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NOTE

From:	Presidency
To:	Standing Commitee on operational cooperation on internal security (COSI)
Subject:	European Police Chiefs Convention 2014

Delegations will find attached the summary and recommendations transmitted by Europol of the European Police Chiefs Convention, which was held at Europol on 24 and 25 September 2014.

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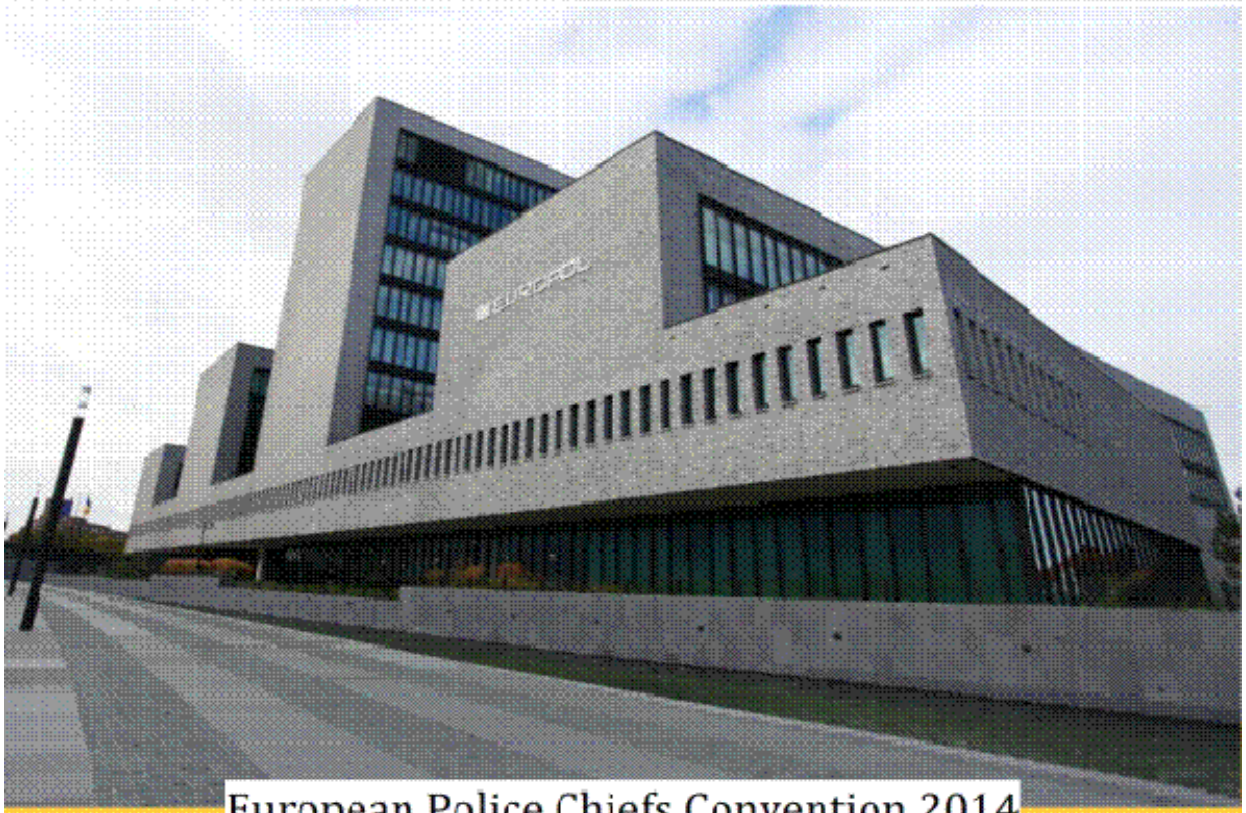
Europol Unclassified – Basic Protection Level



European Police Chiefs Convention 2014

Summary and Recommendations

The Hague, October 2014

EDOC#739184

Europol Unclassified – Basic Protection Level

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Introduction

On 24 and 25 September 2014 in The Hague, Europol co-hosted the fourth European Police Chiefs Convention (EPCC) with the Italian Police.[1]

The event was attended by 280 senior law enforcement representatives from 44 countries,[2] as well as delegates from key international and partner organisations.[3]

In preparation for the 2014 EPCC, four subject-specific working groups were formed, consisting of expert law enforcement personnel, nominated by their national police chiefs, and Europol officials. Throughout 2014 the working groups examined four subjects in detail so that they could define how international police cooperation could be better facilitated in the areas of:

- Illegal immigration
- Cybercrime
- Economic crime
- Terrorism.

On 25 September, delegates discussed the reports of the working groups, resulting in a set of forward-thinking recommendations.

As part of the event, in addition to the formal programme, as in previous years, Europol facilitated many bilateral and multilateral meetings between law enforcement authorities from Europe and beyond.

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1 During the Italian Presidency of the Council of the European Union.

2 All 28 EU Member States plus Albania, Australia, Bosnia and Herzegovina, Canada, Colombia, former Yugoslav Republic of Macedonia, Iceland, Israel, Liechtenstein, Moldova, Montenegro, Norway, Serbia, Switzerland, Turkey and the USA.

3 Centre for Social Justice, Council of the European Union, Eurojust, European Commission, European Union Agency for Network and Information Security (ENISA), European Parliament, European Police College (CEPOL), Frontex, EU Agency for Fundamental Rights (FRA), International Association of Chiefs of Police (IACP), Interpol.

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Summary

The 2014 European Police Chiefs Convention (EPCC) opened on 24 September, with a working lunch for police chiefs. Delegates were welcomed by Alessandro Pansa, Chief of the Italian Police and Rob Wainwright, Director of Europol.

During lunch, contributions were also heard from Ian Livingstone, Deputy Chief Constable of Police Scotland; Ernesto Savona, Professor of Criminology at the Universita Cattolica del Sacro Cuore; and Yost Zakhary, President of the International Association of Chiefs of Police.

On 25 September, EPCC delegates gathered for the main proceedings, which began with Europol's Director taking the floor to welcome participants and congratulate police chiefs and their law enforcement officers on the successful outcome of Operation Archimedes. This law enforcement operation against organised crime in the EU, the biggest of its kind ever undertaken, was coordinated and supported by Europol from its headquarters in The Hague during a week of intensive operational action, running from 15-23 September 2014. All EU Member States took part along with Australia, Colombia, Norway, Serbia, Switzerland, the USA, Interpol, Frontex and Eurojust.

Operation Archimedes sought to harness the collective strength of police, customs and other enforcement agencies, supported by real-time, live intelligence exchange to focus on the nine 'EMPACT'[4] priority crime areas, as part of the EU multi-annual policy cycle established by the Council of the European Union:

- Trafficking in human beings
- Synthetic drugs
- Firearms trafficking
- Excise and carousel (MTIC)[5] fraud
- Cybercrime (transnational child sex offenders and payment fraud).
- Facilitated illegal immigration
- Cocaine and heroin trafficking
- Counterfeit goods
- Organised property crime

Mr Wainwright explained how two imperatives stood out above all with regards to Operation Archimedes. The first was to raise the level of cooperation between the relevant law enforcement services and authorities in the EU, making the community more joined up than ever before. The second was to ensure that the strategic goals of the policy cycle were translated into operational impact – concrete deliverables that would actually make a difference to the security of EU citizens and businesses. The operation, in its unprecedented scale of planning, performance and results, clearly delivered on both of these imperatives. Operation Archimedes, and hundreds of other major cross-border operations that happen every year in the EU, shows that the EMPACT process is beginning to deliver real dividends that the law enforcement community is maturing in terms of its cohesiveness and overall capability.

The floor was then given to Alessandro Pansa who thanked Europol for hosting the EPCC, which he said has become the home for security strategists in the EU, protecting it from the effects of organised crime. He explained how strengthening law enforcement methods is central to the Italian Presidency agenda and indeed essential for the economic recovery of the region, especially tackling criminals' money laundering activities.

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4 European Multidisciplinary Platform Against Criminal Threats (EMPACT).

5 Missing trader intra-community (MTIC) fraud is a form of sophisticated tax fraud carried out by criminals attacking the value added tax (VAT) regimes of EU Member States.

He also talked about illegal immigration and how it requires an integrated strategy, to guarantee a balance between the fight against organised criminal groups exploiting migrants and the rights of those people. In addition, Mr Pansa spoke of the aggressive terrorist threats that are causing many issues for our countries' intelligence and security services, and how EU law enforcement authorities need to develop policies in response, an operational platform for information exchange, and improve their ability to read and understand the Arabic language.

Next, in her keynote address, Jannine van den Berg, Deputy Commissioner of the Dutch National Police, gave a confidential presentation outlining how the Dutch authorities have dealt with the events following the loss of Malaysian Airlines flight MH17 on 17 July 2014, in which 193 Dutch citizens (out of 298 victims in total) lost their lives. She said that international cooperation with law enforcement partners has been extraordinary and, without their efforts and personnel, the Netherlands would not have been able to carry out the investigation, which is still ongoing. She thanked everyone involved.

Police chiefs then debated the outcomes of the working groups, resulting in the sets of recommendations summarised on the following pages.

EUROPOL

Illegal immigration

The report from the working group on illegal immigration[6] explored the issue of illegal/irregular migration, including the failed integration of minorities, as a challenge for policing in the EU. Presenting the report to the EPCC, Giuseppe De Angelis, Director of Border Service for the Italian Police, spoke about the complex global phenomenon of illegal/irregular migration and how it influences the lives of people in the countries of origin, transit and destination. Facing illegal/irregular migration, especially in cases of large influxes, is a serious challenge for policing at national and EU levels, faced with the dilemma of finding a balance between protecting the borders and fighting the organised crime groups exploiting illegal entry/staying and promoting an image of the EU as a space of solidarity. Moreover, national approaches, including operational responses, should be better harmonised to ensure that national decisions are consistent with the EU framework, to avoid negative repercussions at EU level.

Police services need to be continuously trained and well equipped. More funds should be allocated to ensure enhanced border control, preventive measures in countries of origin, and joint investigative and analysis teams. The role of the EU agencies, especially Frontex and Europol, should be further emphasised, bearing in mind that coordination and multi-agency/Member States cooperation are crucial, as well as the timely exchange of intelligence and operational information. Cooperation with law enforcement authorities in third countries, at any level, is also crucial for preventing and combating irregular migration.

Above all, pre-entry measures such as effective bilateral agreements are key to reducing illegal/irregular migration because once third-country nationals are in an irregular situation in the EU, it becomes more difficult and costly to locate them and address the irregularity. Therefore, it is a policy priority to invest in the country of origin to prevent the irregular migration from happening.

On the other hand, police officers should reflect the increasingly multifaceted nature of EU society, which can be achieved through improving the forces' multi-ethnic composition or by using community police officers closer to minority groups, and also monitoring the way police powers are used in relation to those groups. Similarly, monitoring discriminatory behaviour and hate crimes, for example using observatories, is the best way to raise awareness and prevent more aggressive or violent attitudes.

A number of participants then commented on the working group report and the issues contained therein.

Jörg Ziercke from Germany spoke about the need to better monitor external borders, using Frontex and other existing tools, whilst using Frontex's operational coordination facilities to strengthen our operations. He said that an effective asylum system in Europe is required, to include the systematic identification and registration of asylum seekers, which Frontex could also provide some support with. Fighting human trafficking networks is very important, using the authorities we have in the EU do this and he thinks that a single strategy for each source country is necessary – for example, Libya and Syria are different from other states.

Ann-Charlotte Nygård from the EU Agency for Fundamental Rights (FRA) spoke next about the

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6 Led by Italy with participating experts from Belgium, Bulgaria, Europol (moderating), Finland, Germany, Greece, Hungary, Netherlands, Norway, Poland, Portugal, Slovakia, Spain, Sweden.

important factor that the report raises, that law enforcement is the cornerstone of society and is therefore very important in promoting non-discriminatory and fundamental rights-based policy within the police. It also recognises the risk of stereotyping between migration and criminality. In recent years FRA has looked at different measures to fight irregular migration affecting fundamental rights, starting with people smuggling. With people smuggling it's important to take into account those who engage with migrants and their risk of being punished. Looking at current EU legislation, those who provide humanitarian assistance could be punished for facilitating irregular entry and stay. This is the law, with changes going on in a number of countries, so is an issue to look at, and from the practical implementation of such provisions from Europol's perspective. She can provide more information on this and also apprehension practices.

Jean-Jacques Colombi said that France is really willing to strengthen cooperation with Frontex and Europol in these matters.

Francisco Javier Albaladejo Campos from Spain spoke about the lack of EU representation in Libya and how an EU mission in that country could create some stability and help collaboration with Libya's neighbouring countries.

Giuseppe De Angelis said that, with the massive number of irregular entries and the difficulty in controlling them, it is important to have relationships with the countries of origin. However this can be difficult in countries with a lack of government or those where the governmental situation is causing mass exodus. He said that we must allow people to come to our countries – and Italy has done its utmost best. Looking at future rescue operations, we must balance controlling the borders with humanitarian issues, human rights. Italy has done a lot to identify large numbers of refugees and has been able to return more than 11 000 people back to their countries of origins thanks to agreements they have with countries like Algeria and Tunisia. They still have thousands of asylum requests pending and are giving assistance and help to those seeking asylum - this phase can take months before the deportation/administrative stage.

Alessandro Pansa from Italy took the floor to make one final point. He said it is not up to us - police or law enforcement authorities – as asylum seekers have their reasons for wanting to go to another country due to war, famine, etc. How can we stop these people going to the country of their choice? Italy sees huge numbers of people that don't want to respect the Dublin Regulation criteria - some physically resist and have been arrested. Some resist having fingerprints or photos taken and they have to force them. However, they face these problems and solve them. But we must think about these people's right to choose where they want to go.

Recommendations

- The responsible national authorities in the affected Member States should share and exchange all relevant intelligence data and information with Europol in a systematic and timely way, at the early stages of investigations
- Frontex's contribution to operations involving protecting external borders and fighting illegal entry, including but not limited to sea border operations, should be further emphasised with a view to a more intelligence-led approach
- Europol should strengthen and closely coordinate EU Member States' law enforcement authorities' ongoing activities in the field of facilitating illegal migration, not forgetting the involvement – within legal possibilities - of third parties (both countries and organisations)

- In particular, more resources should be devoted to dynamic and proactive engagement in EMPACT procedures as tools to prevent and fight the facilitation of illegal immigration at EU level
- Cooperation among relevant EU institutions and agencies (EEAS, ESDP missions, EASO, COSI, SCIFA, etc)[7] should be reinforced, with a clearer mandate and more binding decisions and timeframes in order to avoid duplication of efforts and to ensure information exchange
- Guidelines should be developed both at EU and national level taking into account the work of several international organisations in this field (UNODC – within the Palermo Convention, IOM, UNHCR)[8]
- Awareness should be raised about Europol's role and Europol's dialogue with Member States' police services should be facilitated to make outcomes immediately available
- An increase in cross-border operational cooperation is required by facilitating fast and real-time intelligence exchange among Member States' law enforcement authorities, using existing channels and mobile technologies
- Strengthen the activity of police forces against the organised crime groups who exploit would-be asylum seekers by facilitating their secondary movement within the EU and/or Schengen area
- Enhance law enforcement awareness (such as through more frequent early warning messages, creating lists of bogus companies, etc) and operational cooperation on the abuse of legal statuses, and push for a harmonised approach at investigative level by using standardised investigative techniques
- Encourage better cooperation between consular services, migration and law enforcement authorities, with the aim of involving investigation bodies to check supporting documents
- Maximize Member States' operational cooperation with third countries that are both source and transit countries through bilateral and multilateral agreements that support a joint holistic policy which raises awareness and covers training, prevention, proactive operations and a coordinated response
- Support all the efforts of police services that fully represent the communities that they serve, and those of observatories or monitoring bodies that prevent discrimination or discriminatory practice, at each level, and investing in professional training.

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[7] European External Action Service (EEAS); European Security and Defence Policy (ESDP) missions; European Asylum Support Office (EASO); Standing Committee on Internal Security (COSI); Strategic Committee on Immigration, Frontier and Asylum (SCIFA).

[8] United Nations Office on Drugs and Crime (UNODC); International Organization for Migration (IOM); Office of the United Nations High Commissioner for Refugees (UNHCR).

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Cybercrime

The report from the working group on cybercrime[9] explored issues such as how the increasing problem of anonymous communication on the Internet is facilitating, and even fuelling, a hidden trade in all sorts of criminal products and services.

Legitimate, anonymous communication networks - generally referred to as the 'Darknet' - are becoming more and more popular among criminals to trade drugs, weapons, false IDs, stolen property and child abuse material. The propagation of deviant behaviour, such as child abuse and political extremism, and the exchange of best practices in such areas among users, is also common practice on the Darknet.

Criminal markets are further facilitated by the availability of anonymous payment systems. Virtual currencies are legitimate but the anonymity of transactions make them attractive payment instruments for illicit trade and money laundering.

Criminal online markets pose multiple challenges for law enforcement, including the difficulty in detecting crimes due to sophisticated encryption; the problem of attributing those crimes to criminals due to the anonymisation of communications, and the impediments for investigation due to the lack of appropriate legal instruments and judicial cooperation frameworks with non-Western countries.

Presenting the report to the European Police Chiefs Convention, Rob Wainwright, Director of Europol, explained how although increasing efforts are underway, stronger commitment is needed to curb this worrying trend. This applies not only to operational action, but also to training and capacity building, as well as prevention and policy measures to provide law enforcement with the appropriate tools and resources to successfully address crimes on the Darknet. He also gave an insight into some of the main findings of the Europol's forthcoming iOCTA report – the Internet Organised Threat Assessment – which was published on 29 September 2014.

In response, Jean-Jacques Colombi (France) said how his delegation totally shares concerns about - amongst others - threats from the Darknet. We all have legal problems in carrying out these investigations and, in Europe, we come across many technical issues and often don't have the necessary tools to carry out the investigations and identify the criminals on the Darknet. The required tools are very costly and it is often only our American colleagues who are able to help in this field. Of course, he explained, it would be far more effective if EU law enforcement authorities had their own access to such tools and, who better than Europol to help us access them. Rob Wainwright replied that he will make sure that this report is forwarded to the relevant EU institutions so that they can take our recommendations on board.

Jörg Ziercke (Germany), acknowledging the start of an American transparency offensive, asked whether we would run the risk of undercover investigations on the Internet becoming obvious? Rob Wainwright agreed with Mr Ziercke's point and said that there is an important balance to be maintained. Sometimes he feels there is not that balance, indeed in light of the allegations from Edward Snowden, that of course has coloured the debate in a certain way particularly at the European level, so we have to ensure our legislators take a more balanced approach. Whereas he absolutely welcomes proactive lobbying from non-governmental organisations

[9] Led by Europol with participating experts from Bulgaria, Denmark, Finland, France, Greece, Italy, Interpol, Lithuania, Netherlands, Norway, Poland, Romania, Spain, Sweden, United Kingdom.

advancing the cause of transparency, that has to be also balanced with the everyday practical demands that law enforcement have in this area too.

Francisco Javier Albaladejo Campos (Spain) commented that, in last month's Ameripol meeting in Ecuador, the directors decided to set up a cybercrime centre at Ameripol, which they hope will be established very quickly. Thanks to an agreement between Europol and Ameripol, it will be possible to establish a good flow of information between the centres which he feels will be very important on a strategic level.

Keith Bristow from the United Kingdom spoke about the ability to surge our capabilities. All of us are developing a level of capability to tackle cybercrime on an ongoing basis but skills, expertise and relationships with the private sector are in short supply. When there is a particularly acute challenge for any Member State, there is an opportunity to think about how we can surge our specialist assets around our countries to ensure that we have the capability available at any one time to deal with a particular attack and Europol might have a role in some of this. He continued to say how we simply cannot tackle cybercrime without thinking very differently about how we work with the private sector. Operating in law enforcement or government terms without recognising that is very difficult. We need access to information, high-end capabilities and we also need to build capacity which is, at the moment, a struggle for all of us. That comes with risk, risk that we are increasingly understanding. One of the ways that we can mitigate some of that risk is working together, through Europol, to develop the right partnerships with the right parts of the private sector. The risk of not doing so is much more significant so working together through Europol on surging our capacity and developing private sector relationships would be a very good thing to do.

Rob Wainwright responded that Europol is already trying to address some of that and that it's good advice from this Convention that we should try and do more in this area. We could establish some sort of technical forum, using the mechanisms that we have at EC3, to further cultivate best practice and put in place some sort of surge capabilities to help each other in a more dynamic and effective way. We need to have the available legislation in every EU Member State and at the EU level, and hopefully the EU draft directive in this area can be replaced with a more effective piece of legislation in the coming months.

Mikko Paatero from Finland said that they support the report, however Finnish law enforcement agencies need more resources to fight cybercrime more effectively. When fighting cross-border crime, and EU forces are not enough, we also need to cooperate internationally, which the new Interpol Global Complex for Innovation will hopefully assist with. EC3's role in Europol is very important and he agrees with the UK's point that private sector partnerships are key to tackling cybercrime.

Franz Lang from Austria said that we are all building national cybercrime capacities, and Austria is deeply involved in international cybercrime investigations, working shoulder to shoulder with EC3 and normally at least four countries. He thanked EC3 who he said are already doing a great job in coordinating. For a small country like Austria they help enormously to get in info on big players and their activities. Austria has been involved in some very successful joint investigation teams (JITs) in this area, and would be happy to share experiences.

Jens Henrik Højbjerg from Denmark shared all the points of view given above. He said that we all need to build up national cybercrime centres, relatively quickly developing a strong central capacity. Local police officers also need to have a level of expertise so that they can handle cybercrime reports from citizens. It is therefore important that we build up capacity on an international, regional but also a local level.

Aubrey B Farrar, from the United States' FBI, said that one of the challenges is our capability from a worldwide perspective. The United States realises that they can't do this alone. Cyber traverses every network, every programme, so Europol actions are just as important as the actions that they're taking in the US. They do understand the technical challenges but would hope that working with EC3 in the future we can continue to share the training expertise that they have in that area.

Recommendations

The Darknet offers citizens the possibility to interact anonymously. This is legitimate and the privacy of users must be respected in that domain of the Internet. But anonymity also provides a sense of impunity to criminals and extremists. This has led to an extensive criminal market on the Darknet. The crimes concerned include, but are by no means limited to, high-tech crimes. Traditional crimes like the trade in weapons and drugs, as well as human trafficking, have also shifted towards the hidden online markets.

Whilst efforts are made to fight these online crimes and to improve law enforcement capabilities, the seriousness of the problem calls for a strong impetus to step-up joint action against illicit online trade. This includes:

- Intelligence-led planning and coordination of specific EU-wide operations through EMPACT by Member States' law enforcement and judicial authorities, in cooperation with Europol's EC3 and Eurojust
- Further improvement of sharing and exchange of information to enable better joint analysis and targeting.
- In terms of training and capacity building, efforts are required to increase the level of expertise and availability of suitable technical tools and, subsequently, to maintain them at a higher level over time. This applies to the training of cybercrime investigators, but also of officers dealing with traditional types of crime, to understand and deal with the cyber component in the way traditional crimes are nowadays committed. The need for training equally extends to judicial authorities involved in leading investigations and in the trials of suspects.
- In the area of prevention, ground-breaking work is required to communicate the risks of purchasing goods and services via criminal websites. The story behind the trade and how it affects the lives of the victims of the organised crime gangs must also be told.
- Partnerships are essential. This includes the private sector and academia, as well as law enforcement partners outside the EU and Interpol.
- Investments to reduce illicit online trading on the Darknet can all be made by the competent authorities. Strong top-down steering by police chiefs is required so that priorities are set accordingly, along with the allocation of required resources, and senior management guidance and monitoring.
- Police chiefs are also recommended to call on their political leaders to issue strong public messages, backed by suitable legislative action, to increase society's ability to minimise illegal exploitation of the Darknet.

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Economic crime

Franz Lang, Director of the Austrian Federal Criminal Police Office, introduced the report of the working group on economic crime.[10] Economic crime is a diverse criminal phenomenon with no commonly agreed definition within the European Union or worldwide. Other terminologies such as 'white-collar crime', 'fraud' or 'financial crime' are also used interchangeably by practitioners and academics, describing more or less similar criminal activities.

No matter how one addresses this type of crime, and without aiming to be exhaustive, one or more of the following elements are usually at least part of it:

- *the use of complex company structures*
- *concealment of the beneficial ownership by making use of financial centres and professions with strict confidentiality rules*
- *concealment of financial flows via several jurisdictions to obstruct investigations and prosecution but also to avoid the tracing and freezing of the proceeds from crime*
- *making use of the internet as a global marketplace for fraudulent activities*
- *making use of new technical developments like virtual currencies but also traditional techniques such as underground banking*
- *bribery, corruption and abuse of power for personal gain*
- *attacking countries that are vulnerable to VAT, excise and social benefit fraud, the violation of intellectual property rights, etc.*

The harm caused by economic crime is difficult to estimate, but there is no doubt that the impact is significant. The huge profits criminals can gain from economic crime often serve as a 'crime enabler', being used to finance other criminal activities, including serious and organised crimes in some cases[11]. In addition there are serious health and safety threats to citizens from consuming counterfeit medicines or operating counterfeit machinery. There is also a threat to the states' budgets, particularly in times of financial austerity, through losses in VAT and excise duty.

Nevertheless, economic crime also has non-financial implications, such as damage to the morale of employees, loss of reputation or disruption to business relations. The threat evolves like a virus, increasingly utilising technology and technology-enabled processes in all aspects of business. Furthermore it seems that an increasing number of individuals, and also companies, are exposed to economic crimes such as online fraud or mass marketing fraud, which can lead to serious financial harm. Economic crime also leads to the distortion of markets and unfair competition if, for example, companies pay bribes to secure orders. It may even be a threat for the entire economy when serious and organised crime is involved.

With this background in mind, the question arises whether law enforcement in the EU is adequately dealing with this multifaceted crime area and, if not, what needs to be addressed by decision makers to enable European law enforcement to respond in a timely and efficient manner to counter economic crime in a dynamic and increasingly complex environment.

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[10] Led by Austria with participating experts from Bulgaria, Czech Republic, Denmark, Europol (moderating), Finland, France, Germany, Hungary, Italy, Lithuania, Poland, Romania, Slovakia, Spain, Sweden, United Kingdom.

[11] Europol's EU Serious and Organised Crime Threat Assessment (SOCTA) 2013.

Economic crime is a persistent threat to business and business processes. Many such crimes are not reported to law enforcement, either because they are undetected, because of the risk to reputation, or the fear of erosion of the integrity and motivation of employees.

The intensified implementation of technology in business processes presents new opportunities for criminal offences with increasing volume, frequency and sophistication. In addition, the use of this technology evolves new phenomena (e.g. call termination fraud, fake telephone calls creating huge damages).

Tatjana Bobnar from Slovenia commented on how, in her country, they have changed the criminal procedure act and introduced the possibility to use joint investigation teams (JITs) for investigating economic crime. They have set up specialised, multi-disciplinary, economic crime investigation groups, bringing together a number of different experts and with the prosecutor leading the groups. They believe that this is the right way to investigate and fight economic crime and their approach is yielding very good results.

Jörg Ziercke (Germany) referred to notifications of money laundering suspects. In Germany, it's banks and savings banks that provide 95% of these notifications but in the private sector where the money is laundered, there is nothing happening there. He asked if there is a recommendation on how we should proceed in the future regarding this?

Mr Lang responded that in Austria they observe the same phenomenon, as do many other European countries. The banking sector has an established routine of providing such notifications (about the same percentage in Austria as in Germany) but they are observing that the money laundering systems are moving to other areas. One option would be to expand legislation so that more players in the economic sector would be obliged to provide notifications. The more players there are that are obliged to notify, the harder their training will be because you are dealing with organisations that are not as well developed as the banking sector; it will be very hard to train these people to identify a suspected case of money laundering.

Recommendations

- Economic crime is a global threat and requires global cooperation. Whilst cooperation among EU Member States is functioning better, cooperation with non-EU countries needs to be strengthened. Especially in the field of economic crime, criminals commit crimes in EU Member States while based in other countries. Cooperation with some non-EU countries may need support from EU bodies like Europol and Eurojust in some cases
- Improved international cooperation is required, with the timely involvement of Europol and Eurojust in appropriate economic crime cases, e.g. through joint investigation teams (JITs). The idea is to remove barriers to information exchange and to look at the bigger picture from a longer-term perspective. For that reason Europol needs to strengthen its efforts to fight economic crime and regard it as high priority. As a first step, Europol and the Europol National Units should raise awareness with investigators in member countries about what Europol can do to support economic crime cases. In addition a Europol Platform for Experts on economic crime could be established, which could also support professional international collaboration without duplicating existing channels
- Strengthening national communication and cooperation between law enforcement bodies at national level is a pre-requisite for better international collaboration. Member States are encouraged to assess whether their current systems to fight economic crime work well, or if

there is room for improvement. Innovative forms of organisation and/or investigation methods within the member countries and dissemination of best practices should be promoted

- Training in investigating economic crime at all levels should be intensified. At the European level, the European Police College (CEPOL) should develop and provide tailor-made training for investigators on economic crime
- There should be enhanced investment in state-of-the-art technology to ensure effective investigations. Investigators need to be trained in using the tools and must be able to understand the potential of their application
- Cooperation with economic and industrial sectors is essential for preventative measures and also for understanding individualities and eliminating any weaknesses in business processes. The same applies to scientific and other research institutions. Europol could support this development by continuing to establish partnerships with the private sector and with research institutions
- Cooperation is required between Financial Intelligence Units (FIUs) and the national Economic Crime Units, as frequently as possible, including the use of information exchange via the FIU channels
- The effective use of 'asset recovery' as a tool should be promoted. While the regulatory regime within the EU has progressed well and the specific EU legal instruments have, to a large extent, been implemented into the national legal regimes, the application of this tool by law enforcement remains insufficient. Therefore it is necessary to continue strengthening knowledge on all aspects of asset recovery and emphasising the advantages of this tool at all levels of law enforcement
- The use of social media like Facebook, Twitter, etc, to prevent economic crime should be encouraged, e.g. running a Facebook page that informs its followers about how to be safe, of new forms of criminal activities and using the preventive aspects of the web 2.0. As an example, as of August 2014 the Facebook page of the Austrian Federal Criminal Police Office has over 33 000 followers.[12]

[12] https://www.facebook.com/Bundeskriminalamt.

EUROPOL

Terrorism

Lamberto Giannini, Director of the Central Service against Terrorism of the Italian Police, presented the report of the working group on terrorism[13] which explores how, in recent years, the Islamist terrorist threat has become more and more fragmented and taken on markedly insidious characteristics.

In addition to continued operational activities by terrorist organisations, many cases have emerged of individual actors or micro-cells involved in terrorist planning. Society is currently faced with extremists generally extraneous to ordinary radical religious milieus, who have received no direct training. These individuals have gone through rapid radicalisation processes in which a variety of factors interconnect. They are particularly vulnerable to the radical propaganda disseminated via the Internet and can be easily turned into silent individual actors. This threat puts considerable strain on the investigative and analytical capabilities of law enforcement agencies and intelligence services, since the isolation of these subjects makes it difficult to identify and locate them before they take action. Moreover, it becomes even more serious in relation to the phenomenon of foreign fighters or travellers, ie individuals mainly inspired by ideological-religious factors who take part in an armed conflict in a country in which they are neither citizens nor habitual residents.

However, the security/judicial approach to the issue of foreign fighters is not the only one possible. It is worth recalling, for example, that rehabilitation and treatment programmes for ex-fighters have been implemented in some countries and have resulted in a network of liaising authorities/entities.

In December 2013, the Council of the European Union identified four priorities for the European Union to focus on in support of Member States' efforts: Prevention, detection and flagging of the fighters' travels, response from the judiciary, and cooperation with third countries. Sharing information and tracking the movements and travel of the individuals remain key priorities and, to this end, it is crucial to improve the usage existing tools for information exchange.

Jean-Jacques Colombi (France) said they can only agree with the report of the working group as they are very concerned by this topical subject. One of his fellow countrymen, who was a hostage in Algeria, was assassinated by his captors the previous night in a cowardly way, demonstrating how we are all concerned and affected by international terrorism. In France's opinion, the recommendations made by the working group are common sense. What we need is an exchange of information which is as fluid, complete and all-encompassing as possible. In the case of coordinated international cooperation, the exchange of information between police forces and the intelligence services will be necessary and, for that, there will need to be a cultural revolution in the way of working for the various departments, but it is necessary. Of course, we should use existing tools - including the Schengen Information System which France has contributed some recommendations on to the ongoing discussions in Brussels – and all the other systems that are proposed by Europol. France's recent experience with Belgian colleagues has shown how yellow notices from Interpol are very useful when we are dealing with territories outside of the EU. France and Finland are currently considering another tool which will identify information about the actions of various individuals and they will share their information on this type of system.

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[13] Led by Italy with participating experts from Europol (moderating), France, Germany, Greece, Poland, Romania, Spain.

Catherine de Bolle from Belgium said how, since 2010, her country has established cooperation between their intelligence services and police services in other countries but it has been very difficult and, at a European level, it is sometimes even more difficult. Belgium agrees with the recommendations in the working group report, however with regards to the multinational ad hoc teams, she would like to first know what the added value of teams would be – can we reach the same results through bilateral cooperation instead, through Europol, as this channel already exists? Additional fora for the exchange of information will only mean that less people will be working on fighting crime. Belgium is not against it but they would like to study the added value. Belgium is looking for best practices in Europe or elsewhere in the world to help people deradicalise and in this sense, partnerships with others in society is essential. Until now, she has not found the perfect programme for deradicalisation and it is a challenge for all involved, and those who face terrorism and deradicalisation, to find the right programme and develop it. Referring to it is one thing, making it concrete is something else and she would like to see some initiatives in this field. Terrorist messages and images can still be easily spread through social media and she would therefore like the support of many other countries to go to providers at an international European level to remove that content from the Internet, because individual Member States find it very difficult to individually pressurise companies to remove such content. Another problem she has is the use of SIS to flag foreign fighters. They have already asked some colleagues to support the Belgian proposal to flag and identify minors, which supports the European Commission Decision which does not go so far; at a European level we should develop a clear vision that should have everyone at borders working in the same way. Concerning the approach to radicalisation, she had a philosophical idea. We are very worried about fighting all of this but we must not forget that we are a democratic continent in which freedoms of citizens are extremely important and can never be forgotten – there should always be a right balance struck between fighting terrorism and maintaining and upholding the fundamental freedom and liberties of our citizens. Secondly, we are all talking about more measures and more possibilities for police and intelligence services and everyone involved in fighting radicalisation. But who controls those people? In what way will they be controlled, from an administrative and legal perspective? There should be sufficient and efficient control mechanisms that will always be able to uphold the values behind our European society.

Tatjana Bobnar (Slovenia): As other countries, Slovenia is also aware of the importance of fighting radicalisation and recruitment and that's why we have decided to exchange best practices in the area of fighting terrorism in the Western Balkans. The implementation of this initiative will see strengthened cooperation between EU member countries and of course coordinated cooperation between EU countries and Western Balkan countries. In this way they aim to prevent the development of terrorist capabilities in these countries and their links to other organisations. while identifying the main priorities of the region to ensure the security and safety of the entire EU. In her view the initiative will definitely contribute to improving the situation in the Western Balkans, in order to meet the criteria of Chapter 24. That's why she would like to take this opportunity to thank all participating countries, the Presidency and the European Commission, who have made a considerable contribution to the development of their initiative. When carrying out the initiative and developing the procedure, they would like to be able to count on the help of a large number of countries and EU institutions to achieve sound and good results.

Spyridon Papaspyrou (Greece) spoke about how the issue of foreign fighters is a priority for the Hellenic Police and how this fight requires the further strengthening and development of more specialist actions. In this context, they believe it is necessary to strengthen cooperation with third parties, particularly with Turkey which is a hub for foreign fighters going to Syria, and especially for the exchange of information and best practices. He also spoke about the earlier topic of illegal immigration. During the Greek Presidency in January 2014, there was a particular

theme of the protection of borders. During that time they found that there was no clear link between terrorism and organised illegal trafficking but despite that there were many Jihadist members that moved towards Syria. He therefore believes that we need to strengthen EU borders using the existing tools, as correctly mentioned by Catherine de Bolle from Belgium, including strengthening of the focal points and cooperation with Frontex and Europol. Other areas which should be strengthened include: investigations into the involvement of extremists in humanitarian missions in Syria; the close monitoring of social media for collecting information; the emphasis given to economic research, which is also a very important point for the exchange of information on individuals and organisations that are considered to be suspicious Jihadist structures or funding terrorist organisations; the exchange of best practices between Member States; the continuous training of first-line police officers, especially when it comes to information on people going to or returning from conflict areas; existing legislation, as it has been found that there is a failure of Member States to prevent the flow of foreign fighters to conflict areas; and also the harmonisation of European legislation for the combat of this phenomenon.

Jens Henrik Højbjerg said how Denmark really welcomes initiatives on strong European cooperation regarding foreign fighters travelling to and from Syria, Iraq and other countries. Denmark's approach resonates with the Council of the EU's priorities of prevention, detection and flagging of travellers, the judicial response and cooperation with third countries. Prevention is a particular focus for the Danish Police, security and intelligence services. They have beneficial experience of a comprehensive approach involving the intelligence services, local police, social services and municipalities and, by employing this network, they have managed to include families of those who have left to fight and, in turn, the police have managed to achieve a deeper dialogue about the problem and access to valuable intelligence as well as powerful prevention tools. However, Jihadist networks in Denmark have forged strong links with other European Jihadists and they see other European nationals travelling to Denmark in order to radicalise. The preventive side of the strategy should therefore be emphasised on a pan-European level and Denmark strongly welcomes Europol's participation in this work. With regards to the recommendations of the working group, he remarked that the Schengen Information System is being used every day to track foreign fighters entering and leaving Europe. The quality of the data in the SIS reports from the reporting country, as well as the receiving country's ability to process this data and act quickly, are the points for improvement that would have the most direct impact. The same goes for the Interpol databases for lost and stolen documents, as well as the visa information system. They are already useful tools but, as concerns the SIS, data quality is the key and there he thinks we need to do more.

Ernesto Savona from Italy asked why the intelligence community has not been capable of predicting the emergence of Islamic State? We have known about this problem for three months but if you know how they have been developing, in terms of economic revenues, this has been building for years. There has not been one agency in the world that has been capable of saying what has been happening there. This demonstrates a failure of the intelligence world. The second failure comes after 9/11. After that event we had a lot of data, information and computers but, at the end of the day, we are repeating the same lesson for the second time. In the history of terrorism there could be a third, fourth or fifth time but for sure this is a big failure. We – the research community and intelligence community – need to understand why these things happen.

Recommendations

- **Optimising usage of the Schengen Information System**. The second generation Schengen Information System (SIS II),[14] which was created to facilitate a high security level within participating EU States, includes information provided by each Member State regarding flagged persons and objects. Article 36, paragraph 2 and 3 of its founding act provides the framework under which such data is flagged. In April this year, France led a seminar of 'terrorism' and 'SIS-Sirene' expert groups to further promote the operational benefits offered by the system
- **INTERPOL databases**, particularly concerning stolen or lost travel documents, are of value in identifying potential fighters or extremists in general, who cross international borders using such documents
- **Systematic use of the Visa Information System (VIS)**,[15] which allows the exchange of data on entry visas in the Schengen area among the registered Member States. The system also covers the collection and recording of fingerprints of the visa applicant and facilitates biometric checks on passengers
- **Extension of the operational scope of Automatic Border Controls**. This system of border control[16] is made up of automated checkpoints (at the moment only at airports), without the presence of an operator in charge of document checks[17]
- **European Passenger Name Records (PNR).** Support the implementation of the Directive[18] proposed by the European Commission to the Justice and Home Affairs (JHA) Council in February 2011. The directive was dismissed in April 2013 by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), and reverted to the European Commission.[19] The Directive in question places a requirement on air carriers operating from/to a Member State to communicate reservation codes in their possession and aims to harmonise the rules and procedures through which the Member States oblige air carriers operating from and towards their territory to communicate the PNR data for security reasons. The crimes in question are included in the EU legal system, that is, serious crimes envisaged by the European Arrest Warrant[20] and crimes of terrorism.[21] According to the draft Directive, the data collected can be used for limited purposes.[22]

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14 Set up by Regulation (EC) n. 1987/2006 dated 20 December 2006 and ruled by Decision 2007/533/JAI of the Council of the European Union dated 12 June 2007.

15 A tool set up by Decision 2004/512/CE of the Council of the EU on 8 June 2004.

16 Presently not operative in Italy, where the *Sistema Informativo Frontiere (SIF)* is applied and is still at implementation stage, to support the border operator in the performance of the activities included in the *Schengen Border Code*. The system controls the key authenticity elements of the shown travel documents (either electronic or not), to check the traveller's identity through the fingerprint stamped on the Italian electronic permit of stay and questions the SIS and SDI database with the data automatically retrieved from the document itself. Moreover, it carries out a check at the VIS system.

17 The traveller shows up at the automatic checkpoint and places their own passport, necessarily biometric, wide open on a scanner to allow the system to read their personal data and also the file containing their face present in the chip, which is then compared with the image being recorded by a special camera at the moment of crossing the passageway, and to double check it with the databases (SIS II and National).

18 Directive on the use of data contained in the reservation code in order to prevent, check, investigate and initiate a criminal action against terrorism and serious crimes.

19 The proposal had been also supported by some Ministries of the Interior in bilateral meetings during the JHA Council of 7 June 2013.

20 Framework Decision 2002 (584).

Creation of an EU PNR system, as suggested by the EU Counter-terrorism Coordinator (CTC), including the PNR data inside the EU, should be considered a priority.

- **Focal Point Travellers.**[23] Established in February 2013 by Europol, the Focal Point provides pan-European analysis to support the competent authorities of Member States and participating third countries (with whom an operational agreement is in force), through the collection, analysis and sharing of information on the recruitment and travel facilitation of suspects. Such a tool can only be effective with the active participation of, and contributions from, all Member States and associated third states.

  The Focal Point provides EU-level travel pattern analysis and operational reporting to support the investigations carried out by Member States. Regular reports on the dynamics related to the foreign fighters phenomenon will enable the competent authorities of Member States to identify and monitor the threat posed by these individuals more effectively

- **Regular Information Exchange.** There is an urgent need to ensure a more regular and coherent exchange of information amongst Member States and Europol on foreign fighters. Such exchanges could be facilitated through an **operational platform** made up of a **multinational ad hoc team**, (as recommended by the Council) supported by Europol. Establishing the framework for such teams is one of the priorities of the Italian Presidency programme for the Terrorism Working Party. The importance of this initiative has been recently underlined by the EU Counter-terrorism Coordinator (CTC), Gilles De Kerchove[24] as a tool to better counter the foreign fighters' phenomenon. The 'multinational ad hoc teams'[25] are, indeed, an **extremely flexible tool**, aimed at collecting and sharing information on terrorism among two or more Member States.

  By initiating such a cooperation tool, in which third countries may also participate (in the case of foreign fighters, Turkey or Western Balkan countries may be taken into consideration), two or more Member States – affected by the same specific terrorist phenomenon – facilitate the exchange of information between their counter-terrorism structures, the purpose being to improve their respective response capability.[26] The

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21 According to the Framework Decision 2002/475.

22 In particular:

- Proactively and in real time (before and after the passengers' arrival or departure, to prevent crimes, comparing the PNR data with predetermined risk criteria in order to identify 'unknown' suspects and to make checks, also automatic, with various national, EU or international databases to look for wanted people or objects)
- In a reactive way (in the framework of criminal investigations, so as the investigators might find out the authors of one of the crimes mentioned in the Directive)
- To carry out analyses and statistics on criminal trends, but also to define and update the assessment criteria to be applied in real time.

23 Decision 2005/671/JAI of the Council.

24 DOC 9280/1/14 of CTC, "foreign fighters and veterans from a counterterrorism perspective, with a special reference to Syria: present situation and proposals for future activity", drafted with the aid of the European External Action Service (EEAS).

25 Envisaged by the Council Recommendation concerning the setting up of multinational ad hoc teams charged with the collection and exchange of information on terrorists (JHA Council, 25-26 April 2002 – doc. 5715/6/02 Enfopol 19).

26 The only example of the creation of a multinational ad hoc team dates back to 2005 when Greece, Italy and Spain, with the support of Europol, set up the so-called Operation Mediterraneo to fight the terrorist threat posed by pro-insurrection and anarchist movements.

multinational ad hoc teams are able to complement the present operational resources, since they allow concerned countries:

- Specific approaches to an issue – which may include, for example, aspects related to EU legislation and the movement of non-EU citizens within the Schengen area
- Systematic monitoring of the phenomenon, sharing detailed information on those individuals who intend to leave or who already reached conflict areas[27]
- Dynamic tracking of the travel of individuals of interest, providing law enforcement with a package of specific and updated information which might lead to ad hoc and more detailed checks.

[27] i.e. individuals included in an ad hoc list shared by the team members.

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Conclusions

In the final part of the proceedings, Ferenc Bánfi, Director of the European Police College (CEPOL), presented the details of a new police leadership programme that is being developed by CEPOL. After the delivery of a report at last year's EPCC which identified the need for leadership training, and CEPOL's subsequent survey of police chiefs on the subject, CEPOL established an expert group from EU Member States to explore the subject. The result is the development of a series of training programmes, for various target groups, which will equip police chiefs, deputies, heads of training institutions and heads of EU missions with the necessary skills for effective leadership.

Following Dr Bánfi was Prefetto Francesco Cirillo, Director of Italy's Central Directorate of Criminal Police, who focussed on two topics that Italy are involved in as part of their Presidency of the Council of the EU. The first is the proposal to create a network to combat metal theft in the EU, especially copper, which is a criminal trend affecting citizens, businesses and key infrastructures in Europe. He called upon all countries to join the initiative, where Europol will be coordinating the information exchange. He then spoke about Italy's Crime Geocoding Integrated System (SIGR), an integrated database which combines information on all types of criminal activities and allows the delivery of operational, tactical and strategic information to effectively prevent and combat both local and organised crime. Italy is ready to share information on the system, its benefits and the instruments used to track down criminals.

Finally, in his closing words, the Director of Europol gave some concluding remarks about this year's plenary session, summarising the events of the day as laid out in this document. He then thanked all of those involved in making the 2014 EPCC a successful event and in particular the delegates from the Member States, partner countries around the world and also those from a non-law enforcement environment who had participated. He welcomed feedback on the conference and looked forward to welcoming delegates back to next year's edition of the European Police Chiefs Convention.