribution to the TE-SAT 2008: Italy.

¹¹⁰ Contribution to the TE-SAT 2008: Belgium.

¹¹¹ Contribution to the TE-SAT 2008: Sweden.

7.3. Key Findings

- For left-wing terrorism and anarchist terrorism, five member states reported 21 attacks and 48 arrested suspects. No casualties were reported.
- Attacks in Italy and Germany decreased by almost 50 percent. In Spain, attacks committed by GRAPO decreased significantly with only one attack committed in 2007.
- Although the number of attacks decreased, Italy noted a general increase in the threat from left-wing terrorist groups inspired by the ideology of the *Red Brigades*. Italian authorities also noted a revival of anarchist revolutionary ideologies.
- In Greece, two terrorist attacks were committed by the *Revolutionary Struggle*. Both attacks caused material damage. Anarchist extremists in Greece continue to commit arson attacks against low level targets, causing material damage. The number of anarchist extremist attacks decreased significantly in 2007.

8. RIGHT-WING TERRORISM

One right-wing terrorist attack was reported for 2007. The attack took place in Portugal where right-wing terrorists vandalised a Jewish cemetery in September 2007. The attack on the cemetery seems to have been part of an initiation rite by self-proclaimed *Hammerskin Friends* for the purpose of pleasing and impressing the leaders of the Portuguese branch of the *Hammerskins*.¹¹²

A total of 44 suspects were arrested for right-wing terrorism in Austria, the Netherlands and Portugal. Of these, 31 were arrested in Portugal as part of the operation against the Portuguese section of the *Hammerskins*. Twenty-seven of the suspects were arrested for possession of illegal weapons, racial discrimination, promotion of racial hatred and Nazi propaganda. The Portuguese investigation also revealed a European network of sympathisers communicating via the Internet.¹¹³

With one exception, all arrested suspects for right-wing terrorism were male. The female suspect was arrested in the Netherlands for possession of illegal firearms. The arrested were between 18 and 30 years of age, except for two suspects who were 40 and 42 years old. This means that, generally speaking, suspects arrested for right-wing terrorism are relatively young.

Extremism

Reported incidents relating to right-wing extremist continued to increase in a number of member states. Dutch authorities report an increase in reports of right-wing extremism in 2007, but estimate that the level of violence remains fairly stable.¹¹⁴

Poland has reported a slight increase in right-wing extremist activity. The groups are mainly active on the Internet, where they have established international contacts. The most active right-wing group is *Blood and Honour* and its fighting unit *Combat 18*.¹¹⁵

In the course of 2007, Italy observed an increase in activity by right-wing extremists. This increase manifested itself mainly in acts of vandalism and attacks against left-wing parties and organisations. *Forza Nuova* is the most prominent right-wing extremist group active in Italy.¹¹⁶

Swedish authorities reported an increase in violent clashes between various left-wing/anarchist movements and extreme right groups during 2007. The increase in violence is thought to mainly be the work of the right-wing extremist groups.¹¹⁷

¹¹² Contribution to the TE-SAT 2008: Portugal.

¹¹³ *ibid.*

¹¹⁴ Contribution to the TE-SAT 2008: the Netherlands.

¹¹⁵ Contribution to the TE-SAT 2008: Poland.

¹¹⁶ Contribution to the TE-SAT 2008: Italy.

¹¹⁷ Contribution to the TE-SAT 2008: Sweden.

In Germany, the Saxony Minister of the Interior banned the right-wing group *Sturm 34* on the basis that it is in opposition to the constitutional order and that its objectives and activities run counter to criminal law. The group consists of approx. 40 to 50 members and 100 sympathisers. Members of the group stated that they considered violence as a means of reaching their objectives. In June 2007, right-wing extremists in Germany attacked and physically assaulted five persons who suffered severe facial injuries.¹¹⁸

UK authorities reported that the number of incidents involving right-wing extremists linked to explosives, weapons or prohibited items has increased in the last ten years. In 2007, the UK authorities reported a total of seven right-wing extremists arrested for a range of explosives-related offences. During various house searches, police found CS gas canisters and explosive pyrotechnics but also training manuals, a downloaded Internet article on the recovery of home-made explosive devices and a recipe for a simple hydrogen peroxide/chapati flour explosive mixture.

In October 2007, UK police found a quantity of nail bombs during a house search into the home of a right-wing extremist. Documents recovered at the address indicate that he was planning to attack mosques in the area.

In the UK, a number of the arrested individuals could be classified as "lone-wolves". These individuals share an ideological or philosophical identification with an extremist group, but do not communicate with the group they identify with. While the lone wolf's actions aim to advance the group's goal, the tactics and methods are conceived and directed without any outside command or direction.

In the UK, most of the groups involved in right-wing extremism have a relatively small member-

ship base and many individuals are members of a number of like-minded groups. Thus, successful prosecutions are likely to have a ripple effect and, in the short term, diminish the ability of the various groups to engage in street demonstrations and protests.

Both the UK and the Netherlands reported on increased hostility against Muslim communities from right-wing extremists.¹¹⁹ The failed car bombings in June 2007 by Islamic extremists fuelled the right-wing extremists in the UK and resulted in protest activity. However, according to UK authorities, these attacks were generally not coordinated by any right-wing organisation but rather the result of individual acts of racism and criminality.¹²⁰

8.1. Key Findings

- For 2007 the member states reported one right-wing terrorist attack and 48 arrested related to right-wing terrorism.
- Suspects arrested for right-wing terrorism are generally younger than arrested suspects in other types of terrorism.
- A majority of member states reported right-wing activities as extremism and not as terrorism.
- Activities from right-wing extremist groups are increasing.
- In the UK, an increasing amount of right-wing extremists are involved in activities linked to explosive devices and home-made explosives.
- A few member states reported increased hostility towards Muslim communities from right-wing extremists.

¹¹⁸ Contribution to the TE-SAT 2008: Germany.

¹¹⁹ Contribution to the TE-SAT 2008: UK and the Netherlands.

¹²⁰ Contribution to the TE-SAT 2008: UK.

9. SINGLE ISSUE TERRORISM

One single issue terrorist attack was reported for 2007. The attack took place in Portugal and was committed against a transgenic corn field. Over 100 people took part in the attack; more than one hectare of the field was destroyed.¹²¹

Extremism

In an incident in February, environmental extremists in Bulgaria sent letters to a number of newspapers claiming to have placed explosive devices in several locations throughout the ski resorts in Bansko. The unknown perpetrators demanded an end to “the destruction of the nature in the area”.¹²²

Italy reported an increase in activity from environmental extremist groups against governmental infrastructure projects. This includes vandalism and sabotage of critical infrastructure.¹²³

In 2007, European animal rights extremists were involved in arson attacks, letter bombs, and product contamination, as well as wide-spread acts of vandalism. Threats against employees, and their family members, of companies which are perceived to be involved in the mistreatment of animals are commonplace.¹²⁴ The same applies to

academic research institutions, such as universities, scientists, university staff and students.¹²⁵

In May 2007, European law enforcement arrested 30 animal rights extremist activists in a joint operation involving law enforcement agencies in five EU countries. The operation was part of an investigation into Europe-wide *Stop Huntingdon Animal Cruelty* (SHAC) activities, led by SHAC leaders in the UK. Those arrested were suspected of conspiracy to blackmail Huntingdon Life Sciences (HLS) and associated companies. The blackmail consisted of a concerted effort by extremists, including criminality against target premises and other *modi operandi* to achieve their ambition to close HLS. The arrests took place mainly in the UK.

SHAC was founded in 1999, with the sole aim to force the closure of the contract research organisation HLS. SHAC targets include suppliers, customers and financial institutions linked to HLS. In the EU, SHAC is currently known to have a presence in Belgium¹²⁶, Austria, Finland, France, Germany, the Netherlands, Italy, Poland, Spain, Sweden and the UK.¹²⁷

UK government officials stated that animal rights extremism is a serious concern and that activists

¹²¹ Contribution to the TE-SAT 2008: Portugal.

¹²² Contribution to the TE-SAT 2008: Bulgaria.

¹²³ Contribution to the TE-SAT 2008: Italy.

¹²⁴ “Resisting the Animal Avengers”, *Spiegel Online*, 19 November 2007; “Animal rights militants charged after police operation”, *Financial Times*, London, 4 May 2007;

¹²⁵ “Resisting the Animal Avengers”, *Spiegel Online*, 19 November 2007; “Animal activists plant bombs at Oxford college”, *Daily Telegraph*, 27 February 2007.

¹²⁶ Contribution to the TE-SAT 2008: Belgium.

¹²⁷ Contribution to the TE-SAT 2008: UK.

could be charged under the Terrorism Act 2000, if appropriate.¹²⁸ UK animal rights extremists are perceived to hold a pivotal role in the animal rights scene in the EU and UK activists are frequently taking part in extremist activities throughout Europe.

In 2007, UK law enforcement recorded 229 criminal incidents relating directly to animal rights extremism. The pharmaceutical industry remains the main target. The majority of the incidents were recorded as criminal damage. These were often directed against targets that have also been the subject of suspicious incidents, and threatening communications in the form of letters, e-mails and telephone calls.

Since August 2007, in the UK there have been a number of serious offences connected with animal rights extremists. A series of six claims of product contamination targeting pharmaceutical companies with links to HLS also affected France, Spain and Austria.¹²⁹

In November 2007, two improvised incendiary devices (IIDs) destroyed the vehicles of two Oxford University professors. They were targeted by animal rights extremists. An additional IID was placed under a third vehicle, but failed to ignite.

In January 2007, the *Animal Liberation Front* (ALF) organised a tour through various cities in Italy. This was a campaign against chain stores believed to sell furs and companies accused of conducting animal experiments. In October 2007, ALF also claimed responsibility for breaking into a laboratory and releasing several animals, as well as for the criminal damage caused to the buildings.¹³⁰

According to the statistics published on animal rights extremist websites, the member states most

targeted by animal rights extremists, besides the UK, are Italy, France, Spain and Sweden. In 2007, Estonia was included on the websites as a target country. Nevertheless, this data originates from animal rights extremist-owned websites. Therefore, it may not be representative of the actual problem experienced by a particular member state. In October 2007, a French ALF cell claimed responsibility for a fire bomb in the Netherlands. This type of attacks confirms that animal rights extremists are not limited by national boundaries.¹³¹

Making threats via the Internet is likely to be a method increasingly favoured by animal rights extremists, due to the high level of anonymity and reduced levels of financial requirement and personal risk.¹³²

9.1. Key Findings

- Portugal reported one single issue terrorist attack linked to environmentalist terrorism.
- A majority of all member states reported single issue activities as extremism and not as terrorism.
- The UK animal rights extremists are perceived to hold a pivotal role in the animal rights scene in the EU. UK activists frequently take part in extremist activities throughout the EU.
- Attacks by single issue extremist groups mainly targeted private property and individuals linked to targeted companies.
- Italy reported an increased activity of environmental extremist groups targeting governmental infrastructure projects.

¹²⁸ www.publications.parliament.uk/pa/cn200607/cmhansrd/cm070129/text/70129w0024.htm, 9 March 2008.

¹²⁹ Contribution to the TE-SAT 2008: UK.

¹³⁰ Contribution to the TE-SAT 2008: Italy.

¹³¹ Contribution to the TE-SAT 2008: UK.

¹³² *Ibid.*

10. TRENDS

The number of terrorist attacks in the EU is increasing. During 2007, 583 terrorist attacks were committed in the EU. Of these, 91 percent were perpetrated by separatist terrorists. As in 2006, the vast majority of all attacks were committed by Basque and Corsican separatist terrorists in Spain and France. Separatist terrorist attacks continue to mainly cause material damage. However, ETA continues to specifically target Spanish law enforcement and governmental officials. This was evidenced by the fatal attack on the two Spanish Guardia Civil officers in France in 2007.

The number of suspects arrested for terrorism in the EU is increasing. The number of arrested suspects has increased from 706 in 2006 to 1044 in 2007. As for the increase in attacks, this can partly be attributed to the increased activity of Corsican and Basque separatist terrorism groups. This trend is also reflected in the statistics reported by Eurojust: in 2007, 54 percent of all court cases were related to separatist terrorism. However, the general increase in arrests can also be explained by the 30 percent increase in arrests in the UK. The vast majority of these arrests were in relation to Islamist terrorism.

The use of home-made explosives in terrorist attacks is increasing. In the vast majority of all terrorist attacks carried out by means of explosive devices, the main charge was composed of home-made explosives. As in 2006, this continues to be the main type of explosive used by Islamist terrorists. For 2007, however, this was also noticed in relation to separatist terrorism, especially in the case of ETA. As in 2006, investigations into attempted attacks in the member states revealed the use of TATP, a highly volatile explosive which requires a certain level of expertise in handling. This corroborates

the information that several of the EU suspects received training in bomb-making.

More terrorism propaganda is being produced and distributed over the Internet than ever before. Propaganda continues to be an important tool for terrorists in order to attract new recruits and give logistical support. Manuals on how to build bombs, together with ideological propaganda, are increasingly spread on the Internet. For 2007, propaganda is also a new offence reported by the member states in relation to arrested Islamist terrorist suspects. The unprecedented al-Qaeda media campaign during 2007 produced propaganda in a number of European languages, indicating increasing efforts to reach non-Arabic speaking Europeans. Although propaganda material is available in increasing quality and quantity, there is no proof that this in itself leads to increasing radicalisation of the targeted audience. The availability of great quantities of propaganda material, easily accessible through the Internet, however, does facilitate the tasks of propagandists and recruiters and may lead to a general increase in the number of Islamist terrorists in the EU.

Islamist terrorism in the EU continues to aim at causing indiscriminate mass casualties. Most investigations into failed and foiled Islamist terrorist attacks in the EU in 2007 showed that Islamist terrorists continue to aim at causing indiscriminate mass casualties. This is not only observed in the choice of targets but also in the methods and explosives used. In the failed attack in London, nails added to the IED would have assured a maximum number of casualties. In the attempted attack in Germany, the suspects tried to build a bomb with a higher explosive effect than the ones used in the Madrid attacks in 2004, the attack

which has so far caused the highest number of casualties and fatalities in the EU.

Islamist terrorism in the EU is increasingly influenced by Pakistani-based al-Qaeda-affiliated groups and networks. In 2007, member states observed an increasing number of plots confined to a single member state but with links to al-Qaeda-affiliated groups based in Pakistan. In the past, terrorist plots linked to groups/networks operating in Pakistan have been almost exclusively concentrated on the UK. In 2007, investigations into attempted terrorist attacks indicated an increasing influence of this region, and even Pakistani-based command and control on Islamist terrorism in the EU. The attempted attack in Germany also showed the emergence of a Pakistani-based group with links to al-Qaeda, which had not previously been involved in attacks within the EU, able to provide logistical support to Islamist terrorists in member states.

The conflicts in Afghanistan and Iraq have a large impact on the security environment of the EU. As seen in the statements posted by the German-speaking GIMF, member states are threatened with violence in an attempt to influence national policies on the engagement in conflict areas. The recruitment of EU nationals and residents for participation in *jihād* in Afghanistan and Iraq is still significant. Iraq remained the main destination for *jihādists* in 2007. As in 2006, reports suggest that Somalia is becoming a new additional destination for *jihādists*. Member states that have military presence in Lebanon also note that Islamist terrorist groups increasingly focus on this aspect. This indicates that the number of theatres of *jihād* is increasing.

Youths continue to be responsible for the vast majority of Basque separatist terrorist attacks. The vast majority of attacks in relation to Basque separatist terrorism are *Taldes Y* attacks. The perpetrators are generally linked to ETA's youth organisation SEGI and are younger than arrested suspects relating to other forms of separatist terrorism. With the exception of two attacks, all attacks on critical infrastructure were *Taldes Y* attacks. The two remaining attacks were claimed by ETA and SEGI, respectively. It is also noteworthy

that *Taldes Y* attacks continued throughout the ceasefire. All arrests in relation to *Taldes Y* attacks were reported by Spain.

Basque separatist terrorists continue to use France as a logistical base. Although ETA showed some activity in Portugal during 2007, France continues to be the main logistical base for Basque separatist terrorism. There is a noticeable difference in the choice of targets attacked by Basque separatist terrorists in France and Spain. While Spain only reports a very small number of Basque separatist terrorist attacks directed towards private interests, this is one of the main targets for Basque separatist terrorism in France. In addition, private interests continue to be the main target for Corsican separatist terrorists. As evidenced by the ETA attack in France in December, Spanish law enforcement officials are nevertheless targeted both in France and in Spain.

The Kurdish-Turkish conflict has an impact on the security situation in the EU. In Germany, separatist terrorist violence continues to be perpetrated mainly by Kurdish separatist terrorist groups. The development in the Kurdish-Turkish conflict in 2007 had an impact on the security situation in the EU. This was demonstrated by the increasing number of attacks against Turkish interests in Germany, following the escalation in the conflict in 2007.

Left-wing and anarchist terrorist attacks in the EU are decreasing. Spain and Italy continue to be more affected by left-wing terrorism than other EU member states. In 2007, the number of terrorist attacks perpetrated by left-wing and anarchist terrorists decreased. The recent increase in the threat from left-wing groups inspired by ideologies of the *Red Brigades* in Italy, however, may lead to an increase in attacks in 2008.

Activities by right-wing terrorists and extremists in the EU are increasing. Investigations into right-wing extremist and terrorist activities have shown international contacts which indicate a European network of right-wing activists. A few member states have also reported a general increase in hostility towards Muslim immigrant communities.

Annex 1

Abbreviations

ALF	Animal Liberation Front
APAPC	Association des Parents et Amis des Prisonniers Communistes Secours Rouge Association of Parents and Friends of Communist Prisoners Red Aid
AQIM	al-Qaeda in the Islamic Maghreb
BR-PCC	Brigate Rosse per la Costruzione del Partito Comunista Combattente Red Brigades for the Construction of the Fighting Communist Party
CCC	Cellules Communistes Combattantes
CIRA	Continuity Irish Republican Army
DHKP/C	Devrimci Halk Kurtuluş Partisi/Cephesi Revolutionary People's Liberation Party/Front
ETA	Euskadi Ta Askatasuna Basque Fatherland and Liberty
FAI	Federazione Anarchia Informale Informal Anarchist Federation
FATF	Financial Action Task Force
FLNC-22 Octobre	Front de Liberation Nationale de la Corse du 22 Octobre National Front for the Liberation of Corsica of 22 October
FLNC-UDC	Front de Liberation Nationale de la Corse - Union des Combattants National Front for the Liberation of Corsica - Union of Combatants
GIMC	Groupe Islamic Combattant Marocain Moroccan Islamic Combatant Group
GIMF	Global Islamic Media Front
GRAPO	Grupos de Resistencia Antifascista Primero de Octubre Antifascist Resistance Groups October First
GSPC	Groupe Salafiste pour la Prédication et le Combat Salafist Group for Preaching and Combat
HME	Home Made Explosives
IED	Improvised Explosive Device
IID	Improvised Incendiary Device
IJU	Islamic <i>Jihad</i> Union
IMU	Islamic Movement of Uzbekistan
INLA	Irish National Liberation Army
IRA	Irish Republican Army
JHA	Justice and Home Affairs
LDRs	Light Dependent Resistors
LTTE	Liberation Tigers of Tamil Eelam
NGO	Non-Governmental Organisation

PCC	Partito Comunista Combattente
PCP-M	Partito Comunista Politico-Militare
PKK	Partiya Karkeren Kurdistan Kurdistan Workers' Party
RAF	Red Army Fraction
RIRA	Real Irish Republican Army
SHAC	Stop Huntingdon Animal Cruelty
SitCen	European Union Joint Situation Centre
SLA	Sri Lankan Army
TATP	Triacetone Triperoxide
TKP/ML	Türkiye Komünist Partisi/Marksist-Leninist Turkish Communist Party/Marxist-Leninist
TWP	Terrorism Working Party of the European Council
VBIED	Vehicle-Borne Improvised Explosive Device

Annex 2

Excerpt from the Council Framework Decision on Combating Terrorism

According to Article 1 of the Council Framework Decision of 13 June 2002 on Combating Terrorism (2002/275/JHA), terrorist offences are intentional acts which, given their nature or context, may seriously damage a country or an international organisation where committed.

Terrorist offences are committed with the aim of

- seriously intimidating a population, or
- unduly compelling a Government or international organisation to perform or abstain from performing an act, or
- seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.

Terrorist offences include

1. attacks upon a person's life which may cause death;
2. attacks upon the physical integrity of a person;
3. kidnapping or hostage taking;
4. causing extensive destruction to a Government or a public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property

likely to endanger human life or result in major economic loss;

5. seizure of aircraft, ships or other means of public or goods transport;
6. manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into and development of biological and chemical weapons;
7. release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life;
8. interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;
9. threatening to commit any of the acts listed above.

Paragraph 2 of Article 2 obliges Member States to take the necessary measures to ensure that directing a terrorist group, participating in its activities including supplying of information or material resources, or by funding its activities are punishable.

Article 3 obliges Member States to take the necessary measures to ensure that terrorist-linked offences include aggravated theft, extortion and drawing up false administrative documents with a view to commit certain terrorist offences.

According to Article 4, inciting or aiding or abetting offences referred to in the Framework Decision should also be made punishable.

Annex 3

Implementation of the EU Framework Decision on Combating Terrorism in member states which provided Eurojust with information on convictions.

Belgium

At the start of 2007, a Royal Decree entered into force making it easier for the financial administrative authorities to freeze the assets of individuals involved in terrorist offences, as described in the 19 December 2003 Act on Terrorism. A second new bill was published on 15 May 2007 on the insurance against damage caused by terrorist acts. This new law supports the victim of a terrorist act in receiving compensation. Also, a Royal Decree of October 2006 entered into force on 15 June 2007, allowing a check of financial transactions, in order to fight money laundering and financing of terrorism.

Denmark

After the introduction of the first anti-terrorism package on 31 May 2002, the Danish Parliament passed an updated package on 2 June 2006. In the Criminal Code, the definition of the concept of terrorism has been laid down in Section 114. Recruitment for terrorism, as well as training, instruction and teaching have been criminalised in Sections 114c and 114d. Aiding and abetting to terrorism is punishable with up to 6 years in prison according to Section 114d. Through amendments to the Administration of Justice Act, investigative powers have now been strengthened for both the police and the intelligence service. The amendment in 2006 also allowed a less restricted access to exchange of information between the Security Intelligence Service and the Defence Intelligence Service. In September 2007, a new provision of the Administration of Justice Act entered into force, allowing for the storage of Internet and telecommunications data for an one-year period.

France

Since 9 September 1986, the French law has provided for the possibility that the prosecution, investigation and judgement of terrorist offences take place in Paris. In practice, all terrorist cases are centralised in Paris. Since then, the French leg-

islation concerning incrimination of terrorist acts (including financing of terrorism) as well as rules governing the criminal proceeding have been regularly amended, most recently in January 2006. Terrorist acts are defined by Articles 421-1 to 422-7 of the Penal Code. French law refers in particular to existing offences that are qualified as terrorist acts "where they are committed intentionally in connection with an individual or collective undertaking the purpose of which is seriously to disturb public order through intimidation or terror". The law also provides for the participation in a group or association in order to prepare any act of terrorism. Concerning the criminal proceedings, it should be noted that, since 2004, specific provisions have applied to terrorist offences. They mainly concern surveillance, infiltration, custody, searches, interception of telecommunications, taking of audio recordings and visual images in specified vehicles and places, and measures to freeze property.

Germany

At the end of 2003, the Criminal Code was updated to implement the 2002 Council Framework Decision. In September 2007, new provisions in criminal law were proposed to extend the criminalisation of preparatory terrorist acts (falling under Sections 129 a and b of the Criminal Code), and punish with up to 10 years in prison instead of 6 months. With these proposals, training and receiving of training will be criminalised. Also, the manufacturing or possession of weapons or fluids and gasses which can be used for preparing to commit terrorist acts will be criminalised. A further provision will be introduced criminalising incitement to terrorism on the Internet and penalising this crime with up to 3 years in prison.

Greece

Article 187a of the Greek Criminal Code contains some of the provisions implementing the Council Framework Decision. In this section, threats to commit terrorist acts are criminalised, when they are serious enough and cause terror. Also, the setting up and membership of a structured organisation of more than three persons, acting together and planning to commit terrorist acts is made punishable with up to 10 years' imprisonment. Article 187 provides that perpetration of the acts

mentioned in article 187a may carry up to a life sentence. After serving 25 years, the convicted person can be released from prison on the basis of article 105 of the Criminal Procedure Code. Special investigation techniques are allowed under article 253a of the Criminal Procedure Code. Prosecutions on the basis of article 187a are brought before the Council of the Court of Appeal.

Ireland

Terrorist acts are prosecuted under the Offences Against the State Acts 1939 to 1998, in combination with the Criminal Justice (Terrorist Offences) Act 2005. The Criminal Justice Act 2005 provides for Ireland's compliance with the Council Framework Decision of 2002. The Offences Against the State Acts provide, amongst others, for the offences of membership of, providing assistance to, and directing an unlawful organisation. The Criminal Justice Act strengthens the possibilities to deal with international terrorism and regulates that groups that engage in, promote or encourage the commission of a terrorist activity are unlawful organisations under the Offences Against the State Acts. Terrorist offences are tried at the Special Criminal Court which was established under the Offences against the State Acts.

Italy

Terrorism is defined under Article 270 of the Criminal Code; the definition dates back to 1980. An amendment in 2001 extended the definition of terrorism to include violence against international organisations and foreign States. On 31 July 2005, a new definition and new offences (such as recruitment and training) were introduced reflecting elements of the Council Framework Decision of 2002. New measures to prevent and combat financing of terrorism were introduced in 2007, according to Directive 2005/60/CE. On 29 December, new measures concerning expulsion in case of terrorism were adopted.

Spain

In October 2007, the government of Spain passed a law in accordance with the Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006: Law 25/2007 on Electronic

Communications. The object of the law is the regulation of the providers of public electronic communications services (fixed network telephony, mobile telephony and Internet) concerning their obligations with respect to the retention of data while providing a service, as well as the possibility to make that data available to the persons in charge of an investigation (with the permission of a judicial authority). The law will apply to the traffic and localisation of both legal entities and natural persons and to the related data necessary to identify the subscriber and registered user. It will not apply to the content of the electronic communications or to the information consulted using an electronic communications network. The provider will have to keep the data for a year, with a possibility to extend the period to 2 years or to reduce it to 6 months. The companies will have 6 months after this law has entered into force (7 November 2007) to prepare the equipment required to comply with the law.

the Netherlands

A bill allowing increased possibilities for investigation and prosecution of terrorist crimes came into force on 1 February 2007. The new law penalises the establishment of a new terrorist organisation, as well as participation to or leadership of a terrorist organisation. Conspiracy to commit terrorist crimes and recruitment for the *Jihad* is also specifically criminalised. Further preventative measures have been introduced in the criminal procedure law. On the basis of a Decision on investigation of terrorist offences, of the same date, further executive measures may be proscribed by special legislation. Finally, at the end of 2006, a new bill was introduced allowing witnesses protected by the intelligence services to testify in court, thus facilitating the use of intelligence materials in terrorism proceedings.

United Kingdom

The UK is one of the countries where anti-terrorism legislation has been in place for many years. The Terrorism Act of 30 March 2006 put in place a number of new offences, including preparatory acts, training, encouragement to terrorism and dissemination of terrorist publications. In 2007, new proposals were put forward to change the

counter terrorism legislation. The main elements proposed in the new bill are: a possible extension of pre-charge detention for terrorist suspects beyond the current limit of 28 days; a requirement for convicted terrorists to provide the police with personal information on their release from prison and to notify any changes to this information; introduction of a foreign travel order that will enable convicted terrorists to be banned from travel-

ling overseas; changes to enable post-charge questioning of terrorist suspects and the drawing of adverse inferences from a refusal to say something that is later relied on in court; enhanced sentences for those convicted of terrorist related offences; putting the police counter terrorist DNA database on a sound statutory footing and making other changes to enable the full use of DNA in terrorist cases.

Annex 4: Failed, foiled and successfully executed attacks in 2006¹³³ and 2007 per member state and affiliation.

Member State	Islamist		Separatist		Left Wing		Right Wing		Single Issue	Not Specified	Not Specified	Total	Total
	2006	2007	2006	2007	2006	2007	2006	2007	2007	2006	2007	2006	2007
Austria	0	0	0	0	0	1	0	0	0	1	0	1	1
Belgium	0	0	0	0	0	0	0	0	0	0	0	0	0
Bulgaria	-	0	-	0	-	0	-	0	0	-	0	-	0
Czech Republic	0	0	0	0	0	0	0	0	0	0	0	0	0
Cyprus	0	0	0	0	0	0	0	0	0	0	0	0	0
Denmark	0	1	0	0	0	0	0	0	0	0	0	0	1
Estonia	0	0	0	0	0	0	0	0	0	0	0	0	0
Finland	0	0	0	0	0	0	0	0	0	0	0	0	0
France	0	0	283	253	0	0	0	0	0	11	14	294	267
Germany	1	1	0	15	10	4	0	0	0	2	0	13	20
Greece	0	0	0	0	-	2	0	0	0	0	0	-	2
Hungary	0	0	0	0	0	0	0	0	0	0	0	0	0
Ireland	0	0	1	0	0	0	0	0	0	0	0	1	0
Italy	0	0	0	0	11	6	0	0	0	0	3	11	9
Latvia	0	0	0	0	0	0	0	0	0	0	0	0	0
Lithuania	0	0	0	0	0	0	0	0	0	0	0	0	0
Luxembourg	0	0	0	0	0	0	0	0	0	0	0	0	0
Malta	0	0	0	0	0	0	0	0	0	0	0	0	0
Poland	0	0	0	0	0	0	1	0	0	0	0	1	0
Portugal	0	0	0	0	1	0	0	1	1	0	0	1	2
Romania	-	0	-	0	-	0	-	0	0	-	0	-	0
Slovakia	0	0	0	0	0	0	0	0	0	0	0	0	0
Slovenia	0	0	0	0	0	0	0	0	0	0	0	0	0
Spain	0	0	136	264	8	8	0	0	0	1	7	145	279
Sweden	0	0	0	0	0	0	0	0	0	0	0	0	0
the Netherlands	0	0	0	0	0	0	0	0	0	0	0	0	0
UK	0	2	4	-	0	-	0	-	-	1	-	5	2
Total	1	4	424	532	30	21	1	1	1	16	24	472	583

¹³³ Excluding disputed data concerning attacks in Belgium and Greece for 2006.

Annex 5: Arrests in 2006 and 2007 per member state and affiliation

Member State	Islamist		Separatist		Left Wing		Right Wing		Single Issue	Total	Total
	2006	2007	2006	2007	2006	2007	2006	2007	2007	2006	2007
Austria	0	5	1	0	0	0	0	3	0	1	8
Belgium	1	9	0	1	1	0	12	0	0	14	10
Bulgaria	-	4	-	0	-	0	-	0	0	-	4
Czech Republic	0	0	0	0	0	0	0	0	0	0	0
Cyprus	0	2	0	0	0	0	0	0	0	0	2
Denmark	9	9	0	0	0	0	0	0	0	9	9
Estonia	0	0	0	0	0	0	0	0	0	0	0
Finland	0	0	0	0	0	0	0	0	0	0	0
France	139	91	188	315	15	3	0	0	0	342	409
Germany	11	3	4	8	5	4	0	0	0	20	15
Greece	0	0	0	0	0	0	0	0	0	0	0
Hungary	0	0	0	0	0	0	0	0	0	0	0
Ireland	0	0	4	24	0	0	0	0	0	4	24
Italy	34	21	0	0	25	23	0	0	0	59	44
Latvia	0	0	0	0	0	0	0	0	0	0	0
Lithuania	0	0	0	0	0	0	0	0	0	0	0
Luxembourg	0	0	1	0	0	0	0	0	0	1	0
Malta	0	0	0	0	0	0	0	0	0	0	0
Poland	0	0	0	0	0	0	3	0	0	3	0
Portugal	0	1	0	0	0	0	0	31	0	0	32
Romania	-	1	-	2	-	0	-	0	0	-	3
Slovakia	3	1	0	1	0	0	0	0	0	3	2
Slovenia	0	0	0	0	0	0	0	0	0	0	0
Spain	51	48	28	196	6	17	0	0	0	85	261
Sweden	3	2	0	0	0	0	0	0	0	3	2
the Netherlands	6	4	0	1	0	1	0	10	0	6	16
UK	-	-	-	-	-	-	-	-	-	156	203
Total	257	201	226	548	52	48	15	44	0	706	1044

PAGINA BIANCA

OCTA 2008 EU ORGANISED CRIME THREAT ASSESSMENT

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PAGINA BIANCA

TABLE OF CONTENTS

Foreword by the Director	5
1. Introduction	7
2. General assessment of the Organised Crime groups	11
2.1. Non-EU-based groups	14
2.2. Intermediary situations	15
2.3. EU-based groups	16
2.4. Functionality as a defining factor of Organised Crime	17
2.5. Trends and developments	18
3. Criminal markets	19
3.1. Drugs trafficking	21
3.2. Crimes against persons	23
3.3. Fraud	25
3.4. Counterfeiting	26
3.5. The horizontal dimension of the criminal markets	28
4. The Organised Crime landscape	31
4.1. The North-West region: The Atlantic region	33
4.2. The North-East region: Approximating the Baltic Sea region	36
4.3. The South-East region	38
4.4. The South-West region: The Iberian Peninsula and beyond	40
4.5. Nodes of attraction: Criminal hubs	42
Notes	49



FOREWORD BY THE DIRECTOR



I am delighted to present the third European Union Organised Crime Threat Assessment (OCTA). The OCTA is a core product of the intelligence-led law enforcement concept and its drafting is one of Europol's top priorities.

The OCTA is, as its name suggests, a threat assessment of current and expected new trends in organised crime (OC) across the EU. The assessment is based upon existing knowledge and expertise and it is drawn up in order to enable decision-makers to take the appropriate action to counter the anticipated threat.

The OCTA marks a new approach to the way in which Europol and the Member States operate and it is a first step to a change of paradigm in policing. The OCTA fits in firmly with the aim of

'The Hague Programme' to provide a forward-looking approach to fight OC in a more proactive than re-active manner. The OCTA allows the EU to develop complementary measures to countering OC, linking those at the ministerial and political levels with those of practitioners and law enforcement agencies who operate at the front line.

The OCTA as a tool, and the ensuing Council Conclusions based on the OCTA from 2006 and 2007, have already had a significant impact on the law enforcement community throughout Europe in terms of practices and priorities. This is the case, for instance, through the European Police Chief Task Force (EPCTF/COSPOL) framework at the common EU level, the Baltic Sea Task Force, the Operational Inter-organisational Action Plan to Fight Human Trafficking in Greece (ILAEIRA), the Maritime analysis and operations centre – narcotics (MAOC-N) in Lisbon, at Europol and within the individual Member States.

A great number of people and various organisations have contributed to the production of the 2008 OCTA. This deserves to be recognised. All Member States have provided their respective contributions. Valuable contributions have also been received from other institutions at the EU-level such as ECB, EMCDDA, Eurojust, Frontex and OLAF. Additionally, a number of

third parties provided valuable assistance in building up the picture of OC as it impacts upon the EU. We are grateful to our law enforcement partners in Canada, Colombia, Norway, Russia, Switzerland and the US as well as to ICPO/Interpol and SECI for their cooperation. The novel approach taken in producing this work has also seen consultation with a number of partners from the private sector and academia and their cooperation has added significant value to the OCTA. Finally, and perhaps most importantly, the staff of Europol deserve recognition for their efforts

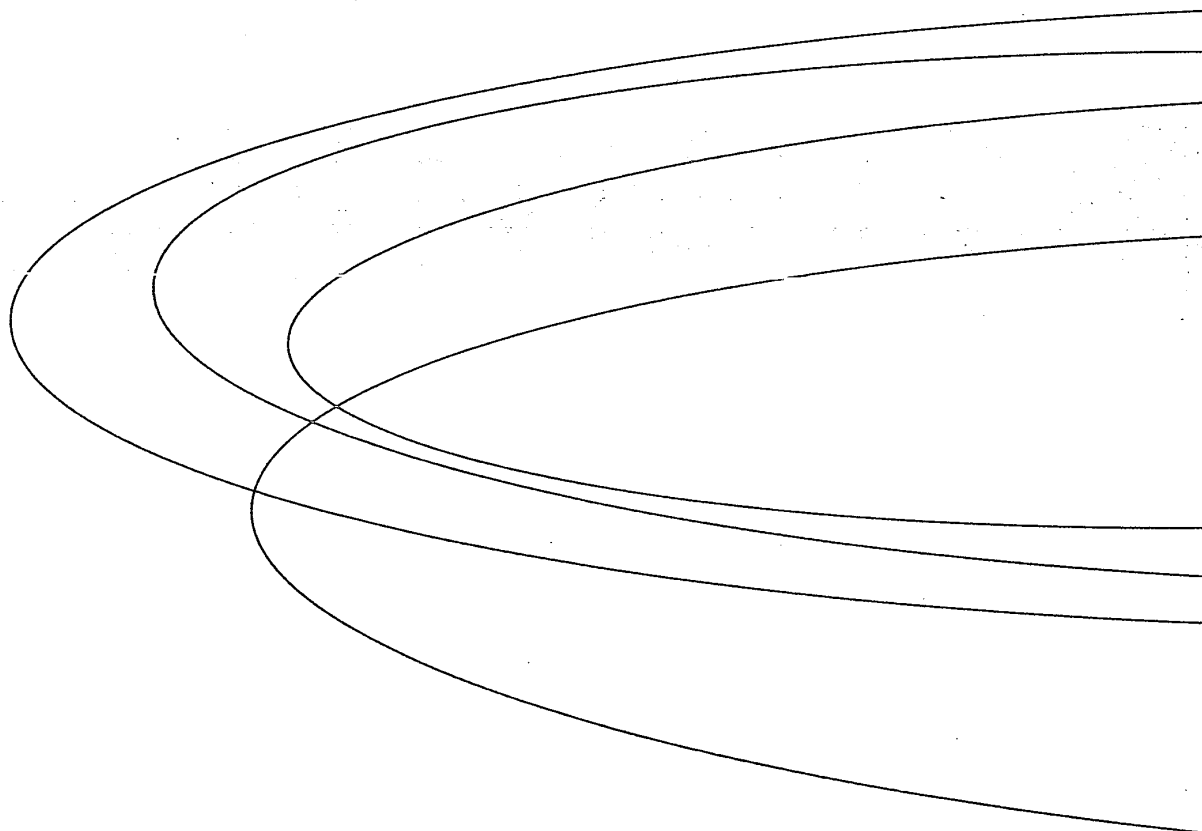
to produce this document. I appreciate and thank them for their on-going efforts in the production and development of this significant and pioneering work.

The 2008 OCTA will be another important step to raise the level of cooperation between various competent authorities in the Member States as well as with the EU institutions and agencies as such. This will contribute to further develop the common space of freedom, security and justice in the European Union.



Max-Peter Ratzel
Director of Europol

1. INTRODUCTION



PAGINA BIANCA

1. INTRODUCTION

In response to 'The Hague Programme', the first OCTA was introduced and later endorsed by the Council during their meeting on 1-2 June 2006. The OCTA, and the ensuing Council Conclusions based on the OCTA from 2006 and 2007, have already had a significant impact on law enforcement work throughout Europe. This third OCTA will provide an important platform for the evaluation of the Council Conclusions of 2006 and 2007.

The OCTA covers the EU. However, it cannot be neglected that Europe, due to its geography and its cultural, social and historical differences, is not a homogeneous structure and so may also require a regional priority setting. Therefore, although the European dimension is the prime focus, the OCTA also accounts for regional divergences. In order to enhance the understanding of events within the EU, consideration of the international arena is at times necessary.

To support decision-makers in the best possible way, the OCTA provides a well-targeted qualitative assessment of the threat from OC. The OCTA is based on a multi-source approach, including law enforcement and non-law enforcement contributions. These include various European agencies as well as the private sector. A specific emphasis is put

on elaborating the benefits of an intensified public-private partnership. The OCTA helps to close the gap between strategic findings and operational activities. The OCTA helps to identify the highest priorities, which will then be effectively tackled with the appropriate law enforcement instruments. The OCTA suggests strategic priorities, but it needs to be realised that the OCTA itself is not detailed enough to pinpoint specific criminal investigations.

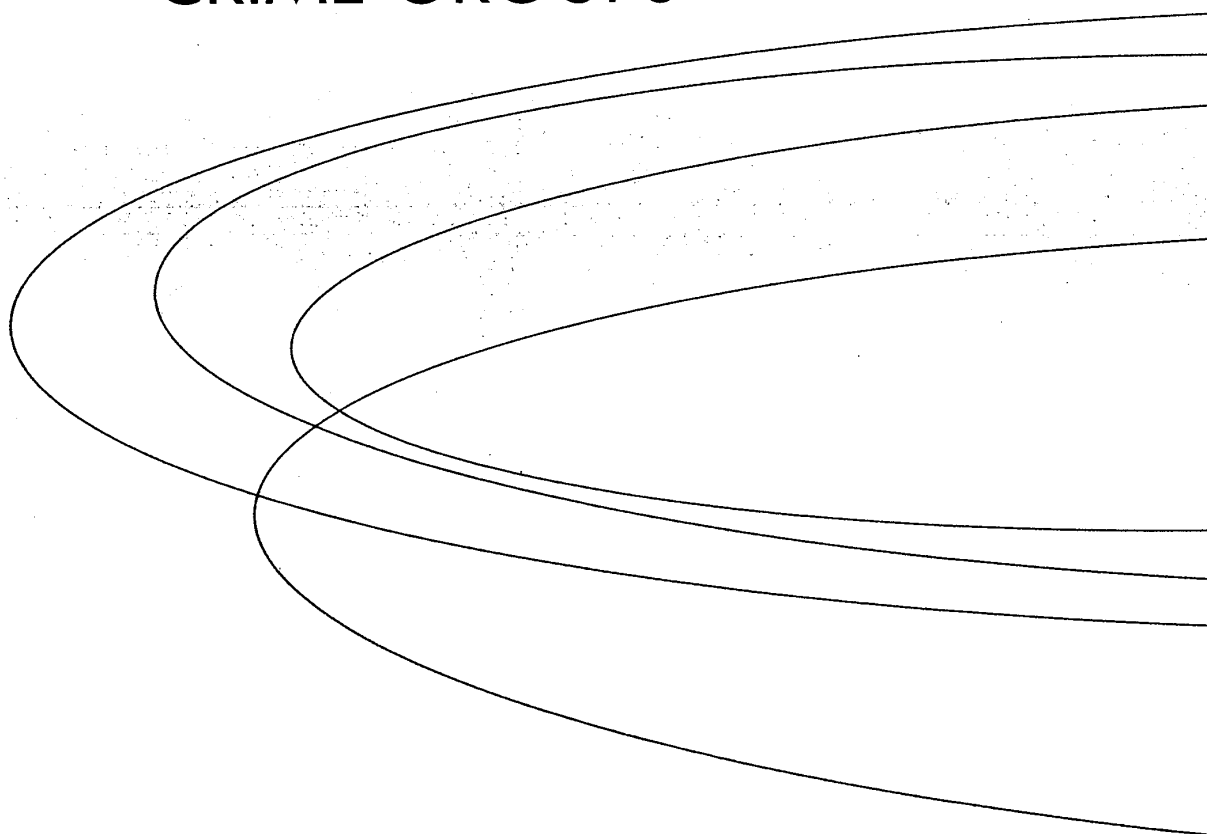
The structure of the 2008 OCTA follows the general conceptual model for the analysis, starting with an assessment of the OC groups, followed by an analysis of the criminal markets and ending with an assessment of the regional dimension of OC impacting on the EU.

The OCTA is always being enhanced. Methodological and other issues are continuously being addressed in close cooperation with the Member States to allow for the further enhancement of the OCTA. The methodology and procedures for its completion have been amended. Overall, the changes which have been introduced have all contributed to enhancing the quality of the OCTA.

The OCTA does not cover terrorism or terrorist networks.

PAGINA BIANCA

2. GENERAL ASSESSMENT OF THE ORGANISED CRIME GROUPS



2. GENERAL ASSESSMENT OF THE ORGANISED CRIME GROUPS

Organised Crime (OC) groups can be assessed by using a typology based on the OCTA indicators. This typology helps to identify specific types of OC groups in any Member State and also to assess their most threatening aspects. The typology is not a scientific statistical exercise but is created to evaluate and showcase functional differences in the OC groups.

In the 2007 OCTA, much of the analysis was focused on assessing the seven individual indicators related to the OC groups, that is:

1. The international dimension;
2. Group structures;
3. Use of legitimate business structures;
4. Specialisation;
5. Influence;
6. Use of violence;
7. Counter-measures.

This focus is built upon in the 2008 OCTA. Based on the indicators, the OC groups reported by the Member States can roughly be divided into three main categories. These are tradi-

tionally indigenous OC groups or *EU-based groups*; traditionally non-indigenous or *non-EU-based groups*; and finally the *intermediary situations* including both second generation OC groups and groups that combine aspects of both non-EU and EU-based groups.

A way of visualising the main types is represented below in Figure 1. The development of the groups along the line of the strategic centre of gravity takes into consideration how the international dimension is used by the group, what structural indications can be discerned and whether there are any apparent changes in these, where the groups' leaders and assets are placed, where and how effectively they use corruption and violence, what are the groups' capabilities to exploit legal business structures, and how well and for which specific purposes they exploit specialists and counter-measures. Another factor in defining the groups' strategic centre of gravity is to consider whether and how the groups hinge on an ethnic community of reference to facilitate their criminal activities.

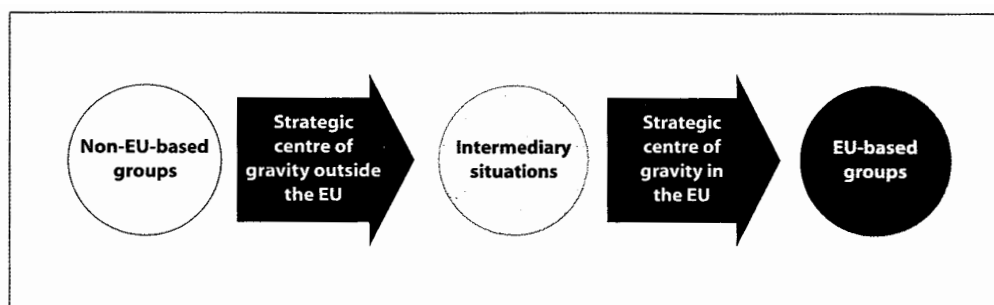


Figure 1: Types of OC groups in relation to their strategic centre of gravity

2.1. Non-EU-based groups

Non-EU-based groups pertain to criminal organisations that have a strong international dimension so that in most cases both leaders and assets of the group are located outside the EU. These groups can be regarded as 'visitors'; in most cases only cells of the group are present and visible in the EU. Although these cells are in most cases led from outside the EU, the level of organisation of these groups inside the EU is still relatively low. Contacts with the countries of activity are kept to a minimum and the international dimension is used to its fullest extent for shielding purposes and to support the criminal activities.

This category is often represented by hierarchically organised groups. Their criminal activities are normally linked to the use of legal business structures and also the use of high-level corruption against law enforcement or the judiciary,

public administration and politics outside the EU. The use of violence, in most cases outside the EU, is also a strong general characteristic of this type of groups whilst the use of specialists is on a much more basic level.

Non-EU-based groups differ from EU-based groups in one specific aspect: their strategic centre of gravity and interests are mainly outside the EU, and many groups only exploit the crime markets in the EU for profit. These groups are often so-called supplying groups; they either provide people, goods or drugs for the EU markets after which they repatriate the profits to the origin. In some cases they also take care of the final distribution, but may also leave these functions to other groups. This approach often leaves EU law enforcement in the dark of the origin and the organisers of the crime while also making it extremely difficult to identify, re-trace and confiscate the criminal proceeds.

2.2. Intermediary situations

The intermediary situations are among the most interesting types of and developments in OC groups. In general they are relatively independent structures and not only cells of larger OC groups controlled from abroad. The location of the centre of gravity of these groups is to a large extent dependent on their second generation or assimilation process so that in the end the level of presence in the EU grows while the possibility to shield behind the international dimension decreases. In general these groups are developing along the lines and direction of EU-based groups.

The intermediary situations include two main types of groups, *second generation groups* and *groups combining aspects of both non-EU-based and EU-based groups*.

2.2.1. Second generation groups

The second generation groups are in many functional ways flanked by the non EU-based and EU-based OC groups but progressing towards the latter. The defining factor in this development is the assimilation process through which the groups become more ingrained in the societies of their countries of activity.

These groups do not form a homogenous amalgamation. Some of them are still in active contact with the mother group located in the origin country and in some cases procure goods or services from it. In a more progressed stage the group has gradually cut its ties with its mother group and rather hinges on ethnic communities present in the EU for cover, markets and recruitment. In the most advanced intermediary situation the group relies partly

on the exploitation of the ethnic community, but has also become more prepared to use corruption or influence, in some cases also violence, and all in all gain an enhanced access to legal structures in the EU. The group enhances its presence in the EU but simultaneously shields some of its functions behind its international dimension (for instance in the form of language, family ties or values), which guarantees it a sound insulation against law enforcement and other OC groups.

There are indications that certain groups traditionally considered insulated outside the EU and only involved in procuring various commodities to EU-based groups are established in the EU.

2.2.2. Groups combining aspects of both non-EU-based and EU-based groups

The groups combining aspects of both non-EU-based and EU-based groups are comprised of groupings that in their criminal activities combine the insulating features of groups based outside the EU and the level of presence in the EU of indigenous groups. The centre of gravity of these groups can be described to be in every country of activity. They are as such not evolving along the lines of the second generation development.

In most cases these groups are not independent OC groups but more accurately geographically spread networks often involved in trafficking or smuggling activities. These are often made up of several relatively independent and equal groups or cores which activate when a certain type of goods or certain nationality of people or certain country of the trajectory becomes relevant.

2.3. EU-based groups

EU-based groups refer to OC groups that have both their leaders and at least a substantial part of their assets inside the EU. They are in general defined by the use of legal business structures, actively employ specialists in their criminal activities and, in most cases, use corruption inside the EU against low-level representatives of law enforcement or the judiciary. However, the type and level of corruption applied by the groups varies somewhat. Although decidedly fewer groups try to use corruption on a higher level and also against public administration and the political context, these contacts do occur.

The use of violence is in many cases not a defining characteristic of this type since the need for its use is in many cases made obsolete by the ability of EU-based groups to use other, more sophisticated and less conspicuous means to facilitate their criminal business. However, there are important exceptions to this rule.

On an organisational level EU-based groups are efficiently organised and support task diversification and specialisation. These structures are resilient in relation to the outside world. On the other hand, they are not always able to use the international dimension for effective shielding purposes, which can make them relatively vulnerable to law enforcement action.

EU-based groups can comprise several structural types but current data suggests that hierarchically based groups, and certain oriented clusters are typical of this category. The concept of 'oriented cluster' is described in the 2007 OCTA.

Even though modern criminal organisations often invest their assets and launder their criminal proceeds in various locations around the world and are active in numerous countries and even continents, the strategic centre of gravity of EU-based groups is still located in their origin in the EU.

2.4. Functionality as a defining factor of Organised Crime

On the whole the majority of the groups reported by the Member States are located between pure EU-based and non-EU-based groups. This development can be explained by various factors: it is possible that many supplying groups, or non-EU-based groups, want to better safeguard their business interests in the EU and maybe also get more involved in the final phases of the supply chain, namely distribution and money laundering. They may even wish to expand their business into other criminal markets located in the EU. Originally non-indigenous OC may also regard the borderless EU as a good location to invest some of the

immediate criminal proceeds and to get involved in profitable legal business structures, especially if the risk of involvement is dispersed and some parts of the overall interests of the criminal organisation are maintained outside the EU in the origin. Additional information is in any case required in order to confirm these factors.

These factors may also explain why certain non-indigenous and originally non-EU-based groups of one and the same dominant ethnicity can be located in different developmental phases. Based on this it can be suggested that the functionalities and strategic interests of a group and the relevant criminal markets in many cases override ethnicity as a defining factor of OC.

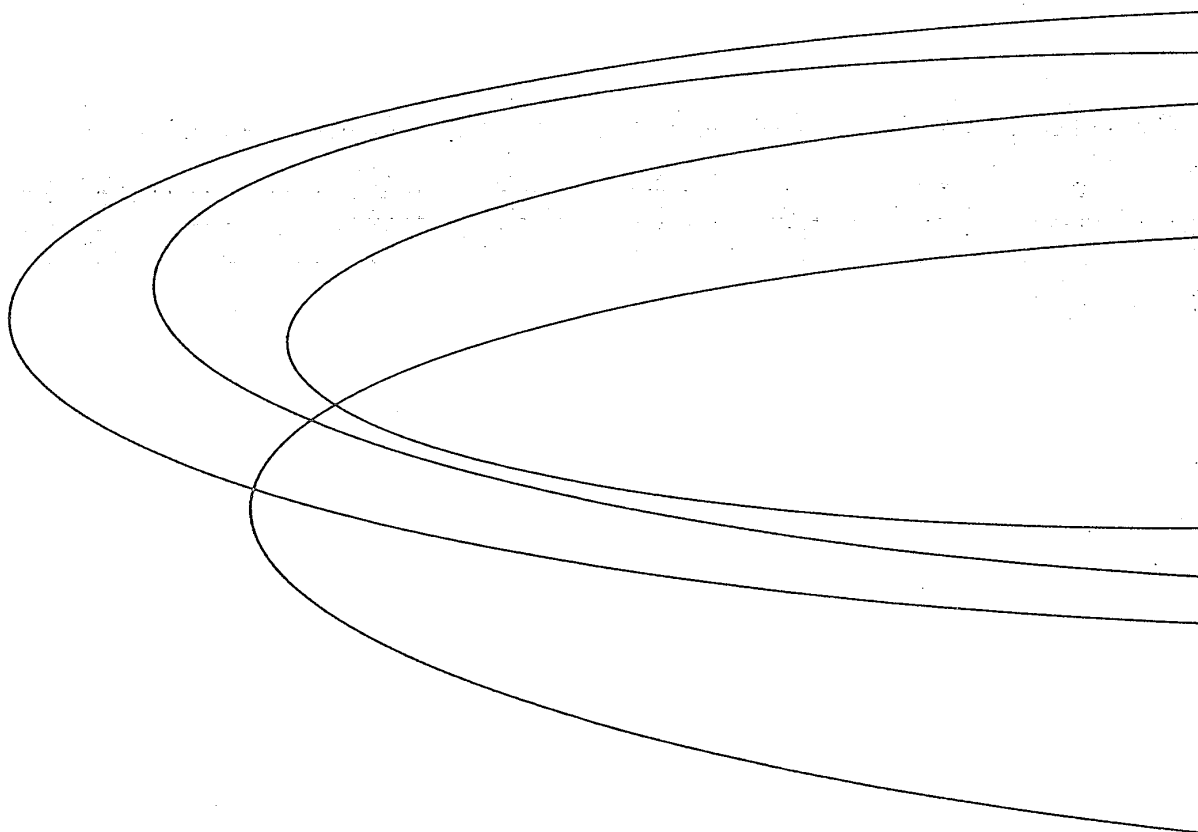
2.5. Trends and developments

According to the data contributed to the 2008 OCTA certain trends and developments in relation to OC groups can be emphasised:

- The OC environment in the EU is evolving and dynamic. Some non-EU-based groups seem to be displaying characteristics of intermediary situations while others remain relatively purely non-EU-based.
- Some groups in intermediary situations are increasingly featuring members from a mixed background so that several ethnicities and nationalities, including that of the countries of activity, are represented. Their leaders, probably wanting to safeguard their overall strategic interests, often reside both in the countries of activity and origin.
- The second generation development is an important aspect to be taken into consideration by law enforcement. Some OC groups are already showcasing a significant use of legal business structures both to facilitate criminal activities but also to launder criminal proceeds and to get established in legal business. They are also prepared to use influence and corruption in the EU both in the public and private contexts. This indicates an increasing awareness of the functions of the EU societies of these groups but also reflects their specific zeal and readiness to control any aspect possibly affecting the criminal business.

PAGINA BIANCA

3. CRIMINAL MARKETS



PAGINA BIANCA

3. CRIMINAL MARKETS

The first two editions of the OCTA addressed criminal markets through the study of a number of facilitating factors which in various ways have a horizontal effect on different types of crimes, namely:

1. Document forgery and identity fraud;
2. Technology as a facilitating factor;
3. The misuse of the transport sector;
4. The exploitation of the financial sector;
5. Globalisation and borders.

In the 2008 OCTA, the detailed assessment of the facilitating factors themselves is built upon by a thorough analysis of crimes through the same analytical perspective.

The crime types addressed are:

- Drugs trafficking;
- Crimes against persons with a focus on the exploitation of illegal immigration and trafficking in human beings (THB);
- Fraud;
- Counterfeiting, including euro counterfeiting.

Money laundering will be addressed in the ensuing assessment of the horizontal dimension of the criminal markets.

3.1. Drugs trafficking

Large scale importation of **cocaine** into the EU is dominated by Colombian OC groups. They profit from the historic and linguistic links with Spain but also Portugal, as well as from the long coastline of the Iberian Peninsula and well established Colombian communities there. Colombians and Spanish nationals are used to co-operate within this drug market and recently also cooperation with Nigerian groups is frequently reported.

Instead of direct transport towards the EU, OC groups may prefer to go via the Caribbean or recently via West Africa. West Africa is increasingly gaining in importance as a trans-shipment zone. Recently, Colombian OC groups have developed relationships with their Moroccan counterparts in order to make use of the traditional cannabis smuggling routes, thereby enabling the onward transport of cocaine to the EU.

Most **heroin** is originating from Afghanistan. Heroin trafficking towards and within the EU continues to be dominated by Turkish OC groups. Turkey has ties with Afghanistan and with countries such as The Netherlands, Belgium, France, Germany and the UK. The

majority of heroin is still transported via different branches of the Balkan routes, but a considerable amount is trafficked via the Northern Black Sea route which is gaining in importance.

Dutch and to a lesser extent Belgian OC groups still dominate the major production of **synthetic drugs** in the EU, profiting from their knowledge and experience and with trafficking facilitated by major ports such as Antwerp and Rotterdam which also act as important trans-shipment points, for instance for cocaine trafficking. However, large scale MDMA (ecstasy) production continues to spread, in particular in Indonesia, Canada and Australia. In some cases the use or support of criminal expertise from the EU has been observed.

Within the EU, an increase of large scale production sites outside the Dutch-Belgian region can also be noticed.

It is expected that the accession of Bulgaria and Romania will influence the EU market in synthetic drugs. Bulgarian OC groups are producing amphetamine tablets currently trafficked to the Middle East. In this context, there are indications that laboratories are moving towards destination countries in the Middle East. The large transport possibilities (Black Sea harbours and important Pan-European

corridors) can further facilitate the production and trafficking of synthetic drugs and possibly also the trafficking of precursors, from principal source countries such as China and Russia, towards Western Europe.

All these developments might indicate that regions of the world will become self-sufficient in synthetic drug production and distribution. With this in mind, the global dominance of Dutch and Belgian OC groups in relation to MDMA may diminish over time.

The **cannabis market** is the largest illicit drug market so far. Cannabis originating from Morocco enters the European continent via Spain and is often transported to The Netherlands for further distribution. Spanish and Moroccan nationalities are predominant within this activity and cooperation with other nationalities allow successful results. The Netherlands is an important producer of cannabis herb when focussing on the European market. Indoor cultivation of cannabis is also increasing in the Czech Republic by making use of technological skills and equipment originating in The Netherlands. The actual growing of cannabis is sometimes outsourced either to other people who have financial problems and set up a nursery in their own home or to labourers from Eastern Europe who are forced to employ their skills to grow Nederweed.

3.2. Crimes against persons

Facilitation of illegal immigration and trafficking in human beings (THB) are two distinct crime fields requiring specific responses and responsibilities. Nevertheless, there are some overlapping areas concerning facilitating factors and conditions feeding into these crimes and influencing their developments. Moreover, it cannot be ruled out that, in real cases, incomplete information might lead to the classification of victims of THB as facilitated illegal immigrants, or the other way round. The possibility that illegal immigrants find themselves exploited at a later stage by OC groups not involved in their smuggling must be taken into account as well. This last consideration opens up for a wider reflection on how OC can profit from illegal immigrants.

ID fraud and borders will continue to be important factors in THB and facilitation of illegal immigration. Land and sea borders can be crossed clandestinely without resorting to ID fraud. When overstaying the validity period of a legal visa or residence permit, ID fraud is not needed either. Otherwise, stolen or forged travel documents are necessary and this is the main method used when entering the EU by plane illegally. Documents that allow entrance or residence in the EU can also be genuine but obtained on false grounds.

There are some variables that can be regarded as crucial for the future dynamics of THB and facilitation of illegal immigration in the EU.

One of these factors is the pool of potential victims or illegal immigrants in Ukraine, Belarus, Moldova and Russia. Romanian and Lithuanian OC groups will be prevalent in profiting from this situation. In addition, other important actors appear to be the Polish OC groups, which are dominating THB in and via Poland.

Another important variable is the impact of the recent EU accession of Romania and Bulgaria.

Certain OC groups, such as the Romanian, Polish, Lithuanian ones, will continue to profit from their being EU-based and being able to recruit human beings not only from the Member State where they are centred but also from outside the EU. Other OC groups, such as indigenous and ethnic Albanian ones, will continue to try to keep their market position also by exploiting human beings trafficked by the aforementioned OC groups.

The other crucial set of variables includes the dynamics linked to the African continent.

Every year, tens of thousands of Africans attempt to enter the EU illegally. Africa is also being used by larger and more structured OC groups involved in smuggling immigrants from other continents, particularly East, South and Southwest Asia.

The role of Africa in THB for sexual exploitation into the EU seems to be mainly played by Nigerian OC groups. Nigerian criminals usually take care of all phases of the trafficking and exploitation process.

Another crucial variable is illegal immigration from China. Chinese OC networks facilitate the illegal immigration of Chinese people into the EU. There are factors that may generate an increase in the exploitation of forced labour, and lead to an expansion to new forms of exploitation such as for sexual purposes that are more likely to lead to contacts and visibility beyond the limits of the Chinese community.

Concerning Southeast Asia, intelligence suggests that other nationalities, such as Vietnamese, are emerging in the criminal fields of

facilitation of illegal immigration and THB. This points to the possible growth of a new significant front in the fight against these crimes.

It is also important to monitor the evolving situation in the Black Sea region. Criminal groups active in this area are involved in the facilitation of illegal immigration of nationals from their own regions, but they are also used

as service providers by facilitators from outside the regions. The most serious and immediate risk is posed by the major ports of Odessa, Istanbul, Constanta and Varna. They are used as transport and transit hubs for international shipments.

The security situation in Iraq has a significant impact on illegal immigration from that country to several Member States.

3.3. Fraud

Fraud comprises various differing criminal phenomena ranging from VAT, investment and social security fraud into fraud on EU funds and public tenders. Also intellectual property rights (IPR) issues and cigarettes, alcohol and gasoline smuggling are regarded as fraud due to their direct and indirect financial and tax implications (theft or evasion of revenue). Fraud features more sophisticated and complicated schemes crossing the globe and involving various bogus and real companies, such as trade fraud, but also more straightforward scams orchestrated simply to lure gullible individuals into parting with their monies, such as some forms of advance-fee fraud.

Fraud can be typified and discussed according to its main objective: fraud with direct financial benefits, and fraud with further interests to influence the society and economy (penetration into society, acquiring a legal appearance, strengthening the control over territory through the control of local administrations, establishment of new criminal business, laundering criminal proceeds, etc.). It can be argued that in the end all fraud purports to financially benefit its perpetrator but this is not the sole purpose and *raison d'être* of fraud; OC can use it in a more functional way to attach itself into various legal structures and either exploit or penetrate them. In some cases the blatant money-making aspect of fraud actually misleads both law enforcement and society in general into overlooking it as nothing but.

However, fraud supports financially many threatening forms of OC. It is in many cases the latch that OC can use to penetrate society and

economy almost unnoticed. This penetration can have far-reaching implications especially when it is combined with the use of corruption to influence important political and economic decision-making locally, regionally and nationally. The most threatening aspect of fraud is that it can be used by OC to gain a strong foothold in various sectors from construction to transport aided by cumulative fraudulent practices and subsequent lower prices offered by OC-related businesses.

Thus, fraud has a far-reaching impact on society as a whole that surpasses its direct financial implications. This applies specifically to venture and trade fraud, where fraud on EU funds (public tenders and procurement) is an example of the former, and trade fraud is a main heading for different types of crimes and fraudulent practises that exploit, in various ways, the borders between the buyer, the seller, and the possible intermediaries. These expose certain key vulnerabilities in society and the economy that can be exploited by OC with grave destabilising consequences.

Concerning payment card fraud, OC can exploit the readily available technological expertise and equipment (skimming devices, hackers, phishing kits, etc.) on offer, the fact that payment card fraud is a global problem but that the relevant tools against it are mainly national, and the growing use of the Internet providing new vulnerabilities to be exploited for stealing and abusing data. The main threat in relation to payment card fraud is that OC supported by external experts increasingly gets involved in payment card fraud and, aided by its resources, develops more and more efficient means of stealing high volumes of data.

3.4. Counterfeiting

Counterfeiting is an illegal activity encompassing a wide range of criminal fields. It can be a crime in itself, a specialisation and a facilitating factor for other crimes.

Counterfeiting can be divided in three main categories:

- Currency counterfeiting (banknotes and coins);
- Documents counterfeiting (ID, freight, vehicle, excise, etc.);
- Commodity counterfeiting (intellectual property rights infringements).

Currency counterfeiting, and in particular that of the euro, is reported throughout the EU. The countries most affected during the first ten months of 2007 were France, Italy and Spain, followed by Germany, Austria, The Netherlands and Belgium. The smallest number of euro counterfeits was seized in Denmark, Latvia and Estonia.

Overall, currency counterfeiting is characterised by a strict distribution of tasks between producers, middle-men and distributors, in some cases controlled or, more often than not, tolerated by Mafia-type Italian OC and OC groups from Lithuania, Bulgaria and Poland. Criminals from the itinerant community are among the main distributors in France and Spain. Most of the involved OC groups have a multi-crime profile, and exploit their international dimension and all available trafficking routes to provide to other criminals and to the public a wide range of illegal products and services.

Currency counterfeiting in the EU is a present threat that, for the time being, is under control,

Documents counterfeiting is a major crime facilitator. Counterfeit documents facilitate crimes such as drug trafficking, THB, facilitating illegal immigration, stolen vehicles trafficking, commodity smuggling (including cigarettes and spirits), identity theft and many types of fraud. The transnational nature of modern OC is reflected in the utmost care spent by OC groups in carefully counterfeiting all documents to be used to cross several borders in apparent legitimacy. Forged accompanying documents also facilitate the infiltration of illegal products into the legitimate retail sector, releasing distribution from the clandestine enclosure of black markets, thus increasing the profits of OC groups.

The limitless variety of official or semi-official documents existing throughout the world, combined with the ever-increasing movement of people and goods across real and virtual borders, hampers efficient controls and facilitates illegal operations. The threat deriving from document counterfeiting is therefore to be considered as very serious.

Commodity counterfeiting is a crime which requires special attention. All Member States are affected by it, and an emerging threat is the infiltration of counterfeit goods into the legitimate retail sector.

Thorough exploitation of the transport sector and of state-of-the-art technology, globalisation and borders are the main facilitating factors for commodity counterfeiting, making it a crime in perfect line with the modern nature and structure of international OC.

The threat posed by commodity counterfeiting and IPR fraud is multiple and potentially devastating. The sectors most threatened by it are

health and safety, economy, innovation (scientific and technological) and employment.

A side-effect of commodity counterfeiting is its impact on innovation and research, the core product and added value of intellectual property. Decreasing profits due to unfair competition

by counterfeiters negatively affect innovation and research, slowing progress down.

Moreover, falling profits and shrinking markets unavoidably lead to a necessary reduction of working personnel, with consequent loss of jobs.

3.5. The horizontal dimension of the criminal markets

International OC groups are widening their operational scope and the range of criminal activities they are involved in. In a smaller, globalised world with a growing demand of all goods, smuggling is the quintessential criminal activity, and is passing from a situation of strict specialisation, in which each OC group only trafficked one type of product, to one of multi-offer and, consequently, of multi-crime. One of the most used strategies is to amass funds through a low-risk, high-profit crime such as cigarette smuggling or fraud, later investing them in a highly lucrative criminal activity, for instance drug smuggling.

Modern and sophisticated OC groups seem to realize that instead of robbing citizens, it is better to offer them what is forbidden, rare, too expensive or craved. The control on international smuggling routes, the establishment of strategic alliances with powerful OC groups in source and transit countries, the exploitation of borders and of all related unsolved issues, the misuse of the transport sector, the control over black market and illicit labour, the use of technology and virtual markets, the tolerant attitude of the 'targets': these are all converging facilitators of a criminal trend.

Violent and aggressive crime can be left to more primitive and less structured groups, while the leading syndicates can glide smoothly in the parallel economy with the aim of satisfying their clientele, thus realizing the ultimate goal of the top-level criminals: that of being considered successful entrepreneurs.

In general, the main OC groups are transnational, multi-ethnic and poly-crime oriented, and they can offer an ample variety of products

and services. This wider dimension may give them the possibility to run the whole production and distribution processes of entire criminal markets, optimising their profits and cutting out local and minor OC groups, which will be forced to resort to other or limited criminal activities. That could lead to a harsher impact on the territory by local OC groups, while major international OC groups may increase their revenues and infiltrate more and more the commercial, economic and social sectors, thus posing a greater, more powerful threat.

There are several factors which have led to the present situation and which will continue to be important in the future. However, two emerge above the others.

The first is the exploitation of globalisation and borders. Without borders there would be no smuggling, and modern OC is nothing more than smuggling brought to its highest level.

The second is less definite but more disturbing: it is the human factor. Social tolerance is one of the facilitators taken into consideration by the OCTA. Organised criminals are particularly able in sensing these and other weaknesses, and to transform them into money.

On the illegal market, OC groups remain unchallenged by any credible competition, and in line with their new commercial approach they can venture in previously unexplored criminal fields. A notable example is provided by child pornography.

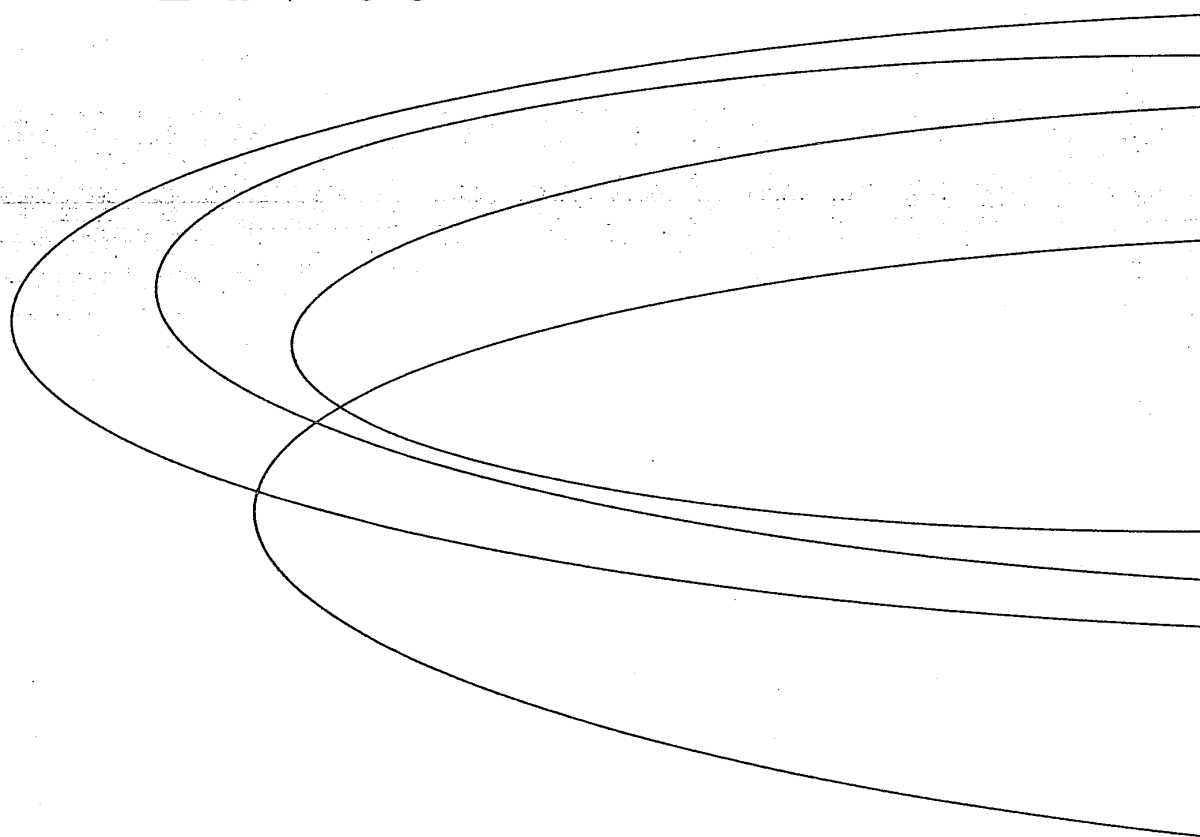
OC groups perform other criminal activities using the whole world as a stage, the most international of them all being the ultimate organised crime: money laundering. And money laundering, being very often perpetrated by OC groups in combination with other

crimes – its predicate offences – is yet another sign of the trend towards multi-crime of modern OC. At the same time, the existence of experts providing their services to other OC groups is evidence of the increasing commercial attitude described above. Many are the methods used by OC groups to launder money, and in the last years technology is becoming

an important facilitating factor. The common denominator of the most complex and effective money laundering scheme is the international dimension. As in other criminal fields, also in money laundering, OC groups display peerless skill in managing the international dimension, while national and international authorities are constantly struggling with it.

PAGINA BIANCA

4. THE ORGANISED CRIME LANDSCAPE



PAGINA BIANCA

4. THE ORGANISED CRIME LANDSCAPE

In line with the 2007 OCTA, much focus is provided for the geographical dimension of OC in the EU, to complement the relationship between crimes and criminals and provide a context for their whereabouts. Four regions of the EU will be analysed. This will be followed by an assessment of the dynamic relationship between the regions captured in the idea of criminal hubs.

4.1. The North-West region: The Atlantic region

The Atlantic region encompasses more or less The Netherlands, Belgium, Luxembourg, the UK, Ireland, the north-western part of Germany and the north of France. Specific particularities of the region include the major transport infrastructures, well established ethnic communities of reference, different tax regimes, geographical proximity to various Member States and a flourishing economy which offers possibilities that can and are exploited by OC.

The North-West region, characterised by enormous transport facilities, plays one of the main roles in drug trafficking and even in drug production. The Netherlands is Europe's main secondary distribution centre for both cocaine (originating from South America) and heroin (originating from Turkey) and is together with Belgium the world's primary producer of

ecstasy. The well developed transport network in the Atlantic region acts as the main facilitating factor for drug trafficking and offers possibilities for illegal immigration and THB. World class harbours such as Rotterdam, Antwerp, Hamburg and Dover act as major maritime gateways to the EU while a well developed infrastructure for air, waterborne, rail and road traffic facilitates any kind of transport through this region.

A second important facility for OC within this region consists of the exploitation of well established ethnic communities. During recent decades, Turks have established themselves in



various Western countries and connections have been developed between Turkish OC groups in Western Europe and Turkey. However, the exploitation of Turkish or Kurdish communities in Belgium, The Netherlands, Germany, the UK and France particularly facilitates Turkish OC in the Atlantic region.

The exploitation of Colombian communities in the UK facilitates cocaine trafficking into the EU and an emerging risk in other countries of the Atlantic region may facilitate cocaine trafficking even further. The networks can exploit these communities to disguise their drug trafficking activities

Chinese OC groups involved in several crime domains exploit the existence of a growing Chinese community in the Atlantic region.

Some Moroccan OC groups, well established amongst others in Belgium and in The Netherlands, as well as some groups with Dutch nationals, are specialised in the importation of Moroccan hashish via Spain towards The Netherlands.

The geo-strategic position of the Atlantic region facilitates different forms of OC. The North-West region is not only from a pure geographical point of view an important gateway to the EU but has also essential cultural and historical links with different regions of the world. The countries of the Atlantic region were important colonial powers in history. For example, small overseas possessions in the Caribbean play an important role in transatlantic cocaine trafficking.

The geographical proximity to various Member States in the Atlantic region offers another possibility for OC. Within the continental part in particular, people are free to move within this

extensive area and do not have to deal with controls at the border. Law enforcement on the other hand is still to a large extent limited to operate within its own borders. Itinerant OC groups involved in large-scale burglaries are highly exploiting this situation. Itinerant OC groups originating from the former Yugoslavia are active all over the world but the geographical proximity to various Member States and the well developed transport and road infrastructure makes it even easier in the Atlantic region to cross borders in a limited amount of time. These OC groups are usually non-EU-based.

The UK and Ireland are highly attractive destinations for illegal immigrants and OC groups who facilitate illegal immigration. Both countries are favourite destinations because of a flourishing economy and consequent demand for workers, particularly in low skilled sectors, and the image of easy access to health, welfare and education systems. Ireland, historically a country experiencing high levels of emigration, has only in the nineties become a destination for migrants. Significant numbers of people are now attempting to enter Ireland. Nigerian OC groups for generations present in amongst others the UK and The Netherlands and responsible for various forms of fraud are now also discovered in Ireland.

In both the UK and Ireland, educational establishments gain in importance as facilitating factors in case of illegal immigration. This allows the use of genuine documents instead of falsified documents to apply for access to a school. Recently also bogus schools, established by the OC group themselves, help obtaining the VISA applications by providing the necessary documents.

Different tax levels, attributed to the same type of products encourage criminals to

involve themselves in the lucrative business of tax fraud, and high levels of taxation in Ireland and the UK provides opportunities for smuggling. These suspects are mainly indigenous groups, Irish and UK nationals. Missing Trader Intra-Community fraud (MTIC) exploits the free movement of goods between the Member

States. The UK is highly affected by carousel fraud, a particular form of MTIC fraud. The goods involved, typically small and expensive items which can easily be packed and transported in bulk such as mobile phones, computer chips etc. can go round the carousel many times before the fraud is discovered.

4.2. The North-East region: Approximating the Baltic Sea region

The criminal dynamics of the Baltic countries are mostly influenced by their interposition between countries supplying cigarettes and synthetic drugs precursors and significant destination countries for cigarettes, synthetic drugs, cocaine and hashish. The North-East criminal hub identified by the 2007 OCTA presents attractive opportunities to organised crime from the Baltic region but also to non-indigenous OC groups originating from the neighbouring countries such as Russia, Belarus, and Ukraine.

Additionally, an important feature of the region is the existence of borders between the EU and Russia. This border separates two very different types of legislation and makes cross-border law enforcement cooperation sometimes lengthy and cumbersome. Therefore the border can also be seen to facilitate certain OC groups and markets. A further facilitator for trade fraud in this region is the large volume of

transports across the borders and other vulnerabilities of the logistics sector.

The expansion of the Schengen area into the three Baltic States and Poland will have certain implications on the region especially in the criminal markets of facilitation of illegal immigration, drug smuggling and property crime.

The new Schengen countries will experience a new type of pressure on their eastern borders as they became the external Schengen borders. For example, increased criminal activities in the border areas between Latvia and Russia and Latvia and Belarus are foreseen as well as the creation of new transit channels into the EU.

Oriented clusters are relatively characteristic to the North-East region. Due to the relatively strong representation of EU-based oriented clusters in the region it can be suggested that non-EU-based groups need to either co-operate with local, and in many cases oriented structures in order to access the criminal markets, or develop certain characteristics of EU-based groups by evolving through intermediary situations (that is, the second generation development).

Certain regional OC groups are becoming 'bridging' groups that procure certain goods or services to specific parts of the regional market in cooperation with or supplied by the Lithuanian OC groups. Estonian OC groups co-operating with Lithuanian OC have a significant role in smuggling certain drugs to Estonia as well as in the production of synthetic drugs and the further distribution of these to the Finnish market. Their Finnish counterparts, Outlaw Motorcycle Gangs (OMCG) and the networks co-operating with them, are responsible for the wholesale and distribution in Finland. Additionally, Lithuanian OC groups have contacts with Russian OC groups supplying BMK facilitated



by the use of bogus companies. Polish OC groups participate in the smuggling of the precursor while Latvian OC groups secure the cross-border shipments.

Immigration processes from Lithuania and Poland to Western Europe will strengthen the creation of ethnic communities, (the fringes of) which can be exploited for support, work force, camouflage, and proceeds (extortion, kidnap, etc.) by Lithuanian and Polish OC groups. This could further strengthen the role of these OC groups in the destination markets of Western European countries.

The North-East region of the EU is both a transit area and an important destination market

for various commodities ranging from smuggled and counterfeit cigarettes to synthetic drugs. Lithuanian OC groups are acting as important traffickers in many criminal markets in various geographical locations, often also beyond the borders of the North-East region. In some cases Lithuanian OC groups co-operate and supply goods to some Polish, Latvian and Estonian OC groups and OMCG and related groups. These groups can then act as 'bridging groups', procuring goods from the global markets for specific sections of the regional market. The Lithuanian OC groups as independent criminal actors, but also as main links to EU and global criminal markets for other regional groups, constitute a major threat.

4.3. The South-East region

A number of factors substantially differentiate the South-East region from the other three. In fact, several southeast European countries are not members of the EU. Furthermore, with the notable exception of Greece, all Member States in the region have joined the EU only recently or very recently. Finally, modern history in the area has evolved with different and unparalleled dynamics compared to Western Europe and, in many instances, also North-Eastern Europe. These factors, combined with the geographical location, substantially affect the OC situation.

The long wave of the liberalisation process that followed the fall of the Iron Curtain, together with the social, political and economic consequences of the Western Balkan conflicts, still influence the OC scenario in south-east Europe.

The strategic control of the Balkan route is a significant strength, maximised by the increasing flows of illicit trafficking between Western



Europe and Asia. Drugs and THB are the most lucrative illicit trades going towards the EU, while in the opposite direction the most trafficked goods are drugs and stolen vehicles. The Balkan route links the OC situation in southeast Europe with that of the three other European regions. In fact, all transnational OC groups in need to utilize the Balkan route have to find an agreement with Balkan OC groups, which gain a double benefit from their position of advantage: a share in the profits, and the possibility to establish high-level criminal alliances through which they can attain new markets and get involved into new types of crime. The central role of the Balkan route is amplified by the fact that all southeast European Member States share frontiers with non-EU countries, thus placing borders among the main facilitating factors of crime in the region.

Another important facilitating factor is the black market. In fact, during the last several decades the black market was the only way for most of the citizens in southeast Europe to get hold of many, often necessary, commodities. OC groups exploit this situation and provide a growing assortment of products and services.

Ethnic Albanian OC groups are active all over Europe, including southeast European Member States, mainly dealing with drug trafficking or THB. Their specialisation in the last stage of THB, namely in the exploitation of the prostitution of women often trafficked by other OC groups, is widely reported. Ethnic Albanian OC groups tend to smoothly gain access to new criminal environments, offering themselves as service providers for powerful and well established domestic groups, often being sub-contracted some criminal activities once they prove their skill and efficiency. However, ethnic Albanian OC groups avoid

establishing tight links with domestic OC groups, preferring to remain logistically and operationally independent.

Romanian OC groups are usually not very big in size, but they are recently displaying a tendency toward expansion in dimension and scope. They are involved, in several Member States, in drug trafficking, THB and in credit and debit card fraud. Access to the EU has facilitated intra-EU movements also for Romanian OC groups, increasing their impact in many Member States. In Italy, their criminal escalation is similar to that of ethnic Albanian OC groups, with a rapid and ruthless acquisition of a growing portfolio of criminal market shares. The possible exploitation of the Constanta port at the Black Sea, which is a major international hub with intense commercial flows very difficult to control, represents another threat posed by Romanian OC groups.

Bulgarian OC groups are particularly proficient – besides drug trafficking – in currency counterfeiting, credit and debit card frauds and THB. In assessing the international dimension of Bulgarian OC groups it is necessary to consider that many OC groups labelled as Bulgarian are actually composed by ethnic Turks or Roma people. A possible explanation for the minor involvement of ethnic Bulgarians in international OC is that, due to social and economic factors, domestic crime is more profitable and less risky.

Turkish OC groups are routinely associated with the heroin trade, but they are involved in

many other criminal fields. In fact, heroin trafficking has made Turkish OC strictly linked with the main international OC groups and perfectly aware of all existing smuggling routes and methods, to be used for all kinds of illegal trafficking, including facilitating illegal immigration.

OC groups from Croatia, Greece, Hungary and Slovenia normally have a local or national dimension, while information is not sufficient to evaluate the threat posed by OC groups from Bosnia, Serbia, Montenegro and FYROM. In the Western Balkans, however, the situation is influenced by several unique factors, in particular the still heavy presence of the international community and the delicate question of the province of Kosovo.

The criminal threat on southeast Europe is not limited to domestic OC groups. The Balkan route and the privatisation process, combined with the recent accession of many southeast European countries into the EU, have raised the attention of several EU and non-EU OC groups. Southeast Europe is seen by these OC groups as a land of opportunities, and the links established between OC groups along the Balkan route have a direct influence on all regions of Europe.

After the first period of general settlement, Bulgaria and Romania will join the political and economic mainstream of the EU, and will possibly switch from source countries to destination countries for illegal immigrants. That will pose new challenges and new criminal threats.

4.4. The South-West region: The Iberian Peninsula and beyond

Criminal activities shaping the South-West region, which includes mainly Spain, Portugal and part of France, are strictly linked with historical, cultural and geographic connections with Latin America and North-West Africa.

The large majority of OC groups in Portugal are mainly composed of persons from the Community of Portuguese Language Countries (CPLP). When OC groups are active at the international level, in most cases, members are from Africa and South America. One of the characteristics of the Spanish crime environment is the important role played by criminals from Maghreb, not only for their dominance in hashish trafficking but also for their activities in synthetic drugs and crimes against property. Another peculiarity is the activities of South American criminals that, besides their involvement in cocaine trafficking, are noticeably engaged in heroin trafficking, express kidnappings, home burglaries and other crimes



against property. In addition, Latin American street gangs are causing great social alarm.

With regard to cocaine trafficking, indigenous criminals from the South-West region maintain a central role in this flow also because South American OC groups engaged in cocaine production are usually not interested in taking care of the delivery and sale in the EU. This brings a high degree of flexibility to this criminal market.

The Iberian Peninsula is still a crucial crossroad for cocaine produced in Colombia and transiting from other Latin American countries, such as Venezuela, Argentina and Brazil, and also from the Caribbean region. Cocaine gets to the Iberian Peninsula in significant amounts by sea through containers or clandestine unloading on the vast Portuguese and Spanish coasts. Also Iberian airports and mail deliveries are misused. West Africa is increasingly used as transit point for South American cocaine aimed at Europe.

As it is argued later on, this growing role of Africa in cocaine trafficking can create a context in which the Iberian Peninsula or OC groups active there are increasingly bypassed by flows supplying the EU.

Concerning the development of cannabis trafficking in the EU, two main factors are the proximity with Morocco and the Moroccan criminal presence in Spain. Opportunities for clandestine unloading using vessels or private aircrafts are very difficult to be fought by the Iberian law enforcement agencies. Furthermore, traffic between Morocco and Spain is so intense that it offers wide possibilities also for smuggling through official entry points. After unloading in Portugal or Spain, hashish is usually stored before further transportation to other EU countries.

In case law enforcement pressure should make a route more difficult, easy alternatives are at hand in the Mediterranean or Atlantic areas, also in relation to increasing capabilities of vessels or aircrafts. It is also possible that Spain will be bypassed. New source or transit countries might increase their role in cannabis trafficking.

Moroccan OC groups will continue to consolidate their position in the cannabis markets with the aim of taking care of all phases of this criminal activity from source to destination. These OC groups could extend their area of interest in the cocaine market, due to the existing transit of this drug from West Africa and, in particular, the exploitation of the cannabis circuit also for cocaine redistribution to the EU.

Concerning the movement of people, Spain will continue to receive a significant number of irregular immigrants coming by air from Latin America, especially from Ecuador and Colombia. Portugal is a priority destination or transit point for migratory flows coming from the CPLP, among which special emphasis goes to the stream coming from Brazil.

Points for illegal boarding towards the Iberian Peninsula, such as Morocco, Western Sahara, Mauritania and Algeria, collect migratory flows coming by land from all West Africa and beyond. Africa is used also by immigrants from Asia. The international human smuggling networks also use Moroccan OC to smuggle immigrants from the Middle East and Asia into the EU in the final phase of the process.

South American and West African nationalities are reported in Spain among victims and criminals related to THB.

Extortion against illegal immigrants by Moroccan OC groups seems to be a peculiar feature that can easily blur the border between facilitation of illegal immigration and THB.

An increase in migratory flows from Africa is foreseeable in the near future, taking into consideration a high number of would-be illegal immigrants on the African continent.

West Africa is currently one of the main destinations for stolen vehicles. Stolen vehicles transiting through South-West Europe, from harbours located on the western bank of the Mediterranean Sea, are mainly bound to the Maghreb countries, at least as a first step. The geographical proximity and intense traffic play again a crucial role. Other parts of Western Africa are directly reached by flows from important harbours in Northern Europe and this route is apparently more structured.

Spanish ports on the Mediterranean coast receive intense commercial flows from Asia. Cigarettes, which are quite often counterfeit and meant for the British market, are smuggled via containers from Asia to the busy Mediterranean ports. Portugal is reporting an increase in transit of smuggled tobacco using then logistics in Spain for further distribution to other EU countries.

Counterfeit products are imported from Asia to Europe also through the South-West region.

The geographical position of Portugal and close relations between this country and its former colonies makes it attractive also for VAT fraud because this gives credibility to the fraudulent transactions.

4.5. Nodes of attraction: Criminal hubs

As introduced by the 2007 OCTA, a 'criminal hub' is a conceptual entity that is generated by a combination of factors such as proximity to major destination markets, geographic location, infrastructure, types of OC groups and migration processes concerning key criminals or OC groups in general. A criminal hub receives flows from a number of sources and spreads their effects in the EU thereby forging criminal markets and creating opportunities for the growth of OC groups that are able to profit from these dynamics.

The North-West, North-East, South-West, South-East and Southern criminal hubs are discussed below.

Opportunities given by large airports and harbours, well developed road infrastructures and financial systems contribute to forge **the North-West criminal hub**, which revolves around criminals and OC groups active in the area approximating The Netherlands and Belgium.

The presence of the North-West criminal hub can be noticed with reference to the cocaine,

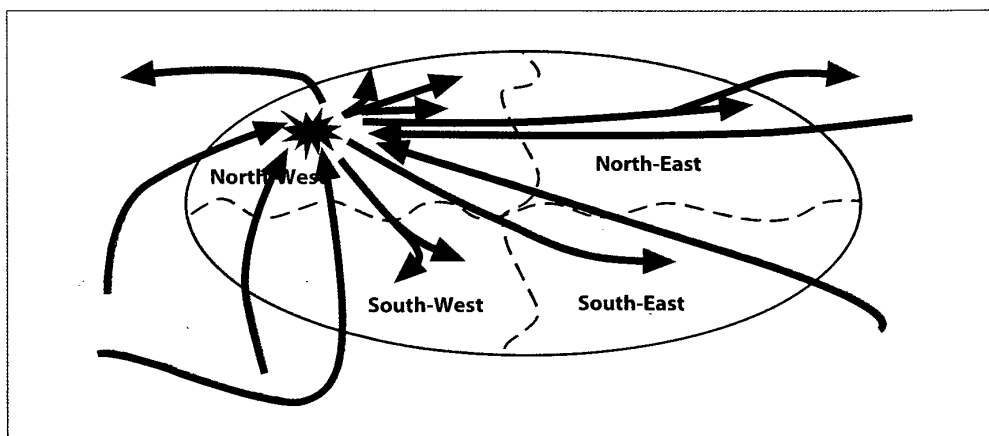
heroin, hashish, synthetic drugs and counterfeit goods criminal fields.

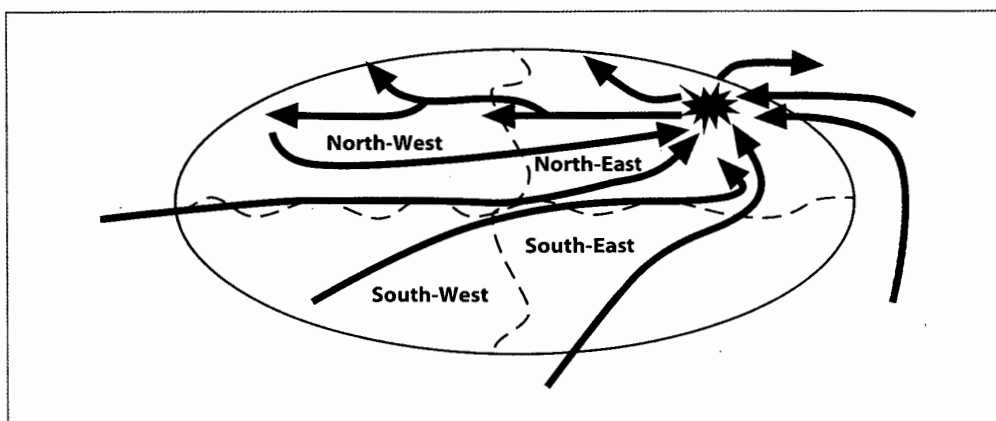
Because of the strict inspection policy adopted by the Dutch authorities, cocaine is increasingly flown to other EU airports. Nevertheless, from there land routes are often used to complete transport to The Netherlands.

With specific reference to the United Kingdom and Ireland, British and Irish criminals based in the North-West hub act as facilitators for drugs deliveries to these countries. This is probably one of the factors leading to multi-commodity shipments. Established Irish OC groups are starting to bypass the criminal hubs and becoming active in the source countries.

As a result of the above mentioned dynamics, the North-West hub will continue to be a major drugs supplier for the Benelux countries, the United Kingdom, Ireland, Germany, France, Italy and Spain. Its influence extends to the Nordic countries, especially with reference to cocaine and cannabis products, and further for synthetic drugs.

In the picture below, the concept of the North-West criminal hub is visualised. The arrows do





not represent precise routes but rather factors shaping the criminal hub.

Criminal groups active in **the North-East criminal hub**, which is located in the Baltic countries, work as a bridge between criminals operating, in particular, in Russia, Belarus and Ukraine and the EU criminal environment. They look both towards the west and the rest of the EU, and towards the east and beyond the borders of the EU.

Criminal groups active in the North-East hub look east beyond the EU borders to get heroin, synthetic drugs precursors and cigarettes. As already mentioned, Ukraine, Belarus, Moldova and Russia represent an important pool of potential victims of trafficking or illegal immigrants and OC in the Baltic region is prevalent in facilitating their illegal entry or trafficking into and within the EU.

Besides towards the Nordic countries and other Member States, OC groups active in the North-East hub look eastward for another important destination market. They tend to play an intermediary role with reference to illegal flows originating in the west, such as ecstasy, cocaine and cannabis products.

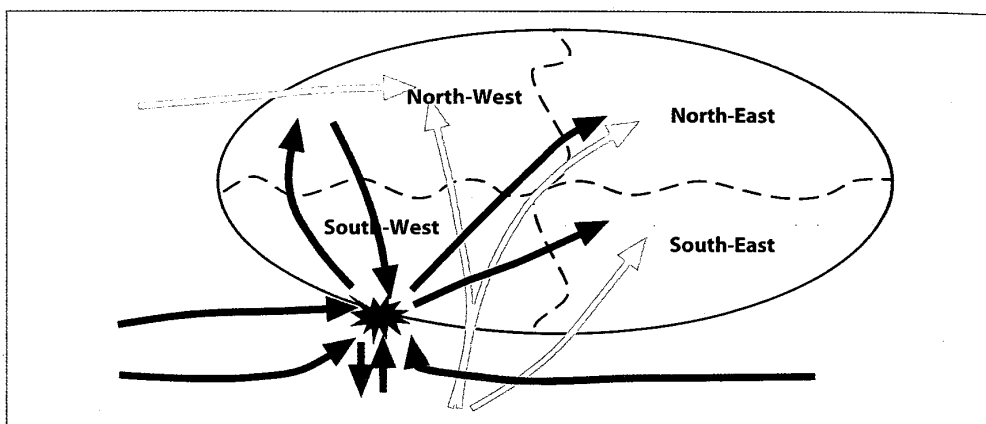
The North-East hub is also used as a transit to Russia for counterfeit goods from Asia.

Although the role of OC groups from other Baltic countries should not be underestimated, it seems to emerge a central role for Lithuania and Lithuanian OC.

The South-West criminal hub is based on links of the Iberian Peninsula with South America and northwest Africa. However, its focus is shifting towards the latter.

West Africa is growing as an immediate source of cocaine for Europe and the direct channel from Latin America and the Caribbean region by air is lively and not limited to the Iberian Peninsula. This might weaken the importance of Spanish and Portuguese direct links with South America.

Within this framework, historical and cultural links (including language) between France, West Africa, Latin America and the Caribbean region may facilitate direct provision by French criminals. In addition, the influence and potential for further development of the role of African networks in supplying directly different Member States' markets from Africa must not be underestimated.

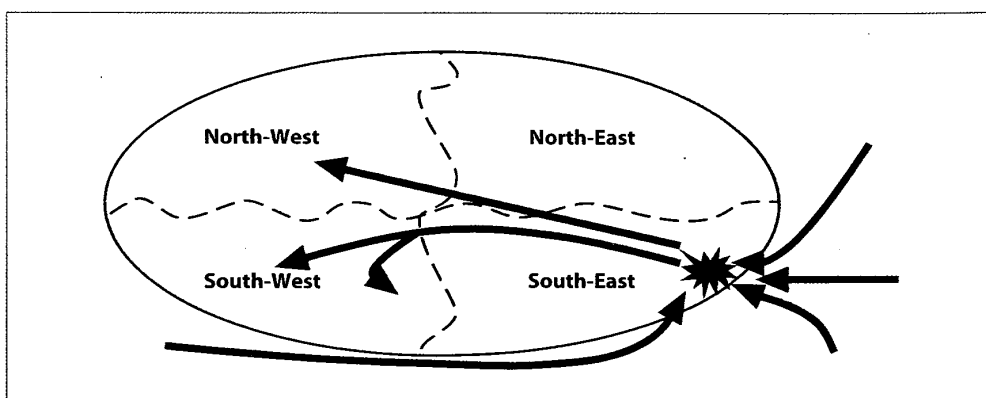


The Iberian Peninsula is likely to keep its level of importance within the South West hub with reference to cannabis trafficking. As already mentioned Moroccan OC groups will continue to consolidate their position in the cannabis markets and could extend their area of interest in the cocaine field.

Another indicator suggesting West Africa as the real focus of the South-West criminal hub comes from the analysis of the migratory pressure on Spain and Portugal. Points for illegal boarding towards the Iberian Peninsula collect migratory flows coming by land from all West Africa and beyond. Africa is also used by immigrants from Asia.

In the end, West Africa will develop into an important criminal hub for the EU, increasingly attracting flows also from the east and not only from the Atlantic side. On the other hand, the intention to diversify points of departure from Africa might lead to an eastward movement of cocaine within the African continent.

The recent eastward expansion of the EU borders to the Black Sea could alter the current equilibrium and could potentially establish a new, **South-East criminal hub** in this area. National borders lacking sufficient protection in the South-East region, as well as inexpensive waterways which connect the Black Sea



with the Mediterranean through the Bosphorus, and with the heart of Western Europe via the Danube, naturally make it very attractive for illegal shipments.

Following this, Romanian criminals might be benefiting mainly from their favourable geographic position, contributing to turn Romania into a point for illegal flows from Eastern Europe and Asia.

Moreover, concerning the evolving situation in the Black Sea region regarding facilitation of illegal immigration and THB, one of the main issues is that this region is an entry gate for significant flows of illegal immigrants from southwest Asia and the Middle East.

With regard to Romania, Constanta harbour represents a vulnerability. It is a major European harbour and it will most likely be exploited by OC groups for shipping goods meant for Romania and other Member States.

Although the majority of heroin trafficked by Turkish OC groups is still transported via the different branches of the Balkan route, a considerable and increasing amount is channelled via the Black Sea route. A significant use of the territories of Ukraine and Russia to direct hero-

in towards the EU is reported, pointing to an eastward movement of the Balkan route. In this context, Romania and Ukraine are expected to gain further importance as transit and storage countries.

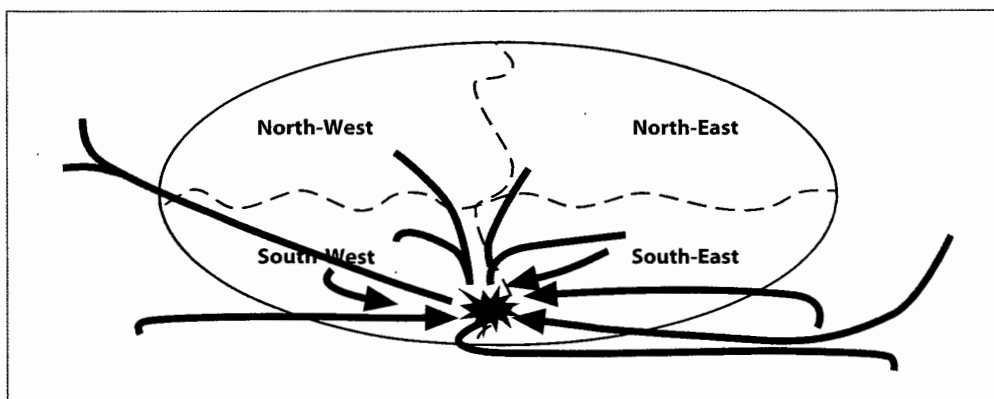
Bulgarian OC groups appear to be the most Middle East oriented. This could be due, at least in part, to the geographic position and the significant links with Turkey.

In the end, the presence of the South-East criminal hub is confirmed. The threat from this hub will grow in the near future.

The Southern criminal hub is centred on the role played by the main Italian OC groups. These highly organised criminal groups tend to take advantage of their pervasive presence to try to control certain social and economic dynamics in some geographic areas. Opportunities are provided by ready criminal markets in the Balkans, the Middle East and Africa.

Certain OC groups based in Italy have the capability of sourcing cocaine and heroin directly from the areas of production or transit.

Criminal groups based in Italy have important links in other Member States in both the



western part of the EU – including Spain and The Netherlands, which are geographically at the core of other criminal hubs – and its eastern part. Switzerland, The United States, Canada and Australia are also reached by the above mentioned links. These links together with the already mentioned contacts in illicit goods producing countries and transit countries provide for the potential to play a role on the world scene.

Italy features among the production countries for counterfeit goods. In addition, many counterfeit products, including cigarettes, are detected within the intense flow of containers from China to Italian ports. In the context of counterfeiting, it must also be stressed that significant amounts of the counterfeit banknotes circulating in France, Spain and Belgium are produced in Italy.

Italy is also a transit point for smuggled tobacco meant for other Member States.

The above mentioned intelligence seems to suggest that the main OC groups based in Italy are not passively dependent on other EU criminal hubs for the provision of drugs and other criminal opportunities, but that they have a more active role in relation to the rest of the EU and beyond.

4.5.1. The interaction between the criminal hubs

In the attempt to better understand the current and future interaction of the European criminal hubs, the following simplified scheme can be used.

The South-West and the emerging South-East criminal hubs are mainly based on their geographical position and links with crucial source countries outside the EU. The North-West hub

is mainly characterised by its centrality and good connections with the richest part of the EU. The North-East hub is heavily dependent on criminal interchanges with Russia and Ukraine and the capability of OC groups active in the hub to attract and manage such flows. The Southern criminal hub is mainly based on the structural and functional features of the OC groups active there.

The United Kingdom and Ireland are mainly destination markets similar to the Nordic countries. The Nordic countries and France are also, to some extent, transit areas. The ‘transit’ feature is more central with reference to Germany, Austria and Poland. Regions revolving around these countries are not part of the listed criminal hubs but are complementary to them, mainly representing destination markets and criminal highways linking the different parts of the EU.

It could be argued that Poland and OC groups active there should be seen as a more integral part of the North-East hub. There they might be or become an alternative focus of the hub itself, undermining the central role of Lithuania and Lithuanian OC groups. This argument only confirms the explanatory power of the criminal hubs model itself, being able of streamlining the discussion on the basis of a common understanding of these complex dynamics.

On the basis of such a scheme, The North-East and South-East criminal hubs could be seen as competitors and the growth of the latter may impact negatively on the first. The development of the South-East criminal hub could also affect the role of the Iberian Peninsula within the South-West hub, also taking into consideration that the focus of the latter seems to be moving towards West Africa.

These dynamics are not going to weaken the North-West hub, because the dominance of its infrastructure and its central position within the richest part of the EU are factors that are not going to change in the near future. A similar assessment refers to the development of

the Southern hub, because it is primarily based on the characteristics of the main OC groups that are active there together with their capability of operating worldwide and of creating advantageous synergies with other EU and non-EU OC groups.

PAGINA BIANCA



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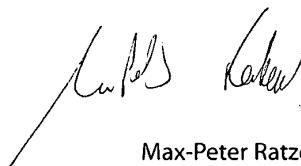
PREMESSA

È con grande piacere che vi presento la Strategia per l'Europol e documenti connessi.

Con il lancio della strategia per l'Europol nell'ottobre 2007 l'ultimo pezzo del puzzle è a posto e l'Europol può avanzare verso il futuro.

Adesso sappiamo perché siamo qui (la nostra missione), sappiamo dove stiamo andando (la nostra visione) e sappiamo quali certezze guideranno le nostre azioni (i nostri valori). La Strategia per l'Europol ci dice come faremo ad agire e, come personale dell'Europol, potremo contribuire al successo della nostra organizzazione. In allegato troverete il codice di condotta del personale dell'Europol, che è il nostro documento guida interno basato sulla Missione, sulla Visione, sui Valori e sul rafforzamento della Strategia per l'Europol.

La Strategia per l'Europol e documenti connessi costituiscono un compendio esauriente per il personale dell'Europol. Questa nuova pubblicazione dell'Europol deve essere considerata una fonte di riferimento e la base per il nostro lavoro giornaliero.



Max-Peter Ratzel

Direttore dell'Europol

PAGINA BIANCA

MISSIONE

PAGINA BIANCA

1. MISSIONE

“L’obiettivo dell’Europol è quello di contribuire a migliorare l’efficacia e la cooperazione delle autorità competenti degli Stati Membri, al fine di prevenire e combattere tutte le gravi forme di criminalità internazionale e il terrorismo.”

La nostra missione risponde essenzialmente alle domande: perchè ci siamo? Qual è il nostro scopo? Fa parte delle fondamenta su cui costruire un’organizzazione efficiente dove possiamo lavorare tutti insieme.

PAGINA BIANCA

VISIONE

PAGINA BIANCA

2. VISIONE

“L’Europol diverrà un centro di eccellenza di altissimo livello, che assiste gli Stati membri dell’UE nella lotta contro tutte le forme di criminalità internazionale grave e il terrorismo

La nostra visione descrive l’obiettivo ideale che vogliamo sia raggiunto dalla nostra organizzazione.

PAGINA BIANCA

VALORI

PAGINA BIANCA

3. VALORI

- **Leadership e approccio comune:** Consentire il coordinamento, visualizzare la condivisione nel successo, aumentare la coesione tra politiche e azioni, prioritizzare partner e interlocutori nelle attività quotidiane (compresa la comunicazione formale e informale), prioritizzare la cooperazione orizzontale tra dipartimenti e unità in modo che l'Europol agisca in modo coeso seguendo un orientamento olistico.
- **Integrità:** avere il coraggio di spendersi e difendere le nostre decisioni e le nostre certezze entro i limiti delle nostre norme professionali e del nostro codice di condotta.
- **Atteggiamento dinamico e proattivo:** individuare le tendenze, prendere iniziative e dimostrare spirito di innovazione e flessibilità. Influenzare e impostare l'agenda verso il futuro. L'Europol prende atto del cambiamento delle aspettative e delle opportunità nell'attuare le priorità mediante piani d'azione. Seguire da vicino gli sviluppi e prendere iniziative per sviluppare nuovi metodi.
- **Atteggiamento professionale e orientato ai risultati:** Essere fedeli ai principi della gestione della qualità e della precisione. Il personale deve avere le competenze e le capacità necessarie per esaudire le aspettative delle parti interessate consegnando prodotti e servizi della qualità richiesta.
- **Credibilità e affidabilità:** Rispettare gli obblighi e gli accordi interni ed esterni. Essere realistici nel fissare i calendari dei compiti. Agire in modo obiettivo e imparziale. Rimanere coerenti alla politica di comunicazione dell'Europol.

- **Cooperazione basata sul dialogo:** Lavorare in gruppo senza pregiudizi, nel rispetto delle diversità e delle responsabilità degli altri. Contribuire alla chiarezza delle comunicazioni, alla creatività, alla trasparenza, all'ispirazione e alla responsabilità.
- **Responsabilità e impegno:** Fare propri i valori dell'organizzazione e fornire buoni risultati in un ambiente gratificante e motivante. Aumentare la fiducia reciproca ed essere leali verso l'Europol.

I nostri valori ci guideranno nel nostro viaggio, mostrandoci come comportarci per realizzare insieme la nostra missione e la nostra visione.

Una dimostrazione pratica della loro applicazione è la pubblicazione del codice di condotta dell'Europol, che serve ad aiutarci a capire che cosa ci si aspetta da noi nelle nostre relazioni sia con i nostri colleghi che con l'organizzazione.

LA STRATEGIA PER L'EUROPOL

PAGINA BIANCA

4. LA STRATEGIA PER L'EUROPOL

La strategia consentirà all'Europol¹ di realizzare la sua visione² attraverso l'espletamento della sua missione³ e nel rispetto dei valori istituzionali⁴. La strategia comprende scopi orientati alla missione, obiettivi consequenziali e una valutazione comparativa che consente di monitorarne l'attuazione. La strategia, che sottolineerà l'aspetto operativo dell'Europol, sarà flessibile, orientata al futuro e avrà una memoria del passato, accumulando allo stesso tempo le esperienze del presente in maniera obiettiva.

Informazioni generali

L'obiettivo della visione di "Parigi" (dicembre 2000) era :

"definire le prospettive dell'azione dell'Europol in termini di pianificazione e strategia, per consentire all'organizzazione, nell'ambito della convenzione Europol, di espletare la sua missione di assistenza alle autorità nazionali di polizia [...] nonché [...] stabilire il quadro dell'Europol in termini di priorità e definirne i compiti e gli obiettivi".

Il suo scopo era la stabilizzazione dell'Europol.

- 1 Il concetto di Europol comprende la sede centrale e le unità nazionali, che rappresentano le autorità competenti.
- 2 L'Europol sarà un centro di eccellenza di altissimo livello, che assiste gli Stati membri dell'UE nella lotta contro la criminalità internazionale grave e il terrorismo, in tutte le loro forme.
- 3 L'obiettivo dell'Europol è di contribuire a migliorare l'efficacia dei servizi competenti degli Stati membri e la loro cooperazione, al fine di prevenire e combattere tutte le gravi forme di criminalità internazionale e il terrorismo.
- 4 Responsabilità e impegno; integrità; atteggiamento dinamico e proattivo; atteggiamento professionale e orientato ai risultati; credibilità e affidabilità; cooperazione basata sul dialogo; leadership e approccio comune.

La visione di "Rodi" (aprile 2003) prevedeva

"l'assistenza dell'Europol agli Stati membri e agli organismi dell'UE e il suo ruolo di centro di eccellenza europeo per lo scambio di informazioni e analisi, nell'ambito della lotta alla criminalità organizzata a livello internazionale".

Il suo scopo era il consolidamento dell'Europol.

Situazione attuale

Dal dicembre 2000, gli Stati membri rappresentati presso l'Europol, attraverso i loro membri del consiglio di amministrazione, hanno individuato nello scambio di informazioni e nell'analisi operativa le attività centrali dell'Europol e le sue priorità di sviluppo. La visione di "Rodi" dichiara che "l'attività principale dell'Europol consiste nel ricevere, scambiare e analizzare informazioni e dati di intelligence (operativa/strategica)".

L'attuazione di queste priorità richiede una certa azione da parte sia dell'Europol che degli Stati membri. Sul piano interno, l'enfasi viene posta sul completamento dello sviluppo di un sistema informativo (IS) funzionale e stabilizzato, sull'adeguamento all'allargamento dell'UE e all'estensione del quadro di cooperazione, nonché sull'analisi del futuro ruolo nelle indagini comuni. Gli Stati membri devono incrementare lo scambio di informazioni, potenziare l'intelligence e collaborare al processo che conduce a indagini comuni. Sembrerebbe che le priorità di larga scala stabilite per l'Europol siano state rispettate a livello sia di sede centrale sia di Stati membri, benché non tutte le aree siano state analizzate e i processi qualitativi rimangano ancora poco sviluppati.

Mentre la stabilizzazione era in linea con l'allora recente istituzione dell'Europol e il consolidamento rientrava nella logica del suo sviluppo, le peculiarità della nuova visione impongono un nuovo scenario, quello cioè di un'evoluzione.

Stato dell'arte

L'analisi formale e informale, nonché il successivo dibattito hanno dimostrato una scarsa sensibilità o fiducia (molto spesso una combinazione di entrambe) nei confronti dell'Europol da parte delle autorità nazionali competenti, fatto questo inaccettabile per qualsiasi organizzazione che fornisca assistenza e servizi.

Alcuni Stati membri⁵ criticano l'assistenza e i servizi offerti dall'Europol, il quale, a sua volta, lamenta la scarsa cooperazione degli Stati membri. Questo circolo vizioso è un elemento negativo che deve essere eliminato affinché l'Europol possa assistere efficacemente gli Stati membri nel migliorare la cooperazione per l'applicazione della legge nelle aree di sua competenza.

L'attuazione della visione di "Rodi" è stata scarsa, secondo sia l'Europol⁶ che gli Stati membri, probabilmente a causa di imprecisione e mancanza di "ownership" ben definita.

Ciò ha spinto il consiglio di amministrazione a istituire un comitato strategico (StratCom), il quale ha stabilito che "gli obiettivi dell'Europol devono essere specifici, misurabili, realizzabili, realistici e tempestivi, e devono avere una chiara "ownership"⁷.

Pianificazione dell'evoluzione dell'Europol

I cambiamenti interni ed esterni avvenuti nell'Europol durante il periodo della visione di Rodi hanno spianato la via per il futuro. Esempi di questi cambiamenti sono: il numero degli Stati membri, che è quasi raddoppiato nell'arco di tre anni; la migliore prospettiva operativa stabilita dal programma dell'Aia, compresi il modello europeo di intelligence in materia di criminalità e l'OCTA, nonché il mutato quadro giuridico derivante dall'entrata in vigore dei tre protocolli che modificano la convenzione (mentre gli Stati membri sono impegnati a negoziare il progetto di Decisione del Consiglio per sostituire la convenzione Europol, che potrebbe entrare in vigore nel 2010).

Mentre la strategia è lo strumento che consente di realizzare la visione attraverso l'attuazione della missione (adottata dal consiglio di amministrazione nel settembre 2006), l'individuazione di scopi e obiettivi strategici relativi all'attività centrale, che colleghino gli strumenti di pianificazione alla

5 "Il ruolo dell'Europol nella cooperazione internazionale (UE) per l'applicazione della legge è marginale, i successi significativi effettivi sono scarsi, la maggior parte degli Stati membri dell'UE non contribuisce (sufficientemente) alla 'posizione d'informazione' dell'Europol e l'Europol è sconosciuto o, nel migliore dei casi, è percepito come burocrazia politica nel campo investigativo" (contributo belga alla seconda riunione del comitato strategico; X070088; EDOC #220221).

6 Valutazione della visione di "Rodi" EDOC #216748.

7 Strategia dell'Europol: elementi e struttura (MBS 029.2007).

missione, è necessaria per garantire e controllare i progressi dell'Europol verso la realizzazione della visione.

Lo Stratcom ha preso atto dell'analisi strategica⁸ presentata dall'Europol e ha ritenuto che essa non abbia influito sullo sviluppo della strategia. Lo StratCom ha stabilito che venga sviluppata un'analisi strategica comune a sostegno dell'attuazione della strategia, al più tardi prima che venga elaborato il progetto del programma di lavoro per il 2009.

Gli Stati membri non dovrebbero sottovalutare l'esigenza di definire piani d'azione che supportano l'Europol e che consentono a quest'ultimo di svolgere i suoi compiti al livello nazionale. Tali piani dovrebbero inoltre prevedere gli obiettivi e i relativi meccanismi di valutazione.

L'essenza dell'Europol

Conformemente ai compiti stabiliti in dettaglio dalla Convenzione⁹, l'attività centrale dell'Europol è la seguente¹⁰:

- scambio di informazioni operative (ad es. rete degli uffici di collegamento);
- supporto analitico operativo (ad es. sistema d'informazione (IS), archivi di lavoro per fini di analisi (AWF));
- analisi strategica (ad es. valutazione della minaccia della criminalità organizzata (OCTA) dell'UE, Relazione sulla situazione e le tendenze in materia di terrorismo (TE-SAT)) dell'UE;
- supporto operativo alle indagini (ad es. squadre investigative comuni (JIT), gestione delle informazioni);
- prodotti di conoscenza e competenza (ad es. Centro di Gestione delle Conoscenze e altri manuali).

Le seguenti norme concettuali offrono una guida all'attuazione della strategia per l'Europol:

⁸ Analisi SWOT-PESTEL sull'Europol (1424-40).

⁹ articolo 3 della convenzione Europol.

¹⁰ MBS 029.2007.

- “supporto” e “assistenza”, con particolare attenzione alla prospettiva operativa, sono gli elementi strategici chiave della visione e della missione dell’Europol;
- gli obiettivi strategici devono basarsi sulla realtà, includere un buon “business case” adeguato che analizzi le risorse e le capacità dell’organizzazione;
- il processo è guidato dal risultato anziché orientato al processo;
- la strategia garantirà la supervisione da parte del Management Board per il futuro a lungo termine dell’Europol e la supervisione da parte del direttore della gestione quotidiana;
- gli Stati membri svolgono un ruolo specifico nell’attuazione della strategia apportando contributi e assumendo responsabilità;
- valutazione delle attività e responsabilità sono aspetti fondamentali per l’attuazione della strategia;
- le strategie dipartimentali dovrebbero essere completamente in linea le une con le altre e con la strategia generale;
- è importante conseguire presto risultati concreti nell’attuazione della strategia per favorire l’interesse e la partecipazione, creando in tal modo un elemento catalizzatore per ulteriori progressi.

Scopi strategici

Gli scopi sono indicazioni generali, legate alla missione, di ciò che deve essere realizzato. Gli scopi dell’Europol riguardano l’attività centrale e sono di natura orizzontale e transdipartimentale. Il loro livello di realizzazione, responsabilità primaria del direttore, indica la misura in cui l’Europol contribuisce a migliorare l’efficacia e la cooperazione delle autorità competenti degli Stati membri nel prevenire e combattere ogni forma di criminalità internazionale grave e di terrorismo.

Gli scopi dell'Europol sono i seguenti:

- divenire la prima piattaforma scelta dagli Stati membri per condividere informazioni operative e strategiche attraverso il potenziamento della rete ENU/ELO, nell'ambito di strutture di comunicazione sicure e pratiche destinate allo scambio di informazioni;
- fornire analisi operativa agli Stati membri e ai partner sulla base di informazioni aggiornate ed adeguate in termini di quantità e di qualità, grazie al suo quadro giuridico unico per l'elaborazione di dati personali e sensibili;
- fornire analisi strategica ampliando le capacità analitiche in tutte le aree prioritarie della criminalità;
- fornire supporto operativo agli Stati membri o a gruppi di questi e a partner, mediante prodotti e servizi che soddisfino le loro esigenze e attese.

Obiettivi strategici

Gli obiettivi sono indicazioni di tipo operativo dei risultati che contribuiscono al conseguimento di un particolare scopo e che hanno una chiara "ownership".

Gli obiettivi dell'Europol sono accompagnati da un quadro di valutazione comparativa SMART¹¹ (allegato), che consente al consiglio di amministrazione di controllare il livello con il quale i diversi attori adempiono alle loro responsabilità, in particolare ai fini del compito del consiglio di amministrazione di presentare un parere al Consiglio sul rinnovo del direttore e dei vicedirettori.

Valutazione

La valutazione dell'esecuzione dei compiti assegnati deve combinare il monitoraggio interno del rendimento e la responsabilità esterna attraverso il reporting del consiglio di amministrazione, cui gioverebbe un uso maggiore di indicatori chiave di rendimento e una valutazione equa dei risultati dell'indagine annuale condotta tra la clientela.

¹¹ Specific (specifico): con fine e risultato atteso chiari; Measurable (misurabile): è possibile accertarne il rispetto; Achievable (raggiungibile): è possibile conseguirlo....; Realistic (realistico): ...con le risorse disponibili...; Timely (tempestivo): ed entro un dato lasso di tempo.

In particolare, la metodologia di misurazione o di valutazione del rendimento deve comprendere procedure di revisione, norme di monitoraggio o procedure di correzione intermedie (valutazione intermedia) e deve essere condotta in conformità con standard concordati. La valutazione sarà definita secondo i valori quantitativi (scadenza e percentuale di attuazione di riferimento) definiti dalla direzione dell'Europol e approvati dal consiglio di amministrazione.

Il consiglio di amministrazione monitorerà (dopo sei mesi) ed esaminerà (dopo un anno) l'attuazione della strategia.

Il futuro dell'Europol dipende dalla sua capacità di concentrare le risorse laddove può garantire servizi maggiori e migliori agli Stati membri e ai cittadini dell'Unione europea.

ALLEGATO

Gli obiettivi e i parametri di riferimento dell'Europol sono:

Obiettivo 1 (Condivisione delle informazioni)

- a) Incrementare il contributo degli Stati membri al sistema di informazione dell'Europol (IS) e il loro uso del sistema:
 - i. (Stati membri) Aumentare da 5 a 10 il numero medio di oggetti collegati a un singolo reato entro la fine del 2008;
 - ii. (Stati membri) Aumentare dal 10% al 20% la percentuale di allegati collegati ad una persona entro la fine del 2008;
 - iii. (Stati membri) Assicurare entro la fine del 2010 che il 75% delle loro informazioni e intelligence disponibili in materia di criminalità organizzata a livello di Unione europea sia fornito al sistema di informazione Europol entro un mese dalla loro disponibilità; per le informazioni e l'intelligence sul terrorismo islamico e la contraffazione dell'euro, l'obiettivo è del 90%;
 - iv. (Stati membri) Il numero complessivo di ricerche da parte degli Stati membri aumenta annualmente del 25% in base alla percentuale registrata durante il primo semestre 2007.
- b) Intensificare lo scambio di dati e migliorare la soddisfazione dei clienti attraverso infrastrutture tecnologiche di informazione e comunicazione di alta qualità basate su nuove tecnologie, ivi compresi caricatori di dati:
 - i. (Sede) Introdurre un regime di assicurazione dei clienti per l'infrastruttura ICT entro il primo semestre del 2008;
 - ii. (Sede) Attuare un piano di consegna ICT che rispecchi le esigenze business-driven dei clienti per fornire prodotti e servizi efficaci ed economici entro la fine del 2008;
 - iii. (Stati membri) Garantire che il 50% degli Stati membri che alimenteranno il sistema di informazione Europol attraverso i caricatori di dati lo faccia entro la fine del 2008.
- c) Migliorare l'efficienza sviluppando e aggiornando prodotti e servizi ICT dell'Europol attraverso una funzione ad architettura centralizzata:

- i. (Sede) Istituire una funzione di architettura IMT centralizzata per la gestione delle informazioni con 5 funzionari (in programma) entro il 2008, nonché definire e rendere operativa la gestione dell'architettura entro il primo semestre del 2009.
- d) Promuovere una maggiore condivisione con l'Europol delle informazioni scambiate tra Stati membri:
 - i. (Sede) Sostenere lo scambio di informazioni tra Stati membri sviluppando l'applicazione SIENA (prima fase), che garantisce un controllo incrociato con gli archivi di lavoro a fini di analisi (AWF), il sistema di indice e il sistema di informazione, entro la fine del 2008;
 - ii. (Stati membri) Coinvolgere l'Europol almeno nel 50% del corrispondente scambio di informazioni entro 3 anni; per lo scambio di informazioni sul terrorismo e la contraffazione dell'euro, l'obiettivo è del 90%:
 - a. (Stati membri) Attuando una politica di scelta del canale di cooperazione internazionale di polizia in cui l'Europol sia la scelta principale per i casi di criminalità organizzata a livello di Unione europea, a meno che non siano già stati scelti altri canali, garantendo in tal modo che, entro la fine del 2009, il 75% delle indagini relative alla criminalità organizzata a livello di Unione europea sia gestito attraverso l'Europol;
 - b. (Stati membri) Attuando una politica di scelta del canale di collaborazione internazionale di polizia in cui l'Europol sia l'unico punto di contatto per i casi di criminalità organizzata a livello di Unione europea che riguardino la contraffazione dell'euro entro la fine del 2008;
 - c. (Stati membri) Consentendo la partecipazione dell'Europol nel 75% delle indagini sulla criminalità organizzata degli Stati membri presentate come corrispondenti contributi alle valutazioni della minaccia rappresentata dalla criminalità organizzata entro la fine del 2009.
- e) Attuare le disposizioni della decisione del Consiglio sullo scambio di informazioni in materia di terrorismo:

- i. (Stati membri) Ridurre del 10% all'anno il numero di rapporti pervenuti all'Europol a seguito dei solleciti inviati dall'unità antiterrorismo SC5 in riferimento alla decisione del Consiglio europeo 2005/671/GAI.
- f) Cercare di stabilire il ruolo dell'Europol nell'ambito della decisione quadro relativa alla semplificazione dello scambio di informazioni e intelligence tra le autorità degli Stati membri dell'Unione europea incaricate dell'applicazione della legge, del principio di disponibilità e del Trattato di Prüm:
 - i. (Sede) Presentare una proposta in merito al ruolo dell'Europol nello scambio di informazioni secondo il concetto del "principio di disponibilità" entro il primo semestre del 2008;
 - ii. (Stati membri) Sulla base della proposta di cui sopra, istituire un gruppo di lavoro per identificare il ruolo dell'Europol nello scambio di informazioni secondo il concetto del "principio di disponibilità" entro la fine del 2008;
 - iii. (Sede) Presentare una proposta in merito al ruolo dell'Europol nel quadro del Trattato di Prüm entro il 2009;
 - iv. (Stati membri) Sulla base della proposta di cui sopra, istituire un gruppo di lavoro per identificare il ruolo dell'Europol nel quadro del Trattato di Prüm entro il 2009.
- g) Promuovere lo scambio di informazioni con terzi:
 - i. (Sede) Entro la fine del 2009 intensificare del 50% lo scambio di informazioni con terzi attraverso un accordo operativo;
 - ii. (Sede/Stati membri) Aumentare del 200% il coinvolgimento dei funzionari di collegamento Europol nelle indagini degli Stati membri entro il primo semestre del 2008.

Obiettivo 2 (Analisi operativa)

- a) Creare archivi di lavoro a fini di analisi (AWF) orientati all'obiettivo per affrontare tutte le conclusioni del Consiglio sulla base della valutazione della minaccia rappresentata dalla criminalità organizzata (OCTA), tradotte in progetti COSPOL:

- i. (Sede/Stati membri) Promuovere l'allineamento tra le priorità del Consiglio, i progetti COSPOL e gli archivi di lavoro a fini di analisi (AWF) garantendo che almeno il 50% di questi ultimi sostenga i progetti COSPOL rispecchiando le priorità del Consiglio;
 - ii. (Stati membri) Assicurare una corrispondenza del 100% tra la partecipazione ai progetti COSPOL e i relativi AWF.
- b) Personalizzare gli archivi di lavoro a fini di analisi affinché si concentrino specificamente su gruppi bersaglio:
- i. (Sede e Stati membri) Entro la fine del 2009, il 50% dei dati contenuti negli archivi di lavoro a fini di analisi dovrà riguardare indagini in corso;
 - ii. (Sede) Aumentare del 10% il trasferimento di risultati analitici dagli AWF al sistema di informazione Europol entro la fine del 2007;
 - iii. (Stati membri) Concedere l'autorizzazione affinché il 50% dei "dati fluttuanti" degli AWF sia trasferito al sistema di informazione Europol entro la fine del 2008;
 - iv. (Stati membri) Vista l'applicazione di una rigorosa procedura di accettazione dei contributi agli AWF da parte dei responsabili dei progetti AWF, aumentare la qualità dei contributi a detti archivi in maniera che il numero di quelli rifiutati diminuisca del 10% all'anno.
- c) Coinvolgere regolarmente l'Europol in indagini transfrontaliere nell'ambito del suo mandato (terrorismo e reati gravi, con un elenco di aree prioritarie come, ad esempio, contraffazione dell'euro):
- i. (Sede) Assegnare, se possibile, esperti/analisti entro un periodo massimo di 2 settimane su richiesta degli Stati membri per sostenere indagini sul campo appena avviate;
 - ii. (Stati membri) Aumentare del 10% all'anno il numero complessivo di contributi accettati dagli AWF, parallelamente a un aumento di 0,2 punti per la qualità (strumento del gruppo di lavoro 3 dei capi delle unità nazionali dell'Europol (HENU)):
 - a. (Stati membri) Chiedendo il supporto AWF dell'Europol per tutte le indagini UE di criminalità organizzata relative alla contraffazione dell'euro;

- b. (Stati membri) Garantendo che l'80% del relativo scambio di informazioni attraverso l'Europol sia dato ai corrispondenti AWF (applicazione della procedura del gruppo di lavoro 2 degli HENU);
 - c. (Stati membri) Attuando una politica in grado di garantire che, anche nel caso in cui la scelta del canale di cooperazione internazionale di polizia per casi di criminalità organizzata a livello di UE non dovesse cadere sull'Europol, il sistema di informazione Europol sia comunque informato in merito a tali casi.
- d) Migliorare la tempestività dell'elaborazione dei dati e della produzione dei risultati, fornendo così valore aggiunto allo scambio di informazioni tra Stati membri grazie a un rapido feedback analitico:
- i. (Sede) Sensibilizzare maggiormente gli Stati membri all'esistenza del nuovo manuale sugli archivi di lavoro a fini di analisi (AWF) e del nuovo strumento di valutazione del throughput e dell'output presentandoli sia alla riunione degli HENU che alla riunione interna dei funzionari di collegamento Europol (ELO) degli Stati membri entro il primo semestre del 2008;
 - ii. (Sede) Valutare una volta all'anno gli AWF utilizzando lo strumento di throughput/output di recente introduzione al fine di aumentare del 10% all'anno la qualità e la quantità degli AWF prodotti dall'Europol;
 - iii. (Sede) Valutare e adeguare continuamente l'applicazione di OASIS alle attività di elaborazione inversa e di analisi in linea con l'annunciato rapporto 30/70% entro la fine del 2008;
 - iv. (Sede) Sviluppare indicatori oggettivi per giungere a una gestione orizzontale delle risorse analitiche nel 2007 e introdurre il meccanismo entro la fine del 2008;
 - v. (Sede) Prevedere una quota del 95% di analisti da formare all'analisi dell'intelligence operativa entro la fine del 2007 e fornire follow-up per i nuovi arrivati nel 2008 al massimo entro i 3 mesi successivi al loro arrivo;
 - vi. (Sede) Applicare un'assegnazione flessibile delle risorse analitiche garantendo un feedback AWF entro 48 ore dal ricevimento del contributo per le ultime indagini in corso supportate da un gruppo bersaglio.

Obiettivo 3 (Analisi strategica)

- a) L'Europol è pienamente riconosciuto dagli Stati membri e dai partner per il suo ruolo di guida nell'applicazione della legge sulla base dell'intelligence a livello europeo:
 - i. (Stati membri) Almeno la metà di tutte le valutazioni della minaccia deve essere guidata dai risultati della valutazione della minaccia rappresentata dalla criminalità organizzata (OCTA);
- b) Fornire regolarmente all'Europol tutte le valutazioni relative all'analisi strategica ed alla minaccia:
 - i. (Stati membri) Fornire all'Europol i rapporti strategici e le valutazioni della minaccia elaborati internamente in merito alla criminalità organizzata su base continuativa iniziando entro e non oltre la fine del 2007.
- c) Standardizzare e snellire la procedura per la raccolta dei dati provenienti dagli Stati membri:
 - i. (Sede) Finalizzare la raccolta dei dati per la preparazione della prossima relazione sulla situazione e le tendenze del terrorismo nell'Unione europea (TE-SAT) del 2008 entro dicembre 2007;
 - ii. (Sede) Sviluppare i requisiti di intelligence OCTA entro maggio 2008;
 - iii. (Sede) Contribuire efficacemente all'annunciata creazione del restante sottogruppo della rete di contatto e sostegno (CSN) entro i tempi previsti;
 - iv. (Sede) Far sì che ciascun gruppo AWF produca un piano di raccolta entro settembre 2008.
- d) Istituire un meccanismo di aggiornamento che assicuri valutazioni della minaccia tempestive e accurate:
 - i. (Sede) Fornire le valutazioni strategiche della minaccia entro nove mesi dalla richiesta degli Stati membri.
- e) Fornire le valutazioni della minaccia relative ai settori di attività criminale prioritari:
 - i. (Sede) Distribuire il "Glossario delle organizzazioni terroristiche" su CD-ROM due volte all'anno;

- ii. (Sede) Consentire a tutti gli analisti coinvolti nell'analisi strategica di seguire una formazione in analisi strategica dell'intelligence entro la fine del 2007 e formare tutto il nuovo personale entro 3 mesi dal suo arrivo.
- f) Elaborare e introdurre un uso appropriato e verificato di fonti aperte per alimentare il processo di informazione:
 - i. (Sede) Elaborare e introdurre una procedura concordata di controllo incrociato con gli Stati membri per tutte le valutazioni della minaccia entro il secondo trimestre del 2008.

Obiettivo 4 (Sostegno operativo)

- a) Condividere le conoscenze tra Stati membri, anche costituendo database aggiornati di risorse degli Stati membri (attrezzature ed esperti):
 - i. (Sede) Sviluppare e attuare un nuovo tipo di centro di gestione delle conoscenze che rappresenti per gli Stati membri un unico punto di riferimento nel campo della protezione dei testimoni, del trattamento degli informatori, delle consegne controllate, della presa di ostaggi e nel campo della consulenza sulla pianificazione tattica delle operazioni, entro la fine del 2008;
 - ii. (Sede/Stati membri) Elaborare e mantenere database delle risorse degli Stati membri (attrezzature ed esperti) secondo le priorità dell'Europol entro la fine del 2009.
- b) Sviluppare nuovi database o piattaforme di scambio adeguati alle necessità (armi, bombe, biometria, Internet):
 - i. (Sede) Attuare l'annunciato portale IT per "Check the Web", ivi compreso un database statistico sul suo uso, entro i tempi previsti;
 - ii. (Sede) Introdurre lo scambio di informazioni su esplosivi e ordigni esplosivi, ivi compreso un sistema di aggiornamento, entro la fine del 2008;
 - iii. (Sede) Realizzare la rete di pronta risposta (FRN) entro la fine del 2007.
- c) Assicurare sostegno in loco attraverso uffici mobili:
 - i. (Sede) Aumentare del 5% l'attuale numero di soluzioni per uffici mobili nel 2008.

Temi trasversali:

- a) Creare un meccanismo per adeguare i prodotti dell'Europol alle esigenze specifiche degli Stati membri in una lingua di lavoro chiara e comune che sia facilmente traducibile in tutte le realtà:
 - i. (Sede) Attuare il piano di comunicazione concordato per Stati membri, partner e altre parti interessate entro la fine del 2008;
 - ii. (Sede) Attuare un quadro di gestione delle prestazioni concordato che si dimostri economicamente valido al consiglio di amministrazione entro il 2008;
 - iii. (Sede) Attuare un sistema di gestione della qualità concordato (con gli HENU) per quanto concerne la fornitura di prodotti e servizi alla clientela dell'Europol entro la fine del 2008.
- b) Potenziare le reti tra uffici di collegamento e aumentare il coinvolgimento dei funzionari di collegamento Europol (ELO) degli Stati membri nell'attività dell'Europol, assicurando un feedback continuo e regolare tra questi e il personale dell'Europol:
 - i. (Sede) Il capo progetto di ciascun AWF mantiene i contatti (oltre alle riunioni del gruppo di analisi) con gli ELO degli Stati membri partecipanti e con gli ELO degli Stati non-UE associati;
 - ii. (Sede) Aggiornare gli ELO in merito agli attuali gruppi bersaglio supportati dagli AWF almeno in 2 delle riunioni degli ELO;
 - iii. (Sede) Aggiornare continuamente la tabella Excel delle migliori prassi (esito del gruppo di lavoro 5 degli HENU) elaborata nel 2007 e garantire le necessarie misure di follow-up;
 - iv. (Sede) Organizzare una riunione ELO esterna almeno una volta all'anno, con la partecipazione degli agenti Europol designati, per consentire la condivisione delle migliori prassi e discutere altri temi pertinenti.
- c) Gli Stati membri e i partner riconoscono il ruolo dell'Europol quale unico punto di contatto per la contraffazione dell'euro:
 - i. (Sede) Diffondere messaggi di allerta precoce su nuove contraffazioni entro 24 ore e chiederne la pubblicazione sul sito web

- sicuro dell'Organizzazione internazionale di polizia criminale (ICPO-Interpol) entro la fine del 2007.
- d) Coordinarsi con altre agenzie GAI dell'UE, soprattutto per quel che riguarda i vari aspetti della gestione delle informazioni:
- i. (Sede/Stati membri) Coinvolgere Eurojust almeno nel 60% degli AWF entro il primo semestre del 2008;
 - ii. (Sede) Organizzare riunioni del comitato direttivo Europol/Eurojust ogni tre mesi, nonché gruppi di lavoro per il follow-up, a partire dal 2007;
 - iii. (Sede/Stati membri) Collaborare con FRONTEX sui relativi progetti entro il primo semestre del 2008;
 - iv. (Sede) Partecipare a tutte le riunioni del consiglio di amministrazione del CEPOL.
- e) Rafforzare la cooperazione Europol-Interpol:
- i. (Sede) Cercare di tenere almeno 1 riunione annuale dei capi di entrambe le organizzazioni;
 - ii. (Sede) Cercare di tenere almeno 1 riunione annuale dei capi dipartimento;
 - iii. (Sede) Tenere sistematicamente riunioni di lavoro coinvolgendo gli esperti di ciascun settore di attività criminale rientrante nel mandato dell'Europol;
 - iv. (Sede) Attuare il programma di scambio con almeno 5 agenti provenienti da ciascuna organizzazione ogni anno;
 - v. (Sede/Stati membri) Coinvolgere agenti Interpol almeno in 6 AWF entro la fine del 2009.

ANALISI STRATEGICA DELL'EUROPOL
ESTRATTI

PAGINA BIANCA

5. ANALISI STRATEGICA DELL'EUROPOL ESTRATTI

Sintesi

È noto che le prassi migliori nel settore della pianificazione strategica e della gestione delle prestazioni sono una prerogativa del settore privato e che questi metodi vengono poi regolarmente adattati ad uso nelle istituzioni pubbliche. Tuttavia, si è osservato che le amministrazioni pubbliche hanno notevoli difficoltà a definire con chiarezza le loro strategie. Una delle ragioni invocate è che questi enti sono orientati più all'input che all'output o alle prestazioni. Ci si chiede quindi come possa un ente finanziato con denaro pubblico, qual è l'Europol, progredire verso una migliore gestione delle prestazioni. La gestione strategica, in quanto insieme di decisioni e azioni manageriali che determinano le prestazioni a lungo termine di un'organizzazione, è difficile da attuare se l'output dell'organizzazione è difficile da misurare obiettivamente. Un modo per poter superare questa difficoltà è allineare le azioni decise a livello funzionale con le strategie dell'organizzazione. Nel caso di un'organizzazione pubblica come l'Europol ciò significherebbe che le strategie devono essere la guida delle azioni descritte nel programma di lavoro annuale e nel piano di attività quinquennale.

L'anno scorso il consiglio di amministrazione, nello svolgimento del suo ruolo direttivo e del ruolo di "leader strategico", ha elaborato un documento intitolato "The Strategy for Europol" [La strategia per l'Europol]. Bisogna capire che la pianificazione strategica non è una mansione a sé, bensì fa parte di un ciclo di gestione strategica (pianificare-organizzare-dirigere-controllare).

Molti dei concetti commerciali applicati dalle imprese private orientate dal profitto non possono essere applicati direttamente alle organizzazioni pubbliche, ma devono essere attentamente selezionati e adeguati. Il concetto

di strategie competitive, per esempio, deve essere tradotto in vantaggio istituzionale, oppure in capacità di svolgere i compiti con maggiore efficienza rispetto a organizzazioni comparabili. Altri strumenti e concetti, come ad esempio l'analisi SWOT, il manifesto della missione (mission statement), l'analisi degli attori locali (stakeholder analysis) e la corporate governance, possono essere applicati più facilmente al contesto del settore pubblico.

Definendo la strategia dell'Europol il consiglio di amministrazione ha anche proposto una serie di indicatori che dovrebbero consentire la misurazione delle prestazioni nei settori chiave dell'organizzazione. Tuttavia, questo schema di valutazione comparata non deve essere considerato immutabile. La sua applicazione richiede il controllo dell'ambiente interno ed esterno dell'organizzazione, al fine di valutare fino a che punto tali indicatori siano in grado di fornire un obiettivo affidabile, in linea con il posizionamento strategico dell'organizzazione.

A questo riguardo, l'analisi strategica, in quanto punto di partenza per la fase successiva del ciclo di pianificazione, fornisce informazioni utili su fattori che influiscono direttamente o indirettamente sull'organizzazione; tali informazioni dovranno poi essere tradotte in azioni ed essere adeguate dai dirigenti più esperti.

Il **capitolo 1** contiene un'introduzione all'esercizio, gli antecedenti, gli obiettivi, il contesto, l'approccio adottato e la metodologia applicata.

Il **capitolo 2** analizza l'organizzazione così come è, le sue prestazioni attuali, il posizionamento strategico, la governance e la gestione.

Il **capitolo 3** descrive e spiega i punti deboli e i punti di forza dell'organizzazione rispetto alla sua struttura, alla sua cultura e alle sue risorse.

Il **capitolo 4** analizza i fattori esterni che costituiscono l'ambiente societale e l'ambiente della missione (task environment) dell'Europol.

Nel **capitolo 5**, tenendo conto dei risultati di un sondaggio realizzato fra i clienti, ma anche di un esercizio informale della comunità ELO, inserisce i punti di forza, i punti deboli, le minacce e le opportunità in una matrice che mostra le opzioni strategiche.

Sulla base delle conclusioni e dei contenuti dei capitoli precedenti, l'obiettivo del **capitolo 6** è quello di presentare alternative strategiche a livello aziendale, commerciale e funzionale, che sono poi sintetizzate nella strategia raccomandata alla fine di questo capitolo.

CAPITOLO 6

Alternative strategiche e raccomandazioni

Le raccomandazioni seguenti si basano sulle conclusioni delle precedenti fasi dell'analisi strategica ed hanno lo scopo di trovare possibili risposte alla seguente domanda:

“Come si possono raggiungere gli obiettivi, attuali o mutati, mediante una più attenta attuazione della strategia esistente o di strategie modificate, a livello aziendale, commerciale e funzionale dell'organizzazione?”

Riconoscendo che ciò va al di là di una “autoanalisi”, l'Europol ha seguito lo schema consueto di un'analisi strategica. Le conclusioni dell'analisi, espresse nei capitoli precedenti, hanno consentito all'Europol di elaborare alternative strategiche e infine di raccomandare strategie per l'Organizzazione.

6.1 Strategia aziendale

Si possono individuare tre tipi di strategia aziendale, a seconda dei fattori in gioco all'interno dell'organizzazione e nel suo ambiente circostante, che possono essere chiamati: “crescita”, “stabilizzazione” e “riduzione”.

Come accennato prima, gli obiettivi strategici dell'Europol e dei suoi dipartimenti devono essere limitati ad un numero ragionevole. Ciò è possibile prioritizzando tutti gli obiettivi identificati e assegnando scadenze e indicatori di prestazioni per renderli misurabili.

L'elaborazione del bilancio e della tabella dell'organico negli ultimi anni indica l'applicazione di una strategia di crescita che è in linea con l'estensione del mandato dell'Europol avviata a livello politico, ma anche con l'attribuzione di nuove responsabilità come ad esempio l'assistenza a supporto delle “squadre investigative comuni” (JIT).

Ciò proseguirà nei prossimi 5-10 anni e potrebbe portare ad un processo di stabilizzazione. Il “progetto della nuova sede centrale”, che terminerà con il trasferimento di tutto il personale in un nuovo edificio, prevede la creazione e la disponibilità di uffici per 850 agenti fino al 2020.

6.2 Strategia commerciale

Secondo Porter, a livello commerciale si possono individuare due approcci strategici. Un'organizzazione può scegliere fra concorrenza o cooperazione per mettere in evidenza il miglioramento della posizione dei suoi prodotti e servizi in uno specifico settore o segmento di mercato. Nell'ambito di un approccio competitivo e in funzione delle dimensioni del mercato e della gamma di prodotti, la segmentazione, la differenziazione e la "cost leadership" costituiscono le possibili strategie generiche¹².

Per l'Europol la differenziazione sarà fondamentale. I prodotti e i servizi dell'Europol, volti ad apportare un valore aggiunto al lavoro svolto dalle autorità competenti degli Stati membri, sono già diversi dai prodotti disponibili a livello nazionale. Nella sua ricerca di un'offerta commerciale esclusiva, l'Europol dovrebbe cercare di proporre più prodotti analitici su misura per i suoi clienti e commercializzare queste idee evitando di lanciarsi in attività operative quali le indagini autonome. L'obiettivo dell'Europol dovrebbe essere quello di fornire strumenti che non sono disponibili a livello degli Stati membri o che a livello nazionale non sono disponibili nella stessa misura in cui lo sono all'Europol. Poiché la prospettiva dell'Europol va al di là dei confini e degli interessi nazionali, l'Europol dovrebbe offrire un approccio trasversale e produrre conclusioni analitiche trasferibili a livello nazionale, al fine di promuovere ulteriori azioni politiche, organizzative e operative.

Gli organismi preposti all'applicazione delle leggi negli Stati membri considerano l'Europol come un loro strumento. Il CA e la direzione dell'Europol non gradiscono che l'Europol adotti un approccio competitivo. L'idea generale è che l'organizzazione debba lavorare, in una "alleanza strategica", insieme con altre agenzie e servizi per affiancare e sostenere gli Stati membri. Questi ultimi fungono da azionisti in quanto finanziano il bilancio, da clienti in quanto utilizzano i servizi e i prodotti o da fornitori in quanto forniscono informazioni e dati da elaborare ulteriormente per generare intelligence arricchita. Questo conglomerato di funzioni talvolta contraddittorie potrebbe creare, in alcuni casi, un conflitto d'interessi da risolvere.

A livello internazionale, vi sono altre organizzazioni e istituzioni, quali OLAF, FRONTEX ed Interpol, con le quali l'Europol sta stipulando accordi di

¹² Porter, M. (1985); Competitive Advantage, Creating And Sustaining Superior Performance, pag. 113.

cooperazione. È interessante osservare che la missione e gli obiettivi dell'Interpol sono simili a quelli dell'Europol. Va notato che l'Interpol è finanziata in modo analogo a quello dell'Europol, ossia mediante contributi provenienti dai suoi Stati membri. L'Interpol ha 186 Stati membri, tra cui tutti gli Stati membri dell'UE, che contribuiscono alla maggior parte del bilancio dell'Interpol. Da un punto di vista commerciale, non ha senso pagare per lo stesso servizio due volte. Da questo punto di vista la differenziazione potrebbe essere la strategia ideale in termini di convenienza.

Questa strategia è totalmente in linea con l'attuale interazione complementare delle due organizzazioni, nella quale l'Europol ha la precedenza nel fornire sostegno agli Stati membri in settori relativi all'area geografica dell'UE e nell'ambito del mandato dell'Europol, mentre l'Interpol ha la precedenza in tutte le questioni al di fuori di tale mandato e di tale area geografica.

6.3 Strategie funzionali

Le strategie funzionali descrivono l'approccio adottato da un settore funzionale per raggiungere gli obiettivi e le strategie delle unità organizzative e commerciali, ottimizzando la produttività delle risorse¹³.

6.3.1 Operazioni

La produzione di prodotti e servizi forniti agli Stati membri in quanto clienti avviene principalmente all'interno del dipartimento Criminalità grave (SC). Il livello di competenza operativa e analitica immesso nei prodotti forniti dovrebbe dare all'Europol un valido argomento per distribuire i prodotti e i servizi ai suoi clienti. Per quanto riguarda il lavoro analitico, la sua importanza è dimostrata dal numero di persone assegnate all'unità Analisi, che rappresenta il 60% di tutti i membri del personale del dipartimento SC. Il percorso di maturazione che l'unità Analisi ha fatto negli ultimi otto anni e gli insegnamenti tratti dovrebbero essere utilizzati per accelerare il processo all'interno delle altre unità specializzate.

La categoria Operazioni offre l'opportunità di una crescita orizzontale in quanto si stanno sviluppando e perfezionando nuovi prodotti e servizi (come ad

¹³ Wheelen, T. & Hunger, D. (2006); *Strategic Management and Business Policy*, pag. 189.

esempio OCTA e TE-SAT), ed altri clienti a livello strategico hanno manifestato interesse verso i prodotti e i servizi dell'Europol.

Molto probabilmente, il completamento dell'attuazione di soluzioni tecniche per facilitare diversi processi sbloccherà importanti risorse che potranno poi essere assegnate a nuovi processi di produzione o a processi che ne hanno bisogno.

6.3.2 Gestione delle risorse umane

In un ambiente basato sulla conoscenza, il personale è la risorsa più preziosa che un'organizzazione possa avere. All'Europol il valore dei dipendenti può essere collegato ad un valore finanziario, visto che il 61% del bilancio (più di 41 milioni di euro) è assegnato alle spese per risorse umane.

Per diventare un'organizzazione di livello mondiale, l'Europol deve fare in modo da attrarre i migliori agenti, formarli e sviluppare la loro conoscenza, le loro abilità e capacità, mantenere il più possibile basso il tasso di rotazione e salvaguardare il passaggio di conoscenza ogniqualvolta necessario.

Poiché un individuo vive, lavora e agisce in un ambiente sociale e lavorativo, l'Europol dovrebbe cercare di creare e mantenere un ambiente nel quale valga la pena vivere. Questo ambiente deve coprire, in cerchi concentrici, l'area dell'attività, ma anche gli spazi circostanti come la vita privata, la vita sociale o l'abitazione.

6.3.3 Gestione e tecnologia dell'informazione

La fornitura tempestiva di informazioni giuste è cruciale per l'applicazione delle leggi. L'ideale sarebbe che queste informazioni fossero arricchite con la competenza e potessero essere utilizzate per apportare valore aggiunto al lavoro fatto a livello nazionale.

Il fatto di offrire un sistema d'informazione esclusivo che contiene dati raccolti dagli Stati membri e messi a disposizione di tutti gli utenti è un vantaggio competitivo per l'Europol in quanto primo attore in questo settore. L'uso dei sistemi negli ultimi due anni dà indicazioni interessanti sui difetti che dovrebbero essere corretti nel prossimo futuro.

Oltre al sistema d'informazione standardizzato e regolamentato, l'Europol dispone di un'infrastruttura per lo scambio di informazioni a livello bilaterale e multilaterale. Non esiste alcun sistema comparabile, il che rappresenta per l'Europol un'opportunità commerciale unica. Sebbene gli Stati membri siano i maggiori fornitori di informazioni e siano attualmente riluttanti o tecnicamente incapaci di inserire informazioni nel sistema, i principali fornitori ne incoraggeranno altri, il che creerà una specie di concorrenza fra gli altri possibili fornitori e ridurrà la loro forza contrattuale rispetto al sistema d'informazione.

Grazie ai numerosi vantaggi competitivi individuati nel settore Gestione e tecnologia dell'informazione, derivanti principalmente da realizzazioni interne, gli Stati membri, in quanto clienti, assegnano il 23% del bilancio dell'Europol a questa funzione.

L'importanza globale delle tre funzioni di cui sopra è illustrata nel seguente grafico (Grafico 9) che mostra che l'84% delle risorse dell'Europol è destinato al personale e all'IT.

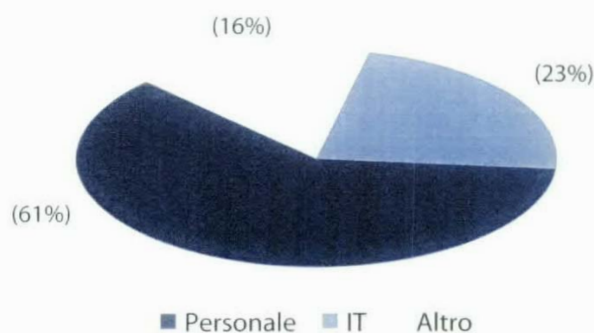


Grafico 9: Allocations di bilancio (%) 2007¹⁴

14 Bilancio per l'Europol 2007.

6.3.4 Marketing

Il marketing è prezioso, anche per un'organizzazione pubblica come l'Europol, perché il cliente deve essere informato dei prodotti e dei servizi offerti dall'organizzazione. Il livello di consapevolezza raggiunto si ripercuoterà sull'uso dell'organizzazione da parte dei suoi clienti. Ciò è particolarmente importante perché il cliente contribuisce anche al bilancio dell'organizzazione. Occorre adattare i prodotti alle esigenze del cliente per aumentare il valore che può essere aggiunto ai prodotti e servizi nazionali cui il cliente ha già accesso.

L'espressione "gestione dei rapporti con i clienti" può suonare un po' ampollosa, ma il fatto di prendere sul serio le esigenze del cliente consentirà all'organizzazione di migliorare la qualità dei suoi prodotti e indirizzerà l'interesse della direzione verso il cliente più prezioso, pur restando in un ambiente di uguaglianza di clienti e di diritti.

6.4 Strategia raccomandata

L'Europol dovrebbe continuare a seguire una strategia di crescita abbinata ad una costante evoluzione funzionale che permetta all'organizzazione di adeguare gli attuali prodotti e servizi alle esigenze del cliente, di sviluppare nuovi prodotti e di allargare il gruppo cui sono destinati i suoi prodotti.

La riduzione non è una strategia aziendale adeguata per l'Europol, che è un'organizzazione giovane e fiorente con il necessario appoggio politico. La volontà politica di sostenere l'obiettivo dell'Europol garantisce il flusso di risorse al suo bilancio almeno per i prossimi anni.

All'Europol si consiglia di applicare una strategia di differenziazione a livello commerciale, ossia di concentrarsi sui prodotti e servizi che soltanto l'Europol può fornire grazie alla sua posizione esclusiva e di mantenere un 'approccio competitivo' per ottenere risultati, senza duplicare gli sforzi di altri enti o autorità nazionali.

La concorrenza spingerà l'organizzazione a lavorare meglio senza rischiare di spingere altri fuori dal mercato o di essere spinta fuori dal mercato da altri. Per quanto riguarda gli Stati membri, sarà importante far uscire i propri prodotti e servizi dalla rivendicata sovranità nazionale e identificare e raccogliere settori di attività che non si sovrappongono.

I dipartimenti Risorse umane e Gestione e tecnologia dell'informazione rappresentano l'84% del bilancio dell'Europol. Tale cifra mostra anche quali sono i settori in cui si devono sviluppare e attuare urgentemente strategie e politiche funzionali, se non sono già disponibili.

Le Operazioni sono il principale consumatore di risorse umane e di ICT, nonché il principale produttore di prodotti e servizi dell'Europol. Pertanto, occorre elaborare ulteriormente la strategia commerciale delle Operazioni, dato che questa serve da base alla funzione di gestione dell'informazione.

È necessaria una strategia di marketing che tenda a sviluppare il concetto di cliente dell'Europol, a definire delle modalità per garantire il suo interesse per i prodotti e i servizi dell'Europol e infine a creare dei canali per vendere questi prodotti sul mercato in questione. L'Europol dovrebbe diventare un marchio distinto da altre organizzazioni operanti nell'ambiente dell'applicazione delle leggi.

PAGINA BIANCA

IL CODICE DI CONDOTTA

PAGINA BIANCA

6. IL CODICE DI CONDOTTA

I. NOTA INTRODUTTIVA

Conformemente alla convenzione Europol, l'Europol è l'organizzazione dell'Unione europea preposta all'applicazione della legge con il mandato di aumentare l'efficienza e la cooperazione delle autorità competenti degli Stati membri dell'Unione europea (UE) nel prevenire e combattere diverse forme gravi di criminalità internazionale.

Per attuare tale mandato, l'Europol impiega funzionari provenienti da tutti gli Stati membri dell'UE e rappresentanti di Stati ed organismi europei e non europei invitati presso la sua sede. La diversità delle strategie nazionali per stabilire l'integrità e l'assoluta necessità di un'organizzazione dell'intelligence nel campo dell'applicazione delle leggi per garantire il massimo grado di riservatezza, sicurezza e integrità richiedono la creazione di un Codice di condotta (in seguito chiamato il "Codice").

Data la natura dell'organizzazione e delle sue attività, il pubblico ha il diritto di essere sicuro che l'Europol agisce in modo efficace, efficiente ed adeguato.

L'Europol lavora in modo collaborativo e non competitivo raccogliendo un'ampia serie di conoscenze, esperienze e competenze al fine di fornire un servizio su scala mondiale. Il presente Codice mira quindi a creare una cultura organizzativa destinata a promuovere un'efficienza etica e professionale ed a contribuire a creare e sostenere un'identità aziendale che sia coerente con la visione, la missione ed i valori dell'Europol. Definisce l'alto livello di integrità e le severe norme di comportamento personale e professionale che gli agenti dell'Europol devono adottare nell'esecuzione dei loro compiti, individualmente, nei confronti dei loro colleghi e a nome dell'Europol.

Il Codice è indirizzato a tutti gli impiegati dell'Europol (agenti e personale locale), agli ufficiali di collegamento Europol (fatte salve le rispettive legislazioni nazionali) ed a tutte le altre persone che svolgono compiti per l'Europol. Salvo indicazioni contrarie, tutte le disposizioni del presente Codice si applicano a tutte le persone di cui sopra.

Il presente Codice deve essere considerato nel quadro dei compiti e delle responsabilità personali definiti nel contesto giuridico dell'Europol.

II. DICHIARAZIONE DEI VALORI DELL'EUROPOL

A supporto della creazione del presente Codice di condotta, l'Europol dispone di una serie consolidata di valori elaborata in consultazione con il personale di tutta l'organizzazione e adottata dalla direzione alla metà del 2006. Tali valori sono presi in considerazione nel progetto di Codice di condotta.

1. Leadership e approccio comune

Consentiamo il coordinamento, visualizziamo la condivisione nel successo, aumentiamo la coesione tra misure e azioni, prioritizziamo partner e interlocutori nelle nostre attività quotidiane (compresa la comunicazione formale e informale), prioritizziamo la cooperazione orizzontale tra dipartimenti e unità in modo che l'Europol agisca in modo coeso seguendo un orientamento olistico.

2. Integrità

Abbiamo il coraggio di spenderci e difendere le nostre decisioni e le nostre certezze entro i limiti delle nostre norme professionali e del nostro codice di condotta.

3. Atteggiamento dinamico e proattivo

Individuiamo le tendenze, prendiamo iniziative e dimostriamo spirito di innovazione e flessibilità. Influenziamo e impostiamo l'agenda verso il futuro. L'Europol prende atto del cambiamento delle aspettative e delle opportunità nell'attuare le priorità mediante piani d'azione. Seguiamo da vicino gli sviluppi e prendiamo iniziative per sviluppare nuovi metodi.

4. Atteggiamento professionale e orientato ai risultati

Seguiamo i principi della gestione della qualità e della precisione. In quanto parte del personale, dobbiamo avere le competenze e le capacità necessarie per esaudire le aspettative delle parti interessate consegnando prodotti e servizi della qualità richiesta.

5. Credibilità e affidabilità

Rispettiamo gli obblighi e gli accordi interni ed esterni. Siamo realistici nel fissare i calendari dei compiti. Agiamo in modo obiettivo e imparziale. Rimaniamo coerenti alla politica di comunicazione dell'Europol.

6. Cooperazione basata sul dialogo

Lavoriamo in gruppo senza pregiudizi, nel rispetto delle diversità e delle responsabilità degli altri. Contribuiamo alla chiarezza delle comunicazioni, alla creatività, alla trasparenza, all'ispirazione e alla responsabilità.

7. Responsabilità e impegno:

Facciamo nostri i valori dell'organizzazione e forniamo buoni risultati in un ambiente gratificante e motivante. Aumentiamo la fiducia reciproca e siamo leali verso l'Europol.

III. CODICE DI CONDOTTA DELL'EUROPOL

Dato il ruolo dell'Europol e considerate le attività da esso svolte, il pubblico, i colleghi, gli Stati membri, le agenzie partner e le altre parti interessate hanno il diritto di richiedere i massimi standard di comportamento da tutte le persone interessate dal presente Codice. Il seguente Codice rispecchia tali aspettative e rappresenta una guida generale al comportamento richiesto. È ovvio che in questo documento non possono essere considerati tutti i casi, ma si prevede che i principi generali possano essere e siano applicati in tutta l'organizzazione.

In relazione al presente Codice vi sono principalmente tre aree di responsabilità:

1. Condotta individuale
2. Condotta nei confronti dei colleghi
3. Condotta nei confronti dell'organizzazione.

Per ciascuna area sono previsti quelli che si considerano i principi fondamentali, ossia correttezza, responsabilità, integrità, rispetto e cortesia nell'agire, rispetto delle differenze individuali, rispetto della riservatezza, continua preparazione al compito e disponibilità a contrastare comportamenti inadeguati quando si presentano.

1. Condotta individuale

- 1.1 Ciascuna persona coperta dal presente Codice deve comportarsi conformemente alle norme più severe di etica professionale, onestà e integrità in ogni momento durante lo svolgimento dei suoi compiti.
- 1.2 Ognuno deve svolgere il suo lavoro in modo competente, con cura, disciplina, cortesia ed efficienza.
- 1.3 La dignità umana deve essere sempre rispettata e ciascuno deve rispettare e sostenere i diritti umani.
- 1.4 Ognuno deve evitare qualsiasi conflitto tra interessi personali e interessi dell'Europol e deve informare il direttore, secondo le modalità stabilite, di eventuali cambiamenti intervenuti nella sua situazione personale che possano compromettere l'indipendenza e la lealtà delle sue prestazioni nell'interesse dell'Europol.
- 1.5 Ognuno deve condurre la propria vita privata in modo da non interferire con i propri compiti ufficiali o da non gettare discredito sull'Europol.
- 1.6 Qualsiasi attività politica o pubblica che esuli dal campo dei compiti professionali non deve essere tale da intaccare la fiducia nell'imparzialità dello svolgimento dei compiti.
- 1.7 Ognuno deve rispettare la legge. I privilegi e le immunità di cui godono gli impiegati dell'Europol sono concesse esclusivamente in relazione al loro lavoro all'Europol.

- 1.8 Chiunque sia oggetto di una procedura investigativa penale deve informarne immediatamente il direttore secondo le modalità stabilite.
- 1.9 Nessuno deve far uso di sostanze illecite e nessuno deve presentarsi al lavoro o essere in servizio sotto l'effetto di sostanze illecite.
- 1.10 Nessuno deve presentarsi al lavoro o essere in servizio in condizioni non idonee al lavoro a causa del consumo di alcool.
- 1.11 Qualora una persona creda di essere incaricata di agire in un modo che reputa illegale, immorale o tale da creare un grave problema di coscienza, tale persona deve segnalarlo secondo le modalità stabilite.

2. Condotta nei confronti dei colleghi

- 2.1 I rapporti interpersonali devono sempre essere improntati a correttezza, rispetto, gentilezza e tolleranza. Il lavoro di gruppo deve essere promosso come sforzo reciproco e deve essere rispettata la diversità culturale.
- 2.2 Tutti i colleghi devono essere trattati ugualmente in modo rispettoso e professionale senza provocare offese con il linguaggio, l'aspetto o il comportamento.
- 2.3 Nessuno deve sottoporre altri a comportamenti discriminatori, in particolare in relazione all'età, all'origine etnica o nazionale, al genere, allo stato civile, all'aspetto fisico, alla disabilità fisica o intellettuale, alla gravidanza, alla razza, alle convinzioni religiose o politiche oppure all'orientamento sessuale.
- 2.4 Non deve essere tollerata alcuna forma di molestia sessuale, di bullismo psicologico o fisico né alcun tipo di violenza.
- 2.5 Tutti devono rispettare le modalità di segnalazione stabilite ed assumersi la responsabilità in tutti gli aspetti dell'esecuzione dei compiti assegnati loro.
- 2.6 Conformemente al regime di riservatezza e nel pieno rispetto della privacy, l'informazione deve essere condivisa nella misura necessaria per creare un ambiente di lavoro trasparente.

3. Condotta nei confronti dell'organizzazione.

- 3.1 Nello svolgimento dei loro compiti gli impiegati dell'Europol devono sempre comportarsi lealmente nei confronti dell'organizzazione senza tenere conto degli interessi personali.
- 3.2 Gli impiegati dell'Europol non devono né ricevere né chiedere istruzioni da nessun governo, nessuna autorità, organizzazione o persona esterni all'Europol.
- 3.3 I compiti devono essere svolti dagli impiegati dell'Europol in modo imparziale e senza favori a nessuna persona, gruppo od organizzazione.
- 3.4 Quando agisce per conto dell'Europol, nessuno deve accettare favori personali, regali o pagamenti che non siano conformi alla politica dell'organizzazione.
- 3.5 Nessuno deve abusare della propria autorità o posizione per ottenere privilegi o benefici personali.
- 3.6 Dopo aver lasciato l'Europol, nessuno deve approfittare ingiustamente della propria posizione precedente.
- 3.7 Tutte le richieste e tutti i contatti dei media devono essere indirizzati esclusivamente agli agenti autorizzati dell'Europol e devono essere trattati esclusivamente da questi.
- 3.8 Quando si trova in missione, chiunque rappresenti l'organizzazione deve comportarsi in modo consono alla propria posizione e conforme al presente Codice.
- 3.9 Le spese per conto dell'Europol devono essere effettuate soltanto con la debita autorità, tenendo conto che le risorse dell'Europol devono essere usate nel modo più economico.
- 3.10 Le infrastrutture e le attrezzature dell'Europol devono essere usate con cura e con rispetto da tutti.

IV. INTERPRETAZIONE E APPLICAZIONE

- 4.1 Tutti i responsabili devono fornire direzione e guida con la forza dell'esempio personale e di un giudizio profondo e devono quindi assistere nel processo di attuazione del presente Codice.
- 4.2 Le decisioni e le azioni devono essere spiegate nel modo più aperto possibile e devono essere limitate soltanto per motivi legittimi.
- 4.3 Tutte le persone coperte dal presente Codice non devono tollerare comportamenti contrari al Codice e possono avviare adeguate azioni secondo le modalità di segnalazione stabilite.
- 4.4 Qualunque impiegato dell'Europol che segnali problemi personali all'organizzazione deve essere aiutato il più possibile a risolverli.
- 4.5 L'organizzazione sostiene chiunque segnali una violazione del presente Codice, a meno che tale segnalazione non risulti malevola o comunque in cattiva fede.
- 4.6 L'Europol specificherà le norme professionali ed i principi fondamentali di cui sopra in varie politiche al fine di facilitare l'applicazione del Codice.