

## Partners in crime? The EU, its strategic partners and international organised crime

**THOMAS RENARD**



**About ESPO.** The purpose of the European Strategic Partnerships Observatory (ESPO) is to monitor the evolution and output of EU strategic partnerships – an increasingly important dimension of EU external action. It provides a unique source of data, analysis and debate on the EU's relations with a selected range of key global and regional players across different policy domains. ESPO's approach builds on two pillars, namely a focus on the state of bilateral partnerships and on the connection between partnerships and global issues. Through targeted work packages, ESPO aims to engage a wide network of experts and practitioners in Europe and beyond. ESPO is a joint initiative of FRIDE and the Egmont Institute. The ESPO website ([www.strategicpartnerships.eu](http://www.strategicpartnerships.eu)) is kindly supported by the Federal Foreign Office of Germany.

**About FRIDE.** FRIDE is an independent think-tank based in Madrid, focused on issues related to democracy and human rights; peace and security; and humanitarian action and development. FRIDE attempts to influence policy-making and inform public opinion, through its research in these areas.

**About EGMONT.** Egmont – Royal Institute for International Relations is an independent think tank, based in Brussels. Its research is organised along three main pillars: European affairs, Europe in the world, and African studies. The Egmont Institute was established in 1947 by eminent Belgian personalities.

**THOMAS RENARD** is a senior research fellow at Egmont – Royal Institute for International Relations, a Brussels-based think tank, and ESPO project leader at Egmont.

Partners in crime?  
The EU, its strategic partners and  
international organised crime

THOMAS RENARD

## **EU STRATEGIC PARTNERSHIPS AND TRANSNATIONAL THREATS**

The purpose of the series of publications on 'EU strategic partnerships and international threats' is to provide evidence of the extent and limits of cooperation between the EU and its strategic partners on security issues, with a focus on transnational threats, namely nuclear non-proliferation, international terrorism, organised crime and cyber security.

This series includes four papers. It constitutes an original contribution to the existing literature on the subject, as it locates itself at the intersection between two distinct strands of research. On the one hand, there is a great amount of publications regarding these security issues and the EU's role in addressing them. On the other hand, there is growing literature on the EU's strategic partnerships, at a rather general level. This publication and those that will follow will look into the operationalisation and implementation of all these partnerships in specific policy areas, including security. This crucial intersection offers a new and original angle to look at the EU's foreign policy, and to assess its effectiveness.

Already published in this series:

'Partnering for a nuclear-safe world: the EU, its strategic partners and nuclear proliferation' (October 2013).

'Confidential partnerships? The EU, its strategic partners and international terrorism' (January 2014).

© Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE) 2014.

C/ Felipe IV 9, 1<sup>º</sup> derecha. 28014-Madrid, España

T: +34 915 224 013

[www.fride.org](http://www.fride.org)

All FRIDE publications are available at the FRIDE website: [www.fride.org](http://www.fride.org)

All ESPO publications are also available at the ESPO website: [www.strategicpartnerships.eu](http://www.strategicpartnerships.eu)

This document is the property of FRIDE. If you would like to copy, reprint or in any way reproduce all or any part, you must request permission. The views expressed by the author do not necessarily reflect the opinion of FRIDE. If you have any comments on this document or any other suggestions, please email us at [fride@fride.org](mailto:fride@fride.org)

ISSN 2254-6391 (print)

ISSN: 2254-6162 (Online)

Legal Deposit: M-23220-2012

## Table of Contents

Introduction	7
Assessing the threat	7
The EU's strategic approach	10
The challenge of implementation	13
Partnering against organised crime	15
Exchange of information and best practices	16
Agreements to facilitate bilateral exchanges and cooperation	19
Cooperation and capacity-building in third countries	20
Strengthening the multilateral fabric	21
Assessing the partnerships	22
Conclusion	25
Appendix	26





**Organised crime is a major security challenge.** Recognising the importance of this challenge, the European Union (EU) has acquired more competences in the area of justice and home affairs (JHA) over the last years and has become more active in the fight against organised crime, not only internally but also externally. Although the EU remains a modest player at the global level, it has become an interlocutor, and sometimes even a partner, in terms of combating various dimensions of organised crime, including drug-trafficking. This paper focuses specifically on the EU's cooperation with its strategic partners on international crime-related issues. First, it describes organised crime as a security challenge, particularly to Europe. It then reviews the EU's strategic approach to cope with this challenge, and how it is implemented. Subsequently, the paper looks at the EU's cooperation with its strategic partners against organised crime, with a view to assessing the general effectiveness of these partnerships. This paper concludes that many strategic partnerships are still under-delivering, but most of them hold large potential for further cooperation.

## Assessing the threat

The concept of organised crime is broad and polymorphous. It includes a vast scope of activities. The list of offences falling within this category varies from drug- and human-trafficking to counterfeiting and money laundering. It also has blurred contours. Increasingly, terrorist groups resort to criminal activities to fund their campaigns, when they have not traded political aims for economic gain.

Globalisation has fundamentally transformed criminal activities. This trend is unlikely to slow down. According to a recent report from the United Nations Office on Drugs and Crime (UNODC), organised crime 'has diversified, gone global and reached macro-economic proportions: illicit goods are sourced from one continent, trafficked across another, and marketed in a third. Mafias are today truly a transnational problem: a threat to security, especially in poor and conflict-ridden countries'.<sup>1</sup> In some regions of the world, organised crime is a cause and consequence of weak regimes, with a dramatic impact on the local and regional security environment.<sup>2</sup>

The traditional image of a hierarchical criminal organisation, limited to an exiguous territory and defined by blood ties, looks increasingly antiquated. According to a recent Europol report, criminal groups are becoming more networked in their structure, more multinational in their membership and more international and diversified in their activities. Over 40 per cent of

<sup>1</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, Vienna: UNODC, 2010, p. ii.

<sup>2</sup> W. Lacher, 'Organised Crime and Conflict in Sahel-Sahara Region', *Carnegie Papers*, Carnegie Endowment for International Peace, September 2012.

criminal groups would have a 'network' type of structure, more than 70 per cent a multinational membership, and over 30 per cent are active in multiple criminal activities. Moreover, the mobility and reach of all these groups has extended tremendously.<sup>3</sup>

The economic crisis appears to be having an impact on organised groups, which are diversifying their activities and thus becoming more resilient financially. It has also affected the population at large, which is becoming perhaps more tolerant to illicit commodities as its own economic situation is under stress.<sup>4</sup> As flexible and adaptive organisations, criminal groups have been particularly effective at using new technologies to their advantage. Internet, in particular, has enabled criminal groups to adapt and develop their activities. Cyber-crime, in the form of data breach or online fraud, affects most nations and has become a major problem. However, this report does not cover cyber-criminality, which will be addressed in the next paper of this series (on cyber-security). The present paper does not cover maritime piracy either, although it is sometimes described as a form of organised crime.<sup>5</sup>

Compared with terrorism or nuclear proliferation, both of which have the potential to kill *en masse* and destabilise entire regions, organised crime might appear as representing less of a threat to global security. But this is misconstrued. Criminals exploit the vulnerabilities of any system, such as porous borders, weak judiciary systems or new technologies. This generates a social cost, notably through the exploitation of individuals or violence, as well as an economic cost, mainly theft, tax fraud or counterfeiting. Overall, countries and regions can be durably weakened. Although usually not an existential threat, organised crime affects virtually everyone, directly or indirectly.

According to UNODC, (organised) crime pays, and it pays well. Profits in 2009 were estimated at US\$870 billion, corresponding to 1.5 per cent of global GDP. To this, it is necessary to add the 'economic cost' of criminal activities, such as shortfalls on tax revenues. This cost is of course difficult to calculate, but has undoubtedly an impact on national and global economies, and therefore concretely on the jobs of regular citizens. The cost to business is estimated at more than €670 billion annually within the EU alone.<sup>6</sup>

With regard to specific activities, human-trafficking affects most countries worldwide, with over 140,000 victims in Europe each year, generating an annual income of US\$3 billion to exploiters. Drug-trafficking is another profiteering market. Cocaine, mostly imported from South America, reaches four million users worldwide. It generates a transatlantic market worth more than US\$70 billion annually. Heroin, mostly from Afghanistan, is feeding a global market worth about US\$55 billion annually. Counterfeit goods and medicines, mostly from Asia, represent a market worth more than US\$10 billion per year.<sup>7</sup> In 2011, the retail value of counterfeited articles seized at EU borders was over €1.2 billion.<sup>8</sup> Money laundering is an essential activity of criminal groups, representing between 2 and 5 per cent of global GDP, according to UNODC.

<sup>3</sup> Europol, *EU Serious and Organised Crime Threat Assessment 2013*, The Hague: Europol, 2013.

<sup>4</sup> Europol, *EU Organised Crime Threat Assessment 2011*, The Hague: Europol, 2011.

<sup>5</sup> UNODC, *op. cit.*

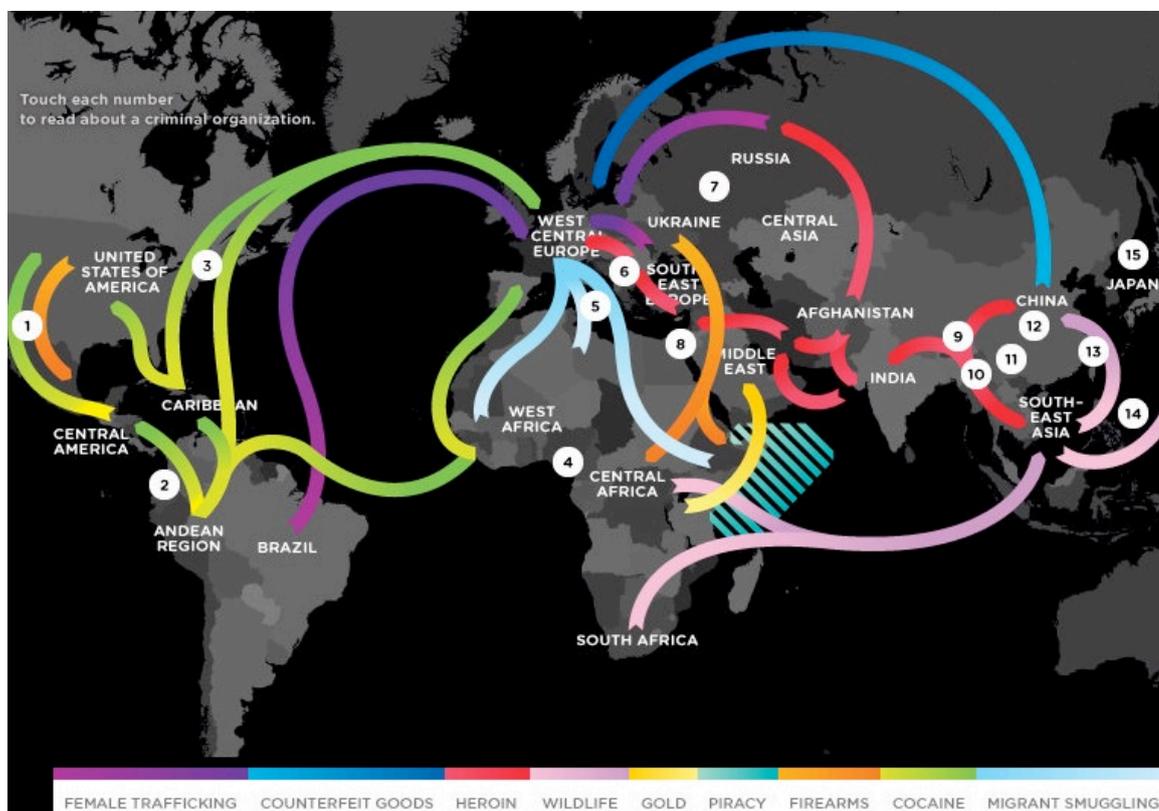
<sup>6</sup> European Parliament, *Report on organised crime, corruption and money laundering: recommendations on action and initiatives to be taken*, Brussels: European Parliament, 2013.

<sup>7</sup> UNODC, *op. cit.*

<sup>8</sup> Europol, 2013, *op. cit.*

**Map 1: Global flows of transnational organised crime**

Source: *www.wired.com* (data from UNODC, 2010)



Looking at the map of global flows, it is quite clear that Europe is a major hub for organised crime. There are an estimated 3,600 organised crime groups active in the EU.<sup>9</sup> A third of these are involved in drug-trafficking, which is on the rise in Europe. Demand is growing (cocaine users have doubled over the last decade), while traffickers are diversifying routes and multiplying their activities. Europe is also a great producer of certain drugs, mostly synthetic ones. The challenge of drug-trafficking is compounded by increasing alleged links between cocaine trafficking to Europe and the financing of terrorist groups in the Sahel, which pose a threat to regional and European stability. Counterfeiting is another flourishing activity in Europe, controlled mostly by Chinese groups. Within this area, cigarette smuggling is increasingly popular, as a low risk high profit activity, controlled mostly by groups from China and the former Soviet Union.<sup>10</sup> Illegal immigration and the trafficking in human beings are two additional major problems affecting the EU.

EU citizens perceive organised crime as one of their main security concerns. According to a 2011 poll, 22 per cent of European citizens considered organised crime to be one of the most important security challenges to their countries, marginally less than those considering terrorism as the most important threat.<sup>11</sup> Needless to say, citizens' sensitivities about organised crime vary largely from one member state to another. For instance, whereas in Ireland 45 per cent identified organised crime as a major challenge, in France it was only 7 per cent. But overall, EU citizens' concerns confirm the need for an EU-wide response to organised crime.

<sup>9</sup> Ibid.

<sup>10</sup> Europol, 2011, op. cit.

<sup>11</sup> European Commission, *Special Eurobarometer 371 on Internal Security*, Brussels: European Commission, November 2011.

## The EU's strategic approach

European concerns regarding organised crime date back many years, although it was sometime before a common approach was developed. The TREVI group, gathering European ministers of justice and home affairs, was an early measure in this regard, but it was the Treaty of Maastricht (1993) that first anchored anti-organised crime solidly into the EU's scope of competences, establishing an inter-governmental 'third pillar', focussed on justice and home affairs. The Schengen Convention (1990) and the Schengen Implementation Agreement (1995) enhanced police and judicial cooperation, particularly in the field of drug-trafficking and border control. The Treaty of Amsterdam (1999) and the Treaty of Lisbon (2009) pursued further the 'communitarisation' of competences related to organised crime, while the latter abolished the so-called 'pillars'.

As the fight against organised crime gains global traction, and as the EU grows and integrates further, displacing its borders closer to troublesome areas while acquiring the means to deal with these issues, the EU has become increasingly active in shaping internal and external policies against organised crime. As noted by Monar, this policy-making domain is the EU's fastest expanding one, and issues related to organised crime are a significant part of it.<sup>12</sup> So far, the EU has addressed the problem of organised crime mainly through its broader project of creating an 'area of freedom, security and justice' (AFSJ), initiated by the Amsterdam Treaty.

The 2003 European Security Strategy (ESS) identifies organised crime as a key threat for the EU, while recognising that it is an 'internal threat' with an 'important external dimension'. The European Commission's 2010 Internal Security Strategy in Action (ISS) places the disruption of international crime networks as its number one priority, identifying concrete actions to deal with it.<sup>13</sup> In order to pursue this objective, and more broadly to establish a pan-European AFSJ, the EU has adopted several multi-annual work programmes. Yet, despite the long-established commitment and the identification of organised crime as a fundamental internal and external security threat, the EU has not yet issued an overall strategy to fight this problem.

This is somehow surprising, especially since various EU documents have called for the adoption of a global strategy against organised crime. The 2000 European Union Strategy for the Beginning of the New Millennium<sup>14</sup> identified a range of underlying principles and pre-conditions for the drafting of a European strategy against organised crime. But the document was a preliminary to a strategy more than a strategy itself. The 2005 Communication from the Commission on Developing a Strategic Concept on Tackling Organised Crime<sup>15</sup> is a 'contribution' to the drafting of a strategy (it calls notably for a 'strategic approach'), but not a strategy either.

This notwithstanding, there are several relevant EU documents that focus on specific dimensions of this policy domain. These include, for instance, the EU Drugs Strategy (2013–20)<sup>16</sup> and the 2010 European Pact to Combat International Drug Trafficking – Disrupting Cocaine and Heroin

<sup>12</sup> J. Monar, 'The EU's externalisation of internal security objectives: perspectives after Lisbon and Stockholm', *The International Spectator*, 45:2, 2010, pp. 23-39.

<sup>13</sup> European Commission, *The EU Internal Security Strategy in Action: Five steps towards a more secure Europe*, COM(2010) 673 final, Brussels, November 2010. Available online: <http://www.statewatch.org/news/2010/nov/eu-com-internal-security-strategy-nov-10.pdf>

<sup>14</sup> European Council, *The prevention and control of organised crime: a European Union strategy for the beginning of the new millennium*, OJ (2000/C 124/01), Brussels, May 2000. Available online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000F0503:EN:NOT>

<sup>15</sup> European Commission, *Developing a strategic concept on tackling organised crime*, COM(2005) 232 final, Brussels, June 2005. Available online: [http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexplus!prod!DocNumber&lg=en&type\\_doc=COMfinal&an\\_doc=2005&nu\\_doc=232](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type_doc=COMfinal&an_doc=2005&nu_doc=232)

<sup>16</sup> European Council, *EU Drugs Strategy (2013-20)*, OJ (2012/C 402/01), Brussels, December 2012. Available online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:402:0001:0010:en:PDF>

Route;<sup>17</sup> the 2012 EU Strategy towards the Eradication of Trafficking in Human Beings (2012–16);<sup>18</sup> and the EU Action Plan to Combat IPR infringements (2009–12),<sup>19</sup> amongst others. The fight against organised crime is also part of other strategies, including regional ones such as the EU's Sahel Strategy.<sup>20</sup> All this shows that the EU is well aware of the socio-economic and politically destabilising effects that this challenge can have on its efforts in the region.

In addition to these 'sub-strategies', policy priorities are identified by the Council of the EU, through its so-called 'policy cycle for organised and serious international crime', which draws partly on these sub-strategies, as well as on Europol's threat assessments. Priorities for 2014–17 include disrupting the facilitation of illegal immigration; disrupting human trafficking; halting counterfeit goods; combating drug production and trafficking; and fighting cyber-crimes.<sup>21</sup>

The EU sees organised crime very much as a multi-faceted challenge, with internal and external dimensions. In the initial phase of building an AFSJ, in Tampere, the European Council stated explicitly that it is 'deeply committed' to reinforcing and developing European efforts against organised crime, including in the external dimension.<sup>22</sup> The Hague Programme (2004) and the Stockholm Programme (2010), the two latest multi-annual work programmes related to internal security, confirmed this commitment. They identified thematic and geographic priorities for the external dimension of internal security, which is deemed 'crucial'.<sup>23</sup> In 2005, the EU issued a Strategy for the External Dimension of JHA, in which it recognised that it 'cannot deal with these issues in the EU alone' and that it should therefore make JHA a 'central priority' of its external relations.<sup>24</sup>

Beyond this commitment, however, the EU's fight against organised crime remains largely inward-looking. In terms of budget, only a fraction of the €600 million-budget for 2007–13 of the Prevention of and Fight against Organised Crime (ISEC) programme of the DG Home Affairs was destined to support the external dimension. The EU has funded a few initiatives under its neighbourhood financial instruments, notably to promote capacity-building and enhance cooperation in the law-enforcement and judicial sectors, but nothing of major scope. Beyond the neighbourhood, a flagship EU project is the Cocaine route programme, through which the EU supports countries in Africa and Latin America in the fight against drug-trafficking. But the EU has only committed a meagre €30 million over five years for this programme.<sup>25</sup> While one should not draw hasty conclusions from these partial figures, it is clear that the EU remains a modest actor, at the global level, in the fight against organised crime.

Internationally, the EU promotes a multi-layered approach against organised crime. It is thus committed to working through multilateral, regional and bilateral channels. This is reflected in various EU

<sup>17</sup> Council of the EU, *European pact to combat international drug trafficking – disrupting cocaine and heroin routes*, Luxembourg, June 2010. Available online: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/114889.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/114889.pdf)

<sup>18</sup> European Commission, *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016*, COM(2012) 286 final, Brussels, June 2012. Available online: [http://ec.europa.eu/home-affairs/doc\\_centre/crime/docs/trafficking\\_in\\_human\\_beings\\_eradication-2012\\_2016\\_en.pdf](http://ec.europa.eu/home-affairs/doc_centre/crime/docs/trafficking_in_human_beings_eradication-2012_2016_en.pdf)

<sup>19</sup> European Council, *Resolution on the EU Customs Action Plan to combat IPR infringements for the years 2009 to 2012*, OJ (2009/C 71/01), Brussels, March 2009. Available online: [http://ec.europa.eu/taxation\\_customs/resources/documents/customs/customs\\_controls/counterfeit\\_piracy/commission\\_initiatives/council\\_resolution\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/customs/customs_controls/counterfeit_piracy/commission_initiatives/council_resolution_en.pdf)

<sup>20</sup> EEAS, *Strategy for Security and Development in the Sahel*, Brussels, 2011. Available online: [http://eeas.europa.eu/africa/docs/sahel\\_strategy\\_en.pdf](http://eeas.europa.eu/africa/docs/sahel_strategy_en.pdf)

<sup>21</sup> Council of the EU, *Council conclusions on setting the EU's priorities for the fight against serious and organised crime between 2014 and 2017*, Luxembourg, June 2013. Available online: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/137401.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/137401.pdf)

<sup>22</sup> European Council, *Presidency conclusions*, Tampere, October 1999. Available online: [http://www.europarl.europa.eu/summits/tam\\_en.htm](http://www.europarl.europa.eu/summits/tam_en.htm)

<sup>23</sup> European Council, *The Stockholm Programme – An open and secure Europe serving and protecting citizens*, OJ (2010/C 115/01), Brussels, May 2010, p. 33. Available online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:en:PDF>

<sup>24</sup> Council of the EU, *A strategy for the external dimension of JHA: Global freedom, security and justice*, Brussels, November 2005. Available online: <http://register.consilium.europa.eu/pdf/en/05/st14/st14366-re03.en05.pdf>

<sup>25</sup> EU, 'EU steps up its support to fight organised crime and drug trafficking,' *Press release*, 31 May 2013. Available online: [http://ec.europa.eu/europeaid/documents/20130530\\_press\\_release\\_cocaine-route\\_en.pdf](http://ec.europa.eu/europeaid/documents/20130530_press_release_cocaine-route_en.pdf)

documents, such as the 2005 Strategy for the External Dimension of JHA, the 2005 Communication from the Commission on Developing a Strategic Concept on Tackling Organised Crime, or the 2010 Stockholm Programme.

At the multilateral level, the EU works essentially through and in cooperation with the United Nations (UN), in accordance with its doctrine of ‘effective multilateralism’ and its objective of building an EU-UN strategic partnership.<sup>26</sup> The Stockholm Programme singles out the UN and the Council of Europe ‘with whom the Union needs to continue to work and within which the Union should coordinate its position’.<sup>27</sup> Other organisations with which the EU cooperates include UNODC, the Organisation for Security and Cooperation in Europe (OSCE), the Organisation for Economic Cooperation and Development (OECD), Interpol, the World Customs Organisation (WCO) or the International Organisation for Migration (IOM). As noted by Monar, the ‘most substantial outcome’ of this cooperation lies in the adoption of international legal instruments.<sup>28</sup> Hence, for instance, the EU’s adherence to the protocols of the 2000 UN Conventions against Transnational Organised Crime was very important, not least since they were largely integrated into EU legislation (similarly to other international conventions).<sup>29</sup> In addition to this, European efforts to support and promote the global adherence to these protocols are largely welcome. International organisations are also important partners in capacity-building efforts. That is particularly the case for UNODC and OSCE. Multilateral cooperation can also occur in other more restricted fora, such as the G8, or the more specialised Financial Action Task Force on money laundering (FATF).

Cooperation with regional organisations is also part of the EU’s strategic approach. Here, two regional partnerships are specifically mentioned in the Stockholm Programme. The EU-Africa partnership is pointed out as being an important framework for cooperation, including in the fight against organised crime. The importance of the dialogue with Latin-American and Caribbean countries (EU-LAC) is also emphasised. These two inter-regional partnerships are meant to be particularly central to the fight against drug-trafficking, as indicated in the 2010 European Pact to Combat International Drug Trafficking – Disrupting Cocaine and Heroin Route.<sup>30</sup> Cooperation is also envisaged within the trans-regional Asia-Europe Meeting (ASEM), although to a lesser extent.

Finally, the EU cooperates bilaterally with many countries worldwide with a view to fighting organised crime. The Stockholm Programme recognises that the EU should focus on ‘key partners’ and step up its cooperation with such partners. Other crime-related strategic documents also advocate for deepening cooperation with priority third countries. Out of the EU’s 10 strategic partners – US, Russia, Brazil, China, India, Japan, Mexico, South Africa and South Korea – the US and Russia are singled out in the Stockholm Programme and in the 2005 Strategy for the External Dimension of JHA. Whereas encouraging cooperation with ‘other strategic partners’, the Stockholm Programme only briefly mentions Brazil, China and India. In spite of the participation of Mexico and South Africa in larger inter-regional discussions with the EU, the Stockholm Programme does not seem to consider these countries as priority partners. On the other hand, non-strategic partners such as Turkey or Afghanistan are identified as key countries. In the 2010 European Pact to Combat International Drug Trafficking – Disrupting Cocaine and Heroin Route, the EU singles out the US, whereas the 2012

<sup>26</sup> European Commission, *The European Union and the United Nations: The choice of multilateralism*, COM(2003) 526 final, Brussels, September 2003. Available online: <http://www.undp.org/content/dam/brussels/docs/Strategic%20Framework/UNDP%20Bxl%20Communication%20choice%20of%20multilateralism.pdf>

<sup>27</sup> European Council, *The Stockholm Programme*, op. cit., p. 35.

<sup>28</sup> Monar, op. cit. p. 36.

<sup>29</sup> A. Scherrer, A. Mégie, and V. Mitsilegas, ‘La stratégie de l’Union européenne contre la criminalité organisée: entre lacunes et inquiétudes’, *Cultures & Conflits*, 74, 2009, pp. 91-110.

<sup>30</sup> Council of the EU, *European pact to combat international drug trafficking*, op. cit.

EU Strategy towards the Eradication of Trafficking in Human Beings (2012–16) acknowledges that a list of key partners ‘should be developed’. It is thus unclear from EU policy papers which countries are the EU’s true strategic partners in the fight against organised crime. This paper will attempt to clarify this. As for the objectives of these partnerships, they are quite vague overall, but they become more self-evident at the policy level. Some of these include the exchange of information and best practices, the conclusion of agreements to facilitate bilateral cooperation, a willingness to develop joint capacity-building programmes in third countries, and a commitment to strengthen the multilateral system, among others.

## The challenge of implementation

In its fight against organised crime, the EU is confronted with a series of coordination challenges. First, there is a great number of agencies and institutions dealing with this policy area and it is thus necessary to develop synergies. Second, these agencies and institutions must prove the added-value of EU coordination in an area largely dominated by EU member states. Finally, EU policies against organised crime must be coordinated at the global level, which implies not only cooperation with key strategic partners, but also adjusting the external dimension of internal policies with foreign policy tools and agendas.

First, the EU must thus coordinate itself internally. Two key policy-making actors are the European Commission’s DG Justice and DG Home Affairs. The latter has identified organised crime in its multiple dimensions as a priority area of action,<sup>31</sup> and is responsible for the preparation of the ISS annual implementation report, with the support of Europol, Eurojust and Frontex (the external borders management agency).

Europol, the European police agency, plays an important role, notably by producing the annual Serious and Organised Crime Threat Assessment (SOCTA), on the basis of information gathered and transmitted by national law enforcement agencies. This report informs European policy-makers and serves as an analytical background for the EU Policy Cycle on Organised Crime (see below). However, as Brady points out, Europol and other EU bodies ‘have won the acceptance of the European law enforcement community, not its universal admiration. Europol has yet to become indispensable in cross-border investigations’.<sup>32</sup> Eurojust is also increasingly active in organised crime investigations.<sup>33</sup> The list of actors involved in the fight against organised crime is quite long. It includes: the European Anti-Fraud Office (OLAF), Frontex, the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), and the Commission’s Anti-Trafficking Coordinator. The challenge with such profusion of actors is to ensure coordination and cooperation. Although the Lisbon Treaty has slightly improved the situation, notably bringing Europol and Eurojust (formerly third pillar) under the aegis of the European Commission, relations among these various agencies is still characterised by distrust. For instance, the scope of activities of OLAF and Eurojust largely overlap, but there is little cooperation – and sometimes even competition.<sup>34</sup> All of these institutions mostly focus on internal security, but they also deal with the external dimension of their competences and must therefore cooperate twice as much in that dimension, among themselves and with their counterparts abroad.

<sup>31</sup> C. Malmström, ‘A strategic EU approach in the fight against organised crime’, Speech to the European Parliament, 4 June 2012.

<sup>32</sup> H. Brady, ‘Europol and the European Criminal Intelligence Model: A Non-State Response to Organized Crime’, *Policing*, 2:1, 2008, p. 104.

<sup>33</sup> See the annual reports of Eurojust, available online: <http://eurojust.europa.eu/doclibrary/corporate/Pages/annual-reports.aspx>

<sup>34</sup> Scherrer, Mégie, and Mitsilegas, op. cit.

Second, coordination is necessary among member states, which remain after all the overwhelmingly dominant players in this area. The EU has an important role to play in this regard. Its Policy Cycle on Serious and Organised Crime (the 'Harmony Cycle') is a positive development. It helps coordinate operational cooperation against organised crime. Initiated by the Council of the EU and implemented by the Standing Committee on Operational Cooperation on Internal Security (COSI), the multi-annual plan (2014–17) identifies nine priorities for the fight against organised crime, whilst calling for greater cooperation among member states, with the support of the EU.<sup>35</sup> Cooperation among member states is institutionalised in various forms at the EU level, including several Council working groups covering relevant matters, such as the Horizontal Working Party on Drugs, the Police and Customs Cooperation Working Parties, and the Multidisciplinary Group on Organised Crime. Other fora for cooperation include the European Police College (CEPOL), which brings together senior European police officers, and the European Police Chiefs Task Force (PCTF), which meets several times a year to plan joint operations against organised crime networks. Some coordination mechanisms specifically relate to the external dimension of internal security, such as the Council Working Group for the external aspects of justice and home affairs (JAIEX). It should be noted that in spite of all these mechanisms, member states have felt the need to coordinate their actions in third countries and within international organisations, outside of the EU framework. They have for instance established a network for their national liaison officers posted in the same countries or organisations. In criminal matters, Italy coordinates this network.<sup>36</sup>

Third, the external dimension of the fight against organised crime must be coordinated with the EU's broader foreign policy tools and agenda. The European External Action Service (EEAS) should play a key role in this process, but its participation so far has been limited mostly due to scarce resources.<sup>37</sup> For instance, the EEAS has only two people working part-time on organised crime. The Stockholm Programme asserts the role of the EU High Representative in ensuring 'better coherence' between AFSJ policies and instruments and more 'traditional external policy instruments'.<sup>38</sup> High Representative Catherine Ashton has done so, to a certain extent, notably by adding organised crime to the agenda of meetings with some of her counterparts worldwide. Some innovative proposals have also been made, such as fostering exchange of information between Europol and Common Security and Defence Policy (CSDP) missions, particularly in the context of counter-trafficking operations in West Africa,<sup>39</sup> or making a greater use of EU delegations for JHA matters, including with the posting of JHA counsellors abroad. However, a certain pillarisation persists between policies and instruments of the former second (Common Foreign and Security Policy, CFSP) and third pillars (JHA). As Monar notes, 'while the external AFSJ dimension has clearly become part of external EU strategy formulation, this does not mean that it is perfectly integrated with other external policies'.<sup>40</sup> There are very few references to CFSP policies and instruments in AFSJ documents, and vice versa.

Finally, as the EU becomes more active at the global level in the fight against organised crime, it must inevitably ensure greater cooperation and coordination with key partners. With a view to pursuing this objective, the EU has developed a sophisticated architecture of dialogues and consultation mechanisms, at all levels, with its strategic partners. This architecture, however, differs significantly across partnerships. Organised crime has been a regular item on the agenda of summit meetings between the EU and leaders from several partner countries, although never a central one. It has featured in summit statements with

<sup>35</sup> Council of the EU, *Council conclusions on setting the EU's priorities for the fight against serious and organised crime between 2014 and 2017*, op. cit.

<sup>36</sup> Council of the EU, *Compendium on law enforcement liaison officers*, Brussels, July 2009. Available online: <http://www.statewatch.org/news/2010/sep/st10504-re02.en09.pdf>

<sup>37</sup> Interview with an official from the EEAS, Brussels, 5 April 2013.

<sup>38</sup> European Council, *The Stockholm Programme*, op. cit.

<sup>39</sup> Council of the EU, *European pact to combat international drug trafficking*, op. cit.

<sup>40</sup> J. Monar, 'The external dimension of the EU's area of freedom, security and justice: Progress, potential and limitations after the Treaty of Lisbon', *Report 1*, Swedish Institute for European Policy Studies, 2012, p. 54.

the US, Mexico, Japan or Russia, for instance. It has been occasionally discussed with countries like Brazil or Canada, and mostly left out from discussions at the highest level with South Africa, India, China or South Korea. The EU-US transatlantic partnership is unique in the sense that it is the only one to have produced in 2009 a self-standing declaration on 'enhancing transatlantic cooperation in the area of justice, freedom and security' in which both sides re-affirmed their commitment 'to protect our people from the common threats of serious transnational crime'.<sup>41</sup> Summit statements on organised crime reflect the broader importance given to this cooperation in the bilateral partnership, in line with the scope of cooperation foreseen in founding documents of the EU's strategic partnerships, such as the joint action plans with Brazil or Mexico, or the Common Space of Freedom, Security and Justice with Russia.

Discussions can also take place at the ministerial level. The issue is regularly on the agenda of the EU-US justice and home affairs ministerial meeting, which gathers twice a year. The transatlantic partnership stands out at this level as well, for it is the only ministerial dialogue where member states are directly involved along with EU and US representatives. Organised crime has been discussed with Mexico in the Joint Council that supervises the implementation of the joint executive plan, and with Russia in the framework of the Permanent Partnership Council. The issue has not yet been discussed at ministerial level with other partners, although the institutional framework for such meetings is in place. The EU has established ministerial encounters with all strategic partners.

Coordination mechanisms complement these dialogues at the working level. Across the Atlantic, these mechanisms include the political dialogue on drugs, within which since 2010 DG Home Affairs and the EEAS meet with the US State Department and the US Department for Homeland Security twice a year, as well as the EU-US policy dialogue on border and transport security, or the joint group on drug precursors. The Joint Customs Cooperation Committee (JCCC) is another important coordination mechanism in the transatlantic partnership against organised crime. Similar committees have also been established with six other partners: Canada, China, India, Japan, Russia and South Africa. Other relevant mechanisms are the EU-Russia political dialogue on combating drug-trafficking, the EU-Mexico sectoral dialogue on public security and law enforcement, the EU-Brazil newly established (2013) dialogue on drugs, the *ad hoc* EU-South Africa crime and justice dialogue, or the EU-India high-level dialogue on migration.

In addition to bilateral dialogues, the transatlantic partnership is reinforced by a trilateral meeting of senior officials on justice and home affairs. Trilateral cooperation has also been developed among the EU, the US and Russia since the 2006 'Vienna initiative', which aims at strengthening JHA ties among the three partners.<sup>42</sup> Finally, the EU-US strategic partnership is complemented by a dialogue between members of the European Parliament and of the US Congress, which regularly addresses issues of justice and home affairs.

## Partnering against organised crime

Over the last decade, the EU has developed a global profile in the fight against organised crime and is slowly positioning itself *vis-à-vis* its member states and strategic partners. This section reviews the EU's cooperation with its partners in key domains of the fight against organised crime.

<sup>41</sup> EU-US, *Joint Statement on Enhancing transatlantic cooperation in the area of Justice, Freedom and Security*, Washington, 2009. Available online: <http://www.regeringen.se/content/1/c6/13/43/59/8542bc06.pdf>

<sup>42</sup> EU-Russia-USA, *Communiqué*, Meeting at Ministerial Level, 4 May 2006. Available online: [http://www.libertysecurity.org/IMG/pdf/draft\\_press\\_communique-MP\\_04\\_05\\_final.pdf](http://www.libertysecurity.org/IMG/pdf/draft_press_communique-MP_04_05_final.pdf)

## Exchange of information and best practices

The EU has a very limited operational capability in the fight against organised crime, which is left almost entirely to its member states. However, the EU's various institutions and agencies operate as important hubs of information and analysis, which can be very useful to the EU's member states and strategic partners. Within the broad scope of criminal activities, cooperation between the EU and its partners is perhaps most developed around the fight against drug-trafficking, while also being active in countering counterfeiting and smuggling, as well as human-trafficking. In addition, or as a result of the above-mentioned dialogues, EU cooperation with its partners has led to some tangible results.

The transatlantic partnership is extremely important to curbing organised crime. The EU's anti-fraud agency, OLAF, has cooperated on several occasions with its US counterpart, notably on cigarettes smuggling. The US Secret Services and Europol have regularly cooperated to dismantle euro-counterfeiting print-shops. Some of these operations are jointly run in third countries, with the support of local authorities such as in Colombia in 2012.<sup>43</sup> There are many contacts between EU and US agencies, including between liaison officers. EU liaison officers in the US hold regular meetings with the US Secret Services (2005 agreement), the US Postal Inspection Service (2007 agreement), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Department of Treasury and the Drug Enforcement Agency (DEA). Experts and officers exchange information and participate in joint trainings and workshops. There are also exchanges of information on ongoing initiatives in the field in order better to coordinate efforts, such as in the case of assistance projects in West Africa.

In a broader transatlantic context, the EU, the US, Canada and some member states are jointly engaged in the framework of the Maritime Analysis and Operations Centre (MAOC), an EU-funded agency in charge of monitoring and coordinating anti-drug trafficking operations in the Atlantic Ocean.<sup>44</sup> The EU (through OLAF) and Canada have also cooperated on countering cigarettes smuggling. At the multilateral level, transatlantic partners cooperate in the framework of the Dublin Group, which is a 'flexible, informal consultation and coordination mechanism for global, regional and country-specific problems of illicit drugs production, trafficking and demand'.<sup>45</sup> It was initiated by the Irish presidency of the EU in 1990, and includes the EU, the US and Canada, as well as Norway, Australia, Japan, and UNODC. Another instance of pluri-lateral cooperation involving transatlantic partners is the so-called Threat Notice on Mexican Organised Crime Groups, where Europol exchanges information with agencies from the US, Mexico and Brazil.

Mexico and Brazil are two important partners in countering drug-trafficking, although this cooperation is more recent and less developed. A 2009 document from the European Commission had pointed out that greater cooperation was needed with countries along the drug routes, including Mexico.<sup>46</sup> The 2012 ministerial meeting emphasised again the need to further cooperation to combat drug-trafficking.<sup>47</sup> Europol cooperates with the Mexican authorities, notably by providing training, despite the absence of a formal agreement. They also cooperate in the context of a project related to organised crime and cocaine trafficking. In 2012, Catherine Ashton claimed that more cooperation

<sup>43</sup> Europol, 'Two counterfeit euro print shops busted in Colombia', *Press release*, 13 August 2012. Available online: <https://www.europol.europa.eu/content/press/two-counterfeit-euro-print-shops-busted-colombia-1715>

<sup>44</sup> Interview with an official from the European Commission, Brussels, 10 June 2011.

<sup>45</sup> Information available from UNODC website: <http://www.unodc.org/islamicrepublicofiran/en/international-regional-cooperation.html>

<sup>46</sup> European Commission, *The European Union and Latin America: Global Players in Partnership*, COM(2009) 495/3, Brussels, September 2009. Available online: [http://eeas.europa.eu/la/docs/com09\\_495\\_en.pdf](http://eeas.europa.eu/la/docs/com09_495_en.pdf)

<sup>47</sup> EU-Mexico, *Joint Communiqué*, VII Joint Council European Union – Mexico, Mexico City, February 2012. Available online: [http://eeas.europa.eu/delegations/mexico/documents/news/20120210joint\\_communique\\_final\\_en.pdf](http://eeas.europa.eu/delegations/mexico/documents/news/20120210joint_communique_final_en.pdf)

with Europol and Frontex could be envisaged, upon request by Mexico.<sup>48</sup> This cooperation could be targeted for instance at enhancing Mexico's capacity to stop the smuggling of arms and drugs and the flow of criminals across its southern border.<sup>49</sup>

Brazil and the EU are connected by the same narco-trafficking route. They have therefore many incentives to cooperate. So far cooperation has taken place mainly in the context of two EU-led projects to curb narco-trafficking between Latin America and West Africa by sea (SEACOP) and by air (AIRCOP). These programmes aim to strengthen controls and surveillance of ports and trade routes, as well as to promote regional cooperation and intelligence sharing.<sup>50</sup> Conversely, in 2012, Brazil invited the EU and its member states to participate in the first international congress of national council of state prosecutors, to exchange experiences and best practices in the fight against crime.<sup>51</sup> Illegal immigration is another issue of growing concern. Brazilian citizens are among the top four nationalities that are refused entry into the EU, since its criminal networks are suspected of human trafficking in Europe.<sup>52</sup>

The ongoing crisis in Ukraine has produced serious political tensions between the EU and Russia but so far it has not disrupted cooperation at technical level on organised crime issues. Over the last few years, the two parties have developed various mechanisms for cooperation. The 2005 Road Map for the Common Space of Freedom, Security and Justice,<sup>53</sup> which guides bilateral security cooperation, lists over 50 areas of cooperation. The main objectives are to combat transnational organised crime, including through law enforcement cooperation; promote a comprehensive anti-money laundering regime; tackle the narcotic drugs problem, including the supply and trafficking of drugs, the prevention of diversion of precursors and drug demand prevention and harm reduction; combat trafficking in human beings; fight corruption; and fight trafficking of stolen vehicles and items of cultural and historic value. At practical level, cooperation takes place between Russian and EU agencies. For instance, a representative from the Russian mission to the EU meets regularly with Europol (several times per month), leading to concrete projects, including training of Russian officers.<sup>54</sup> Russia also contributes to the preparation of Europol's annual threat assessment and, since 2008, to a specific annual Russian Organised Crime Threat Assessment (ROCTA).<sup>55</sup> A Memorandum of Understanding was signed in 2007 between the EMCDDA and the Russian office dealing with narcotics, facilitating the exchange of data and information between both sides. A representative of the Russian Drug Enforcement Service has been seconded to the EU mission in Brussels. Drugs are a shared concern for both parties, as both are major markets (Russia has shifted from a transit country for heroin to a major consumption market) and have therefore a mutual interest in stopping global flows as well as trafficking between Europe and Russia (opiates through Russia to Europe; and synthetic drugs from Europe to Russia).<sup>56</sup> Cooperation has also begun with OLAF on cigarettes smuggling.

<sup>48</sup> EU, *Remarks by High Representative Catherine Ashton following her meeting with the Foreign Minister of Mexico Patricia Espinosa*, Mexico City, 9 February 2012. Available online: [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/127946.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/127946.pdf)

<sup>49</sup> Interview with Mexican diplomats, Brussels, 4 May 2011.

<sup>50</sup> European Commission, *Long-term responses to global security threats*, Brussels, 2011.

<sup>51</sup> US Consulate General, 'U.S. Justice Department Officials participate in the 1st International Conference of the National Council of Attorneys General in Rio', *Press release*, 17 August 2012. Available online: <http://riodejaneiro.usconsulate.gov/ev-08172012.html>

<sup>52</sup> Europol, op. cit., 2011.

<sup>53</sup> EU-Russia, *Road Map for the Common Space of Freedom, Security and Justice*, 2005. Available online: [http://eeas.europa.eu/russia/docs/roadmap\\_economic\\_en.pdf](http://eeas.europa.eu/russia/docs/roadmap_economic_en.pdf)

<sup>54</sup> See all the EU-Russia Common Spaces Progress Reports. Available online: [http://eeas.europa.eu/russia/common\\_spaces/index\\_en.htm](http://eeas.europa.eu/russia/common_spaces/index_en.htm)

<sup>55</sup> Council of the EU, *Russian organised crime threat assessment report (ROCTA)*, Brussels, September 2009. Available online: <http://register.consilium.europa.eu/pdf/en/08/st15/st15819-ex01.en08.pdf>; Europol, *Europol Review: General Report on Europol Activities*, The Hague, 2011. Available online: [https://www.europol.europa.eu/sites/default/files/publications/en\\_europolreview.pdf](https://www.europol.europa.eu/sites/default/files/publications/en_europolreview.pdf).

<sup>56</sup> See for instance O. Potemkina, 'EU-Russia cooperation on the common space of freedom, security and justice – a challenge or an opportunity?', *European Security*, 19:4, 2010, pp. 551-568.

The partnership with Russia is complemented by EU financial assistance, in order to improve Moscow's ability to cope with internal security problems. Projects have been carried out under the TACIS – Technical Assistance to the Commonwealth of Independent States – framework, and now continue under the European Neighbourhood and Partnership Instrument (ENPI).<sup>57</sup> In addition, under the European Instrument for Democracy and Human Rights (EIDHR), Russia has received money for crime-related projects, such as the prevention of human-trafficking.<sup>58</sup> Money is available under the instrument for Technical Cooperation and Information Exchange of the European Commission (TAIEX) as well, which funds various projects specifically related to security and organised crime in Russia.<sup>59</sup>

Cooperation between the EU and Japan is active, notably between Japanese police authorities and Europol, covering fields identified in the 2001 Action Plan, including money laundering, drug-trafficking, human-trafficking and new forms of crime.<sup>60</sup> Another interesting case of cooperation was the European Joint Investigation Team (JIT), facilitated by Eurojust and Europol, which dismantled a ring of drug traffickers that operated in Brazil and Japan via Europe.<sup>61</sup> Japanese magistrates were invited to participate to the JIT as observers.

Cooperation with China, India, South Africa and South Korea is less developed. EU-China cooperation has focussed on human- and drug-trafficking. Counterfeiting and cigarettes smuggling are other areas of cooperation, facilitated by an OLAF liaison officer deployed in Beijing since 2008. Police cooperation remains very limited. There have been, however, workshops organised by the EU for Chinese law enforcement officers.<sup>62</sup> Cooperation is slightly more developed with EU member states that have liaison officers in Beijing. EU-India cooperation has focussed mostly on human-trafficking, notably thanks to EU funding for projects in India.<sup>63</sup> Cooperation with South Africa could cover organised crime, illicit drugs, money laundering and human-trafficking according to the 2007 Joint Action Plan, but very little has been done so far. Cooperation could be envisaged at the broader regional level too, notably in the framework of the Joint EU-Africa Strategy, which mentions combating organised crime in its objectives,<sup>64</sup> but the latter has delivered little in concrete terms. There is equally limited cooperation with South Korea.

## Agreements to facilitate bilateral exchanges and cooperation

There are two kinds of bilateral agreements that can be concluded between the EU and its strategic partners with a view to facilitating cooperation against organised crime. First, legal acts related to cooperation on criminal justice or law enforcement. Second, operational agreements to allow for exchanges and cooperation between operational agencies.

Agreements on extradition and mutual legal assistance (MLA) fall in the first category. They are deemed important for they facilitate cooperation in the course of criminal investigations. The MLA

<sup>57</sup> See the website of DG DEVCO: [http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/russia/russia\\_en.htm](http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/russia/russia_en.htm)

<sup>58</sup> European Commission, 'Institutional Reform and Human Rights: Preventing Human Trafficking in the Russian Federation'. Available online: [http://ec.europa.eu/europeaid/documents/case-studies/russia\\_human-rights-traffic\\_en.pdf](http://ec.europa.eu/europeaid/documents/case-studies/russia_human-rights-traffic_en.pdf)

<sup>59</sup> See the TAIEX webpage: [http://eeas.europa.eu/delegations/russia/eu\\_russia/tech\\_financial\\_cooperation/taiex\\_instrument/index\\_en.htm](http://eeas.europa.eu/delegations/russia/eu_russia/tech_financial_cooperation/taiex_instrument/index_en.htm)

<sup>60</sup> O. Mykal, *The EU-Japan Security Dialogue: Invisible but Comprehensive*, Amsterdam: Amsterdam University Press, 2011, p. 197.

<sup>61</sup> European Commission, Second Report on the implementation of the EU Internal Security Strategy, COM(2013) 179 final, Brussels, April 2013, p. 5. Available online: [http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/general/docs/iss\\_second\\_report\\_com\\_2013\\_179\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/general/docs/iss_second_report_com_2013_179_en.pdf)

<sup>62</sup> Interview with an official from the European Commission, Brussels, 13 May 2011.

<sup>63</sup> For a list of EU projects funded in India, see the webpage: [http://eeas.europa.eu/delegations/india/projects/list\\_of\\_projects/projects\\_en.htm](http://eeas.europa.eu/delegations/india/projects/list_of_projects/projects_en.htm)

<sup>64</sup> Africa-EU, *The Africa-EU Strategic Partnership: A Joint Africa-EU Strategy*, Lisbon, December 2007. Available online: [http://ec.europa.eu/development/center/repository/EAS2007\\_joint\\_strategy\\_en.pdf](http://ec.europa.eu/development/center/repository/EAS2007_joint_strategy_en.pdf)

also facilitates the setting up of joint investigation teams. The 2003 EU-US extradition and MLA agreements were the first JHA international agreements signed by the EU, and they have finally entered into force in 2010. Japan is the only other strategic partner with whom the EU has signed an MLA agreement, in 2009. It should be noted that the EU-US agreements offer a framework for cooperation, but they nonetheless co-exist with bilateral agreements between the US and EU member states. The EU-Japan MLA agreement, on the other hand, is a self-standing accord, substituting for the absence of other bilateral agreements with member states. It thus offers significant added-value. The possibility of starting MLA negotiations with India or Russia has been mentioned several times, but this remains hampered by a lack of political will and trust.

Agreements on passenger name record (PNR) data are another major type of accord between the EU and some partners. PNR data is the information provided by passengers while booking their flight tickets, which can then be accessed and shared by government agencies in order to fight terrorism and serious crime. The EU has signed PNR agreements with Australia, Canada and the US. The transatlantic PNR agreement suggests that the EU is a natural interlocutor for the US on important home affairs issues. Similar agreements with other countries are likely to follow. Among the EU's partners, South Africa and South Korea have expressed an interest in initiating PNR negotiations.

The second category of operational agreements has been described as a 'sub-category' of bilateral agreements.<sup>65</sup> It includes the accords concluded between EU agencies and partner countries. The number of such deals has been steadily increasing, but their scope remains limited. Europol has concluded an operational agreement with 10 countries, including Canada and the US. As a result, the EU and its partners can share highly-sensitive information. Such cooperation is usually complemented with an exchange of liaison officers to facilitate information sharing. Europol has another category of agreements, called 'strategic agreements', which do not have the same level of confidentiality and thus inhibit the exchange of sensitive data. Europol has concluded eight such deals, including with Russia. Despite some reservations, the Council of the EU mandated Europol in 2009 to start negotiating an operational agreement with Russia to deepen cooperation, notably by giving Russian bodies access to the Europol database and by allowing them to participate in joint operations against drug-trafficking and money laundering.<sup>66</sup> Joint workshops have been organised on personal data protection to strengthen mutual trust, with good results according to Russian officials<sup>67</sup> although the perspective of an agreement remains distant, particularly in view of current tensions. Agreements with India and China have been considered but negotiations have been postponed, preventing cooperation. In some cases, the lack of an agreement has not entirely hindered constructive cooperation, as is the case with Japan.

Eurojust has concluded six agreements with third countries, including the US. A cooperation agreement has been under negotiation for years with Russia, but it is now on hold. In the absence of an accord, contacts and exchanges can nonetheless take place between Eurojust and strategic partners. Contacts have been established with the Russian Office of the General Prosecutor, and cooperation has led to some confidence building exercises, such as a joint seminar on judicial cooperation held in 2009.<sup>68</sup> A bilateral working group was also set up in 2011 with a view to solving practical problems related to cooperation in criminal matters. Liaison officers are in place with Japan

<sup>65</sup> Monar, 2012, op. cit., p. 58.

<sup>66</sup> Council of the EU, 'Press release of the 2936th Council meeting on Justice and Home Affairs', Luxembourg, 6 April 2009. Available online: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/107164.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/107164.pdf)

<sup>67</sup> Interview with a Russian diplomat, Brussels, 31 May 2011.

<sup>68</sup> Eurojust, *Annual Report 2009*, The Hague, 2010. Available online: <http://eurojust.europa.eu/doclibrary/corporate/eurojust%20Annual%20Reports/Annual%20Report%202009/Annual-Report-2009-EN.pdf>

and South Korea.<sup>69</sup> Contacts also exist with India, as well as with Canada, through its counsellor of international criminal operations based in the mission to the EU since 2002.

Frontex has concluded 17 working arrangements with third countries, including Canada, Russia and the US. The agreement with Russia has led to information exchanges, joint trainings and some operational collaboration with the Russian border guard service.<sup>70</sup> Frontex is currently negotiating a similar agreement with Brazil, and one could be envisaged with Mexico if requested.

### Cooperation and capacity-building in third countries

In its external endeavour to combat organised crime, the EU has somewhat emphasised strengthening third countries' capabilities to cope with this security challenge, notably through financial and technical assistance. This gives the EU an opportunity to act jointly or in a coordinated manner with its strategic partners, in order to maximize policy impact.

Among the approximately 30 CSDP missions launched since the early 2000s, 11 included capacity-building against organised crime in their mandates. These include the various police (EUPOL), rule-of-law (EUJUST) or border assistance (EUBAM) missions, in countries from neighbouring Bosnia and Herzegovina to distant Afghanistan. Some strategic partners have directly contributed to these missions. Canada and Russia contributed to the police mission in Bosnia and Herzegovina; Canada and the US to the rule-of-law mission in Kosovo; and Canada to the police missions in the Palestinian Territories and in Afghanistan. No other strategic partner has contributed to these missions, but this does not mean that there has not been any cooperation on the ground. The EU and Japan have set up a joint police training centre in Afghanistan, for instance.<sup>71</sup>

Quite logically, the EU has identified its neighbourhood as a priority area for action against organised crime. Geographical proximity makes the connection between internal and external security more salient. Hence, many projects and initiatives have been developed in the Balkans or in the Mediterranean region. However, increased EU attention does not necessarily imply more cooperation with its strategic partners. In the EU's extended neighbourhood, the Sahel and West Africa are of major concern, and the EU is to increase its efforts to counter organised crime according to its Sahel strategy.<sup>72</sup> There is a certain level of transatlantic coordination in the region, since all partners provide technical and financial assistance. In addition, not only do the EU, the US and Canada cooperate in the context of the MAOC, but they have also established a network connecting their liaison officers on a weekly basis in Accra and in Dakar, to exchange information.<sup>73</sup> Cooperation with South Africa, the EU's sole African partner, is almost inexistent in the region, although there are some opportunities in terms of training, capacity-building, exchange of best practices, and in developing joint projects.

Latin America is another region of interest identified in the Stockholm Programme. Crime is thriving in the Central American isthmus, and porous borders increase insecurity in the region and facilitate drug-trafficking towards North America and Europe. In 2012, the EU and Mexico expressed interest

<sup>69</sup> Ibid.

<sup>70</sup> See for instance the operation 'five borders' in 2007. Available online: <http://www.frontex.europa.eu/operations/archive-of-accomplished-operations/22>; and the 2009 operation 'good will'. Available online: <http://www.frontex.europa.eu/operations/archive-of-accomplished-operations/99>.

<sup>71</sup> EU-Japan, *EU-Japan Joint Press Statement*, Brussels, 28 May 2011. Available online: <http://www.mofa.go.jp/region/europe/eu/joint1105.html>

<sup>72</sup> EEAS, *Strategy for Security and Development in the Sahel*, op. cit.

<sup>73</sup> Council of the EU, *Coordination of cooperation in combating organised crime, especially drug trafficking, originating in West Africa: Report 2011*, Brussels, April 2012. Available online: <http://register.consilium.europa.eu/doc/srv?l=DE&t=PDF&gc=true&sc=false&f=ST+8610+2012+INIT>

in increased bilateral cooperation and triangulation with other countries in Central America ‘in order to provide them with technical assistance to strengthen their capacities against transnational organized crime’,<sup>74</sup> although little has been achieved.

Following their 2001 Action Plan, the EU and Japan have jointly worked on capacity-building programmes ‘in countries where the criminal judicial system is vulnerable and law enforcement is inadequate’.<sup>75</sup> One, albeit modest, example was a workshop on border management held in October 2010 in Tajikistan, with the aim of enhancing the country’s ability to limit the flow of drugs and criminals through Central Asia.<sup>76</sup> Central Asia is indeed yet another region of strategic focus for combating organised crime. However, very little cooperation has been reported with the two regional heavyweights, China and Russia.

### Strengthening the multilateral fabric

The Strategy for the external dimension of JHA and the Stockholm Programme recognise the need to cooperate more with and within international organisations, as well as with regional groupings, not least to contribute to the EU’s objective of ‘effective multilateralism’ embedded in the 2003 ESS. ‘There can be no question that the EU has increasingly asserted its position within international organisations as an actor on various JHA matters’, says Monar.<sup>77</sup>

The UN is central to the EU’s global action against organised crime. The EU has signed and ratified the 2000 UN Convention against Transnational Organised Crime (UNCTOC), and its three protocols. It has also been active worldwide in promoting adherence to and implementation of this Convention, in cooperation with some partners, notably Canada and Japan. The EU and its partners have recognised the importance of multilateralism on various occasions, including in joint action plans or other statements. But there are of course diverging views on multilateralism and its centrality in the international cooperative system to cope with organised crime. For instance, whereas the EU and Japan see the multilateral approach as a ‘top priority’,<sup>78</sup> cooperation with India, China or Russia is much more limited, or even complicated. India was the last of the EU’s partners to sign the UNCTOC, despite the fact that the EU and India underlined the importance of effective multilateralism in their 2005 joint action plan and have discussed organised crime specifically under this heading.<sup>79</sup> Similarly, cooperation with Russia is difficult, as evidenced in Moscow’s opposition to establishing an implementation review mechanism for UNCTOC.

Beyond the UN, EU cooperation with its strategic partners can take place in less formal or more selective multilateral frameworks. For instance, cooperation has been observed within the G8, especially in the Senior Experts Group on transnational organised crime (the Lyon Group). Bilateral exchanges with Japan have also been reported in the margins of G8 meetings of ministers of justice and home affairs, with a focus on crime and drugs.<sup>80</sup> Cooperation also takes place regarding the financial aspects of the fight against organised crime within the FATF, of which all of the EU’s strategic partners are members. In an example of constructive partnership, the EU supported the Chinese application to the FATF, which

<sup>74</sup> EU-Mexico, op. cit.

<sup>75</sup> EU-Japan, *An Action Plan for EU-Japan Cooperation*, Brussels, December 2001. Available online: [http://www.mofa.go.jp/mofaj/area/eu/kodo\\_k\\_e.html#top](http://www.mofa.go.jp/mofaj/area/eu/kodo_k_e.html#top)

<sup>76</sup> Interview with a Japanese diplomat, Brussels, 4 May 2011.

<sup>77</sup> Monar, 2012, op. cit., p. 67.

<sup>78</sup> Mykal, op. cit., p. 196.

<sup>79</sup> EU-India, *The India-EU Strategic Partnership Joint Action Plan*, Brussels, September 2005. Available online: [http://eeas.europa.eu/india/docs/joint\\_action\\_plan\\_060905\\_en.pdf](http://eeas.europa.eu/india/docs/joint_action_plan_060905_en.pdf)

<sup>80</sup> Interview with a Japanese diplomat, op. cit.

was seen as a step forward in JHA cooperation.<sup>81</sup> Other multilateral initiatives include the Paris Pact, which aims at fostering cooperation on Afghan opiates (members include the US, Canada, China, Japan, India and Russia); the Europol-based Camden Assets Recovery Inter-Agency Network (CARIN), which deals with tracing and freezing criminal assets (the US is a member, whereas Canada, Russia and South Africa are observers); or the above-mentioned Dublin Group, which deals with global, regional and country-specific problems of illicit drugs production, trafficking and demand.

The EU also cooperates with international organisations, notably UNODC, which implements some EU projects. The EU is the fifth-largest contributor to the UNODC budget (6 per cent), excluding EU member states. Only three strategic partners surpass the EU: the US (13 per cent), Canada (9 per cent) and Brazil (6.5 per cent).<sup>82</sup> Together with its 28 member states, however, the EU is by far UNODC's main financial contributor. The OECD, OSCE, Interpol and the WCO are other important partners to the EU.

In addition to multilateral cooperation, the EU is also an inter-regional player. For instance, EU cooperation on criminal issues with Brazil and Mexico is complemented with the EU-LAC inter-regional partnership, which has specific coordination mechanisms on drugs, namely the EU-LAC Cooperation and Coordination Mechanism on Drugs (since 1999) and the EU-CAN High Level Specialised Dialogue in Drugs (since 1995). The 2009 four-year programme (COPOLAD) strengthened such inter-regional cooperation.<sup>83</sup>

Discussions with Asian partners have taken place within ASEM, where China has notably undertaken some crime-related initiatives.<sup>84</sup> But ASEM remains overall a limited partner in this area. The EU-Africa Strategy mentions combating crime in its objectives, and cooperation has taken place on the ground, with the Economic Community of West African States (ECOWAS) notably, which has a regional plan against drugs and crime.<sup>85</sup> However, there is no discussion between the EU and its regional partner, South Africa, on this dimension.

## Assessing the partnerships

In the fight against organised crime, partnering is necessary given the global and transnational nature of the challenge. Yet, not all strategic partnerships of the EU are identically essential or equally delivering. Threat-connectivity between two partners increases the need for cooperation. So, for instance, the EU has more incentives to work with Brazil and Mexico than with South Korea or South Africa, given the existence of significant drug flows between Latin America and Europe. However, these incentives are not always sufficient to trigger extensive cooperation. Other factors can influence the scope and breadth of cooperation such as a broader convergence of values and interests, as well as mutual trust.

The partnership with the US is by far the most developed. It is singled out in several EU documents on organised crime, such as the Stockholm Programme and the EU strategy for the external dimension of JHA. The EU and the US share largely similar priorities in combating organised crime. In their joint pursuit of these priorities, they have developed many operational contacts between various institutions and

<sup>81</sup> S. Bersick, J. Quigley, and S. Bruun-Jensen, 'The External Dimension of the EU's Area of Freedom, Security and Justice in Relation to China, India and Afghanistan', *Briefing Paper*, European Parliament, 2006.

<sup>82</sup> See the UNODC website: <http://www.unodc.org/unodc/en/donors/index.html?ref=menuaside>

<sup>83</sup> European Commission, 'COPOLAD - Cooperation Programme between Latin America and the European Union on Drugs Policies', website of DG DEVCO, last updated on March 2012: [http://ec.europa.eu/europeaid/where/latin-america/regional-cooperation/copolad/index\\_en.htm](http://ec.europa.eu/europeaid/where/latin-america/regional-cooperation/copolad/index_en.htm)

<sup>84</sup> Bersick, Quigley, and Bruun-Jensen, op. cit.

<sup>85</sup> Council of the EU, *Coordination of cooperation in combating organised crime, especially drug trafficking, originating in West Africa: Report 2011*, op. cit.

agencies, creating a dense network of transatlantic cooperation. The EU-US partnership is also unique in the sense that all member states are directly involved at various levels, including at the ministerial one, in addition to US and EU institutions. The partnership goes much beyond the purely bilateral dimension, with many instances of multilateral and triangular cooperation.

The EU-Canada relationship is deemed to be 'productive'.<sup>86</sup> Its added-value as a self-standing partnership is limited, though existent, as illustrated by Canada's participation in CSDP civilian missions. In a broader context, it complements and reinforces the transatlantic partnership against organised crime, since many transatlantic dialogues and cooperation mechanisms are in fact trilateral.

Russia is the other partner singled out in most EU documents. Many criminal groups operate across Europe, Russia and their common neighbourhood. The partnership is highly formalised, with various dialogues in place, although it is not always necessarily effective, as a result of a lack of trust and normative divergences. The Ukrainian crisis has increased defiance between both parties. The coming summit has been postponed and it remains unclear whether the PPC foreseen in November will take place or not, depending on developments. In 2000, after launching its Common Strategy on Russia, the EU produced a specific action plan outlining the objectives and operationalisation of its cooperation with Russia on combating organised crime.<sup>87</sup> Although unique, the document bears little value today.

The EU's strategic partnerships with Mexico and Brazil have identified organised crime as a common threat in the 2010 EU-Mexico joint executive plan and in the 2008 EU-Brazil joint action plan (updated in 2011), respectively.<sup>88</sup> Given the drug-connection between both sides, the incentives for cooperation are high, but actual cooperation remains low. Bilateral cooperation mechanisms are still very new – the EU-Brazil dialogue on drugs was established in 2013, for instance. Overall, these partnerships are still largely under-delivering.

There are also connections between criminal groups in Europe and China, mainly with regard to counterfeiting, drugs and cigarettes smuggling. Although some operational contacts have been established, cooperation remains minimal and the partnership marginal.

A common challenge to these three relationships with China, Brazil and Mexico is the EU's difficulty to convince its partners of the added-value of the bilateral partnership. Although willing to engage modestly at the regional or multilateral level, they see the EU's offer of bilateral cooperation as intrusive and challenging to their internal security prerogatives.<sup>89</sup>

The EU and Japan are not so much connected by criminal activities, but their cooperation is mature and developed, as illustrated by the conclusion of the 2010 MLA agreement. Conversely, cooperation with South Africa and South Korea is practically non-existent in this area. A lack of political will and mutual trust hampers cooperation with India.

<sup>86</sup> EU-Canada, *Report to the Joint Cooperation Committee 2010*, Brussels, 2010. Available online: [http://www.eeas.europa.eu/canada/docs/2010\\_report\\_to\\_jcc\\_en.pdf](http://www.eeas.europa.eu/canada/docs/2010_report_to_jcc_en.pdf)

<sup>87</sup> Council of the EU, *European Union Action Plan on Common Action for the Russian Federation on Combating Organised Crime*, OJ (2000/C 106/02), Brussels, April 2000. Available online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2000:106:0005:0012:EN:PDF>

<sup>88</sup> EU-Mexico, *Mexico-European Union Strategic Partnership Joint Executive Plan*, Comillas, May 2010. Available online: [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/er/114467.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/er/114467.pdf); EU-Brazil, *Brazil-European Union Strategic Partnership Joint Action Plan*, Rio de Janeiro, December 2008. Available online: [http://eeas.europa.eu/brazil/docs/2008\\_joint\\_action\\_plan\\_en.pdf](http://eeas.europa.eu/brazil/docs/2008_joint_action_plan_en.pdf); EU-Brazil, *European Union-Brazil Strategic Partnership Joint Action Plan*, Brussels, October 2011. Available online: [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/124878.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/124878.pdf)

<sup>89</sup> Interview with an official from the EEAS, Brussels, 2 April 2013; Interview with an official from the European Commission, Brussels, 26 April 2013.

The foundation of any partnership rests mainly on bilateral ties. These links are asserted at the political level in the first place, such as in summit or ministerial statements. The EU-US partnership, however, is the only one to have produced a self-standing 'joint statement on enhancing transatlantic cooperation in the area of justice, freedom and security,' with a specific focus on organised crime. With most of its partners, the EU has adopted a form of roadmap, which identifies potential areas for cooperation and political priorities. The 1995 EU-US New Transatlantic Agenda, the 2001 EU-Japan Action Plan, the 2004 EU-Canada Partnership Agenda or the 2005 EU-Russia Road Map for the Common Space of Freedom, Security and Justice, the 2008 EU-Brazil Joint Action Plan (updated in 2011), and the 2010 EU-Mexico Joint Executive Plan all emphasise the need for cooperation against organised crime. The 2005 EU-India Joint Action Plan (updated in 2008), the 2007 EU-South Africa Joint Action Plan and the 2010 EU-South Korea Framework Agreement simply mention possible cooperation in this area, without giving any further details. China is the only partner with which the EU has not adopted a political roadmap. More substantial agreements have been (or are being) negotiated between the EU and its partners. These include agreements on extradition, MLA or PNR. Yet, the EU-US partnership is the only one that has managed to accumulate a number of these.

Bilateral cooperation is managed through various kinds of exchanges and dialogues. The EU has a dialogue on at least one aspect of organised crime with most of its strategic partners. In addition, it has developed other useful mechanisms such as contacts between Europol, Eurojust or other agencies and their counterparts, via liaison officers or JHA counsellors deployed in the EU's delegations in Russia and the US. The EU's strategic partnerships are thus built on a sophisticated architecture that allows for the exchange of information when cooperation is mature, or for the building of trust in an earlier phase.

Beyond the purely bilateral dimension, cooperation takes place between the EU and its partners at the (inter-)regional level. Most European efforts at this level focus on Latin America, in the framework of the EU-LAC partnership. Although this partnership has addressed organised crime specifically, its impact is deemed fairly limited.<sup>90</sup> Coordination between the inter-regional dialogues and the bilateral ones with Mexico and Brazil in this area remains an important challenge.<sup>91</sup> On the African continent, the EU-Africa partnership includes the fight against organised crime as an objective, and some cooperation has taken place with ECOWAS. But overall, the partnership has actually delivered little, and the bilateral partnership with South Africa is marginal in this regard. Interestingly, however, Africa – and more specifically Western Africa – is a geographic area that has witnessed a lot of operational cooperation between the EU and some of its partners, including the US, Canada and Brazil. In Asia, very little cooperation has been noticed, in spite of a few discussions in the context of ASEM. Generally speaking, inter-regional cooperation is inherently limited by the under-development of regional organisations worldwide – the EU being an exception in this regard.

The EU and its strategic partners are all committed, at least rhetorically, to cooperating within and promoting the multilateral system. The UN has been active in framing the fight against organised crime, notably by adopting the UNCTOC, signed by all of the EU's strategic partners, although they are not all equally committed to its implementation and global promotion. Cooperation has also been observed in less formal multilateral bodies, such as in the G8, FATF or the Dublin Group, among others. Overall, cooperation with like-minded partners such as Japan or Canada has been easier than with countries such as China, Russia or India, which do not share the EU's views on 'effective multilateralism'. Hence, for instance, China and Russia work against organised crime, together with the Central Asian republics,

<sup>90</sup> Interview with an official from the European Commission, Brussels, 10 June 2011.

<sup>91</sup> Interview with an official from the EEAS, Brussels, 2 April 2013.

in the framework of the Shanghai Cooperation Organisation (SCO), a multilateral organisation whose interests diverge from those of the EU.

The EU's approach to organised crime is thus multilayered, combining bilateralism, (some) regionalism and multilateralism. There are interactions between these various levels, which is after all one of the purposes of strategic partnerships. Good bilateral ties can make multilateralism more effective, while multilateral encounters can in turn facilitate bilateral discussions. However, these interactions are limited and could certainly be strengthened further.

## Conclusion

Several EU documents have called for a greater external role for European institutions in the fight against organised crime, including in the context of strategic partnerships. European Commissioner Cecilia Malmström has called for a deepening and more systematic 'integration' of the internal security dimension in dialogues with strategic partners.<sup>92</sup> Some experts have observed that 'organised crime related issues are increasingly discussed in EU dialogues with third countries and regional organisations'.<sup>93</sup> This paper confirms that the trend is one of increasing exchanges and joint action between the EU and its partners, as the issue of organised crime gains traction at the global level. Bilateral cooperation has been stepped up in the last few years, but it remains largely a work in progress.

The level of cooperation between the EU and its strategic partners over organised crime varies widely. The 2005 Strategy for the external dimension of JHA already preached a 'differentiated and flexible' approach to third countries, with a view to matching European needs. Indeed, not all partners are equally relevant to the EU's fight against organised crime. Having said this, apart from the US, no partnership is sufficiently developed or central to the EU's external action to deserve a 'strategic' attribute. Conversely, some countries have become important partners of the EU for combating organised crime, such as Turkey. Overall, there is a certain disconnect between the EU's broader political priority of deepening its 10 strategic partnerships and the inadequacy of some of its partners or the lack of resources to develop them further in the field of organised crime.<sup>94</sup>

Shifting from the relational to the self-reflexive level, it begs the question of whether the EU itself can be considered as a strategic partner. The EU has largely developed its role in the area of combating organised crime, particularly in the internal dimension where it has a clear added-value that is recognised by its member states. In the external dimension, however, the EU remains a nascent actor, with most operational capabilities still in the hands of member states. As a result, many strategic partners of the EU cooperate with EU institutions along with member states. Given that many EU member states have themselves established strategic partnerships with these 'key partners', this overlap could open interesting avenues for complementary efforts. There have been several such cases, notably in Africa. Yet, the downside remains that some partners prefer to work directly with member states, and continue to neglect the EU as a partner in this field. To change this, the EU must become more assertive and effective as a global actor in combating organised crime, both *vis-à-vis* its member states and its partners.

<sup>92</sup> Malmström, *op. cit.*

<sup>93</sup> F. Strazzari, and F. Coticchia, 'High Stakes, Low Strategies: The European Union and the Fight against Transnational Organised Crime in State-Building Missions', *Interdisciplinary Political Studies*, 2:1, p.11.

<sup>94</sup> Interview with an official from the EEAS, Brussels, 5 April 2013; Interview with an official from the EEAS, Brussels, 26 March 2013.

## Appendix

The purpose of this appendix is to offer synthetic information on each strategic partnership, to complement the main body of this paper. It covers the key documents defining the principles of cooperation (when they address organised crime); relevant dialogues established to address criminal issues; and a brief assessment of each partnership. The information provided here is not comprehensive. Only the dialogues that deal with organised crime issues on a regular basis are listed, hence leaving out other dialogues that could potentially address the issue in the future (this explains why summits or ministerial dialogues are not systematically mentioned).

### EU-USA

#### Key documents:

- The New Transatlantic Agenda (1995): [http://eeas.europa.eu/us/docs/new\\_transatlantic\\_agenda\\_en.pdf](http://eeas.europa.eu/us/docs/new_transatlantic_agenda_en.pdf)
- EU-US Joint Statement on 'Enhancing transatlantic cooperation in the area of Justice, Freedom and Security' (2009): <http://www.regeringen.se/content/1/c6/13/43/59/8542bc06.pdf>

#### Key dialogues:

- Summit (annual)
- Ministerial dialogue on justice and home affairs (twice a year)
- Dialogue on drugs (twice a year)
- Joint follow-up group on drug precursors (annual)
- Transport security working group (annual)
- Joint customs cooperation committee (annual)
- EU-US-Russia dialogue on justice and home affairs (annual)
- EU-US-Canada meeting of senior officials on justice and home affairs (annual)

#### Brief assessment:

Transatlantic cooperation against organised crime dates far back. The EU and the US share largely similar priorities, notably with regard to drug-trafficking, human-trafficking, counterfeiting and money laundering. The EU-US relationship is more developed than any other partnership in this policy area. Cooperation takes place through various political and operational mechanisms at the bilateral level, but also within the multilateral framework. There are a number of instances of triangular cooperation in third countries or regions. Having said this, a certain lack of trust continues to limit the scope of cooperation. On the one hand, the US sometimes prefers bilateral cooperation with EU member states over working with EU institutions. Conversely, Europeans find it difficult to coordinate their actions with over 50 US federal agencies dealing with crime and intelligence. There is thus a certain element of frustration across the partnership.

## EU-CANADA

---

### Key documents:

- EU-Canada Partnership Agenda (2004): [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/partnership\\_agenda\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/partnership_agenda_en.pdf)

### Key dialogues:

- Summit (annual)
- Joint customs cooperation committee (annual)
- EU-US-Canada meeting of senior officials on justice and home affairs (annual)

### Brief assessment:

The EU and Canada have recognised common objectives with regard to organised crime, judicial and law enforcement cooperation. In spite of limited institutional and political frameworks in this policy area, many instances of cooperation have been reported. Exchanges and cooperation occur at the bilateral level, often informally, but also at multilateral level, at the MAOC or the Dublin Group, among others. Canada is one of the few partners with which the EU is actively engaged in capacity-building efforts in third countries. Overall, the partnership is deemed to be productive, although it could still be deepened. It is also largely framed in the broader context of transatlantic relations.

## EU-MEXICO

---

### Key documents:

- Mexico-European Union Strategic Partnership Joint Executive Plan (2010): [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/er/114467.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/er/114467.pdf)

### Key dialogues:

- Summit (biennial)
- Joint Council at ministerial level (biennial)
- Dialogue on public security and law enforcement (annual)

### Brief assessment:

Mexico is extremely vulnerable to organised crime, with astonishing numbers of drug-related killings: over 55,000 since 2006. Cartels are deeply established in the country's social, economic and political fabrics. This situation has direct ramifications for Europe, which is on the receiving end of drug flows. There are some joint initiatives, notably at the regional level. However, despite good incentives and repeated calls for more cooperation, the partnership has delivered little so far. One reason is that Mexican authorities consider that they can deal with this challenge alone, and they perceive the EU's offer for bilateral cooperation as potentially intrusive or demeaning. The other reason is that Mexico still largely prefers bilateral cooperation with EU member states. It has developed special relations on combating organised crime with France, the UK, Germany, Spain, Portugal and Italy.

## EU-BRAZIL

---

### Key documents:

- Brazil-European Union Strategic Partnership Joint Action Plan (2008): [http://eeas.europa.eu/brazil/docs/2008\\_joint\\_action\\_plan\\_en.pdf](http://eeas.europa.eu/brazil/docs/2008_joint_action_plan_en.pdf)
- European Union-Brazil Strategic Partnership Joint Action Plan (2011): [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/124878.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/124878.pdf)

### Key dialogues:

- Summit (annual)
- Dialogue on drug matters (annual)

### Brief assessment:

Organised crime is a serious problem in Brazil. Criminal activities sustain criminal organisations that control the Brazilian drug market. Furthermore, there is an increasingly important international dimension, since Brazil is becoming a key transit route for drug-trafficking from Latin America to Europe, via West Africa. Countries of destination include Angola, Nigeria, Guinea-Bissau or Cape Verde, among others. Regular cooperation has been envisaged and is embedded in the joint action plan. However, expressions of interest for more cooperation (particularly from the EU's side) have not translated into a deepening partnership. Despite some instances of cooperation and a genuine incentive to cooperate more on criminal matters, the level of engagement remains low and the output limited. A lack of interest and resources can partly explain the limited scope of this partnership.

## EU-SOUTH AFRICA

---

### Key documents:

- The South Africa-European Union Strategic Partnership Joint Action Plan (2007): <http://register.consilium.europa.eu/doc/srv?!=EN&t=PDF&gc=true&sc=false&f=ST%209650%202007%20INIT>

### Key dialogues:

- Crime and justice dialogue (ad hoc)

### Brief assessment:

Both sides are equally affected by organised crime and could therefore find common grounds for cooperation. In spite of a vague commitment to cooperate more on this issue, the partnership is almost non-existent. There are indeed very few connections between criminal activities in South Africa and Europe, making the need for cooperation less salient. However, the lack of cooperation with the EU does not prevent South Africa from cooperating with some of its member states. In 2012, for instance, Italy and South Africa signed an agreement on information-sharing between both countries' police forces in order to combat transnational organised crime.

## EU-INDIA

---

### Key documents:

- The India-EU Strategic Partnership Joint Action Plan (2005): [http://eeas.europa.eu/india/docs/joint\\_action\\_plan\\_060905\\_en.pdf](http://eeas.europa.eu/india/docs/joint_action_plan_060905_en.pdf)

### Key dialogues:

- High-level dialogue on migration (annual)
- Joint customs cooperation committee (annual)

### Brief assessment:

The EU and India are both coping with organised crime, and consider it to be an important item on their respective domestic agendas. Together, however, the two partners have done very little to tackle this challenge, despite the existence of some connections between criminal activities in Europe and India, as highlighted in a 2011 Europol report: Indian cannabis is routed to European markets, as well as counterfeited medicines; whereas Indian citizens are said to manage highly-developed networks of illegal immigrants in Europe.<sup>95</sup> If the 2005 EU-India joint action plan had a couple of lines on organised crime, its 2008 update removed any such mention. The lack of cooperation in this field could not be clearer.

## EU-CHINA

---

### Key documents:

None.

### Key dialogues:

- Joint customs cooperation committee (annual)

### Brief assessment:

Europol's annual threat assessment points to China as the main source of counterfeited goods, including cigarettes. Chinese criminal organisations are active on European soil, notably engaged in drug- and human-trafficking.<sup>96</sup> Despite the evident need for cooperation, however, so far very little has been done and the topic remains low on the agenda. Cooperation on security issues is certainly always sensitive for China, and perhaps even more with EU institutions. Having said this, some member states' law enforcement agencies have liaison officers in Beijing.

<sup>95</sup> Europol 2011, op. cit.

<sup>96</sup> Ibid.

## EU-JAPAN

---

### Key documents::

- An Action Plan for EU-Japan Cooperation (2001): [http://www.mofa.go.jp/mofaj/area/eu/kodo\\_k\\_e.html#top](http://www.mofa.go.jp/mofaj/area/eu/kodo_k_e.html#top)

### Key dialogues:

- Summit (annual)
- Joint customs cooperation committee (annual)

### Brief assessment:

Cooperation between the EU and Japan is quite mature. Already in 1996, on their fifth summit, the EU and Japan expressed their intention to fight together 'against international organized crime, including drug-related crime'.<sup>97</sup> This commitment to cooperate was later confirmed in their 2001 action plan. Despite such a light institutionalisation of cooperation, the EU and Japan have multiplied their exchanges and joint initiatives at the bilateral and multilateral levels, hence showing pragmatism. The maturity of the partnership was also evidenced by the conclusion of the MLA agreement in 2010. The EU has concluded a similar agreement only with the US.

## EU-SOUTH-KOREA

---

### Key documents:

- Framework Agreement between the European Union and its Member States, on the one Part, and the Republic of Korea, on the other Part (2010): [http://eeas.europa.eu/korea\\_south/docs/framework\\_agreement\\_final\\_en.pdf](http://eeas.europa.eu/korea_south/docs/framework_agreement_final_en.pdf)

### Key dialogues:

None.

### Brief assessment:

Organised crime is not an issue that has made it to the bilateral agenda between the EU and South Korea. The 2010 Framework Agreement reaffirmed both sides' determination to combat organised crime and parties agreed that a dialogue 'would be beneficial'. The document also encouraged more contacts and agreements between law enforcement communities, but no concrete cooperation has been reported.

<sup>97</sup> EU-Japan, *Joint Summit Communiqué*, Tokyo, September 1996. Available online: [http://www.euinjapan.jp/en/relation/political/political\\_05/](http://www.euinjapan.jp/en/relation/political/political_05/)

## EU-RUSSIA

### Key documents:

- Road Maps for the Four Common Spaces (2005): [http://eeas.europa.eu/russia/docs/roadmap\\_economic\\_en.pdf](http://eeas.europa.eu/russia/docs/roadmap_economic_en.pdf)

### Key dialogues:

- Summit (twice a year)
- Permanent Partnership Council (several times per year)
- Political dialogue on combating drug-trafficking (annual)
- Joint customs cooperation committee (annual)
- EU-US-Russia dialogue on justice and home affairs

### Brief assessment:

The current crisis in Ukraine points to a deepening divide between the EU and Russia when it comes to respective priorities in their common neighbourhood. However, the EU and Russia have an interest in cooperating on issues related to organised crime in the region and beyond. The 2005 Road Map for the Common Space of Freedom, Security and Justice identified more than 50 action points in this area. The partnership is highly formalised, notably through operational agreements between EU and Russian agencies. Exchanges have taken place at the bilateral and multilateral levels. Yet, the partnership remains ineffective, largely due to a lack of trust and normative divergences. There is some cooperation, however, between Russia and EU member states, mainly through national police and intelligence services. European liaison officers based in Russia cooperate closely with local authorities as well as among themselves, notably through an established official network. Some EU member states and Russia have also been cooperating through the Baltic Sea Task Force against organised crime.

The ESPO website ([www.strategicpartnerships.eu](http://www.strategicpartnerships.eu))  
is kindly supported by the Federal Foreign Office of Germany

**FRIDE**  
— A EUROPEAN —  
THINK TANK FOR GLOBAL ACTION

  
**EGMONT**