

THE COOPERATION BETWEEN EUROPOL AND INTERPOL IN THE FIELD OF COMBATING CROSSBORDER CRIMES

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Abstract

The activities of organized crime networks are now more complex, diverse and international than they have ever been. Terrorists are increasingly inspired by events far from home, and conspire across borders to prepare attacks. Internet-facilitated organized crime will continue to increase in line with uptake of broadband internet and mobile devices, finding new offenders and victims in areas of the world where internet access was previously limited. Despite the best efforts of local and national law enforcement agencies throughout the EU, they cannot succeed in isolation. A multilateral approach is indispensable and EUROPOL's crucial role is increasingly recognized. EUROPOL additionally cooperates externally with 18 non-EU countries, nine EU bodies and agencies and three other international organizations (all listed in this report). Cooperation with INTERPOL and EU agencies such as Eurojust, CEPOL and Frontex greatly enhances EUROPOL's overall reach (General Report on Europol's activities in 2011). INTERPOL, working in conjunction with police in its member countries, carried out 29 operations during 2011. Operations were conducted in all regions of the world and targeted a variety of different crime types. A number of operations were organized and conducted with national and regional law enforcement partners (INTERPOL's annual report for 2011).

Keywords: objective, main functions, mandate, agreements, operations

Introduction

At present, there are many institutions/agencies of the European Union (EUROPOL, Frontex, Eurojust, OLAF, CEPOL, INTERPOL) which are implicated in the activity of preventing and combating cross border crimes. Their mandate is different but their objective is similar.

Taking into account these considerations, we appreciate that one of the most important principles, in establishing the way of action of the European agencies implicated in preventing and combating crimes which affect the EU's interests, is the principle of complementarity. The complementarity of the activities developed by the fore mentioned actors is necessary because on the one hand, in this way the double efforts and the allocation of resources are avoided, and on the other

hand, the actions taken are coordinated. At this moment, EUROPOL has concluded agreements of cooperation with all the agencies fore mentioned. Once with the entering into force of the Council's decision regarding the establishment of a European Police Office, the bases for an efficient cooperation between EUROPOL and the other agencies is set out.

Theoretical Background

The Objective of EUROPOL

Within the European Union, the objective of Europol¹ is to improve co-operation between the competent authorities in the Member States in preventing and combating serious forms of international organized crime, in accordance with Article 2 of the Convention based on Article K.3 of the Treaty on European Union, on the

establishment of a European Police Office (Europol Convention).

The Objective of INTERPOL

We must take into consideration the provisions of Interpol's Constitution, which stipulate that Interpol's aimsⁱⁱ are to ensure and promote the widest possible mutual assistance between all criminal police authorities within the framework of article 2 of INTERPOL's Constitution and the limits of its Article 3 and the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights, and to establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes.

EUROPOL's Mandate

Europol supports the law enforcement activities of the Member States mainly against illicit drug trafficking, illicit immigration networks, terrorism, forgery of money (counterfeiting of the euro) and other means of payment, trafficking in human beings (including child pornography), illicit vehicle trafficking and money laundering. In addition, other main priorities for Europol include combating crimes against persons, financial crime and cybercrime. At present Europol only acts on request and comes into action when an organized criminal structure is involved or a case of terrorism or serious crime has occurred which affects two or more Member States. The recent extension of the mandate means that Europol may support Member States investigations into serious crime that is not necessarily carried out by organized groups; e.g. a serial killer operating in two or more EU countries.

INTERPOL's Mandate

The mandate and the primary task of INTERPOL is to support police and law enforcement agencies in its 186 member countries in their efforts to prevent crime and conduct criminal investigations as efficiently and effectively as possible.

Specifically, INTERPOL facilitates cross border police cooperation and, as appropriate, supports governmental and intergovernmental organizations, authorities and services whose mission is to prevent or combat crime.

Main Functions of EUROPOLⁱⁱⁱ:

Europol's operational center is the generic point for data exchange between Europol, EU Member States and third parties. The operational center performs five main functions:

- Centralized cross-checking service: incoming data is quickly cross-checked against all existing data. Operational information is processed within the Europol system using analysis work files (AWFs), which focus on a given area of crime. If there are hits, this information is consolidated into one analytical report, and rapid feedback, highlighting the links, is given to the providing party so that new trends and developments within the EU's crime landscape can be identified. Around one quarter of operational requests sent to Europol already involve the operational center;
- The operational center can store certain data for a limited period of time with a view to determining

whether such data is relevant to Europol's tasks and can be included in the Europol Information System or analysis work files;

- Analysis support in 'thematic' cases: Investigative data which cuts across several existing analysis projects can now be promptly analyzed by Europol;
- Third party communication: The operational center processes all information exchanged with third parties, ensuring that the data is forwarded to the correct project for further processing, and that the original provider receives a timely and accurate reply;
- Support for policing major events: The operational center coordinates the support that Europol can provide for policing major events, i.e. those internationally prominent sporting, economic, political or cultural gatherings which present a target or opportunity for crime and terrorism. In 2011 this included providing support connected to the Ice Hockey World Championship in Slovakia, EuroBasket in Lithuania preparing for the upcoming UEFA EURO 2012 football championship in Poland and Ukraine and the Olympic Games in London;

The Europol Strategy 2010-2014 continues to be the frame of reference for daily business, ensuring the best support for EU law enforcement cooperation.

Europol is more consistently involved in implementing EU internal security policy, due changes brought about by the Lisbon Treaty, Europol's new legal status as an EU agency since

2010, but also thanks to the agency's own strategy and improved capabilities.

Regardless of new policy possibilities, Europol's primary purpose remains to support the EU law enforcement community, to disrupt and dismantle serious organized crime and terrorist groups. The law enforcement community as a whole needs to continue innovating tools, tactics and policies to keep pace with global developments and stay ahead of the criminals. Europol's vision^{iv} is to contribute to a safer Europe by providing the best possible support to law enforcement authorities in EU Member States. It will achieve this by delivering a unique set of operational services for the European Union developing as the principal:

1. Support center for law enforcement operations
2. Criminal information hub, and
3. Centre for law enforcement expertise.

Europol contributed jointly with Frontex and Eurojust to the first annual review of the Internal Security Strategy presented in November 2011.

INTERPOL's Core Functions^v:

- Secure global police communications services - INTERPOL recently designed and implemented a state-of-the-art global communications system for the law enforcement community which is called "I-24/7". This new communication tool – to which all member countries are already connected – allows for the transmission of information about suspected individuals and crimes to INTERPOL's member countries requiring assistance with ongoing international investigations in a secure manner within real time.

- Global databases and data services - Once police have the capability to communicate internationally, they need access to information which can assist investigations or help prevent crime. INTERPOL has therefore developed and maintains a range of global databases and data services, covering key information such as names, fingerprints, photographs, DNA profiles of individuals under investigation or wanted for arrest as well as data concerning Stolen2 and Lost identification and Travel Documents (SLTD), stolen vehicles, stolen works of art and illicit weapons related to criminal cases.
- Operational police support services - INTERPOL provides specific crime related support through its third core function, the provision of operational police support services. INTERPOL has six priority crime areas: drugs and organized crime, financial and high-tech crime, fugitives, public safety and terrorism, trafficking in human beings (including crimes against children), and corruption. Other crime areas of concern include, *inter alia*, environmental and intellectual property crime. INTERPOL convenes theme-oriented specialized working groups which bring together experts from around the world to share expertise and develop and promote best practice in investigation techniques. INTERPOL also conducts thematic criminal analysis in order to, *inter alia*, detect new crime trends, trace criminal networks, determine modus operandi, and identify perpetrators.
- Training and Development - INTERPOL enhances the capacity of member countries to effectively combat serious transnational crime and terrorism, through the provision of (a) focused police training initiatives and of (b) on-demand advice, guidance and support in building dedicated crime-fighting components with national police forces. The latter includes the sharing of knowledge, skills and best practices in policing through INTERPOL channels and the establishment of global standards on how to combat specific forms of crimes.

Agreements between INTERPOL and EUROPOL

At 11 October 2011, INTERPOL and EUROPOL extended the close collaboration against transnational organized crime with the establishment of a secure communication line between the organizations, as well as endorsing a collaborative operational action plan in key security areas.

Under a signed Memorandum of Understanding, the communication line has linked up the secure networks of both agencies. It will facilitate and simplify the exchange of operational and strategic crime information, including using their respective liaison officers based at Interpol in Lyon and at Europol in The Hague to enhance the flow of intelligence between the agencies.

At 5th November 2011, an agreement between INTERPOL and EUROPOL was signed. The purpose of this agreement was to establish and maintain co-operation between the Parties in combating serious forms of organized

international crime within the field of competence of each Party, according to their constitutional acts.

Moreover, this purpose can be achieved through the exchange of operational, strategic, and technical information, the co-ordination of activities, including the development of common standards, action plans, training and scientific research and the secondment of liaison officers.

Operations involving INTERPOL and EUROPOL's cooperation^{vi}

Operation Opson

Main crime area: Counterfeit food and drink

Participating countries

Bulgaria, Denmark, France, Hungary, Italy, Netherlands, Romania, Spain, Turkey, United Kingdom.

Scope of the operation

Hundreds of tons of fake and substandard food and drink including champagne, cheese, olive oil and tea were seized in this Interpol-Europol coordinated operation across 10 countries, thus disrupting the organized criminal gangs behind this activity. The week-long operation involved police, customs and national food regulatory bodies in addition to partners from the private sector and saw checks carried out in airports, seaports, shops and flea markets across the 10 participating countries.

Operation Opson (meaning food in ancient Greek) had three key aims:

- Raise awareness of the dangers posed by counterfeit and substandard foods
- Establish partnerships with the private sector to provide a

cohesive response to this type of crime

- Protect consumers by seizing and destroying substandard foods and identifying the criminals behind these networks.

Investigations are continuing and the final results from Operation Opson will be released upon their conclusion.

The Democratic Republic of Congo participated as an observer, with a view to conducting a pilot operation in Africa next year.

As a result of international cooperation:

- Law enforcement authorities recovered
 - more than 13,000 bottles of substandard olive oil
 - 30 tons of fake tomato sauce
 - around 77 tons of counterfeit cheese
 - more than 12,000 bottles of substandard wine worth EUR 300,000
 - 5 tons of substandard fish and seafood
 - nearly 30,000 counterfeit candy bars.
- The sale of fake or substandard caviar via the Internet is also under investigation.

Operation Oakleaf

Main crime area: Property crime and fraud

Participating countries

Initially, 12 countries: Belgium, Czech Republic, Denmark, Finland, France, Germany, Ireland, Italy, Netherland, Norway, Sweden, United Kingdom.

These countries joined later: Austria, Portugal, Spain, Switzerland, USA. Interpol is also supporting the case.

Scope of the operation

Operation Oakleaf started in November 2010, on the initiative of Ireland, to target the activities of a mobile organized crime group of Irish origin.

This group has mainly been involved in tarmac fraud, the distribution of counterfeit products (e.g. power tools and generators), organized robbery, money laundering and drugs trafficking in many EU countries.

Recently, these criminals have also started to specialize in the theft and illegal trade of rhino horn, hence the activities of its members now being reported in North and South America, South Africa, China and Australia.

As part of their criminal enterprise this highly organized group is establishing companies all over Europe in an attempt to legitimize and cover their illegal activities. The OCG members have laundered their illegal and undeclared income into properties, new luxury cars and other assets in Ireland. So far EUR 9 million worth of tax demands has been served on nine members of the OCG, with more in the pipeline.

After EU and non-EU law enforcement authorities agreed that a coordinated approach was vital to tackle this group, a meeting was organized at Europol in 2011. The meeting highlighted how dozens of 'minor' cases that have occurred all over the EU are ascribable to this group and a common way forward is being followed to disrupt their activities.

As a result of international cooperation:

- Dozens of arrests took place all over the EU, also thanks to the awareness arisen by the analytical reports issued by Europol.

Operation Icarus

Main crime area: Online child sex abuse file-sharing networks

Participating countries

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Poland, Romania, Slovakia, Spain, Sweden, Switzerland.

Scope of the operation

Law enforcement agencies from 23 European countries, supported and coordinated by Europol, carried out a major crackdown against online child sex abuse file-sharing networks.

The operation targeted those sharing the most severe level of video material, which included babies and toddlers being sexually abused.

Much of the material seized during house searches awaits forensic examination to assess how deeply involved the suspects were in actual child abuse.

Operation Icarus was initiated during a CIRCAMP meeting at the start of 2011.

It was agreed that the National High Tech Crime Unit of the Danish Police (DK NITEC) should be the lead country and carry out the investigations because of its expertise in the peer-to-peer exchange of illegal material through file sharing systems.

As a result of international cooperation:

- So far, 15 December 2011, 'Operation Icarus' has helped to identify 273 suspects and arrest 113 suspects, spread across 23 countries;
- Previously unknown networks of child sex offenders operating on different internet channels have been uncovered;

- Investigations are ongoing and more arrests are expected. Special focus will be on identifying the producers of the material, the molesters and their victims.

Conclusions

Europol has gained an improved position on the EU stage in the last couple of years, partly thanks to the Lisbon Treaty, its new legal status (the Europol Council Decision (ECD)), and the agency's own strategy and improved capabilities.

These developments make Europol a unique cooperation partner for EU law enforcement agencies and also an important contributor to the EU decision-making process. In view of the ever-increasing sophistication of criminal

activity, local or even national efforts to tackle international organized crime and terrorism alone can only enjoy limited success.

However, together with EU Member States and partner organizations, Europol can play an increasingly prominent role in safeguarding EU internal security.

INTERPOL strives to provide the highest quality database services and analytical tools to assist police in the identification of crimes and criminals.

The Organization continues to improve the quality and quantity of available data, enhance investigative capabilities and provide stronger support for member countries in locating and arresting international criminals and fugitives.

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^{iv} Europol Strategy 2010-2014

^v INTERPOL's Annual Report for 2011

^{vi} INTERPOL's Annual Report for 2011 and General Report on Europol's activities in 2011