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# **CRIMINAL THREATS AND EU RESPONSE**

**AN ATLAS OF CRIME TO UNDERSTAND  
THE THREATS, THE RESPONSES  
AND THE PERSPECTIVES**

Foreword by  
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# 1.

## European Union and criminal challenges

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European Union going: what are the perspectives for the safety of citizens?*

### *1.1. Some useful premises*

The description of the criminal threats which affect Europe, the explanation of what is at stake for citizens and how the European institutions are trying to react to them, can be a real “challenge” for a jurist, whose book is meant to be read by non-experts as well, primarily by young people.

I found this task extremely stimulating. I have been working for some time within the European institutions: being a public prosecutor in Italy, with special expertise in the field of organized crime and terrorism, since January 2016 I have been seconded to Eurojust as Italian national member; then, from December 2017 to December 2020, I had been vice-President of Eurojust. Therefore, I decided to take up the challenge: to reconstruct the criminal trends that clearly threaten the EU security, without technicalities, to illustrate what has been done so far to tackle them but also what, in my opinion, the EU can still put in place to enhance the response and the security of the EU citizen, by fully respecting the fundamental principle of the rule of law.

Before going further into the exposition, I need to set out few, and hopefully clear, concepts.

The observation of crime, in general, allows us to understand two main evolutionary lines: the assumption of associative forms, involving the

creation of more or less structured groups, and the development of a transnational dimension.

The first, which has already been established for some time, responds to the logic that “unity is strength” so that even the management of illegal activities is more fruitful when it is carried out collectively rather than individually.

The second is more recent. Criminal markets are increasingly orienting themselves towards “movable” goods: weapons, drugs, toxic-noxious waste, up to human beings (who have become the object of trafficking). The “mobility” of trafficked things – from the countries of production to those of destination – has encouraged the consolidation of synergies between groups, while giving rise to the transnationality that characterizes the modern criminal world <sup>(2)</sup>.

This trend has an impact on the legal field, with a proliferation of laws targeting transnational crimes. What happened regarding trafficking in human beings is a significant example. In the year 2000, less than 10% of States had criminal statutes against this particular crime. In 2015, almost 75% of countries introduced specific laws against the various forms of trafficking in their national legislation.

Thanks to the United Nations Convention against Transnational Organized Crime (2000) we now have a precise legal definition of “transnational crime”. Since 1992, during his speech at the United Nations Commission on Crime Prevention and Criminal Justice, the far-sighted judge Giovanni Falcone wished for the introduction of legislation that fought these forms of organized crime: «The decisive way to fight organized crime implies the existence of a forceful and effective international cooperation and a proper international legislation».

A crime can be defined as transnational when it is committed in more than one State (such as international drug trafficking) – both during its

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(2) In this regard P.L. Vigna, during the presentation of the book by F. SPIEZIA, F. FREZZA e N. M. PACE, *Il traffico e lo sfruttamento degli esseri umani*, Giuffrè, Milan 2002, winner of the Premio Internazionale Borsellino (Borsellino International Award) in 2003.

decision making and/or preparatory or execution phase – or when it involves a criminal group operating in several States <sup>(3)</sup>.

Transnational crimes are normally an expression of organized crime: they are not usually committed by individuals, considering that they require a group of people to operate permanently for illicit purposes.

The international community tried to provide a somewhat global response to this phenomenon. The European Union has also long been committed to supporting the Member States in countering its most dangerous forms, which threaten the safety of people and the integrity of institutional and economic systems.

The initiative of the German Chancellor Helmut Kohl, at the Luxembourg Council in June 1991, was the first sign of the common interest of the Member States in fighting against serious crime: that was the moment when they laid down the conditions so that the fight against drug trafficking and organized crime would also be included among the objectives of the Maastricht Treaty.

The “globalization of crime” was already the focus of the European Union’s Action Plan on the prevention and control of organized crime for the beginning of the new millennium <sup>(4)</sup>: in that document, the insidiousness of criminal groups for their ability to form dangerous alliances inside and outside the European territory was emphasized.

The EU specialized agencies have been long raising an actual alarm: their analyses document an increasingly transborder crime, which operates according to entrepreneurial logic in laundering illicit proceeds.

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(3) The term “transnational crime” was used for the first time during UN’s negotiations in the elaboration of the “Naples Political Declaration and Global Action Plan against Organized Crime” (doc. A/49/748), which was adopted to the outcome of the Ministerial Meeting on organized crime (Naples, November 21-23 1994). It then appeared in following documents and in the preparatory works of the United Nations Convention against Transnational Organized Crime, which contains the definition of transnational crime in its Article 3. The Italian legislation also adopted the category of transnational crime with the law that ratified this Convention (L. n.146/2006, *Gazzetta Ufficiale* n. 85 April 11th, 2006 - S.O. n. 91). A specific aggravating circumstance concerning transnationality was introduced in the Penal Code in Article 61bis (D.Lgs. n. 21/2018).

(4) The Plan was published in GUCE, May 3rd, 2000, n. c/124/1 ss.

This premise is essential to understand why national police forces and judiciaries felt the need to cooperate internationally in the fight against criminal trafficking. Furthermore, the advent and spread of means of digital communications such as electronic devices based on digital technology explains why cooperation must be quick as well to be effective. During the time I was writing this essay some important steps forward have been taken. On July 24, 2020, the Commission has adopted an *EU Security Union Strategy 2020-2025* <sup>(5)</sup> to target actions on priority areas where the EU can bring added value to national efforts. It builds upon the progress achieved previously under the European Agenda on Security 2015-2020 <sup>(6)</sup> and provides a new focus, to ensure that EU security policy reflects the changing threat landscape. In this context, the EU Commission has also decided to launch a new European Strategy against organized crime for the period 2021-2025. The Agenda will be the strategic guiding document for the EU's fight against organized crime for the next five years. It will identify priorities for the action to tackle organized crime and specific initiatives of either legislative or operational nature, as well as actions in the international arena. The Agenda will be accompanied by a *Strategy on Trafficking in Human Beings*.

I am pleased to notice that some of the ideas and proposals reported in this book are in line with the newly developing EU Strategy. I had also the opportunity to express my views during some consultation meetings organized by the EU Commission in view of the adoption of the new strategy against organized crime.

Of course, it will be crucial that good intentions and good plans do not remain on paper, as sometimes happened in the past for EU strategic documents. The case of terrorism is a significant example as reported in this book.

## *1.2. Attack on Europe in 2015*

Even if the spread of crime on a global and transnational scale is not a new phenomenon, however, 2015 was a rather delicate year for the

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(5) COM (2020) 605, 2020.

(6) COM(2016) 230, 2020.

Filippo Spiezia was appointed National Member for Italy in January 2016 and was elected Vice-President of Eurojust in December 2017, exercising his mandate until December 2020.

He began his legal career in 1991 as a Public Prosecutor, and was appointed Anti-mafia Public Prosecutor in 2003. He also worked in the Italian Justice Superior Council as a member of the Scientific Committee, dealing with judicial training for judges and prosecutors.

He served as Deputy National Member for Italy at Eurojust between 2008 and 2012, leaving Eurojust to join the Anti-mafia and Anti-terrorism National Directorate, for which he coordinated several investigations of organised crime and terrorism.

At the National Directorate, Mr Spiezia was in charge of the Unit dealing with international judicial cooperation and was appointed national correspondent for Eurojust.

He is the author of several law books on judicial cooperation and the fight against transnational crime, including THB and corruption.

The Author is fully responsible for the content of this book, the positions expressed are not imputable to Eurojust, the European agency where the Author works.

Mr Spiezia has also an academic experience including lecturing in several Italian Universities and publishing his work in scientific magazines. He has been invited to speak at many national and international conferences on several topics related to EU and international Law.

In 2003, he was awarded the “Falcone and Borsellino Prize” for his legal textbook, Trafficking and exploitation of human beings. He also got an important recognition for his career in 2018, when he was awarded with the XXIII Prize “Paolo Borsellino”. For the results of professional commitments, he was awarded in 2019 with the European Prize for the investigative journalism. In 2020 the International Anti-Piracy Consortium awarded him with the 3rd Anti-Piracy Awards.

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