

Statement coalition against serious and organised crime 5 June 2023

The ministers responsible for security and justice of the Kingdom of Belgium, the Republic of France, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands, the Kingdom of Spain, declare the following:

Considering the continued threat posed by serious and organised crime, in particular illicit drugs trafficking, on the values and functioning of our society, the safety, well-being and fundamental rights of our citizens and the preservation and functioning of the rule of law and of our economies;

Taking into account requirements safeguarding fundamental rights, the legal responsibilities of the various actors involved, as well as the existing frameworks and mechanisms for international and EU cooperation relevant in the fight against serious and organised crime, in particular Justice and Home Affairs (JHA) agencies such as Eurojust and Europol, as well as other mechanisms for international and EU cooperation, such as the European Multidisciplinary Platform Against Criminal Threats (EMPACT);

Building upon our joined work to execute the Multi-annual Action Plan of 2022-2025, we;

Express full support for the plans of the upcoming EU Council presidencies to take forward the Coalition's priorities at the EU level, in particular by cooperating more closely with Latin American and Caribbean countries (ES priority) and by mapping organised crime groups active in Europe, with the assistance of Europol (BE priority);

Encourage the upcoming EU Council presidencies and the following European Commission of 2024-2029 to work together towards a comprehensive and multidisciplinary approach, including the use of the administrative approach to disrupt and dismantle criminal networks and businesses, apprehend and prosecute criminals and seize and confiscate their assets.

Regarding **horizontal issues**, we invite the new Commission to consider the following priorities:

A whole of EU **approach against serious and organised crime**. Meaning the involvement of all Commission services in its design, ensuring awareness regarding possible JHA-implications of horizontal instruments. While keeping the JHA Council informed of relevant policy initiatives and legislative proposals. Similarly, this comprehensive policy approach should be reflected within the EU Council and its Working Groups;

A reinforced legal framework, through further approximation of criminal offences and of administrative and criminal sanctions. In particular, through cooperation with different sectors such as Transport-, Customs- and Finance, to improve in a coordinated manner the protection of ports from organised crime, and consider all relevant measures at EU level – including legislative – to this aim.

Enhance involvement of EU delegations and national representations in the Latin-American, Caribbean and Western Balkan regions on organised crime,

especially on illicit drugs trafficking. Taking into account relevant summits on the regions, like the upcoming EU-CELAC (Community of Latin American and Caribbean States) summit on 17, 18 July. During the JHA Council in September, an EU-CLASI (Latin American Internal Security Committee) event will take place aiming at consolidating a bi-regional dialogue on a permanent basis in the JHA domain.

It is vital that we preserve the ability to intercept, under strict judicial control, encrypted criminal communications where this is necessary and proportionate, while ensuring that data subjects may benefit from the protection of their personal data through encryption technologies. The establishment of the EU High Level Expert Group that will look into solutions on accessing and using data in the digital domain, is therefore warmly welcomed. These data are crucial to understand and disrupt criminal power structures and essential for many investigations, prosecutions and convictions. At the same time, we must ensure sufficient safeguards are in place to protect fundamental rights.

The threat of drug related organised crime to our societies calls for an integrated approach at all levels. Between authorities but also together with the private sector and society as a whole. It should focus on prevention – including diminishing the demand for drugs and preventing precursors for the production of synthetic drugs from reaching criminal networks -, disruption and prosecution. It requires a legal effort, transcending criminal law by also fully using administrative and civil law instruments.

To prevent illicit drugs from entering Europe, **upstream disruption** is crucial. In this regard, we identified the following initiatives:

Continuing the strong cooperation we built with partners in the Latin-American region such as the CLASI and AMERIPOL (The Police Community of the Americas) and Western Balkans by mobilising the EU Agencies and the networks, EMPACT and the regional cooperation programmes through EU projects such as EL PAcCTO (in accordance with actions 10 and 11 of the Multi Annual Action Plan 2022-2025) and Euromed (Euro-Mediterranean Partnership with 16 Southern Mediterranean countries). This cooperation could also benefit from the EU-CELAC tools, dialogues and mechanisms such as the EU-CELAC Coordination and Cooperation Mechanism on Drugs.

Setting-up an informed overview of liaison officers and magistrates placed in these regions (including CLASI taskforce), in consultation with Europol and Eurojust in order to enable EU Member States to make more informed decisions about placements and international cooperation. The European Commission could regularly update this network-map (in accordance with action 11 of the Multi Annual Action Plan 2022-2025).

Exploring opportunities to conclude '**tailor-made**' EU legal assistance and extradition agreements with strategically chosen third countries, in order to use the EU weight to its full potential, strengthening the framework of existing and future bilateral agreements by member states.

To counter any so-called negative waterbed-effect we need to make all of our **logistical hubs more resilient**. This includes the following actions:

Strengthening the resilience of the logistical hubs against criminal infiltration and abuse – in particular against corruption, cargo security risks and threats to ICT-security.

Revise international rules on security measures concerning seaports, such as the International Ship and Port Facility (ISPS) Code, in order to improve the resilience of logistical hubs and processes.

Reinforce the information exchange on best practices, corruption, statistics on seizures of illicit drugs etc. in ports via a dedicated platform using for example existing networks such as the SIENA network for operational information (see action 2 Multi Annual Action Plan 2022-2025).

Build a strong cooperation with shipping companies in order to make ports safer and protect their workers- adding to the declaration on the fight against cross-border organised drug crime that was signed on the 17th of February in Antwerp (in accordance with action 2 of the Multi Annual Action Plan 2022-2025).

Create a network of contact magistrates for sea-, and airports in the EU, in order to foster the dialogue between judicial authorities. The expertise, knowledge and best practices on the investigation and prosecution of drug-related organised crime and effective cross-border judicial cooperation exchanged between these contact magistrates should be aggregated in a database, hosted by Eurojust. Without creating an excessive administrative burden and by avoiding interference with existing legal assistance and the operational level. The network can initially be based on the organisation of a conference and/ or focal group.

Equally important is the **disruption of Criminal Money Flows** by organizing controls against cross-border cash transfers and preventing criminal proceeds from being reinvested, fuelling new criminal activities and hitting criminals where it hurts most: their pockets. Since borders do not stop money flows, it is important to cooperate closely within the EU and with countries outside the EU to effectively disrupt and confiscate criminal money flows.

To dismantle transnational criminal organisations effectively it is vital to disrupt and dismantle the worldwide criminal underground banking system collectively.

In this regard, judicial cooperation with third countries, based on case-by-case assessments, should be intensified. EU-adequacy decisions in order to support information sharing with third countries are essential in this regard. A more coordinated approach towards these countries is needed for a more focused and effective common effort.

In the end, crime must not pay off. This also means being able to seize and confiscate virtual assets from criminals and prevent the use for money laundering. Therefore, the progress made on the Directive on Asset Recovery and Confiscation, notably on the articles that enable non-conviction based confiscation and target unexplained wealth, is very welcome. Call on Member States and the Parliament to reach a swift agreement on the Directive that responds to the operational needs of competent authorities to trace, freeze and confiscate criminals' ill-gotten gains and to ensure the required implementation

of the agreed Directive. The signatories of this declaration advocate a three-year implementation period.