

3rd EU Handbook

on the administrative
approach in the
European Union





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Executive Summary

Organised crime groups (OCGs) are active around the world and their activities are one of the main threats to the security of European citizens. They are not held by borders and they have a destructive impact on economies and communities over the whole of the EU. Organised crime is disruptive for society as it undermines the legal infrastructure. According to the most recent Europol figures, more than 5,000 OCGs are currently under investigation in the EU. The modus operandi of most types of OCGs require the use of legal facilities. Governments have an interest in preventing these OCGs from using the legal infrastructure.

Public administrations do not exclusively rely on repressive law enforcement activities to tackle serious and organised crime. Criminal law alone does not always affect a professional criminal. Therefore, administrative measures can be effective. An administrative approach aims to complement the traditional instruments of criminal law and can be a potentially powerful tool in preventing and tackling serious and organised crime. This new approach uses administrative and regulatory mechanisms, and takes a multidisciplinary approach by involving a wide range of actors. Within the administrative approach, public administrations, particularly at the local level, take action exercising some of their specific powers and responsibilities, which hinder or frustrate the activities of organised crime.

In 2010, an Informal Network of contact points on the administrative approach to prevent and disrupt organised crime was created. The Network consists of National Contact Points (NCPs). They act as gateways to law enforcement agencies, government departments, administrative bodies and academia in their respective countries. In particular, the focus is on those teams, units and departments that are regularly using administrative powers or non-traditional ways of working on a practical level, as part of a multidisciplinary approach to prevent and disrupt organised crime. In 2018, it was decided to formalise the network and change the name to European Network on the Administrative Approach tackling serious and organised crime (ENAA). ENAA's mission is to increase understanding, awareness and application of the administrative approach in tackling serious and organised crime across the EU.

The terminology of the administrative approach covers many different definitions, approaches and practices all over the EU. The first (and only) definition on the administrative approach agreed on by all the Member States (MS) appears in the Council Conclusions of 6 June 2016. The administrative approach combines the

following elements, in full compliance with the MS administrative and legal framework:

1. Prevent persons involved in criminal activities from using the legal administrative infrastructure for criminal purposes, including, where relevant, procedures for obtaining permits, tenders and subsidies;
2. Apply all relevant types of administrative regulations to prevent and fight illegal activities, when possible under national law, including the preventive screening and monitoring of applicants (natural persons and legal entities) for permits, tenders and subsidies, as well as closing or expropriating premises when public nuisance occurs in or around those premises as a result of undermining criminal activities;
3. Coordinate interventions, using administrative tools to supplement actions under criminal law, to prevent, counter, disrupt and suppress serious and organised crime.

On 8 November 2019, ENAA agreed on a shorter, straightforward and easy to translate definition of the administrative approach that is based on the Council Conclusion of 2016 definition:

“An administrative approach to serious and organised crime is a complementary way to prevent and tackle the misuse of the legal infrastructure through multi-agency cooperation by sharing information and taking actions in order to set up barriers.”

Five pillars were distilled from the definition in order to clarify to practitioners what administrative approach initiatives exactly consist of. It is not necessary to have all five pillars present in a concrete initiative, but it is a good indicator for the successful application of the administrative approach.

1. Tackle misuse of legal infrastructure by serious and organised crime

Both national and local administrations must be equipped with tools to tackle OCGs and serious and organised crime as they both play a major role. Authorities thus have a particular interest in preventing criminals from either using the economic and legal infrastructure to acquire a legal income or from misusing businesses to facilitate crimes and directing their criminal proceeds towards this purpose. There are also administrative measures that focus on public nuisance, however within the framework of ENAA we use the administrative approach to tackle serious and organised crime.

2. Complementary

The administrative approach involves making use of administrative and regulatory mechanisms, and taking a multidisciplinary approach by involving a wide range of actors to complement traditional criminal justice measures with to the goal of tackling organised crime. An administrative approach applied in coordination with the traditional instruments of criminal law is a more powerful tool than when implemented merely as an add-on. Even more, administrative measures on their own will not be able to tackle OCGs. Therefore, the administrative approach must be seen as complementary to the traditional approaches that are tackling organised crime.

3. Multi-agency cooperation

Besides legal obstacles, many MS are unfortunately confronted with problems related to organisational structures. Often, agencies have their own back-office, which focuses on the protection of their own interests, based on mutually exclusive areas of responsibility, control and political accountability. This can cause problems for an effective administrative approach. The administrative approach is often referred to as 'working apart together' meaning that

different authorities and administrations tackle serious and organised crime within their merits. Therefore, the administrative approach depends for its success on cooperation with other partners in the security field, such as the police, the public prosecution service and tax authorities.

4. Sharing of information

The key of 'working apart together' is information exchange between administrative, fiscal and law enforcement agencies within a single state or region. For local authorities, access to information and open sources is fundamental to take substantiated decisions. Therefore, legal grounds are needed for this access and for the exchange of information between relevant stakeholders. Judicial data needs to be accessible for the local authorities to confirm suspected links between OCGs, entrepreneurs, companies and citizens. The local administration is highly dependent on information from the public prosecutor and the police. Unfortunately, in many MS, the sharing of information is currently limited to one direction from local authorities to the other partners and not the other way. This is problematic and mainly caused by barriers in the law.

5. Take actions to set up barriers

Public administrations, particularly at local level, have the power within their responsibilities to take actions to frustrate and hinder OCGs. The idea of the administrative approach is to equip the local administrations with the necessary tools (e.g. revoking licenses on health grounds) to avoid the legal infrastructure being used by criminals. They can find means of action against the criminal phenomena as well as the OCGs. Authorities can identify areas where the *underworld* 'touches' legitimate society. Then, they can coordinate interventions in these areas with different partners or administrative tools supplementing actions under criminal law to tackle serious and organised crime.

Foreword

The Network is delighted to present this third version of the EU Handbook on the Administrative Approach in the EU. This EU Handbook is for the benefit of policy makers, civil servants, law enforcement officers and other key stakeholders in EU MS that are involved in the prevention and fight against serious and organised crime.

This Handbook contains a brief history of the evolution of the Network and subsequently focuses on the definition and the five pillars of the administrative approach by using administrative approach initiatives as examples. At the end, an overview is given on what has been done in the EU already.

This Handbook complements the first (2011) and second (2014) version of the EU Handbook which provided an overview of administrative approach initiatives applied in MS and helped increase awareness. The third version will be translated into all the EU languages. The Handbook will be publically available on the www.administrativeapproach.eu website. The administrative approach initiatives will only be available on the Europol Platform for Experts Administrative Approach Group and the Members Only Page of the ENAA website. You can always contact your National Contact Point if you want to have access to this information.

Our hope is that the Handbook will continue to be a valuable reference guide for practitioners and policy makers, increasing understanding of the benefits of using a non-traditional method to tackle serious and organised crime and stimulate greater cooperation and sharing of experience and knowledge, across the EU.

Finally, we hope that this third EU Handbook publication will be disseminated widely to key stakeholders in the relevant national administrative authorities in MS. Any feedback and new contributions for future editions would be highly welcome and can be addressed to the Network through the designated National Contact Points.

1

Introduction

Organised crime is a dynamic and ever-evolving phenomenon with a global reach. It has a corrosive impact on the economy and communities across the entire EU. According to the most recent Europol figures, over 5,000 organised crime groups (OCGs) are under investigation in the EU¹. The number of OCGs operating internationally highlights the substantial scope and potential impact of serious and organised crime on the EU. These OCGs are highly versatile and display flexibility in the speed with which they change their modus operandi. They are also very resilient and highly skilled at evading the law. Not limited by geographic boundaries, OCGs exploit the free movement of human beings created by the Schengen zone and develop new routes to facilitate the trafficking in human beings, drugs, weapons, other illicit commodities and laundering of money. These criminal activities are increasingly complex and in order to be carried out, they require a variety of skills as well as technical expertise. The most threatening OCGs are those that are able to invest their profits in the legitimate economy undermining the legal infrastructure².

The administrative approach aims to complement traditional criminal justice measures by disrupting and preventing organised crime. This new approach uses administrative and regulatory mechanisms, and takes a multidisciplinary approach by involving a wide range of actors. The terminology of the 'administrative approach' covers many different definitions, approaches and practices all over the EU. This sometimes leads to confusion as to what this approach actually consists of. One of the goals of this Handbook is to dismantle this confusion and to provide a clear description of what the administrative approach is and what is needed to use the administrative approach effectively.

A. Undermining local governments

Organised crime is disruptive for society as it undermines the legal infrastructure. When we talk about organised crime, we are mainly referring to systematic crimes. These can be violent acts committed, for example, within the functioning of illicit drug markets, as part of the business of drug supply, distribution and use³. These crimes generate illegal assets and lead to economically dominant positions, with corruption and market disruption, and interdependence between the *underworld* and legitimate society. This sort of crime is often invisible, but can also manifest itself in the public space through intimidation and violence⁴. OCGs use violence as a strategy of control in several situations including territorial disputes, punishment for fraud, debt collection and clashes with the police.

While perpetrators often operate supra-regionally or internationally,

undermining crime expresses itself in many forms and has many connections to the local level⁵.

One of the main characteristics of undermining is that criminals try to replace the power of the state by implementing their own rules.

For example: "Criminals are driving around in fancy expensive cars in poor neighbourhoods. It is clear that something is wrong. They only want to show that they own the streets." There is no doubt that undermining is part of the criminal industry, everyone who does not want to cooperate is threatened or removed through violence or corruption. Yet, undermining is more; it is an expression of a desire for autonomy and a dislike for the advancement of civil society. It is also opposition to the established order and the state as representative of it⁶.

B. Why organised and serious crime should be tackled by the administrative approach

Public administrations do not exclusively rely on repressive law enforcement activities to tackle serious and organised crime. Criminal law alone does not always affect a professional criminal. A prison sentence is generally experienced as part of the business risks by criminals. Whereas administrative measures could stop a whole criminal business and its criminal process and therefore can be more effective⁷.

Criminals involved in serious and organised crime often do not limit their activities to purely illegal ones such as drug trafficking, fraud or property crimes. They also invest money in legal activities and businesses, for instance to exploit the revenues of their crimes or to generate a legal income. Criminals may establish or take over a construction company and then tender for government contracts. The 'business processes' of most types of organised crime also require legal facilities. Authorities thus have a particular interest in preventing criminals from either using the economic infrastructure to acquire a legal income or from misusing businesses to facilitate crimes and directing their criminal proceeds towards this purpose.

An administrative approach applied or coordinated with the traditional instruments of criminal law is a potentially powerful tool to prevent and combat serious and organised crime.

For example: in some countries, local authorities or relevant inspections can, with the administrative law in hand, decide to close the building of a cannabis grow house for a certain period. The tax authorities and the social services can apply additional claims and fines. The prosecution of the owners of the grow house belongs to the domain of criminal law.

The administrative approach can also include administrative measures such as vetting or screening businesses that tender for public contracts and/or refusing or revoking permits of businesses that have a connection to organised crime. Within the administrative approach, public administrations, particularly at the local level, take action exercising some of their specific powers and responsibilities, which hinder or frustrate the activities of organised crime groups. The idea is to equip the administration with the necessary tools to avoid the legal infrastructure being used for criminal ends and to combat the criminal phenomena as well as the criminal groups' means of action.



The central principle of this approach is that national and local administrative bodies (i.e. municipalities and the ministries of interior, finance, employment and social affairs) play a major role in preventing and combating organised crime.

Not only national and local administrative bodies can benefit from 'working apart together'. This can also be beneficial on an international level. For example, due to increased repressive actions toward Outlaw Motorcycle Gangs (OMCGs) in Germany and the Netherlands, the Belgian part of the Euregion Meuse-Rhine runs the risk of being confronted with an increase in OMCG activities. In Belgian Limburg for example, clubhouses were increasingly set up, territory was claimed and marked, and mutual confrontations resulted in murders⁸. Therefore, governments need to take a displacement effect into account. OCGs will seek the path of least resistance and will therefore move their activities to cities/regions where they will be less frustrated. This is also referred to as the displacement or *waterbed effect*⁹. In **Chapter 3.D.1.** you will find the first ever EU barrier models. These barrier models are important in tackling a crime phenomenon on a European level in order to prevent a displacement effect in other MS.

This administrative approach is dependent for its success on cooperation with other partners in the security field, such as the police and the Public Prosecution Service.

In this context the sharing of information between the various organisations, not only on national level, is one of the most important prerequisites.



2

ENAA tackling serious and organised crime

In the Lisbon Treaty¹⁰ it was stated that the European Parliament and the Council of the European Union (hereafter the Council), acting in accordance with the ordinary legislative procedure, may establish measures to promote and support the action of MS in the field of crime prevention, excluding any harmonisation of the laws and regulations of MS.

In 2009, it was stated in the Stockholm Programme¹¹ for the first time that a multidisciplinary approach can be used as an effective measure to reduce the level of crime. Administrative measures can be used as part of an overall response to combat organised crime. Administrative bodies (i.e. municipalities and the ministries of interior, finance, employment and social affairs) are often responsible for overseeing compliance and regulation (e.g. permits and licensing systems) issues in relation to particular business sectors used by criminals in EU MS.

In response, **the Informal Network of contact points on the administrative approach to prevent and disrupt organised crime** (hereafter the Informal Network) was created under the Belgian Presidency (2010) in the Council Conclusion of 5 November 2010¹². It was decided that it should consist of National Contact Points (NCPs) who act as gateways to law enforcement agencies, government departments, administrative bodies and academia in their respective countries. In particular, the focus is on those teams, units and departments that are regularly using administrative powers or non-traditional ways of working on a practical level, as part of a multidisciplinary approach to prevent and disrupt organised crime.

It was decided that the goals of the Informal Network were to stimulate and facilitate a network of contact points, competent in the field of administrative measures to tackle the phenomenon of OCGs and where necessary also other relevant crime areas, taking into account national needs and particular circumstances.

During the Hungarian Presidency (2011) the first EU Handbook was published. The EU Handbook was entitled 'Complementary approaches and actions to prevent and combat organised crime'¹³ and offered a collection of good practice examples from EU MS.

Under the Polish Presidency (2011) it was agreed that the Informal Network should broaden its focus to include all areas of organised crime, as it was recognised that administrative measures could usefully be applied against a wide range of criminal threats, not only against mobile criminal groups. Additionally, it was proposed for the Informal Network to:

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

During the following Presidencies of the Council of the European Union, a Core Group of MS and EU institutions has helped to deliver on these proposals and to develop and strengthen the role of the Informal Network. This work has included the development of the Europol Platform for Experts (EPE) on the Administrative Approach, and the drafting and publication of the second EU Handbook entitled 'Complementary approaches and actions to prevent and disrupt organised crime. The second Handbook was published during the Lithuanian Presidency in 2013¹⁴.

Under the Dutch Presidency (2016) it was concluded that it was necessary to develop and further improve the administrative approach to prevent and fight crime, in particular serious and organised crime. To this end and for the first time, a definition on the administrative approach was agreed on by all the MS in the Council Conclusions of 6 June 2016¹⁵.

The administrative approach combines the following elements, in full compliance with MS administrative and legal framework:

- › Prevent persons involved in criminal activities from using the legal administrative infrastructure for criminal purposes, including, where relevant, procedures for obtaining permits, tenders and subsidies;
- › Apply all relevant types of administrative regulations to prevent and fight illegal activities, when possible under national law, including the preventive screening and monitoring of applicants (natural persons and legal entities) for permits, tenders and subsidies, as well as closing or expropriating premises when public nuisance occurs in or around those premises as a result of undermining criminal activities;
- › Coordinate interventions, using administrative tools to supplement actions under criminal law, to prevent, counter, disrupt and suppress serious and organised crime.



Stockholm Programme



Belgian Presidency

**Council Conclusion of
5 November (15875/10) in
which Informal Network
was created**



Hungarian
Presidency

**First EU
Handbook**

TIMELINE OF ENAA'S HISTORY

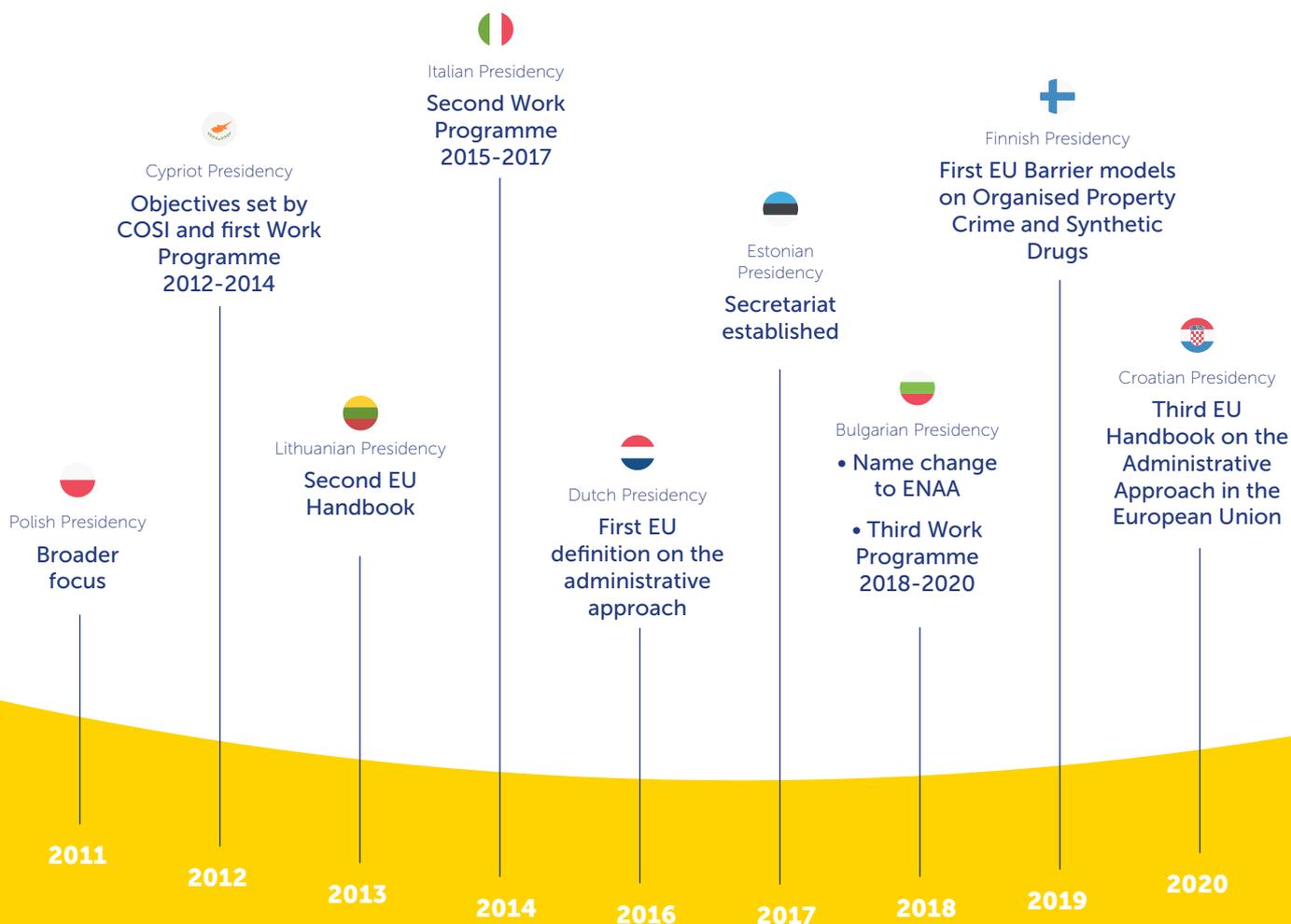
2010

2011

In August 2017, the ENAA Secretariat was established within the European Crime Prevention Network (EUCPN) Secretariat. The rationale was to lift the burden of the NCPs and have a fully operating Secretariat in place to take care of and manage the daily work of the Network.

change the name from Informal Network to *European Network on the Administrative Approach tackling serious and organised crime* (ENAA). On 30 October 2018, a new Rules of Procedure was created to put the Network on a more formal footing.

In the Full Network Meeting on 1 February 2018 the third multi-annual Work Programme for 2018-2020 was adopted by the MS. It sets out to build upon the results achieved under the previous Programme. In March 2018 a closing report of the Work Programme 2015-2017 was presented in the Law Enforcement Working Party (LEWP). It was also proposed during this meeting to affiliate the Informal Network with the LEWP and to



3

The administrative approach explained

A. A maze of definitions

The terminology of the ‘administrative approach’ covers many different definitions, approaches and practices all over the EU. This may sometimes lead to confusion as to what this approach actually consists of. Besides all the different national interpretations and definitions there are currently three definitions with a European dimension.

Firstly, the following definition focuses primarily on the prevention of crime. This definition is used in the book published by Tilburg & Leuven University in 2015. During the research, it became clear that an administrative approach is equally relevant for the repression and disruption of crime and this prompted them to amend the definition as follows:

“An administrative approach to serious and organized crime involves preventing the facilitation of illegal activities by denying criminals the use of the legal administrative infrastructure as well as coordinated interventions (‘working apart together’) to disrupt and repress serious and organized crime and public order problems”¹⁶

Secondly, and most important of all, there is the definition agreed on during the Dutch Presidency in 2016. This is the first (and only) definition on the administrative approach agreed on by all the MS in the Council Conclusions of 6 June 2016¹⁷.

The administrative approach combines the following elements, in full compliance with the MS administrative and legal framework:

1. Prevent persons involved in criminal activities from using the legal administrative infrastructure for criminal purposes, including, where relevant, procedures for obtaining permits, tenders and subsidies;
2. Apply all relevant types of administrative regulations to prevent and fight illegal activities, when possible under national law, including the preventive screening and monitoring of applicants (natural persons and legal entities) for permits, tenders and subsidies, as well as closing or expropriating premises when public nuisance occurs in or around those premises as a result of undermining criminal activities;
3. Coordinate interventions, using administrative tools to supplement actions under criminal law, to prevent, counter, disrupt and suppress serious and organised crime.

In the EU, mainly the Netherlands and Belgium, more steps are being taken in the administrative approach than previously estimated. Therefore at the start of the CONFINE project (see chapter 3.D.3.) , they assigned a clear common definition to emphasise the fact that this concept can mean much more than was initially expected:

“An administrative approach to organised and/or subversive crime means that organisations with administrative powers prevent and/or combat the facilitation of illegal activities by preventing the misuse of legal administrative structures for criminal activities¹⁸.”

During the two expert meetings that were organised in preparation of this third EU Handbook, several experts, policy makers and academics agreed that the definitions

above were written in a complex way. Currently, the definition agreed upon in the Council Conclusion of 2016 is the only definition agreed on by all the EU MS and thus the only official definition of the administrative approach. The definition and scope of activities adopted by the Council Conclusion was quite complicated. It was clear that there was a need for a simple and practical presentation of the idea of an administrative approach. As a result of the expert meetings, and voted on by the full Network straightforward and easy to translate definition of the administrative approach, that is based on the Council Conclusion of 2016 definition, was agreed upon:

On 8 November 2019, ENAA agreed on a shorter, straightforward and easy to translate definition of the administrative approach that is based on the Council Conclusion of 2016 definition:

“An administrative approach to serious and organised crime is a complementary way to prevent and tackle the misuse of the legal infrastructure through multi-agency cooperation by sharing information and taking actions in order to set up barriers.”



B. State of play of the administrative approach in the EU

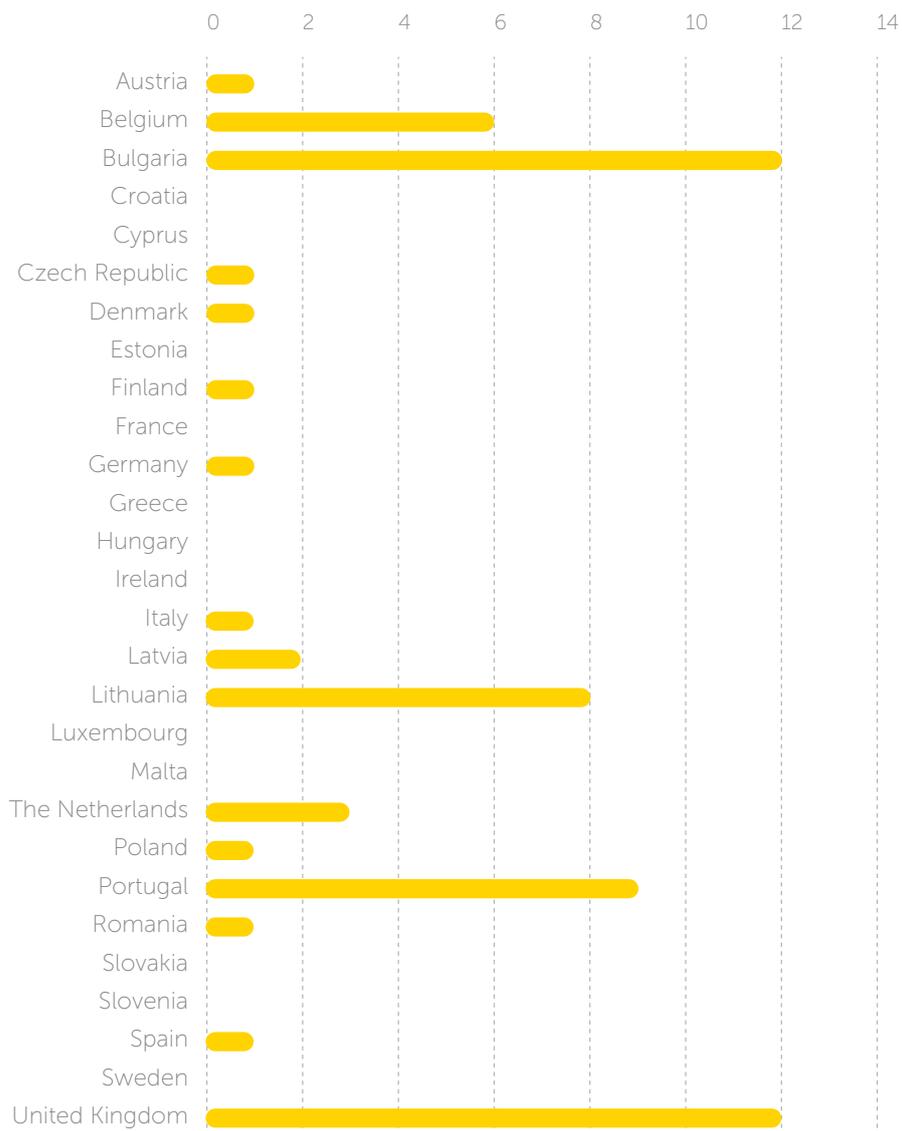
NOTE: One of the goals of this Handbook is to share administrative approach initiatives. These administrative approach initiatives can be found in an Annex that is published on the Europol's Expert Platform (EPE)¹⁹ in the Administrative Approach tackling OC Group. It was decided by the NCPs to not publish the administrative approach initiatives publically. The reason behind this is to keep information secure from those with bad intentions. The Annex will also be published on the members' page on the ENAA website. You can always contact the ENAA National Contact Point, which can be found on the www.administrativeapproach.eu website, for more information.



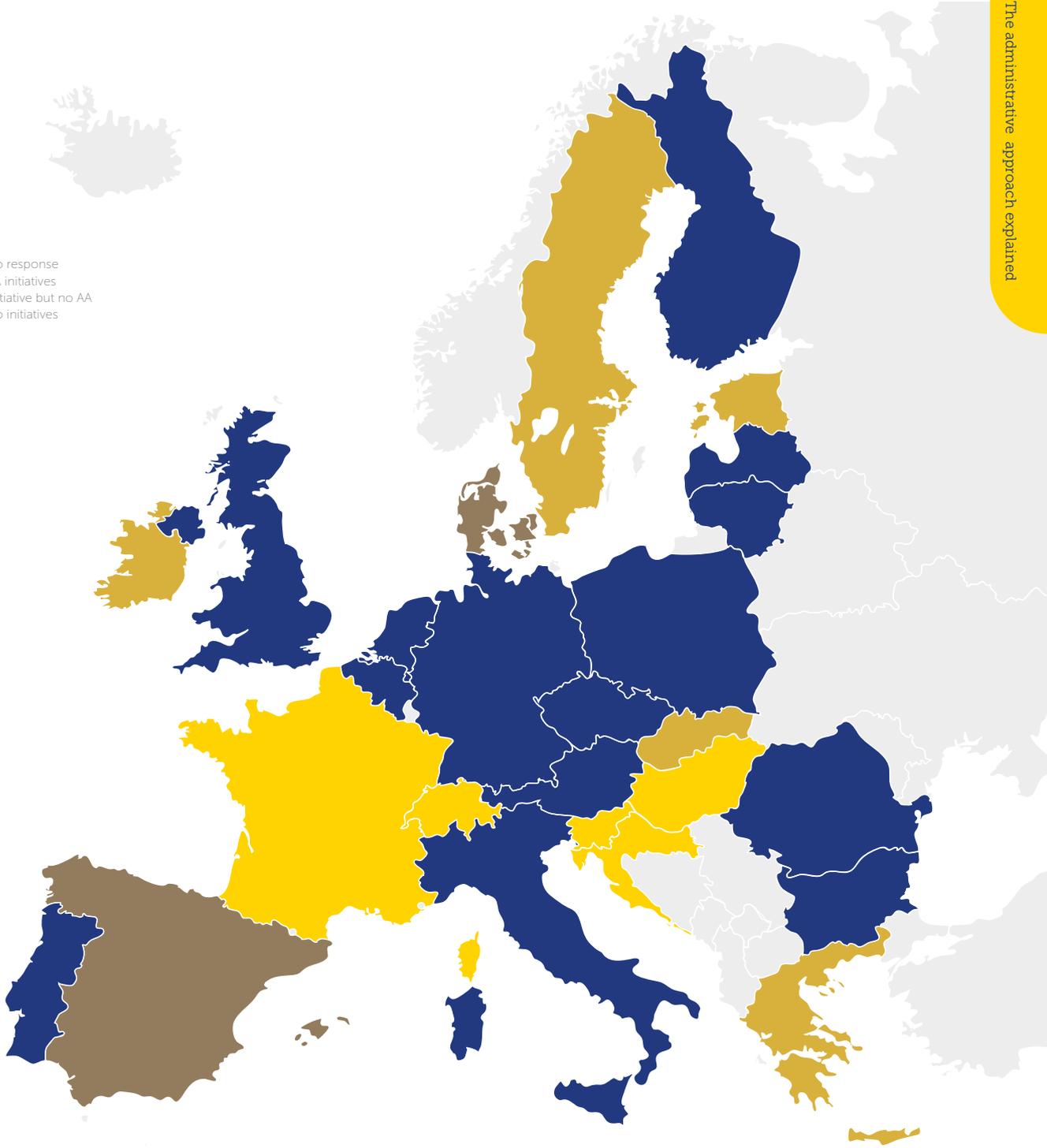
The administrative approach initiatives were collected through a request that was sent out by the Law Enforcement Working Party of the Council of the European Union (LEWP) and ENAA. These best practices were then analysed during an expert meeting. In total ENAA received 61 initiatives from 16 MS²⁰. 5 MS²¹ replied that they currently have no ongoing administrative approach initiatives and 7 MS²² did not reply to the request.

Of the 61 submitted administrative approach initiatives, 27 were agreed upon by the experts qualifying as administrative approach initiatives. The main reason why 34 initiatives were not retained is because in most cases sharing of information between different agencies was missing. This aspect is nonetheless crucial for an effective administrative approach. 4 of these 34 initiatives were on the threshold of becoming AA initiatives, and were therefore labeled "start-up AA".

Initiatives received from MS



- No response
- AA initiatives
- Initiative but no AA
- No initiatives



Initiatives received from MS

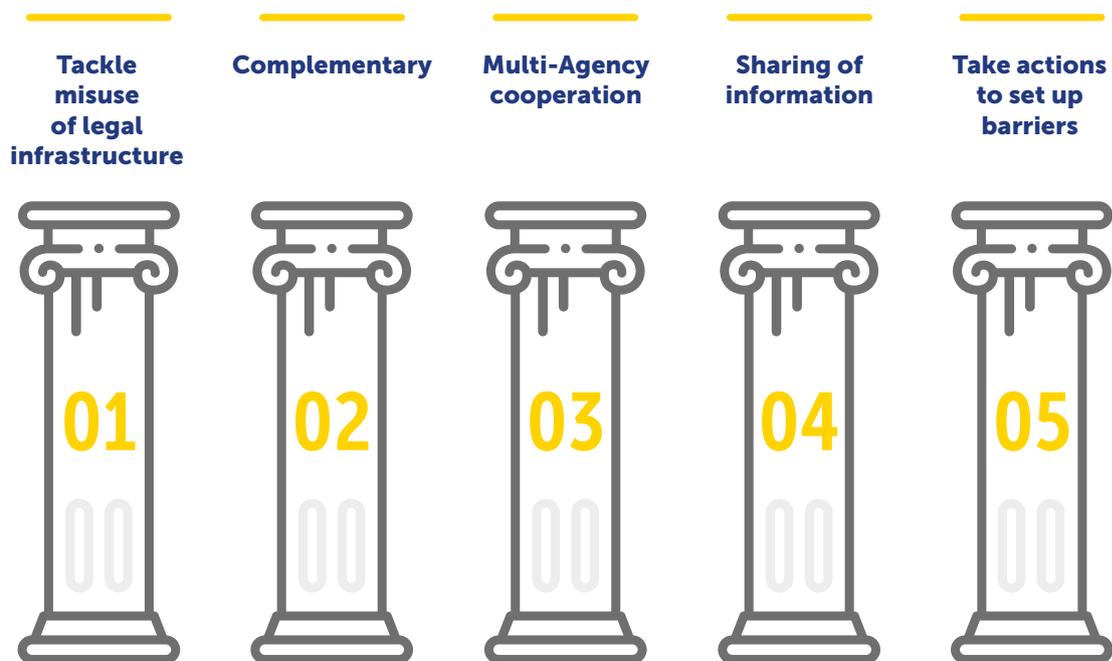
Country	Initiative	Organised crime	Complementary	Multi-Agency	Sharing of information	Actions	Additional comments
Austria	1. EMPACT EnviCrime OA 2.7	✓	✓	✓	✓	✓	AA
Belgium	1. Written scenario to tackle domicile fraud	✓	✓	✓	✓	✓	AA
	2. Written scenario for integrated 'Flex'-actions	✓	✓	✓	✓	✓	AA
	3. Written scenario: admin. approach of OMG	✓	✓	✓	✓	✓	AA
	4. Protocols	✓	?	x	x	?	Not AA, but guideline/ toolbox material.
	5. Roadshows	✓	x	x	✓	x	Not AA, but guideline/ toolbox material.
	6. SPOC's	✓	x	x	✓	x	Not AA, but guideline/ toolbox material.
Bulgaria	1. National Strategy for Prevention and Fight against Irregularities and frauds affecting the EU financial interests	✓	✓	✓	✓	✓	AA
	2. Interdepartmental Coordination Centre for Counteracting the Contraband/ the Smuggling and Control of the Movement of Goods and Goods at Risk	✓	✓	✓	✓	✓	AA
	3. National Council on Crime Prevention	✓	x	x	x	x	Not AA
	4. Spasi dete (Save a Child)	✓	x	x	x	?	Not AA
	5. Signed a Memorandum of Understanding between the General Directorate Combating Organized Crime – Ministry of Interior and the Association of Banks in Bulgaria	✓	x	x	x	x	Not AA
	6. Control of the Narcotic Substances and the Precursors/Countering the trafficking and the trade with narcotics	✓	x	?	x	?	Not AA
	7. Interdepartmental Commission on Control of Precursors	✓	✓	✓	✓	✓	AA
	8. Mechanism for the identification of victims of telephone fraud and prevention	✓	x	x	x	x	Not AA
	9. Programme proposed by the General Directorate National Police to the local authorities for triggering an informative preventive campaign against the phone frauds	✓	x	x	x	x	Not AA
	10. Specialized Interdepartmental Unit for Support the Investigation of Organized Crime Related to Tax Offenses	✓	✓	✓	?	✓	AA
	11. Collaboration between the General Directorate Combating Organized Crime of Ministry of Interior and National Customs Agency of the Republic of Bulgaria	✓	✓	✓	✓	?	AA
	12. National Referral Mechanism for Support of Trafficked Persons	✓	x	x	x	x	Not AA
Czech Republic	1. Tax Cobra	✓	✓	✓	✓	✓	AA
Denmark	1. Mobile Organized Crime Groups Systematic monitoring of "tourists" in DK.	✓	x	x	x	x	Not AA
Finland	1. Administrative approach to tackling organised crime	✓	?	?	?	?	Start-up of an AA
Germany	1. Curafair	✓	✓	✓	✓	✓	AA
Italy	1. The fight against criminal organizations' illegal assets. The system of prevention measures.	✓	?	✓	?	✓	AA
Latvia	1. Combatting and prevention of Money Laundering	✓	x	x	x	x	Not AA
	2. Legislative approach to the control of circulation of new psychoactive substances	✓	?	✓	?	✓	AA

Country	Initiative	Organised crime	Complementary	Multi-Agency	Sharing of information	Actions	Additional comments
Lithuania	1. Blocking of IMEI and SIM in Mobile Devices	✓	✓	✓	✓	✓	AA
	2. A Search for Missing Children in the Rapid Child Search System "Amber Alert Facebook"	x	x	x	x	?	Not AA
	3. Municipality Coordination Committees for the Fight against Trafficking in Human Beings.	✓	✓	✓	✓	✓	AA
	4. Voluntary declaration of data on CCTV observation cameras possessed (managed) by individuals in the Lithuanian Police	x	x	x	x	x	Not AA
	5. Agreement with the Digital Coding and Tracking Association (DCTA) on the use of digital systems of the association	✓	x	x	x	x	Not AA
	6. Risk Analysis Centre	✓	?	?	?	?	Start-up of an AA
	7. The group of Santa Marta	✓	x	?	x	x	Not AA
	8. A Joint Operation Centre	✓	✓	✓	✓	✓	AA
The Netherlands	1. The administrative ban of organisations (e.g. OMCGs) that pose a threat to the public order	✓	✓	✓	✓	✓	AA
	2. Multi Agency approach to Outlaw Motorcycle Gangs (OMCGs) – Stop Letter	✓	✓	✓	✓	✓	AA
	3. Multi Agency approach to Outlaw Motorcycle Gangs (OMCGs) – Stop Talks	✓	✓	✓	✓	✓	AA
Poland	1. National Safety Threat Map	✓	✓	✓	✓	✓	AA
Portugal	1. Establishment of the Portuguese Authority for the Prevention and Fight against Violence in Sport (APCVD)	✓	x	?	x	x	Not AA
	2. New Generation of Local Security Contracts	✓	x	x	x	x	Not AA
	3. Project Safer Night	x	x	x	x	x	Not AA
	4. Salvage vehicles	✓	?	?	?	?	Start-up of an AA
	5. Cash machines– ATM	✓	x	x	x	x	Not AA
	6. Investigations into the fate of missing persons / unidentified dead bodies	x	x	x	x	x	Not AA
	7. SOS AZULEJO	x	x	x	x	x	Not AA
	8. Safe Church–Open Church	x	x	x	x	x	Not AA
	9. Transactions	✓	x	x	x	x	Not AA
Romania	1. Action Plan for preventing and combatting irregularities and criminal offences in the field of real estate and construction developers	✓	✓	✓	?	✓	AA
Spain	1. Royal Decree-Law 16/2018 of October 26th about measures to combat the illicit trafficking of people and goods in relation to the RHIBS (Rigid Hull Inflatable Boat) and RIBS (Rigid Inflated Boat) used for this purpose.	✓	?	?	?	?	Not AA
United Kingdom	1. Government Agency Intelligence Network (GAIN)	✓	✓	✓	✓	✓	AA
	2. Joint Financial Analysis Centre (JFAC)	✓	✓	✓	✓	✓	AA
	3. Joint Money Laundering Intelligence Taskforce (JMLIT)	✓	✓	✓	✓	✓	AA
	4. Proactive Asset Denial Strategy	✓	✓	?	✓	✓	AA
	5. UK Financial Intelligence Unit (UKFIU)	✓	x	x	x	x	Not AA
	6. National Economic Crime Centre (NECC)	✓	✓	✓	?	✓	AA
	7. Declaration of Non-involvement in Human Trafficking / Modern Slavery	✓	x	x	x	x	Not AA
	8. Declaration of Non-involvement in Serious Organised Crime (SOC)	✓	x	x	x	x	Not AA
	9. Local Authority SOC Readiness checklist	✓	✓	✓	?	✓	AA
	10. Positive Lifestyles Programme	✓	x	x	x	x	Not AA
	11. SOC Prevention Regional Course – Public Sector	✓	x	x	x	x	Not AA
	12. Third Sector – SOC checklist	✓	?	?	?	?	Start-up of an AA

- ✓ present
- ? moderately present
- x not applicable

It became clear that besides a clear description (see p.19) of the administrative approach, 'pillars' were also needed to provide the MS with a better framework to inform them about what the administrative approach exactly is. Additionally, these pillars were a useful instrument for the Network to analyse the initiatives.

(In the next chapter, you can find the five pillars explained with brief summaries of some of the administrative approach initiatives to clarify these pillars.



C. Five pillars for a successful administrative approach

Five pillars were distilled from the definition in order to clarify to practitioners what administrative approach initiatives exactly consist of. It is not necessary to have all five pillars present in a concrete initiative, but it is a good indicator for the successful application of the administrative approach.

01



Prevent and tackle the misuse of the legal infrastructure by serious and organised crime

Both national and local administrations must be equipped with tools to tackle serious and OCGs as they both play a major role. Authorities thus have a particular interest in preventing criminals from either using the economic and legal infrastructure to acquire a legal income or from misusing businesses to facilitate crimes and directing their criminal proceeds towards this purpose. There are also administrative measures that focus on public nuisance, however within the framework of ENAA we use the administrative approach to tackle serious and organised crime.

EXAMPLE

Administrative approach to tackling organised crime (FI)

+ The project aims to identify the current status of administrative measures available for tackling organised crime. Finland wants to create a national approach to disrupt the operating environment for serious and organised crime by using an administrative approach. The goal is to make recommendations and legislative improvements if needed. Besides strengthening cooperation, it will aim to identify international best practices that can be used in a national approach. Intelligence-led operational actions will be

carried out to disrupt the operating environment for serious and organised crime, and the experiences gained will be used to develop a national administrative approach.

At the moment, this is not an implemented administrative approach yet. The Finnish example shows that before starting with an administrative approach, one must look at the tools that are already available and check whether legislative changes are needed in order to be able to start using the administrative approach to tackle serious and organised crime.

EXAMPLE

The administrative ban of organisations that pose a threat to the public order (NL)

 This ban is based/influenced by the administrative bans of Outlaw Motorcycle Gangs (OMCGs) in Germany. The Dutch Ministry of Security and Justice can impose a nationwide ban of criminal organisations (e.g. mainly OMCGs) that pose a threat to public order. This ban is intended to be a last resort or ‘ultimum remedium’ and requires a heavy burden of proof because of its implications in relation to the constitutional right of free assembly. The administrative ban will be effectuated directly after issuing and legal proceedings and appeals cannot put it on hold.

This administrative measure has an immediate and direct effect on criminal organisations. It immediately cuts the legs off from under an OCG.

EXAMPLE

Municipal Administrative Sanctions (BE)

 Municipal Administrative Sanctions (GAS) are penalties that municipalities can impose if one violates municipal regulations. With these GAS fines, the municipality can punish nuisance, such as illegal dumping, public urinating, spraying graffiti, etc.²³.

Before the sanctions existed, minor incidents were often not sanctioned. Since the law, municipalities have been taking action against it. The executed sanctions are not forwarded to the public prosecutor, but handled by a civil servant. They can mediate, impose fines or issue community service orders. GAS fines can be imposed on young people from the age of 14. Each municipality chooses from which age it imposes GAS fines and for which form of nuisance.

It is clear that this is an administrative measure to tackle nuisance. It has to be noted that in some cases it is possible that OCGs are targeted with this administrative measure when it involves the withdrawal of a permit or the closure of an establishment. In most cases, GAS fines tackle public nuisance and not serious and organised crime.

In contrast to the administrative approach as understood in this Handbook, this project focuses on nuisance and not on serious and organised crime.



02 Complementary

The administrative approach involves making use of administrative and regulatory mechanisms, and taking a multidisciplinary approach by involving a wide range of actors to complement traditional criminal justice measures with the goal of tackling organised crime. An administrative approach applied in coordination with the traditional instruments of criminal law is a more powerful tool than when implemented merely as an add-on. Furthermore, administrative measures on their own will not be able to tackle OCGs. Therefore, the administrative approach must be seen as complementary to the traditional approaches that are tackling organised crime.

EXAMPLE

Specialised Unit to Support the Investigation of Organised Crime Related to Tax Offenses (BG)

 The unit is created by agreement between the Prosecutor's Office of the Republic of Bulgaria and the Ministry of Interior, State Agency for National Security, National Customs Agency and National Revenue Agency. One of the aims of the unit is to improve the interaction between the Prosecutor's Office and other state bodies involved in the fight against tax offenses. Operational management, coordination and control of the unit are carried out by prosecutors from the Supreme Prosecutor's Office of Cassation who are acting in coordination with the directors of the relevant structures of Ministry of Interior, State Agency for National Security, National Customs Agency and National Revenue Agency. As part of the Ministry of Interior, the General Directorate Combating Organised Crime is acting according to the Law of the Ministry of Interior countering organised criminal activities.

The unit has been created as a complementary unit to the traditional agencies that were already tackling tax offenses. One of the goals is to improve the interaction, which will lead to a better exchange of information.

EXAMPLE

Europol EMPACT Environmental Crime Operational Action Plan (AT)

 In the framework of Europol's European Multidisciplinary Platform Against Criminal Threat (EMPACT) Operational Action Plan, Austria, with other EU MS in the Danube region, tackles illegal waste shipment activities. This is done by identifying all relevant national stakeholders and authorities responsible (e.g. police, customs, environmental authorities, etc.) on and close to the Danube river in the field of waste management and shipment. Connecting with stakeholders and exchange information among them with a view to finding possible subjects and targets for an operational phase.

Europol EMPACT Operational Action Plans can be seen as complementary in most cases. In this case, it is clear that this approach is complementary to the national approaches. All national authorities responsible are already tackling illegal waste activities on their own. Also on a national level it is a complementary approach as police and customs are working together with national administrations responsible for environment and waste.

03



Multi-agency cooperation

In addition to legal obstacles, many MS are unfortunately confronted with problems related to organisational structures. Often, agencies have their own back-office, which focuses on the protection of their own interests, based on mutually exclusive areas of responsibility, control and political accountability²⁴. This can cause problems for an effective administrative approach. The administrative approach is often referred to as ‘working apart together’ meaning that different authorities and administrations tackle serious and organised crime within their merits. Therefore, the administrative approach depends for its success on cooperation with other partners in the security field, such as the police, the Public Prosecution Service and tax authorities²⁵.

EXAMPLE

Tax Cobra (CZ)

 The Tax Cobra’s principal objectives are to safeguard the proper collection of taxes, recover illegally acquired financial means, prevent losses to the state budget and prosecute the offenders. Tax Cobra is a joint team comprising of the National Organised Crime Agency of the Czech Police, the General Financial Directorate and the General Directorate of Customs. Its members work together in order to fight tax evasion and tax crimes, especially in the field of value added tax and excise tax. Representatives of the Tax Cobra swiftly exchange operative information, which enables them to identify tax frauds and coordinate individual proceedings before further harm is done. The cooperation is based on a Memorandum of Understanding signed by the highest representatives of all the agencies. Tax Cobra has no staff members as an institution, only designated members of participating agencies

As mentioned above, these examples show that different agencies are all ‘working apart together’. This means that every agency is working within its own merits to fight tax crimes.

04



Sharing of information

The key of working apart together is information exchange between administrative, fiscal and law enforcement agencies within a single state²⁶. For local authorities, access to information and open sources is fundamental to take substantiated decisions. Therefore, legal grounds are needed for this access and to exchange the information between relevant stakeholders. Judicial data needs to be accessible for the local authorities to confirm suspected links between OCGs, entrepreneurs, companies and citizens. The local administration is highly dependent on information from the public prosecutor and the police. Unfortunately, in many MS the sharing of information is currently limited to one direction from local authorities to the other partners and not the other way. This is problematic and mainly caused by barriers in the law²⁷.

EXAMPLE

The Public Administration Probity in Decision-Making Act (Bibob-law) (NL)

 In the current Dutch system, a local government in the Netherlands may investigate a company or person's background if you apply for a licence or a subsidy or if you bid for a government contract. In so doing, the government avoids aiding criminals or criminal organisations. If there is a criminal record, government bodies may refuse the licence or subsidy or reject the bid for the contract. If the municipality has doubts in relation to integrity, they can ask for advice from the Bibob office as part of a detailed investigation. The Bibob office, which is part of the Ministry of Justice and Security, not only inspects the antecedents of the applicant, but also checks his or her immediate environment such as other persons in leading positions in the relevant organisation and business relationships. This may result in a recommendation about the degree of risk, which the administrative authority runs in unintentionally aiding criminals if the service is to be granted.

This is an example of a situation where a specific law has been created to make it possible to make information available from different agencies.

EXAMPLE

Curafair (DE)

 The project was aimed at detecting the structures and the modus operandi used by Russian-speaking nursing services to commit accounting fraud in the health-care sector. Information from investigative proceedings as well as open source data were the most important information sources in this context. To effectively clear up and combat this crime phenomenon in a holistic approach, it was not only required to exchange information with police authorities but also to acquire new cooperation partners. Accordingly, close cooperation was also established with representatives of the statutory health and long-term care insurance companies (corporations under public law) and social welfare authorities (administrative agencies).

In this case, the sharing of information between police and new partners was crucial to tackle the phenomenon.

EXAMPLE

National Security Threat Map (PL)

 The Polish National Security Threat Map (KMZB) is an application that was built by the Prevention Office of the National Police General Headquarters with the support of the Ministry of the Interior and Administration. The user has the opportunity to become familiar with threats occurring in the area of interest (both on the basis of statistical data and threats put on by other users and confirmed by the Police) and can identify the threat and its location by himself, sharing his insights on the level of security in his place of residence. It should be emphasized that the verified threats as not confirmed, despite being removed from the map of threats available to the public, are still visible from the side of the Police. Such information is still used for the deployment of Police patrols. The

process of applying the threat to the map is anonymous and should not last longer than several seconds. After selecting one of the 27 threats available in the directory, the user indicates the location in which it appears, and then using the "APPLICATION" button, marks a threat on the map.

This application is an example of how information is shared in an easy and direct way. Citizens can report issues of public nuisances, potholes in the street to suspicions of organised crimes. These signals are then used by the police or public administration. Information in the app is also shared between the administrations and police.

05



Take actions to set up barriers

Public administrations, particularly at local level, have the power within their responsibilities to take actions to frustrate and hinder OCGs. The idea of the administrative approach is to equip the local administrations with the necessary tools (e.g. revoking licenses on health grounds) to avoid the legal infrastructure being used by criminals. They can find means of action against the criminal phenomena as well as the OCGs. Authorities can identify areas where the *underworld* connects with legitimate society. Then, they can coordinate interventions in these areas with different partners or administrative tools supplementing actions under criminal law tackling serious and organised crime.

EXAMPLE

Blocking of IMEI and SIM in Mobile Devices (LT)

 The Lithuanian Police and Ministry of the Interior amended the Law on Electronic Communications, this gives a possibility for the police to block IMEI and SIM cards of mobile devices in a pre-trial investigation. The Police can demand this of public communications networks if information is available that indicates that a mobile device has been used for the commission of criminal offences.

This action is highly specific an immediate barrier that can be very useful. It immediately takes away the communication channels from the OCGs.

EXAMPLE

Flex-actions (BE)

 Flex-actions are coordinated actions between various local, regional and national administrative services. This approach aims to tackle criminal networks not only by applying criminal law but also by using administrative measures. Local authorities can act in a restrictive and dissuasive manner by using administrative tools thereby preventing the OCGs from nesting in the legal upper world.

More specifically, in a flex-action to tackle hand-carwashes in the City of Genk, an interdisciplinary team consisting of the local spatial planning service, housing inspectorate, social inspectorate, national employment office, tax office, immigration office and police performed checks of suspected fraudulent hand-carwashes. Each service would then take actions within its merits. The result was that some of the carwashes ended up being sealed by the social inspection services. The persons that were considered the head of the organisation were convicted to two years' imprisonment by the penal court. A fine example of complementary results, different agencies tackle phenomena by working apart together.

D. Recent developments in the EU

1. The European Barrier Model

Co-written by Joeri Vig and Lienke Hutten, The Dutch Centre for Crime Prevention and Safety (het CCV)



The barrier model is deployed to map a complex form of crime in a transparent manner. It identifies the steps criminals have to take to be able to commit a crime. The model also highlights which parties and opportunities make the crime possible. This makes it possible to determine which barriers can be erected, by public and private partners, to effectively disrupt the work of the criminals. The barrier model can also be applied when mapping out potential abuses in a business process.

The barrier model is a method to determine which barriers the partner organisations can set up against criminal activities. For every component of production, transport, sales, etc., it is reviewed which partner is in the best position to prevent criminal organisations or persons from abusing legal structures. The different barriers imply several signals where government agencies, companies, persons, come into contact with a certain crime phenomena and can notify the authorities

The barrier model provides focus in the investigation procedure and helps to look at criminal practices from an administrative and financial perspective. By applying the barrier model, many government departments have realized that they must play a role in combating serious and organised crime.



European multidisciplinary platform against criminal threats (EMPACT)

Each year the Multi-Annual Strategy Plans of all the priorities in the EU Policy Cycle are translated in operational action plans (OAPs) in order to combat and prevent crimes. Each priority therefore has an EMPACT project, which executes the decided actions. The Member States and EU organisations work in a coordinated fashion to implement each OAP. Each of these EMPACT projects is led by a driver and co-driver (Member States choose these amongst themselves) and all other Member States can become actively involved into the different EMPACT projects if they wish to²⁸.

a. The European Barrier model on Synthetic Drugs

The European barrier model on Synthetic Drugs is part of Europol's EMPACT Operational Action Plan on Synthetic Drugs. Belgium, the Netherlands and Poland in conjunction with ENAA aim to tackle the trade in and production of synthetic drugs. The barrier model is used for that purpose.

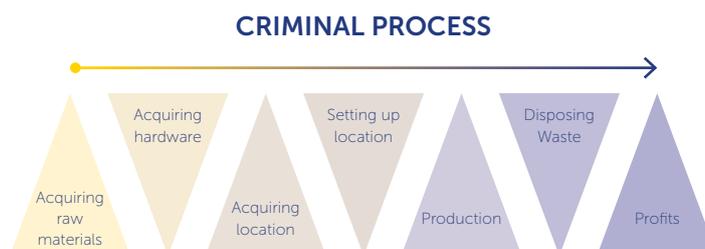
ENAA has requested the Dutch Centre for Crime Prevention and Safety (CCV)²⁹ to support this process. The first session for this took place in Brussels on 26 June 2019. Together with ENAA and the three MS, the CCV provided an initial impetus for a European barrier model for synthetic drugs. The objective of the European barrier model for synthetic drugs is to map the criminal operating process concerning synthetic drugs at a European scale.

By viewing the processes, facilitators, opportunities and similar matters through the eyes of various EU MS, a joint list of barriers should be generated that may be erected to disrupt the production of and trade in synthetic drugs.

The ultimate goal of this EU list of barriers is to be able to erect barriers comprehensively and jointly with the various MS. Approaching this at a European level may create greater potential to tackle this form of crime more forcefully. Moreover, the cooperation between the MS will ensure that the approach is better coordinated, barriers can reinforce each other and MS can complement each other.

The first step in the procedure was to identify the criminal process concerning synthetic drugs. There is already a Dutch version of the barrier model for synthetic drugs, in which the procedure is described. The participating countries were asked whether the criminal process that was documented in 2015 is still relevant and also applicable to the other EU MS. This

did prove to be the case and this resulted in the process set out below:

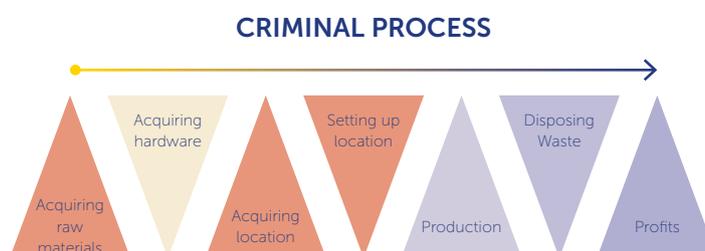


Then MS individually selected the criminal process steps that are the most relevant for their country. The three separate barrier models were then combined in a single European model. MS determined which barriers should be given priority and how the barrier(s) should be elaborated.

MS selected the following steps:

- › Poland: Acquiring raw materials and setting up a location
- › The Netherlands: Acquiring raw materials
- › Belgium: Acquiring raw materials and Acquiring a location

The selected process steps are marked in red:



After selecting the process steps, these process steps were separately elaborated by the MS and combined in a single EU barrier model for synthetic drugs.

Model: European Model - Synthetic drugs

1 Acquiring raw materials	2 Acquiring location	3 Setting up location
Facilitators		
Car rental companies	Owner of location facilities	Family in country sides
Transport sector	Real estate offices	
Drivers	Internet and websites (location)	
Chemical producers	Production of hardware	
Chemical retailers (+hardware)		
Customs		
Packaging industries		
Shipbrokers (cargo)		
Branche shops		
Storage shops		
Authority for funding company abroad		
Trading companies		
China		
India		
Harbours		
Harbour staff		
Airports		
Internet (Dark Web)		
Pharmacist		
Lobby of pharmacist companies		
Postal delivery services		
Family transport business		
Opportunities		
Airports, harbours and trains in EU countries and abroad	Vulnerable 'entrepreneurs' (with financial problems)	No contract for rent
EU border with China		Exploiting poor people
Mislabelling resource		Low education
Legal chemical industry		Willingness to report
Lack of EU equal or common legislation		Cash payment for rent
EU P.O.I. Chemicals		
Registration strangers risk company		
Chemical professionals (recruitment in universities)		
Lack of cooperation		

1 Acquiring raw materials	2 Acquiring location	3 Setting up location
Opportunities		
Open borders		
No customs		
Chemical substance only for illegal products		
Lack of knowledge of chemical material		
Learning on social media		
Learning in prison		
Signals		
Strange or mislabelling	Sudden security measures	High level of water and electricity
Source country route into Europe	Changed abnormal behaviour	Fulltime activity
Persons related to companies		Smell
Fake companies		New people, new activities
New precursors (warning system)		24h process, light during night
Chemical substances only for illegal products		Payment in cash
Partners		
Customs services EU	Local police	Water and electricity companies
Tax authorities	Inhabitants (suspect behaviour)	Private housing market
FIOD	Local communities and mayor	Isolation retailers
Security companies	Fire department	Community
Harbour authorities	Electricity, water and gas companies	
Chemical industries		
Local police		
Couriers (internet)		
Harbour profile analyst risk		
Chamber of Commerce		
Prosecution office		
Toll companies		
Europol (analysis)		
EU legislation		
MAOC		
JMCB – EMCDDA		
Pharmacist		

1 Acquiring raw materials	2 Acquiring location	3 Setting up location
Partners		
Forensic lab		
Postal delivery services		
Transport services		
Barriers		
Act on preparing	No cash transactions (rental)	Health scanners
EU P.O.I. chemicals	Administrative law: in order to enter facilities	Contract for rent
Screening companies (import)	Stop conversations with facilitators (Mayor)	Obligate rent through wire transfer
Cooperation chemical industry (suspect behaviour)		Training of citizens
Social control and awareness (local police)		
Training for professionals: knowledge		
HARK team: multidisciplinary teams		
Bilateral teams: police, justice, customs		
Awareness chemical universities		
Making common law in EU		
List of chemicals		
Training in chemical for LE		
Monitoring prisoners and follow-up		
Easier international cooperation		

Eventually, following mutual consultation, a joint decision was taken to elaborate one selected barrier. This is the following:

'Stopping the import at European seaports and airports of pre-precursors and essential chemicals for manufacturing synthetic drugs.'



At the moment, no further steps have been taken but it was decided that MS act jointly to frustrate OCGs in their producing and trading activities. MS jointly developed an approach, based on the barrier model. This includes measures to combat the selected phases in the operating method of criminals. ENAA submitted an OAP for 2020 to further develop the barrier model and take actions to tackle production of Synthetic Drugs in Europe.

b. The European Barrier model on Organised Property Crime

The European barrier model on Organised Property Crime (OPC) is an action that is part of Europol's EMPACT Operational Action Plan on Organised Property Crime. Belgium, Cyprus, Germany, Spain, France, Latvia, The Netherlands, Poland, Romania, Sweden and the United Kingdom in conjunction with ENAA aim to tackle OPC.

ENAA has requested the CCV to support this process. The first session for this took place in Brussels on 24 October 2019. Together with ENAA and the 11 MS, the CCV provided an initial impetus for a European barrier model for OPC. The objective of the European barrier model for OPC is to map the criminal operating process concerning organised property crime at a European scale.

During the workshop, the participants supplemented the existing Dutch model

with facilitators, signals, service providers, partners and barriers that, according to them, were still missing in the first version of the model. After the model was completed, they prioritised the process steps of the OPC barrier model. In this regard, a distinction was made between international and national process steps.

The participants decided to work on the international process steps that are selected in blue: Entry, Use of Infrastructure, Transport and Trade and Use of profits. The reason for choosing the international process steps to work on is that the participants in this session can work together at EU level, whilst the national process steps can be tackled at a national level.

The selected process steps are marked in blue:

Processtep 01	Processtep 02	Processtep 03	Processtep 04	Processtep 05	Processtep 06	Processtep 07
Entry	Housing	Use of infrastructure	Commit crime	Storage	Transport and trade	Use of profits
International	National	International	National	National	International	International

The second decision after prioritizing the process steps was the selection of one barrier for each process step. The MS selected those barriers that deserve the most consideration. An exception is process step three (Use of Infrastructure), for which two barriers were selected. The following barriers were prioritized:

01. Entry	Targeting centre - Passenger lists
02. Use of Infrastructure	ANPR
03. Use of Infrastructure	Rental car companies
04. Transport and trade	Surveillance on second-hand websites
05. Use of profits	Deeper investigation of assets/profits

MS made these barriers concrete with an action plan. In addition, some of the barriers were completed with a timeline.

	5 Commit crime	6 Storage	7 Transport and trade	8 Use gainings
	Facilitators			
	Hardware stores	Commercial storage facilities	Rental car	Bank
	Accomplice	Hotel room	Black market	Concealer
		Criminal share addresses	Dealers for used cars	Money mule
		Garage boxes	Scrap dealer	Cryptocurrency
		Family houses	Pawn shop	Dark web
		Scrapyard	Cheap bus travel companies	Used products second hand website/shop
		Own housing facilities	Port	Social media (Facebook)
		Containers of storage facilities		
		Cheap transport (FlixBus)		
		Anchor persons		
	Opportunities			
	Inattentiveness	Anonymous storage facilities	No check of ownership when travelling	Not checking where the money comes from
	Small expensive products	Unlimited places to store	No registration of stolen goods	Money laundering constructions
		Places that look legal	Dark web	Open EU market with 28 legal systems
		Open EU market with 27 different legal systems	Video available with tutorials	
		Cash payments for rent a place like a box	Alternative platform for transporting and transitioning money	
			Very fast information exchange	
			Lack of control in Schengen area	
			A lack of number identification	
			Indication of a population in direct contact with mobile crime groups	

	5 Commit crime	6 Storage	7 Transport and trade	8 Use gainings
	Indicators			
	Strange behaviour of small groups of men	A lot of traffic around a storage box	Price far too low for a 'new' product	Strange pattern of spending
	Crime scene as destination in navigation system	Messages on social media	Products hidden in containers	Use of stolen tools
		Too much protection for a box or house	Documents	Big spenders without justified income
		Incomes that can not be justified		Owners of different types of legal business
		Too much storage room for what they claim		
		Too high amount of rent for a storage box		
		Use of jammers		
		Number of employees		
	Partners			
	Hardware stores	Police	Gas stations	Financial Intelligence Unit
	Bystanders	Commercial storage facilities	Freight companies	Real estate agents
	Clubs	Cotenants of storage facilities	Pawn shop	Financial
	Owner of goods (for example boats)	Municipalities	Car rental compagnies	Postal services
	Media		Port services	
	Local and national government			
	Barriers			
	Sentencing in own country	Surveillance cameras	Registration of concealed goods or transported	International cooperation taxation authorities
	Burglary prevention and other prevention programs	Rental check	Surveillance of black markets	Check on money laundering
	More cameras/security measures in public places	Unusual use of electricity	Software tools to trace stolen goods	Reporting mechanism for facilitators/partners
	Information exchange between partners/police agencies/international	Registry for authorities	Online surveillance or to mark websites	The law on money laundering

1 Entry	2 Housing	3 Use of infrastructure	4 Use of infrastructure (communication)
Barriers			
Change of the law	Stop/deny licenses	ID checks	
Face recognition	Control air B&B cities	Surveillance (CCTV) cameras	
Profiling	Information sharing to 'locate' vulnerable	Hotel registrar	
Change identity	Housing checks on hygiene, fire, safety, construction, homeless	Social control	
Identity Numbers consistency (checks)	Using housing legislation	Big data: assessing and layering multiple data	
		Communication	

	5 Commit crime	6 Storage	7 Transport and trade	8 Use gains
	Barriers			
	Cooperation between governmental authorities and companies	Registry for rent information	Apps	Online auction sites Ebay
	Awareness of patterns and trends	GPS tracking device	Increased control on the roads	Suspicious income regulations
	Cooperation and proper legislation of the arriving date companies	Cooperation with storage	Developing ANPR systems	One legal common EU approach
	Running internet apps for communication	Jammer detection	Registration of prepaid sim cards	Deeper investigation - asset recovering
	ANPR	Chop Chop Scrap metals	Lack of legal tools in legislation	No cash regulation in all of the EU
	Physical patrol checks	Environment agency registration	Legislation/check of travellers who travel with bus or train	
		Society information regarding modus used by mobil crime groups in new storage area	Property marking/identification mark	
			International registration scheme	
			Barcode or QR-products	
			Developing common database for institution and administration bodies	
			Protocol / agreement between LEA administration bodies	

2. ISEC Study - Administrative Approaches To Crime. Administrative measures based on regulatory legislation to prevent and tackle (serious and organised) crime. Legal possibilities and practical applications in 10 EU MS

In 2010, during the Belgian EU Presidency, the Council adopted conclusions in which the Informal Network was requested to assess the possibilities to strengthen the exchange of information between administrative bodies and traditional law enforcement organisations. To this end the Dutch Ministry of Security and Justice (coordinator), together with Tilburg University (the Netherlands) and the KU Leuven - University (Belgium), supported by the Belgian Home Affairs Ministry, applied for a grant from the Prevention of and Fight against Crime Programme of the European Commission (ISEC). In 2011, the European Commission awarded this ISEC grant to conduct a “study on the potential for information exchanges between administrative bodies and traditional law enforcement organizations to support the use of administrative measures within EU MS and at EU level”. The underlying report is the result of this ISEC grant.

The study aims to contribute to the existing body of knowledge concerning an administrative approach to crime in the European Union in the following manner. First, it explored the legal options available to national administrative authorities in the selected MS. Options that prevent criminals from misusing the legal infrastructure, such as licensing procedures or tender procedures. This resulted in ten separate country reports (Chapters 2-11), as well as a comparison of those legal options in the ten MS (Chapter 12). Second, it considered the practical application of the legal options available in the selected MS. The results of this empirical study are reviewed in Chapter 13. Chapter 14 explored the potential for information exchange between EU MS in support of an administrative

approach to crime. Last, the conclusions and the way forward were presented in part V of this study (Chapter 15 and 16)³⁰
³¹.

3. Confine



CONFINE stands for: “Towards operational cooperation on local administrative financial investigations in the fight against human trafficking”. In this project, the cities of Genk and Antwerp, the Regional Information and Expertise Centre (RIEC) of Zeeland, West Brabant and East Brabant and KU Leuven joined forces to gain better insight into the phenomenon of human trafficking, more specifically into the administrative and financial indicators, the opportunities for the exchange of information, and how this phenomenon can be tackled locally.

Due to a greater awareness of the phenomenon, local authorities are increasingly confronted with signs of trafficking in human beings on their territory. The displacement effect is related to this. For example, criminal groups are moving from the Netherlands to Belgium, since the Netherlands has been making efforts at administrative level for a number of years. Criminal organisations make flexible use of the limitations of the government, find the path of least resistance, and settle where enforcement is the weakest.

Reports from citizens, city and/or police services often concern specific sectors that are sensitive to trafficking, such as hotel and catering, massage parlours, valet car washes, night shops, fruit picking, transport and construction. Human traffickers must make use of the legal circuit to provide housing for victims of trafficking, for example, or to launder revenues gained from exploitation. The opportunity lies in

the areas where the *underworld* connects with legitimate society, the local government can pick up these signals and take actions to tackle serious and organised crime.

Some of the sectors mentioned are subject to compulsory licensing by local authorities, which includes preliminary investigations such as those concerning the fire safety of the premises, the morality of the operator and finances. However, the financial investigation is often limited to reviewing all claims by the local authorities themselves, which does not always result in the detection of criminal activities and the possible refusal of the operating permit. Buildings plagued by nuisance are subjected to a cadastral investigation and an inquiry into housing quality. Here again the financial investigation is limited to a review of other property of the owner according to the locally available cadastral data.

Because of these shortcomings, human traffickers can use the legal economy to further their illegal activities, sometimes even with government support in the form of subsidies or social assistance.

Both during the granting of the permit and during the execution of the aforementioned activities, an in-depth administrative screening of financial data – including research into legal corporate structures and research into assets and bank account cash flows – reveals indications of trafficking in human beings. After all, nuisance reports and rack-renting are not always directly related to human trafficking, but can be a starting point for a more thorough investigation.

The objective is to be able to screen the listed sectors based on administrative and financial criteria that are indicative of human trafficking, so that traffickers are not given the opportunity to develop their illegal practices or that trafficking in human beings can be detected and/or stopped at an early stage. This is because local authorities have the opportunity to frustrate criminals through administrative measures,

by creating or changing conditions, so that there are fewer possibilities or that such an activity becomes less attractive. This can be done by refusing an operating permit or subsidy and closing business enterprises, without jeopardising the judicial investigation. The administrative approach complements the criminal-law approach. Not all local governments are convinced that they can be of added value in the fight against human trafficking. The aim of CONFINE is also to put the importance of the fight against human trafficking on the map in the local government and to offer these local governments a perspective for taking action^{32 33}.



4. Information Expertise Centra

a. RIEC/LIEC



Tackling organised crime requires a concerted, integrated strategy combining criminal justice, administrative law and tax law measures. The Regional Information and Expertise Centres (RIECs) and the National Information and Expertise Centre (LIEC) reinforce the administrative approach and support the overall integrated strategy.

In the Netherlands, the 10 RIECs and the LIEC support the fight against organised, undermining crime with the aim of

stimulating cooperation and making the government and society more resilient in order to combat undermining.

The RIECs and LIEC do this by:

- › increasing the awareness and resilience of the government and private parties about the problem of undermining crime;
- › supporting and strengthening cooperation within the government and with public-private partners and
- › sharing knowledge and expertise in the field of the administrative and integral approach of undermining crime.

The Regional Centres operate ‘in the field’, in close proximity to and typically at the request of the municipalities dealing directly with criminal activity and its effects. In recent years, municipalities have been given more options for countering organised crime and implementing administrative measures effectively. Because the Regional Centres work with their partners according to the ‘integrated, unless’ principle, this strategy is coordinated at the regional level. The National Centre facilitates and merges the Regional Centres’ efforts, acting as a shared service centre and knowledge hub for the Regional Centres and their partners, i.e. public administration bodies, tax and customs authorities, the police and the criminal justice authorities. At the request of the Regional Centres (or their partners), the Ministry of Justice and Security, mayors and/or national partners, the National Centre also performs a variety of nationwide, supra-regional tasks. The National Centre is also the national desk for administrative and cross-border matters³⁴.

b. ARIEC/PAALCO

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In 2017, the District Regional Information & Expertise Centres (ARIEC/PAALCO) kicked-off in Belgium. These are three-person cells that consist of a criminologist coordinator, a lawyer and an information broker. There are centres in Antwerp, Limburg and Namur. An evaluation on the work of the centres still needs to be carried out.

The centres raise awareness among local authorities to deal with organised crime in their administration and they support the local authorities with legal expertise and with methods that have proven success. They also share knowledge regarding good practices of administrative approach initiatives and ensure that supra-local phenomena that are spread over several municipalities are followed up. The administrative approach can be used preventively, for example by applying the police regulations.

The tasks of an ARIEC/PAALCO consists of:

- › raising awareness of administrative approaches through various initiatives
- › supporting the local authorities and police
- › exchange of information and knowledge between different partners
- › developing expertise
- › developing partnerships and networks

c. EURIEC



Serious and organised crime does not stop at borders. Therefore, to fight it, a cross-border pilot project on the administrative approach, financed by the European Commission, was set up: a Euregional information and expertise centre (EURIEC) for the administrative approach to organised crime. The centre must ensure better cooperation and faster information exchange mainly on an administrative level between Belgium, North Rhine-Westphalia and the Netherlands. This is in addition to the existing cooperation between the police and the Public Prosecution Service across the borders.

The main goal is to give the administrative authorities in the Euregio Meuse-Rhine border region more rapid opportunities to tackle criminals together, by sharing knowledge and information. In addition, the centre can help prevent criminals in the other country from continuing their criminal activities undisturbed.

The establishment of the EURIEC is a direct consequence of the Benelux cooperation in the field of the administrative approach. In 2018 the Dutch Minister of Justice and Security, Ferdinand Grapperhaus, stated: “We are indebted to the Benelux working group on administrative approach, which suggested this pilot in its Tackling Crime Together report. That report mainly addressed the question of how the Benelux and Germany can work together as well as possible in tackling so-called 'outlaw motorcycle gangs'. The European Council and the European Commission embraced the idea for a test. Partners from the Benelux and Germany, who have questions regarding criminals operating across the borders can come to this centre to solve their problems.”

The European Union has made 1 million euros available for the project. The project is scientifically supervised by the universities of Leuven, Maastricht and Cologne and was initially designed for 2 years starting in September 2019. Ideally, the basis for legislative changes should then have been laid in all three countries.

4

Conclusions & Recommendations

When all the administrative approach initiatives were received and analysed it became clear that the administrative approach is developing at different speeds across the EU. In the past years, more and more MS are applying an administrative approach and the effectiveness and successes are becoming more visible. Some MS still do not have the legal infrastructure in place to share relevant information with public authorities, while others are starting to cooperate across borders. One of the main reasons why the Network was created and why this Handbook has been written is to encourage and support these efforts. Therefore, we would recommend using the new definition that emerged out of the definition of the Council Conclusion of 2016 to explain clearly and in a straightforward manner what is understood by an administrative approach tackling serious and organised crime. The accompanying pillars are good indicators of what exactly is needed to implement an effective administrative approach initiative.

When initiatives were withheld from the Handbook it was because they did not use an administrative approach. They only implemented the criminal law or law enforcement instruments. This does not mean that these initiatives were not effective in tackling serious and organised crime. It became clear that the exchange of information and the use of a multi-disciplinary approach was lacking in most initiatives. In most cases, the reason for this is that MS lack the possibilities to exchange information with other agencies. Consequently, local authorities search for creative solutions to exchange information when organised crime phenomena are suspected. However, these creative solutions entail a number of risks, such as the development of different proceedings and the improper use of administrative instruments. Therefore, a national framework is crucial. This can be done by adapting legislation and infrastructure for example by establishing a central organ such as Information Expertise Centres where the local administrations can ask for advice. At the international level it is crucial to continue investigating the exchange of information between MS. If more and more MS exchange information cross-border or on a European level, it would disrupt the displacement effect and make it harder for crime groups to flourish in their activities.

Endnotes

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