



The Hague, 4 April 2012

File no. 2641-127

Edoc # 595554v8

Europol External Strategy

Business Case: Cooperation with Georgia

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 Georgia.

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.”

The European Neighbourhood Policy (ENP) Action Plan adopted in 2006 contains a chapter on police and judicial cooperation (4.3.4), which specifically mentions Europol and identifies an objective to “Develop co-operation between Georgia law enforcement agencies and EUROPOL in accordance with the Europol Convention and the relevant Council decisions”.

Furthermore, in the framework of the Eastern Partnership established in 2009, the conclusion of a cooperation agreement with Europol has become one of the preconditions to be met by Georgia before it could start the negotiations on a visa-liberalisation agreement with the EU. For Georgia, this has substantially increased the political and strategic significance of a cooperation agreement with Europol.

3. Operational needs

Georgian Organised Crime has been active in the EU for more than a decade, steadily growing in scale over that time. Currently, several EU Member States are facing serious issues with criminality caused by Georgian OC, which by its nature is very international and has interlinked clusters in many countries. There is a need for focused and centralised activities against Georgian OC in order to tackle it in an effective manner.

Concluding a strategic cooperation agreement would help Europol to get a better strategic overview of Georgian OC impacting on the EU and its Member States. However, the ultimate goal would be to conclude an operational cooperation agreement, which would allow for the exchange of intelligence and analysis. Europol would achieve a stronger position when dealing with investigations impacting various Member States, and would be able to address more effectively intelligence gaps related to Georgia.

3.1. Assessment of the threat to EU internal security

OCTA 2011 reported on the threat of Georgian OC in relation to drug trafficking, organised property crime and as a logistical hub for the Black Sea area smuggling shipments. OCTA also noted that the activities of Georgian property criminals are highly organised and conducted by subgroups belonging to hierarchical structures. Georgian OCGs operate in Austria, Belgium, the Czech Republic, France, Germany, and Spain, as well as in countries outside the EU, including the Russian Federation and the United States. In at least one case, commonality of the Russian language has facilitated the activity of a group whose members hail from several states of the former Soviet Union.

In the context of the EU Policy Cycle, Georgia 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 G: “Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities”

The following areas are the most significant in terms of the particular threat emanating from Georgia:

Organised crime structures: an immediate link to Europol activities is the fight against Georgian criminal groups and their leaders called "Thieves in Law", who have deeply infiltrated several EU countries in the past years. Countries such as France, Austria, Belgium, the Czech Republic, Spain and many others are currently conducting live investigations against "Thieves in Law". Europol AWF EEOC is supporting these investigations and has already achieved tangible results. Georgian OC members are involved in property crime, illegal immigration, identity document counterfeiting, money laundering, extortion, drugs trafficking, etc.

Crimes against property: the activities of Georgian property criminals are highly organised and conducted by subgroups of hierarchical structures. The Georgian OC groups are involved in the distribution of fake and/or cloned credit cards in EU.

Illicit drug trafficking: the country's geographical position makes it also an important transit route for Afghan heroin trafficked to the EU. Georgian groups are also involved in importing cocaine from South America. Large shipments of cocaine to Europe are either trafficked via Georgia or organised by Georgian OC.

4. Progress to date

Georgian authorities have shown considerable interest in pursuing a cooperation agreement with Europol. Several contacts have been made to inquire about legal and practical options, including in the context of numerous visits to Europol. Additionally, Georgia has contacted a number of EU Member States and the Commission, seeking political support to reach an agreement with Europol.

To date Europol has sought to fulfil existing intelligence gaps regarding Georgian OC via bilateral EU liaison officers or the EU CSDP mission. However, the existing EU CSDP mission to Georgia has a very limited mandate and cannot serve Europol's interests in obtaining intelligence and cooperating with local law enforcement authorities. Furthermore, though being an asset for Europol on ad hoc cases, bilateral officers do not remain long in their positions, which results in irregular cooperation with Georgia.

The Europol Operations Department is running an analytical project dealing with Georgian OC active in the EU. Several operations have been carried out with Europol's involvement, including Operation "*Caucase*" in southern France, during which 23 suspects were arrested, kilograms of gold and jewellery were recovered, and the latest container of stolen goods was stopped before leaving port. As a result of the intervention, two Georgian citizens bearing tattoos specific to "Thieves in law" were detained in the searched residences.

Major investigations such as this would benefit directly from Europol having the means to exchange operational information with Georgia.

5. Conclusions and recommendation

Georgian OC has an increasing impact on the internal security of the EU, requiring enhanced cooperation between Europol and Georgia. Additionally, Georgia has shown great willingness in reaching a cooperation agreement with Europol.

Europol recommends the MB to give high priority to concluding an operational agreement with Georgia.