

Europe steps up EU policing strategy

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In 2018, the European Union began to implement its third Policy Cycle on Serious and Organised Crime. *Matthew Redhead* examines the drive in Brussels towards greater policing co-ordination as criminals adopt new technologies and Brexit approaches

Key Points

- The EU has substantially increased its ability to combat serious and organised crime, deploying a range of policing and judicial initiatives that have been largely successful.
- There is likely to be a further deepening of law enforcement and judicial co-ordination and co-operation in the policy cycle through to 2021, tackling areas such as money laundering, where efforts remain sub-optimal.
- Federalist pressures for the creation of an FBI-style pan-European agency are unlikely to be realised in the coming cycle, although there is clearly momentum towards a greater role for Europol.

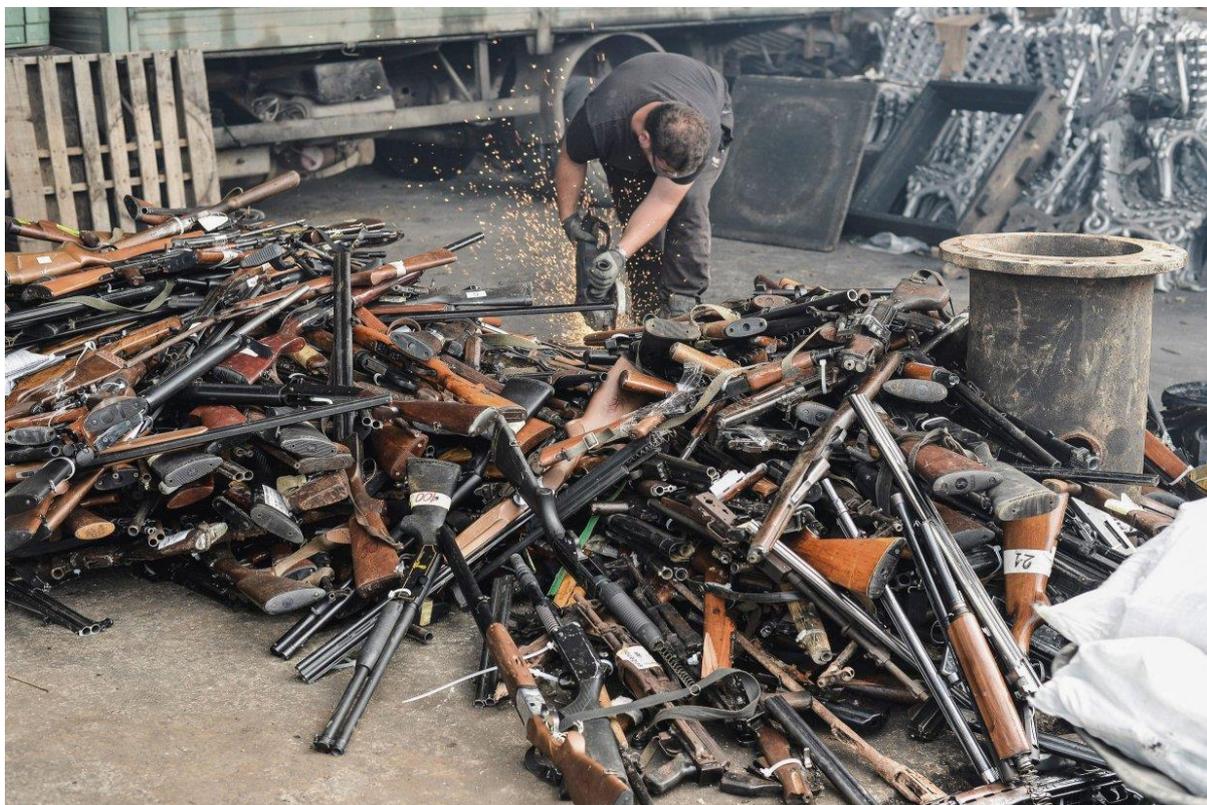
On 14 August 2018, Florin Ghinea, a suspected Romanian 'kingpin', and one of European policing agency Europol's most wanted men, was arrested in the UK by the National Crime Agency (NCA), using a European Arrest Warrant (EAW). According to NCA Deputy Director Tom Dowdall, "Ghinea was being sought by the Romanian authorities for some extremely serious offences including human trafficking and murder." The arrest provided evidence of how the EU has radically improved cross-border policing co-operation against serious organised crime.

Since the Treaty of Maastricht in 1992, and aiming to improve cross-border policing, the EU has created institutions such as Europol, shared databases on criminal intelligence, established joint investigative teams, and implemented investigative tools such as the EAW. Moreover, since the Treaty of Lisbon in 2007, Brussels has encouraged further operational co-ordination between member states in the fight against organised crime, introducing a 'Policy Cycle on Serious and Organised Crime' in 2010. The Policy Cycle is a methodology that defines shared objectives, plans, and operations against serious organised crime for national law enforcement agencies.

Both national and European officials have largely praised the law enforcement element of the EU's efforts. However, policing is not the only element of an effort against organised crime, and external experts – including research centres RAND Europe and the Centre for European Policy Studies (CEPS) – have highlighted the EU's relative lack of focus on prosecutorial co-operation and vigour in tackling the 'infrastructures' of organised crime, such as money laundering. For example, despite the publication of the EU's 5th Anti-Money Laundering Directive (AMLD 5) in May 2018, serious money-laundering scandals continue in major European banks such as Danske and ING.

These successes and failures, the overall 'direction of travel' since Lisbon, increasing criminal sophistication, and likely future developments such as terrorist attacks, are all likely to provide a further impetus to deepen police co-operation, improve the implementation of relevant laws and regulations, and broaden the scope of prosecutorial co-ordination. Indeed, they are also likely to strengthen the position of those calling for increased EU co-operation on serious organised crime and greater integration.

Current EU efforts suggest that a European 'FBI' is unlikely to emerge in the next four years, but there is a clear trend towards an increasing EU leadership role in the fight against serious organised crime. The 'wild card' remains the impact of Brexit, and the potential departure of the UK from all policing and security arrangements in the increasingly likely event of 'no deal'.



A Kosovan metal foundry employee deactivates seized illegal weapons and firearms at Janjevo, south of Pristina, on 7 July 2016. Operations to reduce the vast quantities of illegal firearms circulating in the Balkans are a priority for European law enforcement, such as an inter-agency operation that ran on 5–9 September 2018. (AFP/Getty Images)

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Although the absence of the UK is likely to strengthen the position of 'integrationists' in EU decision-making bodies, it will also lead to the operational loss of a leading national player in terms of policing expertise and intelligence on serious organised crime. Without UK involvement, EU co-operation is highly likely to deepen and widen, but in the short-term at least it will also be less effective.

Historical framework

All EU countries are signatories to the UN Convention against Transnational Organized Crime (UNTOC) 2000, and are actively involved in international initiatives such as Interpol, the Financial Action Taskforce (FATF), and Council of Europe initiatives such as MONEYVAL, which monitors the implementation of FATF's 40 anti-money-laundering and counter-terrorist finance recommendations in Europe. The four largest EU countries – France, Germany, Italy, and the UK – are also members of the G7 Roma-Lyon Group, founded in 2001 to better co-ordinate policies on organised crime and terrorism.

The origins of co-operation against serious organised crime within the EU were initially inter-governmental. In 1975, the then 12 members of the European Community set up the TREVI network,

a forum for ministers of the interior and justice. However, the 1992 Maastricht Treaty led to a qualitative change in approach, with explicit recognition of 'Justice and Home Affairs' (JHA) as one of the three 'pillars' of the newly rebranded European Union, alongside economic issues and the Common Foreign and Security Policy.

In 1997, the EU adopted an action plan against organised crime. In the following decade, Maastricht and its successor treaties – Amsterdam (1997), Nice (2001), and Lisbon (2007) – created a legal basis for greater competence in central EU institutions to tackle the problem. Initially, this effort focused solely on Organised Crime Groups (OCGs), defined in a 2008 Framework Decision as a “structured association established over a period of time, of more than two persons acting in concert with a view to committing offences which are punishable with the deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, to obtain, directly or indirectly, a financial or other material benefit”.

However, over time the EU has widened the scope of its approach to include 'serious' crime – broadly accepted as crime that causes significant cross-border harm, but does not necessarily emanate from OCGs. Inter-governmental approaches similar to TREVI continued within the EU, with the five largest EU states – the four above, plus Spain – forming a 'G5' group of ministers of the interior in 2003, expanded to a 'G6' including Poland in 2006, that aimed to improve co-operation on cross-border crime.

However, the key programmes covering policing and justice that grew out of the treaties – Tampere (1994), The Hague (2004), and Stockholm (2009) – were primarily designed to consolidate, improve, and expand upon the investigative institutions, tools, and systems available at an EU level. Out of Tampere came new priorities in the area of 'freedom, security, and justice'; The Hague expanded this, with a greater focus on counter-terrorism; and Stockholm aims to create a consistent security architecture at the EU level.

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