

Countering Terrorism and Organized Crime: EU Perspectives

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1. INTRODUCTION

Over the last fifteen years, it has been commonplace to view terrorism and organized crime as the most pressing transnational security issues for Europe, while conventional military threats have – at least until recently – been de-emphasized. The 2003 EU Security Strategy argued that “large-scale aggression against any Member State is now improbable. Instead, Europe faces new threats which are more diverse, less visible and less predictable”.¹ Yet despite the global repercussions of 9/11, conceptions of appropriate counterterrorist polices strongly diverge between Europe and many other parts of the world. The kinds of terrorist threats faced by China and Europe also share very few similarities. China faces various separatists’ movements that occasionally resort to terrorist attacks, while in Europe serious ethnic-separatist terrorism, as exemplified by ETA or the IRA, has been on the decline. The EU has instead mostly been concerned with Islamic radicals and, to a lesser degree, political right- or left-wing extremists. Chinese attempts to associate ethnic separatists, mainly the Uighurs, with global Islamic terrorism, have not generally been accepted by Western countries. If one adds the long-standing disputes over the status of Tibet and the principle of non-intervention, discussions on terrorism appear to be a potential spoiler of EU-Chinese relations rather than a basis for cooperation.

The area of organized crime presents a different picture. The expansion of globalization and deep economic ties between Europe and Asia has been shadowed by the growth and diversification of organized crime groups. And in both Europe and China there is a well-known historical tradition of organized crime groups.² The range of potential criminal activities that concern both Europe and Asia is vast, ranging from drug, arms and human trafficking³ to more subtle (but nonetheless highly damaging) forms of economic crime, such as VAT fraud, money laundering, match fixing, product piracy and counterfeiting,⁴ and the smuggling of cigarettes, endangered species or animal products. The effect of Chinese organized crime activities on European countries has been repeatedly documented,⁵ and there may be at least sporadic cooperation between European and Asian criminal groups. Last but not least, cybercrime is also seen as an increasingly organized and dangerous phenomenon, which transcends national boundaries and is also rooted in various parts of Asia.

A few large EU member states, such as Germany, the UK or Italy, have responded to these challenges by posting police liaison officers in China and/or by regularly receiving Chinese delegations of security officials.⁶ Meanwhile, the EU has developed an increasingly complex and comprehensive internal security policy on organized crime and terrorism over the last two decades, which is tightly linked to the general development of the so-called Area of Freedom, Security and Justice. Yet the EU cannot assume direct operational responsibilities for policing and internal security,⁷ and is regularly criticized as a “paper tiger” for these reasons (Bureš 2011). Nevertheless, the development of EU internal security policy over the last two decades has also led to a substantial “external dimension”, which becomes integrated into the EU’s international relations. Thus, the fight against organized crime may

constitute a growing and substantial component of EU-China security relations, as is also exemplified by recent EU-Chinese declarations.⁸

2. EU THREAT PERCEPTION

In the 1970s the so-called TREVI group of European Interior Ministers formed in response to a wave of international terrorist attacks. Since the 1980s, the threat perception of organized crime constituted the second focal point for European internal security cooperation,⁹ as evidenced in the formation of the Multidisciplinary Group on Organized Crime reporting to the Council of Ministers. In the mid-1990s, organized crime (especially its central role in drug trafficking) also helped to justify the creation of the European Police Office (EUROPOL), which later acquired an additional supportive role in the fight against terrorism (Occhipinti 2003).

Thus, European policy-makers routinely link the threats of organized crime and terrorism as well as the connections between internal and external security policy (Bigo 1994, Bigo 2010). Critical analysts have described this development as an undue empowerment of security professionals at the transnational level, whereas societal, judicial and parliamentary actors have been challenged to catch up (Wagner 2011).

Yet the EU's perceptions of terrorism and organized crime are more diverse if one compares general policy documents, strategic analyses and legal codifications. The introduction already cited the 2003 European Security Strategy, while the 2010 EU Internal Security Strategy¹⁰ similarly lists terrorism and organized crime as the first two main threats, followed by the closely related threats of cybercrime and cross-border crime. In addition, the EU adopted the 2005 Counterterrorism Strategy,¹¹ the 2008 Strategy on Radicalization and Recruitment into Terrorism¹² and Strategy against terrorism financing, which was last updated in 2008.¹³ Furthermore, the very first EU action plan in the area of internal security from 1998 focused on organized crime,¹⁴ which has been followed by regularly revised strategic documents on human and drug trafficking,¹⁵ or cybersecurity.¹⁶

These functionally more differentiated strategies are flanked by annual reports by EUROPOL on the threat of terrorism and 'serious and organized crime' in Europe, the so-called *Te-Sat* and *SOCTA* reports,¹⁷ as well as an increasing number of thematic reports on different forms of serious criminality (e.g. new drugs).¹⁸ On the issue of terrorism, EUROPOL perceives a persistent level of threat from nationalist separatists and left- and right-wing extremist groups in numerous European member states. These groups are jointly responsible for the vast majority of recorded terrorist incidents and cases, which typically run into several hundred per year for the EU as a whole – if one counts events such as arson, damaged property and isolated violent attacks. The devastating attack in Norway by a right-wing extremist shows that these sources of terrorism can also be hugely dangerous. Nonetheless, the threat by Islamist terrorism is still regularly seen as most serious in terms of violence and potential human casualties. Both with regard to political and religious extremist terrorism, the threat of individual 'lone-wolf' attackers that may be radicalized via online channels and may be almost impossible to detect has been on the agenda for years. However, security professionals have again become most concerned about personal networks and formative experiences in violent conflicts in the Middle and Near East. In particular, the assumption is that European Muslims become "travelling fighters" to Afghanistan, Iraq and increasingly Syria, and will eventually return to Europe as potential terrorists.¹⁹ In sum, the EU regards terrorism as a multi-dimensional and sustained phenomenon that includes well-organized groups, individual attackers, different ideological persuasions and also different paths of 'radicalisation'.

In the area of organized crime EUROPOL published headline-catching figures that underlined the seriousness of the threat. For instance, EUROPOL estimated that 3600 organized crime groups were

active in Europe,²⁰ or claimed that different forms of organized crime had a negative economic impact in the region of double-digit billions of Euros.²¹ However, EUROPOL also steadily sought to improve the precision and operational usability of its strategic intelligence.²² In 2012 EUROPOL followed the ongoing terminological and conceptual shift in international policing debates from organized crime (OC) to serious and organized crime (SOC). This move is intended to capture more de-centralised, yet serious, criminal phenomena, with a growing accent on impacts and victims rather than criminal organizations (Dorn 2009). Since 2013, EUROPOL has sought identify future trends and priorities²³ and lists not only eight crime areas and numerous criminal groups, but also structural crime enablers, such as the economic crises or technological trends. European analyses, thus, have moved further away from an ethnic and geographical focus on organized crime²⁴ to a view of specialized, flexible and multi-faceted criminal networks.

While this increasing level of sophistication on both terrorism and organized crime is to be welcomed, it adds to the complex legal definitions in these areas. One of the core legislative measures that the EU adopted in the aftermath of 9/11 was a framework decision on combating terrorism,²⁵ which provided a minimal shared definition of terrorism and terrorist offences among all EU member states and required corresponding specific criminal sanctions.²⁶ Despite warnings as to the potential for abuse of an encompassing and binding definition of terrorism, the framework decision has become an important point of reference within Europe, and was amended in 2008 to include potential incitement to terrorist acts (O'Neill 2012).

An earlier, but non-binding, joint action²⁷ already sought to support a convergent legal treatment of organized crime in all member states. However, it took until 2008 for a more stringent common framework decision on organized crime to emerge,²⁸ which requires member states to penalize membership in an organized crime group per se, rather than just specific criminal activities carried out in this context.²⁹ A comprehensive survey of national legislation from 2010 found that this was far from the norm and that there was a large gap between the shared EU discourse and criminal law toolkit of the member states (Calderoni 2010). Current analyses confirm the persistent diversity of national concepts and approaches on organized crime and their application in criminal proceedings (Allum and Boer 2013).

In sum, the EU faces a considerable gap between global threat assessments of organized crime and terrorism and the day-to-day practice of police and judicial authorities, which remains based on different legal systems and operational routines. This also affects the potential of international cooperation on these threats, even though the EU may assume a more coherent external profile than within its borders.

3. THE EU'S RESPONSE

In light of the centrality of organized crime and terrorism to EU internal security cooperation as a whole, this policy paper cannot provide a survey of all major legislative or policy instruments that have been associated with these threats. For instance, the EU Action Plan on Combating Terrorism³⁰ contained more than 170 items during the drafting (Bossong 2008). The EU putative strategic approach to organized crime and terrorism (see above) arguably does not offer much insight either. For instance, the EU counterterrorism strategy contains four broad objectives, namely prevention, pursuit of terrorists, preparedness to defend against attacks, and response measures in the aftermath, such as victim support. Thus, the EU typically tends to be as comprehensive as possible, without a clear sense of priorities.³¹ The relevance of the various EU security strategies to political practice has also been regularly been doubted (Coolsaet 2010, Schröder 2011).

Instead, this short paper aims to sketch out four broad trends or patterns in the EU's response to organized crime and terrorism. First, one always needs to remember that the EU cannot act directly against terrorism and organized crime groups. Arrests and the conduct of concrete security measures remain strictly with each of the member states. Furthermore, EU internal security policy remains embedded in a wider context of multiple overlapping and potentially competing forums and networks for internal security cooperation (Bures 2012) in Europe.

So even the most operational dimension of EU internal security cooperation, namely the activities of EUROPOL, EUROJUST (and FRONTEX), is mostly limited to the collection and exchange of information, the use of data and formation of networks among national authorities. There has been a dynamic growth of such data networks and the role of these EU agencies over time (Busuioc *et al.* 2011, Carrera *et al.* 2012), although member states remain reluctant to share the more sensitive data in such formal EU-wide settings. These information collection capacities are clearly central to the EU's role as an internal as well as international security actor, as can also be seen in the growing information exchange between EUROPOL and the US (Kaunert 2010). Critical observers argued that these technological databases violate principles of data protection (Boehm 2012) and the division between different kinds of security authorities, as is enshrined in a number of member states (Carrera *et al.* 2012). Furthermore, one may perceive a worrying global trend towards 'preventive' policing that justifies comprehensive intervention and surveillance of potential suspects on the basis of data profiles rather than hard evidence (den Boer 2011). In short, international cooperation on terrorism and organized crime can clearly build on the EU's growing data collection and analytical capacities, but must also be aware of the particular European sensitivities for data protection and civil rights.

Second, the EU generally underlines the need to respect 'the Rule of Law' in countering the threats of organized crime and terrorism, while the meaning of this approach remains dependent on national legal systems that are only partially made compatible with each other by means of various EU legislation. As a wider policy objective, the EU committed to creating the so-called Area of Freedom, Security and Justice.³² The main thrust of EU initiatives has been to facilitate and speed up mutual legal assistance and cooperation across borders and to create so-called mutual trusts among the diverse legal systems in European member states. The underlying principle is the so-called mutual recognition of different national legal systems (Nilsson 2006), whereas a genuinely common body of EU criminal law remains elusive.³³ The most notable step has been the so-called European Arrest Warrant, which should allow national criminal justice authorities to request the arrest and extradition of suspects without political interventions.

Over the last fifteen years, these efforts have substantially increased criminal justice cooperation in the EU. Still, the implementation of various legislative items and to build legal trust across the member states remains complex and ridden with conflicts (Block 2011, Peers 2013).³⁴ The current debate mostly revolves around the changing legal obligations in EU police and criminal justice cooperation after the 2010 Lisbon Treaty. The implementation of EU instruments that were adopted before that date under the old 'Third Pillar' of the EU could not be effectively monitored, as the Commission and the European Court of Justice did not have to competence to initiate infringement proceedings against laggard member states. To aid this shifting emphasis on faithful implementation and use of the available toolkit for internal security cooperation (den Boer 2013), EU policy-makers recently underlined their commitment to slow the pace of legislation in favour of consolidating and evaluation.³⁵

The third major trend of the EU's response to terrorism and organized crime is the focus on financial aspects. One of the most controversial components of the EU's fight against terrorism has been the

freezing of terrorist assets, as required by the UN Security Council in the aftermath of 9/11 (de Goede 2011). In general terms, the EU has been very active to address issues of financial transparency, regulation and control that are associated with both the fight against terrorism and organized crime (e.g. the Financial Action Task Force) (Brzoska 2011). The EU is also on track to emulate and diffuse the Italian approach to combating organized crime by means of facilitated confiscations of goods or proceeds that may have been acquired by organized criminal activity.³⁶ This so-called ‘administrative approach’ to the fight against crime side-steps some of the competence limitations of the EU in operational criminal justice cooperation.³⁷ One should also mention the latest flagship initiative of DG Home to publish an annual corruption report on the member states,³⁸ which is seen as one of most important components that links organized crime with political elites in different countries (especially in Southern and South-Eastern Europe). Last but not least, an often forgotten component of the EU’s internal security arsenal is cooperation among customs authorities (Hobbing 2011), which are closely linked with financial investigation authorities in many European countries. Customs are not only relevant for border security, but contribute more widely to issues such as the fight against human and drug trafficking or the control of counterfeit goods and VAT fraud. As such, they are important actors in EU-Chinese security relations.³⁹

Fourth and finally, the EU has sought to position itself as an additional expert channel for ‘softer’ forms of learning and more voluntary forms of cooperation in the area of internal security (Bossong 2012). For instance, the EU sponsors a network on the prevention of crime and a multiplicity of other expert groups with a related expertise to aspects of terrorism and organized crime.⁴⁰ These discussion and professional forums may also be open, at a technical level, to further international or global exchanges, in so far as normative considerations are taken into account (i.e. no police training for the purposes of dissident control in authoritarian regimes).

4. INTERNATIONAL FORA

The EU has integrated the fight against terrorism into its wide array of diplomatic activities, partnership agreements (especially in the EU’s neighbourhood) and some external financial assistance programs (Brattberg and Rhinard 2012, Kaunert 2012). Overall, the so-called ‘external dimension’ of the EU’s cooperation in matters of internal security, which also includes the fight against organized crime and illegal migration, has grown dynamically over recent years (Carrapico 2013, Monar 2013). This has driven by the growth of EU-internal competences for the Area for Security, Freedom and Justice, the increasing capacities of EUROPOL and the consolidation of the legal international identity of the EU after the Treaty of Lisbon.

In the UN, the EU is typically seen as a strong supporter of multilateral frameworks for cooperation, be it in the case of the fight against terrorism (Wouters and Duquet 2013) or against drug trafficking.⁴¹ The EU also aimed to provide more operational clout by fielding civilian crisis missions in the Western Balkans, Africa and parts of the Middle East and Central Asia that should support, among other objectives, the Rule of Law and the fight against organized crime and terrorism (Zwolski 2012).

Yet EU-US cooperation has been the most advanced, ranging from general mutual legal assistance, the exchange of various forms of data for the analysis of security agencies (SWIFT bank transfer details, Passenger name records) to consultations on emerging legal frameworks in areas such as cybersecurity and data protection (Kaunert *et al.* 2012, Porter and Bendiek 2012). This emerging ‘transatlantic regime for homeland security’ (Pawlak 2010) is the leading model for international cooperation on organized crime and terrorism. The growing role of the European Parliament in all EU international agreements after the Lisbon Treaty, however,⁴² has led to controversial debates and

challenges to these (and potential future) mechanisms for transnational information-sharing in internal security (Ripoll Servent and MacKenzie 2011).

In East Asia, the EU has raised organized crime and terrorism in multiple declarations, including in bi-lateral summits with China or in the regional ASEM format.⁴³ The so-called 2020 EU-China Strategic Agenda for Cooperation, which was adopted in November 2013, also includes cooperation on various forms of organized crime as a strategic objective (no. 9).⁴⁴ The UN is seen as the main formal framework for mutual cooperation in these areas, while more direct information exchanges are also envisaged. However, cooperation on terrorism between the EU and China is arguably the most limited in comparison to other strategic partners of the EU, such as India (Renard 2014).⁴⁵

A final issue that merits mentioning in this context is the work of national liaison police officers by EU member states (Block 2010). Recent years have seen various informal attempts at networking,⁴⁶ supported by the formation of the so-called Justice and Home Affairs External Working Group in the EU Council that should address common priorities beyond the EU's borders.⁴⁷ The UK, especially, through its former colony Hong Kong, and Germany due to the high international profile of the German Federal Criminal Investigation Agency and its key role within INTERPOL should be kept in mind here. Furthermore, EU delegations in Russia and the US already host specialized counsellors on criminal justice affairs, which could be extended to China.

5. CONCLUSIONS

Increased cooperation in matters of internal security, which is intimately connected to the fight against terrorism and organized crime, has been one of the main developments of EU integration over the last two decades. Yet, although the EU is clearly the most advanced regional organisation in this issue area, where national sovereignty concerns typically obstruct more than informal or ad hoc cooperation, it cannot be treated as a coherent actor in the fight against terrorism and organized crime. The EU and its Area of Freedom, Security and Justice are still made up by an incoherent amalgam of data and information networks for criminal justice information, EU-level agencies for analysis and coordination (but not direct executive action and prosecution) and national criminal justice systems that are only partially compatible with each other. Insofar as the EU has acquired a distinct profile, it is arguably in the areas of financial aspects of the fight against organized crime and terrorism, flanked by more informal networks among security practitioners for 'best practice' exchange.

International cooperation on organized crime and terrorism needs to reflect on this complex state of affairs, and also be aware of the multiplicity of venues for security cooperation, be they of a bi-lateral (liaison officers) or multi-lateral kind (e.g. in the UN). Since the adoption of the Lisbon Treaty, the EU has an increasingly formalized external representational and legal role on the international stage, including in matters of internal security and data exchange. Yet its real political influence in these issue areas is arguably limited to the EU's immediate neighbourhood and those countries that want to join the EU.

Global cooperation on internal security is further limited by the importance that the EU attaches to normative considerations. This applies especially to the fight against terrorism, but issues such as data protection and the death penalty, obviously also apply to cases against organized crime. However, on a number of more technical issues – especially in the areas of financial transparency, money laundering and control of traded goods – there clearly is room for expanding the nascent EU-Chinese security partnership. The multifaceted nature of EU policy can, thus, also be a facilitator of structural cooperation that addresses the context of criminal activities.

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¹ https://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/QC7809568ENC.pdf - page 4. The strategy then moves on to list terrorism as the first and organized crime as the last of a total of five threats that the EU should prioritize, while it also notes the potential links between organized crime and terrorism.

² In grossly simplified terms, this would apply to "the mafia" and "the Triads".

³ Including new synthetic drugs or illegal "slave labour" in European textile workshops.

⁴ This is particularly sensitive with regard to medical drugs and foodstuffs.

⁵ <http://www.abs-cbnnews.com/business/07/28/13/how-europe-became-bonanza-trade-gangs>, <http://www.independent.co.uk/news/world/europe/legal-highs-from-asia-are-increasingly-harder-to-police-in-europe-says-drugs-report-8635523.html> and <http://www.suedtirolnews.it/d/artikel/2013/01/04/bozen-prostitution-in-massagesalons.html>

⁶ http://german.china.org.cn/archive2006/txt/2006-08/03/content_2252001.htm and <http://www.carabinieri.it/Internet/Multilingua/EN/InternationalPoliceCooperation/>

⁷ The Treaty of Lisbon underlined that member states remain responsible for the provision of internal security, see Art. 4(2).

⁸ <http://www.ifaw.org/united-states/news/eu-and-china-sign-landmark-agreement-join-together-fight-illegal-wildlife-trade> and <http://www.iiea.com/blogosphere/the-eu-china-summit-2013--real-progress>

⁹ This is not self-evident, as the notion of organized crime initially was an Italian and US concept only and remains contested among criminologists until today; see Zoutendijk (2010).

¹⁰ register.consilium.europa.eu/pdf/en/10/st07/st07120.en10.pdf

¹¹ <http://register.consilium.eu.int/pdf/en/05/st14/st14469-re04.en05.pdf>

¹² <http://register.consilium.europa.eu/doc/srv?l=EN&t=PDF&gc=true&sc=false&f=ST%2014781%202005%20REV%201>

¹³ EU document 11778/1/08.

¹⁴ Council Action Plan to combat organized crime, OJ C 251/1 [1997]. The vision developed in this older document is arguably still the main line of argument today: “Crime is increasingly organizing itself across national borders, also taking advantage of the free movement of goods, capital, services and persons. Technological innovations such as the internet and electronic banking turn out to be extremely convenient vehicles for committing crimes or for transferring the resulting profits into seemingly licit activities. Fraud and corruption take on massive proportions, defrauding citizens and civic institutions alike. In comparison, effective means of preventing and repressing these criminal activities are developing only at a slow pace, almost always a step behind. If Europe is to develop into an area of freedom, security and justice, it needs to organize itself better, and to provide strategic and tactical responses to the challenge facing it. This requires a political commitment at the highest level”.

¹⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:402:0001:0010:en:PDF>

http://ec.europa.eu/home-affairs/doc_centre/crime/docs/trafficking_in_human_beings_eradication-2012_2016_en.pdf

¹⁶ http://ec.europa.eu/information_society/newsroom/cf/dae/document.cfm?doc_id=1667

¹⁷ <https://www.europol.europa.eu/content/eu-serious-and-organised-crime-threat-assessment-socta> and

<https://www.europol.europa.eu/content/te-sat-2013-eu-terrorism-situation-and-trend-report>. Both reports are flagship products of EUROPOL that seek to demonstrate the analytical value of the institutions to member states. As such, these annual strategic reports have been subject to intense debates and may, at least occasionally, be too political to be taken at face value.

¹⁸ https://www.europol.europa.eu/content/page/strategic_analysis_reports

¹⁹ <http://www.statewatch.org/news/2013/jul/foreign-fighters.htm>

²⁰ <https://www.europol.europa.eu/content/europol-identifies-3600-organised-crime-groups-active-eu-europol-report-warns-new-breed-crim>

²¹ https://www.eu-ems.com/event_images/Downloads/Rob%20Wainwright.pdf

²² EU document 12159/12.

²³ See footnote 17. This is connected to the formation of the EU Internal Security Committee in 2010 and the associated project to set common priorities for police authorities in Europe.

²⁴ This is still evident in the 2011 OCTA report and the various geographical “hubs” of criminal activity it presented.

<https://www.europol.europa.eu/sites/default/files/publications/octa2011.pdf>

²⁵ Council Framework Decision 2002/475/JHA.

²⁶ *Ibid.* The definition is as follows: “intentional acts ... which ... were committed with the aim of: seriously intimidating a population, or unduly compelling a Government or international organization to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation, shall be deemed to be terrorist offences”.

²⁷ Joint Action 98/733/JHA.

²⁸ Council Decision 2008/841/JHA.

²⁹ *Ibid.* It is defined as follows: “the following types of conduct related to a criminal organisation are regarded as offences: (a) conduct by any person who, with intent and with knowledge of either the aim and general activity of the criminal organisation or its intention to commit the offences in question, actively takes part in the organisation’s criminal activities, including the provision of information or material means, the recruitment of new members and all forms of financing of its activities, knowing that such participation will contribute to the achievement of the organisation’s criminal activities; (b) conduct by any person consisting in an agreement with one or more persons that an activity should be pursued, which if carried out, would amount to the commission of offences referred to in Article 1, even if that person does not take part in the actual execution of the activity.”

³⁰ Though probably unnecessarily inflated, the Action Plan served as the most comprehensive definition of the EU’s operational and legislative measures in this area.

³¹ The EU counterterrorism coordinator, Gilles de Kerchove, who also has become an unofficial ‘ambassador’ for EU internal security cooperation in international policy forums, therefore increasingly resorted to more concise ‘discussion papers’ on various pressing matters in the fight against terrorism, rather than referring to general strategic principles.

³² The ASFJ is now even mentioned before the Single Market as a core objective of the European integration process (Art. 3(2) TEU). For the constitutional implications of the ASFJ and the EU’s fight against organized crime, see Eckes and Konstantinides (2011).

³³ While some actors maintain a vision of a common juridical code for criminal law in the EU (the European Investigation Order), this is not likely. The areas where the EU could issue further legislation for the harmonization of criminal sanctions have been attempted to be defined in ART. TEU 83(1)

³⁴ Critics have also argued that the EU’s limited legislative actions have tended to drift in the direction of defining minimal penalties for an expanding range of offenses, i.e. towards an increase in penalization, rather than alternative forms of criminality management and prevention. Compare Baker (2010).

³⁵ EU doc. COM(2014) 154 final

³⁶ EU doc. COM 2012 (85)

³⁷ The other major and even more important proposal that is currently on the table is the creation of a European Public Prosecutor (among most, though not all, EU member states). This European Public Prosecutor Office would (at least to be begin with) only be responsible for the pursuit of criminal investigations with regard to the misuse of EU funds, or cases that damage the ‘financial interests’ of the Union. This may also apply to organized crime groups that have been involved in the misuse of subsidies.

³⁸ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/index_en.htm

³⁹ Witness the EU-Chinese Joint Customs Cooperation Committee that met six times between 2004 and 2012, http://ec.europa.eu/taxation_customs/customs/policy_issues/international_customs_agreements/china/index_en.htm

⁴⁰ For instance, the ATLAS network of special intervention units, the informal network of contact points on the administrative approach to prevent and fight organized crime, the radicalization awareness network, etc. A current official EU list can be found at <http://register.consilium.europa.eu/pdf/en/13/st09/st09407-re01.en13.pdf>.

⁴¹ <http://www.emcdda.europa.eu/about/partners/unodc>

⁴² Based on Art. 218(6) TFEU and the formalized legal personality of the EU (see above).

⁴³ <http://www.asem8.be/event/8th-asem-conference-counter-terrorism.html> and <http://legalift.wordpress.com/2010/08/03/asem-conference-on-counter-terrorism-conference-papers/>

⁴⁴ http://eeas.europa.eu/china/docs/eu-china_2020_strategic_agenda_en.pdf

⁴⁵ This is also reflected in the very cautious formulation on anti-terrorism cooperation in the aforementioned EU-China Strategic Agenda: “hold special consultations on issues of anti-terrorism at an appropriate time” (*ibid.*, p. 4).

⁴⁶ <http://www.statewatch.org/news/2011/apr/eu-council-infopolexconf-8339-11.pdf>

⁴⁷ <http://www.statewatch.org/news/2011/oct/eu-council-jaiex-working-methods-14145-11.pdf>

Aside from border security and illegal migration, the main topic has been drugs and human trafficking, especially in locations where only a few member states are present on the ground (e.g. Western Africa)

⁴⁸ For reasons of space, cited EU official documents are not listed below in this draft paper, but can either be found by the direct web link in the footnotes or with the official document code at <http://register.consilium.europa.eu/> (policy documents) and <http://eur-lex.europa.eu/> (Legislation)