

## THE DEVELOPMENT OF CRIMINALITY AT THE EUROPEAN UNION LEVEL NOWADAYS

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**Abstract:** *With regard to crime, unceasing efforts are being made at the European Union level, in the context in which the war in Ukraine has given the offenders new levers to use. Equally at present, as always in the past, the conflict situations generate criminality, and its development becomes significant when the stake is high. Both the crisis caused by Covid-19 pandemic and the Russian military aggression against Ukraine, created networks for offenders as well as the suitable ground to relate to. Human trafficking, cyberattacks, online fraud, embezzlement of funds intended for refugees, gun trafficking are threats for which the European Union established its priorities in the fight against organised crime*

**Keywords:** *European Union, criminality, offenders, organized crime, threats, fight against crime.*

### 1. Introduction

Starting from the complexity of the types of criminality, but taking into account the abrupt increase of the index of multiplication of this phenomenon, the normative criminal activity of the European Union has to cover a wide range of illegal activities, with effects in the most diversified fields related to organised crime, human trafficking, child sexual exploitation, cybercrimes, crimes against humanity etc., which presupposes, on behalf of all Member States, the mobilization of all their efforts towards an efficient and persevering fight against all those types of crimes.

The presence of the organised crime groups at the level of all Member States, and their infiltration in the national public structures, mostly by corruption, calls for a higher concern of the European Union regarding its efforts to efficiently fight against the most serious threats.

The enhanced amplitude and dangerousness are supported by the cross-border character, the offenders carrying out their activity by means of the octopus-like crime networks.

This is the reason why the European Union defined its priorities to fight serious and organised crime by means of the "European Multidisciplinary Platform Against Crime Threats" (EMPACT) within which the Member States and the agencies of the European

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Union, as well as other partners outside it, collaborate closely for the breakdown of crime networks.

Based on the contributions of the Member States and with the help of the operational information in its data bases, Europol achieved the most detailed analysis of the nature and amplitude of the criminal threats towards the European Union and its Member States.

It is the Serious and Organised Crime Threat Assessment (SOCTA), describing the criminal markets and the fields of criminality, the criminal networks and the factors generating serious and organised crime.

The offenders rapidly adjust to the new technologies, applying different types of modus operandi in practice and initiate at the same time new action plans. The new technologies are exploited from the criminal point of view, generating a specific criminality, adjusted to the online evolution, as a necessity generated mainly during the Covid-19 pandemic.

Thus, the organised crime groups exploited such opportunities from the criminal point of view, opportunities brought about by the extension of online commerce and by the benefits offered by accessing the crypted communication channels. In this context, the European Union adopted a series of key priorities in the matter of fighting serious and organised crime, that will be enforced during 2022-2025 within the European Multidisciplinary Platform Against Crime Threats (EMPACT), which reflects in the operational activities at the level of the Member States.

## **2. Dimension of organised crime**

Organised crime manifests differently from a state to another, according to the type of crime they turn to, and to the economic, social and political context in which it is manifested.

Organised crime can be regarded from different perspectives. On the one hand, it can be regarded as a criminal organisation or enterprise, with two dominant elements, namely the existence of an organisation as a main subject, respectively its capacity to influence government decision making (Fijnaut, Paoli, 2004, p. 181).

On the other hand, organised crime is regarded as a network, considering the modality of interrelation between the individuals within it, each of them having a well-defined role.

The international legal instruments refer to the concept of criminal organisation, in the sense of a group of persons carrying out permanent illegal activities in order to obtain profit.

Regardless of the approach, organised crime, in its form of manifestation, has the same features, hierarchical organisation, getting of profit, use of force or threat with force, speculation of the public need of services, specialization of services, an occult character (Căşuneanu, 2013, p.17-18).

Organised crime developed alarmingly, acquiring a cross-border character and getting new valences by adjusting the offenders to the needs of the market.

At present, they speak about a globalisation of criminality as a consequence of the phenomenon of globalization (Lefter, 2019, p.65-71). The progress of technology determined the development of organised crime, by offering new perspectives regarding the modus operandi and the application of the abilities possessed by the offenders.

The armed conflicts and the economic crisis are causes of the development of organised crime, the criminal networks speculating and exploiting the vulnerabilities incident to such situations.

### **2.1. The present conflict. The armed conflict and the humanitarian crisis.**

The impact of Russia's aggression war against Ukraine is tremendous with regard to organised crime, such a conflict generating offences such as human trafficking, online fraud, cyberattacks, embezzlement of funds meant for the refugees, gun trafficking.

The European Union, together with the Member States, make unceasing efforts in order to offer military, economic, social and financial support to Ukraine, to defend itself against Russia's armed aggression and to defend its independence, territorial integrity and sovereignty.

Thus, regarding the involvement of the European Union in supporting Ukraine against the aggression war declared by Russia, The Council of the European Union established a mission of military support (EUMAM Ukraine) whose objective consists in the consolidation of the military capability of the armed forces and the increase in the defence of the territory and protection of the civil population.

The European Union vehemently condemns Russia and makes it responsible for crimes against humanity and war crimes, therefore, in order to comply with international humanitarian law, it establishes individual and economic sanctions against Russia.

The armed conflicts and the humanitarian crises are to affect national security and the international one too, with an impact on human security.

The European Union is facing a great challenge, which started at the same time as the Covid-19 pandemic and continues with the war situation in Ukraine, aiming at assuring a good crisis management, consolidating its resilience by its instruments and norms.

The sanitary crisis caused by the Covid-19 pandemic enhanced criminal activity, the law enforcement authorities, together with Europol and the European Anti-Fraud Office (OLAF), cooperating in order to counter the fraud attempts, efforts that were not in vain, as it results from the Europol reports.

As an answer to this crisis, the European Union signalled the need to enhance its resilience for future times, starting from the positive and negative experiences acquired as a result of the Covid-19 crisis, but also as a result of the migration crisis that we continue to face nowadays, as an effect of the war.

### **2.2. Protection of children rights in crisis or emergency situations.**

Both the Covid-19 pandemic and Russia's aggression war against Ukraine represent an extremely high risk regarding the exposure of children to criminality.

The Covid-19 pandemic proved a higher exposure of children to violence, abuses and negligence, in terms of their degree of vulnerability, the promotion of their rights online and offline being imperatively necessary.

The digital environment offers a lot of benefits and risks to which children are exposed and these risks need to be limited so that compliance to their rights, as provisioned in the EU Charter of human rights, is ensured.

In this regard, the Member States have to enhance their efforts to prevent and fight all forms of violence against children and to consolidate their judicial systems so that they respect children`s rights and increase the number of possibilities offered to children to be responsible and resilient members of the digital society.

Fully enforcing the Directive 2011/36/UE on preventing and combating trafficking in human beings and protecting its victims, and Directive 2011/93/UE on combating the sexual abuse and sexual exploitation of children and child pornography, represent important instruments, being rounded by the 2021-2025 EU Strategy on combating trafficking in human beings.

Russia`s aggression war against Ukraine represents another challenge in matter of the protection of children`s rights, especially against their recruitment and use by the army or by other armed forces, and against human trafficking, illegal adoptions, sexual exploitation and separation from their families. (Conclusions of the Council, 2022, p.3).

### **3. European Union priorities in combating organised crime**

By means of the European Multidisciplinary Platform Against Crime Threats” (EMPACT), the EU Member States, the EU agencies and other actors involved, collaborate closely for the breakdown of criminal networks, of their structures and patterns of business, because following the assessment of the threat represented by the serious forms of criminality and by the organised crime within the EU – 2021 (SOCTA), they noticed an increase in criminality, especially by turning to violence, corruption and abuse of legal commercial structures.

In order to protect the European Union against organised crime groups, they established a series of key priorities for 2021-2025 (Conclusions of the Council, 2021, pp. 4-10):

- identification of criminal networks with a high degree of risk and their inactivation, especially those turning to corruption, acts of violence, fire arms and money laundering, by means of some underground parallel financial systems;
- detection of cyberattacks and identification of those offenders who offer online specialised criminal services; the digital transformation of society, amplified as a result of the Covid-19 crisis, determines an increase of cyberattacks inside and outside the EU.

The new strategy of the European Union proposes to ensure strong guarantees for a safe digital environment, by acquiring a strategic autonomy

in the digital field, in this regard, they are to implement three basic instruments regarding the following domains of interest: resilience, technological sovereignty and leadership; operational capacity to prevent, deter and respond; cooperation to advance a global and open cyberspace.

- neutralization of criminal networks involved in human trafficking, these crimes being extremely profitable for offenders but involving huge costs for society. All forms of exploitation are targeted, including exploitation through labour and sexual exploitation.

Among those, sexual exploitation is the most common form of trafficking within the European Union. In the fight against human trafficking, they target especially those networks exploiting minors for forced compliance crimes, that use violence or the threat of violence against victims and their families, and those recruiting the victims online and advertising the online criminal activity.

- combating online and offline child abuse of minors entering this world as well as the production and broadcast of materials which present child abuses and online child sexual exploitation.

At the level of the European Union, the legal framework is established by the EU strategy for a more effective fight against child sexual abuse (2020-2025), aiming at improving the prevention of investigations and support granted to victims.

Nonetheless, in May 2022, the Commission proposed new regulations to prevent and fight child sexual abuse and is working on the implementation of a prevention network for practitioners and researchers, by creating a European centre to prevent and combat sexual child abuse;

- combating criminal networks involved in migrant smuggling networks, namely those offering facilitation services to migrants. The phenomenon of legal migration also determined the occurrence of illegal migration.

The activity of the European Union on migration and asylum supposes the enhancement of its efforts regarding the control of external borders and of migration flows, implementing a European efficient and safe policy in this regard.

The military aggression against Ukraine determined a crisis of migration, that is why the European Union adopts measures regarding the reception of refugees by means of the temporary protection mechanism, thus allowing support to the Member States hosting refugees at the same time;

- neutralization of criminal networks involved in drug trafficking – production, trafficking and distribution of cannabis, cocaine and heroin; production, trafficking and distribution of synthetic drugs and of new psychoactive substances.

The Covid-19 pandemic enhanced the illegal drug market which continues to amplify, representing one of the main sources of income for the organised crime groups within the European Union.

They ascertain an increased availability of drugs on the European market, therefrom the increased use of violence and of social communication platforms, of applications, of the internet and darknet for illegal drug trafficking.

In the fight against illegal drug trafficking, the European Union makes efforts in the matter of enhancement of security, by measures of prevention and deterrence of this type of criminality, by confiscation of the assets resulting from committing such crimes, by performing investigations and by managing the borders, and also by cooperation programmes;

- combating fraud, economic and financial crimes – they target the online fraud systems, the excise products fraud, the intracommunity fraud with "ghost" companies, crimes related to intellectual property, counterfeiting goods and forgery of money, funds resulting from committing crimes and money laundering. In the present context, marked by the use of cryptocurrency, the European Union should ensure financial transparency regarding the exchange of crypto assets.

Thus, the service providers of crypto assets will have the obligation to collect and offer information regarding the initiators and beneficiaries of the transfers of crypto assets carried out by them.

In this regard, in June 2022, there was a conclusion of a temporary agreement with a view to combating the abusive use of crypto assets for money laundering and financing terrorism;

- combating organised crime against assets – especially burglaries, theft and organised burglaries, criminality related to vehicles and illegal trade with cultural assets;
- combating the criminal networks involved in all forms of crimes against the environment – especially those referring to trafficking of waste and wild species of fauna and flora, and also those that have the ability to infiltrate themselves into high level legal commercial structures or to establish their own enterprises to facilitate their crimes;
- neutralization of criminal networks and of the offenders involved in the trafficking, distribution and use of fire arms.

Armed conflicts determined an increase in the demand of fire arms and, as a consequence, in the offer too. In the fight against arms-related criminality, the European Border and Coast Guard Agency (Frontex) devised a handbook on fire arms to be used by the border policemen and by the national customs authorities to fight gun smuggling;

A separately approached priority aims at the fight against document fraud, by targeting the criminal networks and small entrepreneur-type offenders involved in the production of fake and fraudulent documents which are offered to other offenders. Document fraud is considered a threat which is tangential to other crimes, aiding at committing other crimes, representing a distinct criminal activity by itself.

#### 4. Conclusions

Organised crime is a serious threat to the European Union, manifesting beyond the borders, engaging cooperation on behalf of the Member States, with the unceasing support of the enterprises, of the state institutions and of the law enforcement authorities.

The phenomenon continues to amplify and grow, thus generating the need for a steady intervention of the specialised agencies of the European Union, when the security of the states is seriously threatened and human rights are severely violated.

It is extremely important that the laws of the states harmonize, not only by adopting a common terminology, but also a common interpretation and a uniform application of the existing provisions at the European and international levels.

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