



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 October 2010

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LIMITE

**GENVAL 12
ENFOPOL 270**

NOTE

from: Presidency

to: Working Party on General Matters, including Evaluation (GENVAL)

Subject: Draft Council Conclusions on the fight against mobile (itinerant) criminal groups

Delegations will find attached draft Council Conclusions on the fight against mobile (itinerant) criminal groups.

**Conclusions of the Council
of ... 2010
on the fight against mobile (itinerant) criminal groups**

THE COUNCIL OF THE EUROPEAN UNION,

AWARE that the principle of free circulation of persons not only offers opportunities to citizens acting in good faith, but may also be used by criminal offenders for unlawful purposes.

RECALLING that according to the Stockholm programme¹ focus should be placed on cross-border wide-spread crime that has a significant impact on the daily life of the citizens of the EU. The Stockholm program also calls for more effective crime prevention, by using a multidisciplinary approach which also includes taking administrative measures;

RECALLING that the Stockholm programme also stresses the need to continue the work on mutual recognition and to implement the legal instruments which have already been adopted;

BEARING IN MIND that the Ministers of the Interior, during their informal meeting on 15 July 2010 discussed on the need to obtain a comprehensive picture of the problem, to develop a common definition, to improve the exchange of information and of best practices and to coordinate administrative measures;

NOTING the results of the Expert Meeting on itinerant criminal groups, held in Brussels, on 20-21 September 2010;

RECOGNIZING the importance of the integrated and multidisciplinary approach in order to have an impact on criminal phenomena, especially criminality against goods;

¹ OJ C 115, 4.5.2010.

CONSCIOUS of the differences between Member States in relation to the police, administrative and judicial approach which may enhance the development and the shifting of criminal activities and trigger a geographical shift of these activities;

CONSIDERING that experience has shown that mobile (itinerant) criminal groups are mainly active in the following eight property crime phenomena: burglaries in houses, skimming, organized shoplifting, organized pick-pocketing, burglaries in businesses, cargo thefts, metal thefts and thefts on construction sites and of heavy equipment;

RECOGNIZING that almost all Member States are affected by this type of crime and that, therefore, it deserves a special attention at both national and European level;

RECOGNIZING that there is a need to take common action at European level and therefore a common description or definition of mobile (itinerant) criminal groups is needed;

RECOGNIZING the need for a structured and detailed EU image of the situation;

STRESSING the need for a multidisciplinary approach to tackle this type of crime, involving police, judicial and administrative authorities;

CONVINCED of the need to develop a common vision and strategy;

AWARE of possible links with the problem of trafficking in human beings, especially involving minors that are recruited to commit property crimes.

CONCLUDES THAT IT IS NECESSARY TO TAKE ACTION AGAINST CRIMES
COMMITTED BY MOBILE (ITINERANT) CRIMINAL GROUPS AND TO THAT END
INVITES THE MEMBER STATES TO

1. Define the scope of the problem as follows: “A mobile (itinerant) criminal group is an association of offenders, who systematically acquire wealth through theft of property or fraud¹, having a wide ranging area of operations and are internationally active.”

It is recognised that both adults and children can be exploited to commit these crimes.

2. Participate actively in the High Level Meetings on Property Crime, which are organised on a yearly basis by Europol.

3. Develop an administrative approach in order to tackle crime, as a complement to prevention, police and judicial work, for example:

- developing administrative measures to close premises serving as meeting and fencing places, framed within a coherent action plan
- discouraging these mobile (itinerant) groups’ criminal activities by considering national legislation imposing the registration of certain transactions (like for example, the recycling of used metals in order to prevent theft of metals)
- encouraging the registration and marking of precious objects which are being acquired or sold, and thus making it possible to return stolen goods to the official owner.

4. Encourage the police and judicial investigations with an international dimension and give a special interest to cross border financial investigations, in particular regarding money laundering and the handling of stolen goods. Within FATF standards, these kinds of investigations should be possible even without a direct link to the underlying offence.

5. Make full use of the existing European instruments and tools for the exchange of information on a strategic, tactical and operational level.

¹ E.g. theft, residential and non-residential burglaries, organised shoplifting, pick-pocketing, cargo thefts, metal thefts, thefts on construction sites and ATM fraud (skimming).

6. Encourage international cooperation on judicial level by implementing and using the existing EU legal framework, especially the Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders and the Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.

7. Improve bilateral or multilateral cooperation with third States, inter alia by concluding MoU's or treaties where necessary, particularly in the domain of transfer of the sentence.

8. Increase efforts in cooperation with the private sector (public private partnership), non governmental organisations and local communities, aimed at heightening awareness and reporting of threats arising in their surroundings.

INVITES THE MEMBER STATES, EUROJUST AND EUROPOL TO

1. Elaborate a security picture/image about the phenomenon of mobile (itinerant) criminal groups, on the basis of which further operational action should be considered.
2. Consider establishing, where appropriate, Joint Investigations Teams (JIT) on the criminal activities perpetrated by mobile (itinerant) groups.
3. Explore possibilities to enhance cooperation and effectiveness in the fight against this criminal phenomenon.

CALLS UPON EUROPOL TO

1. Envisage the need and the feasibility of producing a strategic analysis report on property crime, committed by mobile (itinerant) criminal groups.
2. Continue to organise a yearly High Level Meeting on Property Crime, dealing, amongst other issues, with crimes committed by mobile (itinerant) criminal groups.

3. Contribute, to a Member States' led initiative, to produce and disseminate an European Operational Handbook on property crime listing, for example, the modus operandi of the criminals, rules regarding control operations and innovative practices used in controls and investigations.
4. Examine the possibility of focusing an operational crime intelligence analysis project on this subject within the context of existing AWFs.

CALLS UPON THE MEMBER STATES AND THE EUROPEAN COMMISSION TO

Stimulate and facilitate an informal network of contact points, competent in the field of administrative measures to tackle the phenomenon of mobile (itinerant) groups, taking into account national needs and particular circumstances, and to nominate at least one contact point. Other partners (like private partners and third countries) may be invited by the informal network.

This informal network is requested inter alia:

- to promote the concept of administrative measures;
- to assess possibilities to strengthen the exchange of information between administrative bodies and traditional law enforcement organisations of EU Member States, making use of existing instruments and legislation;
- to encourage sharing of best-practices;
- to propose new initiatives in developing administrative measures;
- to report, via the Presidency of the Council, on the conclusions of the meeting to the competent Council working party; and
- to meet at least every 6 months.

CALLS UPON THE EUROPEAN COMMISSION TO

Propose the development of additional measures to support Member States in the enforcement of transnational financial investigations.