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PRIORITIES IN FIGHT AGAINST ORGANIZED CRIME IN EUROPE

*by Aleksandra Ilić**

SUMMARY: 1. Introduction. – 2. The Development of Comprehensive and Efficient System in Fight Against Organized Crime (EMPACT). – 2.1 High-Risk Criminal Networks. – 2.2 Drug Trafficking in Europe. – 2.3 Human Trafficking in Europe. – 2.4 Illicit Firearms Trade in Europe. – 2.5 Some of the Problems in Achieving EMPACT Goals. – 3. International Cooperation in Criminal Matters and Fight Against Organized Crime in Europe. – 4. Law Enforcement Agencies and the Judiciary in Fight Against Organized Crime in Digital Age. – 5. Fight Against Organized Crime in Serbia – Overall Data and EU Commission Analysis. – 6. Conclusion.

1. Introduction

Suppression of organized crime is a very complex process for each country because of the variety of activities that different organized crime groups do and connections between them. The fight against organized crime is even more complicated and with a lot of challenges when the transnational dimension is included.

Today in Europe many of the organized crime groups are poly-criminals engaged in different activities: drug trafficking, migrant smuggling, money laundering, firearms trafficking and many other forms of crime. Exploring the links between those different forms is not an easy task and numerous questions should be analyzed.

One of the most important thing in the suppression of organized crime in Europe is the unique and systematic approach in achieving concrete results, which means the establishment of an adequate system that consists of different aspects. Today in Europe there is a system that is imagined to be comprehensive and efficient in fight against different forms of organized and other serious crimes – the European Multidisciplinary Platform Against Criminal Threats (EMPACT). EMPACT introduces an integrated approach to European Union's (EU) internal security, involving measures that range from external border controls, police, customs and judicial cooperation to information management, innovation, training, prevention and the external dimension of internal security, as well as public-private partnerships where appropriate.

An analysis of the EMPACT building process would provide better insights on the crime situation in Europe during the last 15 years. The present priorities set out in the EMPACT agenda put the focus on relevant institutions, both from EU and non-EU countries, on specific forms of crime and targeting specific related circumstances. The list of actual priorities is long but comprehensive: identifying and disrupting high-risk criminal networks; targeting the criminal offenders orchestrating cyber-attacks; disrupting criminal networks engaged in trafficking in human beings for all forms of exploitation; combating child abuse online and offline; fighting against criminal networks involved in migrant smuggling; identifying and targeting criminal networks involved in the production, trafficking and distribution of cannabis, cocaine and heroin as well as synthetic drugs and new psychoactive substances (NPS); detecting the different forms and aspects of fraud, financial and economic crimes; disrupting criminal networks involved in various forms of organized property crimes and all forms of environmental

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crimes; and, finally, targeting networks and individual criminals involved in the illicit trafficking, distribution and use of firearms.

Aside of EMPACT activities, the cooperation considering the suppression of organized crime between different countries across Europe and – better, around the globe – exists in various forms. Some of them will be mentioned in this paper, but without the ambition to cover them in totality.

Lastly, some notes on the position of Serbia in fight against organized crime within the European context, will be emphasized.

2. The Development of Comprehensive and Efficient System in Fight Against Organized Crime (EMPACT)

The reality of organized crime phenomenon, *i.e.* its transnational dimension, and the complexity of its activities influenced the ways of suppressing it in Europe.

The development of EMPACT began in 2010, when the EU set up “*the EU policy cycle for organized and serious international crime*”. It was a four-year cycle with the aim to create a greater measure of continuity for the fight against serious international and organized crime, which consists of four steps: policy development (EU SOCTA)¹; policy setting; implementation and monitoring (OAPs); and evaluation (Review and Assessment). This EU policy cycle is comprehensively the European Multidisciplinary Platform Against Criminal Threats, better known as “EMPACT”².

Mainly based on the EU SOCTA recommendations, the Presidency and the European Commission drafts policy advisory documents. The Council discusses and identifies a limited number of “EU crime priorities”. Member States volunteer through Standing Committee on Internal Security (COSI)³ to participate in the various “EU crime priorities” as well as in the subsequent steps, in cooperation with the relevant EU institutions and agencies.

After that, a four-year Multi-Annual Strategic Plan (MASP) is developed, containing Common Horizontal Strategic Goals (CHSG), applying to all “EU crime priorities”. The MASP is converted into annual Operational Action Plans (OAPs)⁴ for each crime area and, lastly, each OAP contains a certain number of Operational Actions (OAs).

The initial, limited, EMPACT was implemented between 2012 and 2013. This was followed by two fully-fledged EU policy cycles between 2014-2017 and 2018-2021. Through these different stages, EMPACT has evolved into an EU flagship instrument for multidisciplinary and multi-agency operational cooperation to fight organized crime at

¹ The EU Serious and Organised Crime Threat Assessment (EU SOCTA) is published by Europol based on extensive contributions from Member States, third parties and organizations, Eurojust, EBCGA/Frontex, academics, and from its own work files.

² EMPACT leaflet available at https://home-affairs.ec.europa.eu/document/download/44f4e507-3eb5-419a-a4e2-bf206f448d3e_en?filename=EMPACT%20leaflet%20COM_Ext_Sept%202022.pdf.

³ COSI is composed of members from competent national ministries who are assisted by the permanent representatives to the European Union of the EU countries in Brussels and by the Secretariat of the Council. COSI’s objective is to facilitate, promote and strengthen the coordination of operational cooperation of EU countries in the field of internal security. In this capacity, it acts in a number of different areas, including police and customs co-operation, the protection of external borders and judicial cooperation in criminal matters.

⁴ For each OAP, so-called drivers and co-drivers are appointed who oversee the planning with assistance from national EMPACT coordinators (NECs). Concrete actions are organized for the particular targeted crime areas, leading to joint operational actions days or weeks.

EU level. It calls for robust action to target the most pressing criminal threats facing the European Union⁵.

The EU crime priorities for the cycle 2022-2025 are: “*identifying and disrupting high-risk criminal networks, targeting the criminal offenders orchestrating cyber-attacks, disrupting criminal networks engaged in trafficking in human beings for all forms of exploitation, combating child abuse online and offline, fighting against criminal networks involved in migrant smuggling, identifying and targeting criminal networks involved in the production, trafficking and distribution of cannabis, cocaine and heroin as well as synthetic drugs and new psychoactive substances (NPS), detecting the different forms and aspects of fraud, financial and economic crimes, disrupting criminal networks involved in various forms of organized property crimes and all forms of environmental crimes and finally targeting networks and individual criminals involved in the illicit trafficking, distribution and use of firearms*”.

Among the most recent EMPACT results in fighting against organized crime in Europe, fall those from 2022 within the context of the new EMPACT cycle 2022-2025. In the frame of OAPs, EMPACT led to significant results in 2022, including: “9 922 arrests, identification of 4 019 victims of trafficking of human beings, 3 646 migrant smugglers arrested, over €180 million seized, over 62 tonnes of drugs seized, 9 262 investigations initiated”⁶.

Having in mind the limited length of this paper, some observations and data on few priorities will be provided as a starting point for further discussion.

2.1 High-Risk Criminal Networks

High-risk criminal networks analysis shows that “43 % of the organized crime groups in the EU are structured around a core group, 40 % are hierarchically structured and 17 % are loose networks”⁷. Having in mind the danger of organized crime, it is crucial to scale up the dismantling of organized crime structures and to target both those groups that pose a higher risk to Europe’s security⁸ as well as the individuals in the higher hierarchies of criminal organizations.

It is obvious that scientific interest in organized crime is growing as well as a number of policies aiming at preventing and punishing it. But, unfortunately, little is known about the specific processes that lead to recruitment into organized crime⁹. Etiology of organized crime is still to a great manner unknown area, especially when it comes to personal factors of criminal behavior.

One of the most important way in dealing with high-risk criminal networks and controlling the organized crime activities implies “*freezing and confiscating of criminal*

⁵ *EU Policy Cycle – EMPACT*, available at <https://www.europol.europa.eu/crime-areas-and-statistics/empact>.

⁶ *EMPACT 2022 results*, available at <https://www.consilium.europa.eu/en/policies/eu-fight-against-crime/#how>.

⁷ The EU’s fight against organized crime, see <https://www.consilium.europa.eu/en/policies/eu-fight-against-crime/>

⁸ EMPACT 2022+: “*Such as mafia-type, ethnic and family-based organizations and other structured networks with a special emphasis on those criminal networks undermining the rule of law by using corruption, those who commit acts of violence, including intimidation, and use firearms to further their criminal goals, and those who launder their criminal proceeds through a parallel underground financial system*”, available at <https://www.europol.europa.eu/crime-areas-and-statistics/empact>.

⁹ F. CALDERONI ET AL., *Organized Crime Groups: A Systematic Review of Individual-Level Risk Factors Related to Recruitment*, in *Campbell Systematic Reviews*, Vol. 18, No. 1, 2022, pp. 1-87.

money”. In that sense, “the EU is taking action to better equip member states in their fight against organized crime and their illegal profits”. On 9 June 2023, the Ministers of Justice have agreed on the Council’s position regarding a draft directive on asset recovery and confiscation. The draft sets minimum rules with respect to criminal property in terms of: “tracing, identification, freezing, confiscation and management”. On 12 December 2023, the Council and the European Parliament agreed on a common position on the provisions to freeze and confiscate criminal money and these rules were adopted by the Council on 12 April 2024¹⁰.

2.2 Drug Trafficking in Europe

According to the Eurojust data on drug trafficking, in 2023 there were “2.462. cases: 1. 137 new cases and 1.325 ongoing from previous years. Also were organized 67 Joint Investigation Teams: 21 new and 46 ongoing, 105 case-specific coordination meetings and 7 coordinated action days”¹¹. Data from the Eurojust casework on drug trafficking 2016-2020 show that “during the observing period were a steady increase in case numbers of drug trafficking cases”. Most of the cases registered involved the trafficking of cocaine and cannabis. Very important is the third countries’ involvement in Eurojust drug trafficking cases which has steadily increased since 2016. Among the top 10 non-EU States involved in this Eurojust drug cases is Serbia (on third position)¹².

On the other side, according to European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) data, “Europe remains a production region for cannabis and synthetic drugs; cannabis production is generally for European consumption, while synthetic drugs are also manufactured for non-EU markets”.

In 2021, a total of 434 illicit synthetic drug production laboratories, including some large-scale facilities, were dismantled in the EU. Compared with 2020, in 2021 the number of laboratories dismantled for producing cocaine and methamphetamine increased, remained stable for amphetamine, while a slight decline was seen for synthetic cathinones sites. The detection of MDMA sites also decreased by a quarter, possibly reflecting a move towards the production of other synthetic substances. While not common, combination laboratories or multiple-drug production sites also continued to be detected between 2017 and 2020¹³.

The organized crime groups involved are becoming more specialized and more fully interconnected. The overall rate of change is accelerating, and one reason for that is globalisation¹⁴. On the other side, globalisation in the operational methods used by organized crime groups appears to be an important facilitator of high drug availability in Europe. There is evidence of a closer involvement of European drug producers and traffickers with international criminal networks, resulting in more resilience in the flows

¹⁰ EU Council, *The EU’s Fight Against Organized Crime*, <https://www.consilium.europa.eu/en/policies/eu-fight-against-crime/>.

¹¹ Eurojust, *Drug Trafficking*, <https://www.eurojust.europa.eu/crime-types-and-cases/crime-types/drug-trafficking>.

¹² Eurojust, *Eurojust casework on drug trafficking 2016-2020*, <https://www.eurojust.europa.eu/crime-types-and-cases/crime-types/drug-trafficking>.

¹³ EMCDDA, *European Drug Report 2023: Drug supply, production and precursors – the current situation in Europe*, 2023. This report is based on information provided to the EMCDDA by the EU Member States, the candidate country Türkiye, and Norway, in an annual reporting process.

¹⁴ Europol, *Drug Trafficking*, <https://www.europol.europa.eu/crime-areas/drug-trafficking>.

of illicit drugs into and out of the EU¹⁵. The large EU drug market also intersects with, and has a significant impact on other crime areas, such as the trafficking in firearms and money laundering¹⁶.

2.3 Human Trafficking in Europe

According to the EU Commission, “37% of the victims of trafficking in the EU are EU citizens, and a significant number of them are trafficked within their own country. However, non-EU victims have increased in recent years and they now outnumber victims with an EU citizenship. The majority of victims in the EU are women and girls who are mainly trafficked for sexual exploitation. The ratio of male victims has more than doubled in the last years”¹⁷.

The aim of the EMPACT priority in the context of human trafficking is to disrupt criminal networks engaged in trafficking in human beings for all forms of exploitation, “including labour and sexual exploitation, and with a special focus on those who exploit minors for forced criminality or those who recruit and advertise victims online, and are serviced by brokers providing digital services”¹⁸.

The most common forms of trafficking in the EU are “sexual exploitation” and “labour exploitation”. Most traffickers in the EU are “EU citizens and often of the same nationality as their victims and more than three quarters of perpetrators are men”.

Trafficking in human beings is often linked with other forms of organized crime such as migrant smuggling, drug trafficking, extortion, money laundering, document fraud, payment card fraud, property crimes, cybercrime and other. This complex criminal phenomenon continues to be systematically addressed in a wide range of EU policy areas and initiatives from security to migration, justice, equality, fundamental rights, research, development and cooperation, external action and employment to name a few¹⁹.

In 2022, the EU Commission presented a proposal to strengthen the EU rules to prevent and combat trafficking in human beings which are part of the Directive 2011/36/EU²⁰ which establishes “minimum rules concerning the definition of criminal offenses and sanctions, common provisions to strengthen victim’s protection, assistance and support, as well as prevention and key actors to fight against the crime”.

The updated rules will provide stronger tools for law enforcement and judicial authorities to investigate and prosecute new forms of exploitation, as well as the people who use the services provided for by the victims of trafficking, while knowing that these persons are trafficked. The revision of the Anti-trafficking Directive “will update and

¹⁵ EMCDDA, *European Drug Report 2023*, cit. Various countries in South America, West and South Asia and North Africa remain important source areas for illicit drugs entering Europe, while China and India remain important source countries for new psychoactive substances, with India’s role possibly becoming more important for some substances.

¹⁶ Europol, *EU Drug Markets Analysis: Key insights for the policy and practice*, 7 March 2024, p. 10.

¹⁷ European Commission, *Together Against Trafficking in Human Beings*, https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings_en.

¹⁸ Europol, *EU Policy Cycle*, <https://www.europol.europa.eu/crime-areas-and-trends/eu-policy-cycle-empact>.

¹⁹ European Commission, *Together Against Trafficking in Human Beings*, cit.

²⁰ Directive 2011/36/EU of the European Parliament and of the Council, of 5 April 2011, *on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*, in *OJ L 101*, of 15 April 2011.

*further harmonize the EU legal framework, with the specific aim of facilitating cross-border cooperation in cross-border cases*²¹.

2.4 Illicit Firearms Trade in Europe

Organized criminal groups often rely on the availability of weapons to carry out their activities. However, the firearms market in the EU remains modest in size. Trafficking occurs on a small scale, and the trafficked weapons are intended for either personal use or to meet specific orders. Weapons trafficking is almost exclusively a supplementary rather than a primary source of income for the small number of organized criminal groups involved²².

The weapons and organized criminal groups involved in weapons trafficking primarily originate from the Western Balkans as well as outlaw motorcycle gangs who are also involved in the trafficking of weapons. Organized criminal groups use existing criminal routes to traffic weapons²³.

Illicit firearms trafficking is connected to other forms of organized crime. Europol's European Counter-Terrorism Centre (ECTC) supports Member States in information-sharing and operational cooperation with regard to monitoring the traffic in illegal firearms in the context of anti-terrorism²⁴. In addition, Europol's European Migrant Smuggling Centre (EMSC) is seeking to identify and analyse links between the facilitation of illegal migration and other crime areas, including firearms trafficking²⁵.

2.5 Some of the Problems in Achieving EMPACT Goals

Although EMPACT already delivers significant operational results, for instance in terms of drugs seized or criminals arrested, it is currently not used to its full potential. Its complexity, lack of awareness among front line officers and insufficient funding do not always ensure the ownership and active involvement of Member States and external partners, and hamper the development of more complex operations that would more significantly harm organized crime groups²⁶.

The *EU Strategy to tackle organized crime 2021-2025*²⁷ stated insufficient utilization of the EMPACT and proclaims its transformation into the main one EU instrument for multidisciplinary and multiagency operational cooperation in combat against organized

²¹ European Commission, *Legal and Policy Framework*, https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/legal-and-policy-framework_en.

²² EU Commission, *Study to Support an Impact Assessment on Options for Combating Illicit Firearms Trafficking in the European Union – Final Report*, 2016.

²³ Europol, *Illicit Firearms Trafficking*, <https://www.europol.europa.eu/crime-areas/illicit-firearms-trafficking>.

²⁴ Europol, *European Counter-Terrorism Centre (ECTC)*, <https://www.europol.europa.eu/about-europol/european-counter-terrorism-centre-ectc>.

²⁵ Europol, *European Migrant Smuggling Centre (EMSC)*, <https://www.europol.europa.eu/about-europol/european-serious-and-organised-crime-centre-esocc/european-migrant-smuggling-centre-emsc>.

²⁶ Eurojust, *International cooperation in drug trafficking cases with third countries – Practical experiences of Liaison Prosecutors at Eurojust*, April 2024, especially p. 17 on Serbia.

²⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, of 14 April 2021, *on the EU Strategy to tackle Organized Crime 2021-2025*, COM/2021/170 final.

crime at the EU level²⁸. Finally, the Commission, together with the European External Action Service, will promote “*the increased association of third countries to EMPACT activities, and promote the development of the EMPACT methodology outside the EU, tailored to operational needs*”²⁹. In the context of suppression of organized crime and the role of third, non-EU countries – for example countries that are in the process of joining the EU, which also include Serbia among others – association is listed as a priority agreement between the mentioned countries and the EU with respect to the exchange of personal data with Europol experts and judicial cooperation with Eurojust.

3. International Cooperation in Criminal Matters and Fight Against Organized Crime in Europe

Considering the undoubted transnational character of organized crime, for its effective control and criminal prosecution of their holders it is necessary to undertake operational activities and evidentiary actions in several countries, that is, jurisdictions, which inevitably imposes the need for the application of existing and the development of new models and mechanisms of international cooperation in criminal matters (ICC). This need, as one of the strategic goals, is recognized in the texts of the larger number of security strategies, both of regional organizations, such as the EU, and national strategies, which results in the adoption of relevant international ones legal documents, and national regulations that regulate ICC³⁰.

The *EU Strategy to Tackle Organized Crime for the Period 2021-2025*³¹ represents the first targeted strategy on organized crime since the entry into force of the Lisbon Treaty, building on the goals and strategic commitments contained in the EU Strategy for a secure Union. The importance of international criminal justice cooperation for the control of organized crime is emphasized in the first Chapter of the Strategy entitled “*Boosting law enforcement and judicial cooperation*”, i.e. strengthening operational (police) and judicial cooperation in criminal matters. In the introductory part of the Strategy it is stated that transnational threats, as well as the changes in the way organized criminal groups work, require a coordinated, more directed and adaptive response, and that their acting on EU level and global partnerships is key to effective cooperation and information exchange and knowledge among national authorities, with the support of common criminal law framework and adequate financial resources.

Through EMPACT, Member States and their partners carry out over 200 Joint Operational Actions (JOAs) every year³², aimed at fighting organized crime, for instance “*developing a criminal intelligence picture on EU crime priorities, building law enforcement capacities to target specific crimes, reinforcing cooperation with international partners, carrying out prevention activities, joint investigations against specific crime phenomena or specific criminal groups, and addressing the methods of these criminal groups to launder money, commit crimes online or obtain fraudulent documents*”. Hereby will be mentioned some of the most recent and important JOAs.

²⁸ B. BANOVIĆ, A. ILIĆ, *Međunarodna krivičnopravna saradnja kao strateško opredeljenje u kontroli organizovanog kriminala i terorizma*, in *Međunarodni problemi*, Vol. 75, No. 4, 2023, p. 580.

²⁹ *EU Strategy to tackle Organized Crime 2021-2025*, cit.

³⁰ B. BANOVIĆ, A. ILIĆ, *op. cit.*, p. 576.

³¹ *EU Strategy to tackle Organized Crime 2021-2025*, cit.

³² See <https://www.eurojust.europa.eu/empact>.

Some of the recent joint actions in suppression firearms trade as part of the EMPACT, were announced at the end of April³³. It consisted of a German-Spanish investigation, supported by Europol, which targeted a criminal network involved in the trafficking of drugs and firearms. The leader of the network coordinated the criminal activities from Spain, where he had established his base and hence was considered a high value target in this investigation. The gang is suspected of trafficking large amounts of cannabis and cocaine from Málaga, Spain, to Germany. The group also smuggled weapons along the same route.

Between 13 and 18 November 2023, law enforcement authorities across Europe joined forces to target “*firearms trafficking, drug trafficking, migrant smuggling and trafficking in human beings, and high-risk criminal networks*” during coordinated EMPACT Joint Action Days South East Europe (EMPACT JAD SEE). In total, 26 countries across Europe, supported by Europol, Eurojust, Frontex, INTERPOL and a number of international structures, took part in these large-scale coordinated operational activities³⁴. Serbia was also part of this activity.

4. Law Enforcement Agencies and the Judiciary in Fight Against Organized Crime in Digital Age

With the aim to straighten the readiness of law enforcement agencies and judiciary to answer the various organized crime activities both in domestic and international frame (together EU and non-EU countries), it is important to improve several dimensions of that process, which are emphasized in *EU Strategy to Tackle Organized Crime 2021-2025*³⁵. These dimensions are: “*access to digital leads and evidence, effective tools and technologies and improving access to skills, knowledge and operational expertise*”.

The *EU Strategy to Tackle Organized Crime 2021-2025* put the accent on the fact that the search for leads and evidence, including lawful access to communications data, is the “*cornerstone of law enforcement investigations and prosecutions*”, bringing criminals to justice. Investigations of organized crime commonly require access to electronic communications data to make a link between the crime, the perpetrator and their victims, as well as to trace criminal networks³⁶.

Another problem is “*encryption*”, which is essential to the digital world, securing digital systems and transactions and also protecting a series of fundamental rights, including freedom of expression, privacy and data protection, but it is also used for criminal purposes, concealing the identity of criminals and hiding the content of their communications³⁷.

Some of the key actions of different organizations to improve the fight against organized crime, as stated by the Commission, are connected to the activities of EUROPOL, CEPOL and the European Parliament and Council. These include the coordination of a comprehensive analysis of technological gaps and needs in the

³³ Europol, *High-ranking Hells Angels Member Busted in Drug Trafficking Operation in Marbella*, 29 April 2024, <https://www.europol.europa.eu/media-press/newsroom/news/high-ranking-hells-angels-member-busted-in-drug-trafficking-operation-in-marbella>.

³⁴ Europol, *566 Arrests in Week of Coordinated Actions in Southern Europe*, 30 November 2023, <https://www.europol.europa.eu/media-press/newsroom/news/566-arrests-in-week-of-coordinated-actions-in-southern-europe>.

³⁵ *EU Strategy to tackle Organized Crime 2021-2025*, cit.

³⁶ *Id.*, Annexes.

³⁷ *Ibid.*

domain of digital investigation; the creation of certification/accreditation schemes for digital investigation experts; the adoption of the e-evidence proposals to ensure speedy and reliable access to e-evidence for authorities³⁸.

Some of the instruments that were introduced with the aim to facilitate the fight against organized crime, mostly at European level are: “*European Investigation Order (EIO), The European Arrest Warrant (EAW), Joint Investigation Team (JIT)*” and many others. Also, the specific instruments which Eurojust established with some third countries should be mentioned, such as: “*Strategy on cooperation, Liaison Prosecutors, Agreements on Cooperation, Contact Point Network and Working Arrangements*”. The paper will refer to a few of them in a more detailed way.

The JIT is one of the most advanced tools used in international cooperation in criminal matters, comprising a legal agreement between competent authorities of two or more States for the purpose of carrying out criminal investigations. Made up of prosecutors and law enforcement authorities as well as judges, JITs are established for a fixed period, typically between 12 and 24 months, such as is necessary to reach successful conclusions to investigations. It is a simplified cross-border judicial surrender procedure which is applied in all Member States of the European Union³⁹.

The EAW is issued by a judicial authority in a first Member State (issuing Member State) to a judicial authority in a second requested Member State (executing Member State) for the purposes of a criminal prosecution or the execution of a custodial sentence⁴⁰.

The EIO is a judicial decision issued in or validated by the judicial authority in one EU country to have investigative measures to gather or use evidence in criminal matters carried out in another EU country. It is valid throughout the EU, but does not apply in Denmark and Ireland. The EIO is based on mutual recognition, which means that the executing authority is, in principle, obliged to recognize and ensure execution of the request of the other country. The EIO was established by Directive 2014/41/EU⁴¹.

The Directive creates a single comprehensive framework for obtaining evidence. The investigative measures include, for instance, “*the hearing of witnesses, telephone interceptions, covert investigations and information on banking operations*”. Eurojust provides support and advice to national authorities across the full life cycle of the EIO, from drafting to the execution phase⁴². In one recent case, it occurred a dilemma on the use of the EIO, regarding the application for obtaining evidence already in the possession of the competent authorities of the executing State and the conditions for issuing an EIO about encrypted telecommunications. In the *M.N.* judgment (*EncroChat*) the Court of Justice stated that EIO for the transmission of evidence already in the possession of the competent authorities of the executing State does not need to be issued by a judge where, under the law of the issuing State, in a purely domestic case in that State, the initial

³⁸ *Ibid.*

³⁹ Council Framework Decision, of 13 June 2002, *on joint investigation teams*, in OJ L 162, of 20 June 2002. The most recent Eurojust assistance was about support for the Greek and Serbian authorities in dismantling a drug trafficking network allegedly involved in the murder of four members of a rival gang in Greece. In total, ten suspects were arrested in Serbia, Greece and Spain for the murders, which took place in 2020. Eurojust also supported and funded a joint investigation team (JIT) between Greece and Serbia to dismantle the organized crime group.

⁴⁰ Council Framework Decision 2002/584/JHA, of 13 June 2002, *on the European arrest warrant and the surrender procedures between Member States*, in OJ L 190, of 18 July 2002.

⁴¹ Directive 2014/41/EU of the European Parliament and of the Council, of 3 April 2014, *regarding the European investigation order in criminal matters*, in OJ L 130, of 1 May 2014.

⁴² Eurojust, *Report on Eurojust's Casework in the Field of the European Investigation Order*, November 2020. The report clearly indicates that the EIO is not yet functioning as a well-oiled machine. There are still several ongoing issues encountered throughout the life cycle of the EIO.

gathering of that evidence would have had to be ordered by a judge, but a public prosecutor is competent to order the transmission of that evidence⁴³.

Unlike the previous instruments, “Liaison Prosecutors” come from non-EU countries and are posted at Eurojust, based on an agreement on cooperation with the respective country. They work side by side with their colleagues from Member States to provide support in cross-border investigations involving their country. In the interest of facilitating judicial cooperation between Eurojust and the third country, “Liaison Prosecutors” have access to Eurojust’s operational tools and facilities, including the use of office space, the conference centre, support by Eurojust’s staff and secure telecommunications services. The national authorities of the third countries determine the mandate and duration of each posting. Serbia’s “Liaison Prosecutors”: Eurojust and Serbia signed a Cooperation Agreement in November 2019, with the first LP taking up duties in March 2020. Between 2019 and 2023, Serbia has been involved in 86 drug trafficking cases (requesting and requested country) and participated in 26 coordination meetings, 4 JITs and 2 coordination centres⁴⁴.

5. Fight Against Organized Crime in Serbia – Overall Data and EU Commission Analysis

According to Global Organized Crime Index data from 2023⁴⁵, Serbia continues to be “a source, transit and destination country for victims of human trafficking. Serbian women and children are subjected to sex trafficking, including child marriage, in neighbouring countries, while men are usually trafficked for forced labour, mainly in the constructing industry”.

Because of the location of Serbia on the Balkan migrant route, human smuggling became a country’s long-running issue and there is a lot of criminal groups involving involved in these activities. In the context of firearms trade, Serbia remains one of the major weapons producers in Eastern Europe and firearms are diverted into the illegal market. Because of the improved border control and other factors, the traffic level is in decline, but the market for firearms is still significant⁴⁶. Concerning drug trade and market in Serbia, the heroin trade remains the most pervasive drug market, mostly as a transit country to the West, with collaboration between criminal organizations. For cocaine trade, Serbia is a transit and destination country. Cannabis is the most commonly used illegal drug in Serbia, but the country also serves as a transit area. Serbia is one of the main hubs for synthetic drugs in Eastern Europe⁴⁷.

Fight against organized crime in Serbia is regularly analyzed by the EU Commission through annual reports. In the European Commission 2023 report⁴⁸ it was stated that Serbia made limited progress in addressing recommendations from the 2022 report, in particular on detection and prevention of migrant smuggling and trafficking in human

⁴³ Court of Justice (Grand Chamber), Judgment of 30 April 2024, Case C-670/22, *M.N.*

⁴⁴ Eurojust, *International Cooperation in Drug Trafficking Cases with Third Countries – Practical Experiences of Liaison Prosecutors at Eurojust*, April 2024.

⁴⁵ Global Organized Crime Index, available at <https://ocindex.net/country/serbia>.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ Commission staff working document, of 8 November 2023, *Serbia 2023 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 Communication on EU Enlargement policy*, SWD(2023) 695 final.

beings⁴⁹. The number of new investigations and indictments increased; first instance and final convictions (in particular money laundering) decreased. Extended confiscation is not systematically applied.

Proactive criminal investigations and the systematic tracking of money flows, especially in cases of inexplicable wealth, are still not common practice. However, the understanding and the investigation approach have improved, and police, prosecutors and criminal judges are aware of the importance of consistently applying a “follow the money to find the crime” approach and using circumstantial evidence⁵⁰.

Serbia is late in conducting an analysis of the roles and practices of security services and of the National Security Council in carrying out criminal investigations relating to serious and organized crime, although preparatory works have started. There is well-established cooperation with CEPOL, Eurojust, Europol and Interpol, notably on weapons trafficking, drugs trafficking, and the fight against high-profile organized crime groups. Serbia needs to further increase the technical, financial and human resources capacity of the Prosecutor’s Office for Organized Crime to perform its duties in an independent manner (including premises to accommodate new staff). Further, Serbia should adapt its approach from one based on individual cases to a strategy against criminal organizations, and from focusing on cases of low or medium importance to high-profile cases, with the aim to dismantle big and international organizations and seizing assets⁵¹.

The importance of promoting EMPACT goals in fighting organized and other forms of serious crime in Serbia is visible through different activities that have been organizing lately on various occasions. Some of them were mentioned before.

6. Conclusion

Having in mind the state of organized crime activities according to official data from different reliable sources, there is no doubt that the fight against organized crime in general remains one of the European priorities. Cooperation between different organized criminal groups is a constant process which makes it difficult for the law enforcement agencies and judicial authorities to deal together with different forms of crime. Usually it is about the connection between drug trafficking, migrant smuggling, money laundering, firearms trafficking and many other forms.

In this paper some general observations were made in the context of the most present forms of organized crime activities, which are, according to data available from different EU stakeholders, focus of joint activities that are undertaken as within EU territory, but also in collaboration with third countries. The common thread that connects these activities and countries in Europe is EMPACT as a very complex platform which is in a constant progress. One of the countries active in that sense is Serbia – especially in recent period – in the context of fight against drug trafficking and illicit firearms trafficking.

Instruments of law enforcement and judicial cooperation between countries in Europe are necessity in international cooperation in criminal matters, but a lot of challenges in

⁴⁹ During 2022, in the fight against organized crime, Serbia has shown some level of preparation. Limited progress was made over the reporting period. Commission staff working document, *Serbia 2022 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2022 Communication on EU Enlargement policy*, SWD/2022/338 final.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

their application arise occasionally, as it is the case with the recent dilemma regarding the use of EIO in criminal matters for the transmission of evidence.

Improvement of aforementioned activities and use of different instruments of law enforcement and judicial cooperation also implies raising awareness of its importance among professionals as well as in public in general.

ABSTRACT

Suppression of organized crime is a very complex process for each country because of the variety of activities that different organized crime groups do and connections between them. The fight against organized crime is even more complicated and with a lot of challenges when the transnational dimension is included. Today in Europe many of the organized crime groups are poly-criminals engaged in different activities: drug trafficking, migrant smuggling, money laundering, firearms trafficking and many other forms of crime. Exploring the links between those different forms is not an easy task and numerous questions should be analyzed. In this paper the author starts from the goals placed in the European Multidisciplinary Platform Against Criminal Threats (EMPACT), which introduces an integrated approach to EU internal security, involving measures that range from external border controls, police, customs and judicial cooperation to information management, innovation, training, prevention and the external dimension of internal security, as well as public-private partnerships where appropriate. The author analyzes from different angles the priorities for the fight against serious and organized crime set up in EMPACT. These priorities are: identifying and disrupting high-risk criminal networks, targeting the criminal offenders orchestrating cyber-attacks, disrupting criminal networks engaged in trafficking in human beings for all forms of exploitation, combating child abuse online and offline, fighting against criminal networks involved in migrant smuggling, identifying and targeting criminal networks involved in the production, trafficking and distribution of cannabis, cocaine and heroin as well as synthetic drugs and new psychoactive substances, detecting the different forms and aspects of fraud, financial and economic crimes, disrupting criminal networks involved in various forms of organized property crimes and all forms of environmental crimes and finally targeting networks and individual criminals involved in the illicit trafficking, distribution and use of firearms. The last-mentioned priority is of special importance because firearms trade facilitates the other forms of organized crime, but also some other serious criminal activities such as terrorism. So, the author will pay more attention to the analysis of its suppression. At the end the author points to the importance of promoting these activities in public and gaining wide support for their implementation.

KEYWORDS

EMPACT, European Union, Judicial Cooperation, Organized Crime, Police Cooperation.

PRIORITÀ NELLA LOTTA AL CRIMINE ORGANIZZATO IN EUROPA

ABSTRACT

La repressione del crimine organizzato è un processo molto complesso per ogni paese a causa della varietà di attività che i diversi gruppi di criminalità organizzata svolgono e delle connessioni tra di loro esistenti. La lotta contro la criminalità organizzata è ancora

più complicata e presenta molte sfide se poi si include la dimensione transnazionale. Oggi in Europa molti dei gruppi di criminalità organizzata sono “policriminali” impegnati in diverse attività: traffico di droga, traffico di migranti, riciclaggio di denaro, traffico di armi da fuoco e molte altre forme di reati. Esplorare i legami tra queste non è un compito facile e numerosi quesiti dovrebbero essere oggetto di analisi. In questo articolo l’autore parte dagli obiettivi posti nella Piattaforma multidisciplinare europea contro le minacce criminali (EMPACT), che introduce un approccio integrato alla sicurezza interna dell’UE e che prevede misure che vanno dai controlli alle frontiere esterne, alla cooperazione di polizia, doganale e giudiziaria alla gestione delle informazioni, all’innovazione, alla formazione, alla prevenzione e alla dimensione esterna della sicurezza interna, nonché ai partenariati pubblico-privato ove opportuno. L’autore analizza da diverse angolazioni le priorità per la lotta alla criminalità grave e organizzata istituite in EMPACT. Tali priorità sono: individuare e smantellare le reti criminali ad alto rischio, individuare gli autori dei reati che orchestrano gli attacchi informatici, smantellare le reti criminali coinvolte nella tratta di esseri umani per tutte le forme di sfruttamento, combattere gli abusi sui minori online e offline, combattere le reti criminali coinvolte nel traffico di migranti, individuare e smantellare le reti criminali coinvolte nella produzione, nel traffico e nella distribuzione di cannabis, cocaina ed eroina, nonché le droghe sintetiche e le nuove sostanze psicoattive, individuando le diverse forme e aspetti della frode, dei reati finanziari ed economici, smantellando le reti criminali coinvolte in varie forme di reati contro la proprietà organizzata e tutte le forme di reati ambientali e, infine, prendendo di mira le reti e i singoli criminali coinvolti nel traffico, nella distribuzione e nell’uso illeciti di armi da fuoco. Quest’ultima priorità è di particolare importanza perché il commercio di armi da fuoco facilita altre forme di criminalità organizzata, ma anche altre gravi attività criminali come il terrorismo. Quindi, l’autore presterà maggiore attenzione all’analisi della sua soppressione. Nella parte conclusiva dello scritto l’autore sottolinea l’importanza di promuovere queste attività in pubblico e di ottenere un ampio sostegno per la loro attuazione.

KEYWORDS

Cooperazione Giudiziaria, Cooperazione di Polizia, Crimine Organizzato, EMPACT, Unione Europea.