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## **Europol External Strategy**

### **Business Case: Cooperation with Brazil**

#### **1. Aim**

The purpose of this Business Case is to provide additional information to the Management Board (MB) on the list of priority third parties for the conclusion of new cooperation agreements. It specifically provides a rationale for Europol's operational interest in establishing a cooperation agreement with Brazil.

#### **2. Policy framework**

##### **2.1. Europol External Strategy**

At its meeting on 1-2 February 2012, the MB took note of the information provided by Europol on the review of the External Strategy and Council list. Several MB members asked for more information on the criteria for prioritising countries.

Europol's legal basis is in the process of being amended, including the rules to conclude cooperation agreements (art. 23 ECD). It seems difficult, therefore, to initiate a new procedure to amend the Council list pending adoption of the new legal basis of the agency.

However, Europol takes note of the political and operational interest in concluding cooperation agreements with a limited number of priority countries. Following the MB discussion on 1-2 February, Europol decided to prepare business cases, based on the most urgent operational needs to substantiate the possibility of adding a limited number of countries to the Council list at the first available legislative opportunity.

## **2.2. External Relations priorities**

Europol External Strategy is compliant with the overall objectives of the EU for the external dimension of Freedom Security and Justice as expressed in chapter 7 of the Stockholm Programme: “Priorities in external relations should inform and guide the prioritisation of the work of relevant EU agencies.”

In this regard, the EU-Brazil Joint Action Plan (JAP) (15084/11), adopted at V EU-Brazil Summit on 4 October 2011, contains a chapter (7) on “Preventing and fighting organized crime and corruption”, which calls for “promoting cooperation in criminal matters and in particular the full implementation of the UN Convention against Transnational Organized Crime and supplementary protocols on the fight against organized crime”. More specifically the JAP calls on both parties to, *inter alia*, 1) cooperate in preventing the use of their financial systems for laundering proceeds arising from criminal activities in general; 2) explore the possibilities of sharing experiences and best practices among Financial Intelligence Units (FIU) of Brazil and EU member countries; 3) express their willingness to exchange experiences, cooperation and good practices with interested countries in fighting against organised crime activities, including through Brazil and EU cooperation programmes; 4) consider involving, in their cooperation activities, inter-agency bilateral exchange of information and best practices on law enforcement; 5) express their interest in strengthening bilateral legal and police cooperation.

The EU-Brazil Joint Action Plan also contains a chapter (6) on the “Fight against terrorism”, which addresses in particular the prevention of and fight against terrorism financing and cooperation on issues of terrorism prevention and the use of the internet for terrorist purposes.

Finally, the JAP 2011 devotes chapter 6 to the “Prevention and control of the world drug problem and related crime”, which calls on EU and Brazil to explore ways to improve the “exchange of operational information to enable each Party to request and deliver juridical information, as well as other forms of collaboration”.

### **3. Operational needs**

In recent years, the profile of Brazil, with its booming economy (6<sup>th</sup> largest global economy), has increased significantly. At the same time Europeans are now migrating to Brazil to find work in numbers not seen since the 1940s and 50s. European migrants, mainly Portuguese, Spanish, British and Italian, are attracted by the buoyant jobs market, the relatively low income tax levels and the existence of large European communities that have lived in Brazil for generations. Compared to other Western countries it is also relatively easy to obtain a work and residence permit for Brazil. Furthermore, in the next four years Brazil will host the two largest global sporting events and important construction projects will require skilled migrant workers. This also opens opportunities for organised crime.

#### **3.1. Assessment of the threat to EU internal security**

OCTA 2011 warned that Brazilian organised crime groups must be carefully monitored. Brazil is among the top ten countries whose citizens are refused entry to the EU and also of migrants illegally residing in the EU. While they have managed to keep a relatively low profile until now, Brazilian criminals are increasingly detected as facilitators of illegal immigration in the EU.

As mentioned above, Brazilian nationals are the subject of significant and increasing operational activity by the MS in the combating of trafficking for the purpose of sexual exploitation. Trafficking in Human Beings is one of the eight priority crime areas and South Americans are mentioned specifically in OCTA 2011 as victims of sexual exploitation in the EU.

OCTA 2011 also noted that poly-criminal organised crime groups involved in high-level drugs trafficking in Brazil, Colombia and Mexico have established a notable role in the illegal supply of endangered species to the EU and US markets. As a result, some of the concealment methods developed for drug trafficking are now used to traffic endangered species.

In the context of the EU Policy Cycle, Brazil has particular relevance for priority E in the fight against organised crime: “Disrupt the trafficking to the EU, particularly in container form, of illicit commodities, including cocaine, heroin, cannabis, counterfeit goods and cigarettes” and priority F: “Combat against all forms of trafficking in human beings and human smuggling by targeting the organised crime groups conducting such criminal activities in particular at the southern, south-western and south-eastern criminal hubs in the EU”.

The following areas are the most significant in terms of the particular threat emanating from Brazil: Facilitated Illegal Immigration and Trafficking in Human Beings: Brazilians represent an ongoing issue with regard to illegal immigration into the EU. In recent years Brazilians have become one of the main nationalities refused entry to the EU and there have been links established to forgery factories set up to enable Brazilians to reside and work in the EU.

One of Europol’s (AWF Phoenix) current priority areas is "South-American trafficking networks" which also covers THB originating from Brazil. In this respect the workfile has data on Brazilian trafficking networks operating in the EU. This priority area was opened at the beginning of 2011 based on Europol’s proposal, following the increase in the number of contributions provided by MS in relation to trafficking networks originating from this region. Since then, on a regular basis, the work file has received cases initiated by MS against Brazilian OCGs engaged in trafficking for the purpose of sexual exploitation. In 2011 the workfile provided operational analytical support to Operation Atlas, focusing on the sexual exploitation of young Brazilian men, initiated by The Netherlands and having links with Spain and Romania. Recently substantial contributions have been received from France and Spain, all related to sexual exploitation of Brazilian victims (both males and females) with use of internet/escort web pages.

This is clearly an increasing trend in the EU and Brazilian victims have also been addressed by Frontex in their project on "profiles of victims of THB" to which AWF Phoenix has actively contributed. Information received from Brazil would be very useful to complete the picture that AWF Phoenix has in the EU on the Brazilian THB networks.

Drug related crime: Illicit synthetic drug markets in Brazil are on the increase and a consequential rise in the exchange of cocaine to ecstasy has been observed. Cocaine is brought by couriers from Brazil to the EU and traded for synthetic drugs that are then trafficked back to Brazil.

There is also evidence of couriers involved in the trafficking of cocaine from Brazil to Europe and, in some cases, High Value Targets have settled in Brazil from where cocaine shipments to Europe are organised. Brazil has featured increasingly in this area in recent years, especially as large quantities of cocaine from Bolivia are trafficked through the country towards Europe for EU consumption.

Credit card fraud: in particular concerning the theft of credit card information used in an otherwise legitimate transaction or 'skimming', Europol has identified significant numbers of cash withdrawals as Brazil doesn't follow the EU approach on RFID (Chip-Pin) technology. EU criminals have partners in Brazil (and other Latin American countries) who use the data skimmed within the EU.

Euro-counterfeiting: Europol's Central Office function for Euro counterfeiting allows for direct cooperation with states as if an agreement already exists. In the past, the organisation has exchanged strategic (technical) information on counterfeit banknotes in several cases with requests received directly or via ICPO-Interpol. In operational cases, use has been made of the services of EU bi-lateral Liaison Officers based in Brazil, but often, as they have their own priorities, this method of communication has depended very much on their will to cooperate. If the represented country has no investigation of their own, they usually have no interest in providing assistance.

Terrorism: There has been no cooperation between Europol and Brazil in the field of terrorism to date. However it is considered that cooperation would be of interest considering that a number of religiously motivated, extremist groups linked to Hezbollah and possibly al-Qaeda have reportedly been active in Brazil, specifically close to the Tri-Border Area (TBA - Argentina, Brazil, Paraguay). The topic remains very sensitive, since Brazil has been accused by the USA in the recent past of failing to cooperate in this area and denying the presence of known terrorists on its territory.

Cyber-crime: Brazil's large population, expanding economy, and outdated cyber legislation make it a frequent target of cyber attacks and illicit activity online.

#### **4. Progress to date**

Europol currently has access to strategic intelligence from Brazil, albeit in an indirect manner, via the Colombian Liaison Bureau and AMERIPOL / CLACIP. This is in fact the same for all states in the CLACIP/AMERIPOL network, whereby requests are formulated within Europol and sent throughout the network with the assistance of the Colombian National Police.

The strategy for current general cooperation options with Latin America which Europol (Scan Team) has been tasked to deliver, is based upon four strategic assessments currently under development. This opportunity will be used to explore the value / feasibility of an increased investment in centralised nodes - notably, AMERIPOL. This is based on the premise that whilst some countries represent a clear business interest for Europol and specific AWFs, entering into discussions on bilateral Europol agreements with a large number of countries in this region is not realistic.

In June 2010 Brazil recorded its interest in strengthened cooperation with Europol by means of correspondence between the Director General of the Brazilian Federal Police and the Director of Europol. This interest was reiterated at operational level on the occasion of the meeting between the Europol Liaison Office in Washington and representatives of the Brazilian Federal Police, which was held in Washington D.C. in September 2011.

In the area of Cyber Crime, Europol hosted the Brazilian National Cyber Crime Unit in December 2011. This was at the request of the Brazilian authorities as they sought Europol support in the field of Cyber Crime in setting up a Cyber Crime group for the 2014 Football World Cup and 2016 Olympic Games, their main priorities at this moment. This was part of their fact finding process to learn from other countries' experiences on how to manage these kinds of events.

Europol also participated in a European External Action Service meeting in which the views of participants were sought in determining where money should be invested outside EU. Brazil was highlighted as being one of the most important Latin American countries.

## **5. Conclusion and recommendation**

In a context of growing transfer of goods and people between Brazil and the EU it is likely that OC issues related to Brazil will become increasingly relevant for EU MS.

There is a strong operational need for Europol to cooperate with Brazil in the area of combating organised crime. Brazil is also of interest for Europol in the area of terrorism related to religiously motivated, extremist groups. Finally, operational cooperation with Brazil will also have an overall impact at regional and sub-regional level.

Europol recommends the Management Board to give high priority to concluding an operational agreement with Brazil.

## **6. References**

[EDOC-#597813-EU-Brazil Joint Action Plan 2011](#)