

## European program

### 2010 Highlights

In 2010, the European Program targeted its efforts in three main areas: (1) preparation of the methodology for organized crime threat assessment and analysis of organized crime markets in Bulgaria, (2) study of the dynamics and trends of conventional crime in Bulgaria; (3) research related to security issues in all 27 EU member states

- **Organized crime threat assessment in Bulgaria and the European Union.** Study of best practices in developing methodological tools and preparation of the first annual report on organized crime threat assessment in Bulgaria.
- **Monitoring and prevention of conventional crime.** Carrying out of a National Crime Survey 2010 and public presentation of its findings.
- Expanding the area of research and participation at a European level in the development of **policies in the area of justice and home affairs.** After the presentation of the report on the Links between Organized Crime and Corruption in all 27 EU member states before the European Commission, European Parliament and Bulgarian public, a study was carried out on best practices in the cooperation between border guards and customs administrations working at the external borders of the European Union.

### I. Organized crime threat assessment

Organized crime threat assessment is a priority area for the European Program. The lack of methodological tools to assess the dynamics and threats of organized crime in Bulgaria makes law enforcement inefficient, hinders political decisions in the security sector and leads to bad results in operative work due to undefined priorities when it comes to directing resources to the most critical area. On the other hand, the solving of this problem will make Bulgaria a more reliable partner and will increase the country's contribution in the analysis and prevention of organized crime at a European level.

Over the past year an emphasis was placed on building an efficient partner-

ship, setting up an interagency working group, increasing the knowledge of the members of the working group through studying best practices in leading in the area of threat assessment European countries, researching criminal markets in Bulgaria and creating a solid basis for the development of a methodology for Bulgarian organized crime threat assessment. Permanent partnership was established with Europol, the UK Serious Organized Crime Agency (SOCA), the Criminal Police of Austria, Belgium, Germany and the Netherlands as well as the Customs Administration of Sweden.

In the period February – May a four day training workshop was conducted in London as well as four one day seminars were organized and carried out in



*Thomas Schulte, Criminal Police of the North-Rhine Westphalia Province (Germany) at the seminar Methodology of Organized Crime Threat Assessment in the North-Rhine Westphalia Province, May 10, 2010*

Sofia. During the workshop in London, hosted by the Serious Organized Crime Agency, the members of the working group were presented in detail with

the UK threat assessment methodology and the requirements that are met in the development of an organized crime threat assessment report.



*Richard Landman, Senior Analyst of the Netherlands' Police Agency's Department of International Police at the seminar Methodology for Organized Crime Threat Assessment in the Netherlands, April 7, 2010*

The following four one day seminars gave a good opportunity for the participants to expand their knowledge of various approaches in the development of threat assessment that are used in the European Union.

Speakers at the seminars were the leading European experts: Richard Landman, Senior Analyst of the Netherlands' Police Agency's Department of International Police, Thomas Schulte, Criminal Police of the North-Rhine Westphalia Province (Germany), Marc Paternotte, the Federal Police of Belgium and Johan Falkman, Senior Customs Adviser, Swedish Customs. The topic discussed was the experience of countries with more than 10 year tradition in conducting organized crime threat assessment and substantial accumulation of methodological and practical know-how. Several typologies emerged related to how analysis and assessment bodies work.

For example, a typical characteristic of organized crime analysis and assessment

bodies in the Netherlands is the large number of attracted academics, going up to 75% of the expert team involved in the threat analysis and assessment. A mandatory element of the assessment of crime activities and markets is the precise assessment of the harm done to the country and society. The extent and type of harm define the priorities with regard to countering organized crime.

In the province of North-Rhine Westphalia the strategic approach to organized crime contains three components: analysis (situation analysis) of the up to the moment activities of the organized crime group (OCG), analysis of the current situation (reports like the European OCTA) and prognosis for the future development of organized crime (the scenario approach). The latter was used in a particular project, borrowing a methodology developed for the first time by the Daimler-Benz Concern in cooperation with Europol, the University of Gent (Belgium) and the National Police of Turkey.



*Mr. Johan Falkman, Senior Customs Adviser, Swedish Customs at the seminar on Methodology for Organized Crime Threat Assessment in Sweden, May 26, 2010*



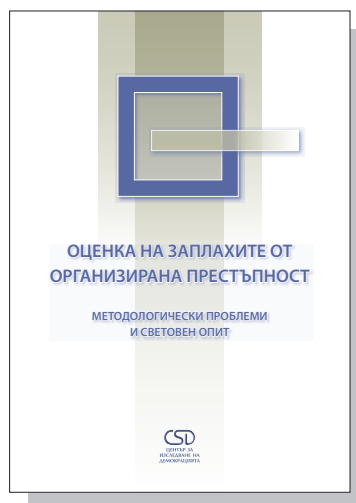
*From left to right: Mr. Philip Gounev, Research Fellow, Center for the Study of Democracy; Mr. Marc Paternotte, the Federal Police of Belgium at a seminar on Methodology for Organized Crime Threat Assessment in Belgium, May 12, 2010*

In Mr. Paternotte's presentation special interest stirred the described by him mechanism for institutional interaction among law enforcement services in Belgium. He elaborated on the electronic system for registering wrongdoings of organized crime groups and individual criminals, as well as the use of this information system within Belgian law enforcement bodies.

What differs the Swedish model from the others is that the responsibility for threat assessment is assigned to the Swedish Customs and there is a strict division of tasks among the other institutions involved in the production of strategic analysis, methodology and concrete models for the collection, systematization and analysis of criminological information.

As a result of the comprehensively presented national models, approaches and methodologies, a conclusion was drawn that a precise picture of the state of organized crime could be given only if repre-

sentatives of all institutions responsible for countering organized crime work together within one structure and make an optimal use of public-private partnerships through taking stock of academic and private sector experience.



Simultaneously with the seminars, a manual entitled *Organized Crime Threat*

*Assessment: Methodological Issues and World Experience* was compiled and published. The manual contains methodological models and approaches used in organized crime threat assessment, as well as official documents of EU member states, combining the analysis of crime phenomena with foresight analysis and recommendations for countering organized crime by national bodies and specialized European agencies like Europol. The purpose of the manual is to facilitate the introduction of an up-to-date mechanism for strategic analysis of organized crime threat assessment which completely employs all European best practices but is at the same time tailored to Bulgarian environment.

In order to familiarize the public with its work in the area of organized crime threat assessment on 18 June 2010 the Center for the Study of Democracy organized a round table at Sheraton Hotel and some of the invited participants

were representatives of Europol, Serious Organized Crime Agency (SOCA), UN Office on Drugs and Crime (UNODC) and the Ministry of Interior. It was underlined that organized crime threat assessment is a standard instrument used in formulating policies and countering organized crime in a number of European states. Its introduction in Bulgaria will enable governmental and civil control over law enforcement bodies and will also define the priorities in countering serious organized crime.

The Minister of the Interior Tsvetan Tsvetanov emphasized that since its accession to the European Union Bulgaria had wasted a lot of time with regard to organized crime threat assessment which facilitated criminal links to political parties and corruption schemes. The need of such an assessment is more tangible at the moment with the opening up of borders and Bulgarian law enforcement bodies need to catch up with this



*Participants in the round table on Organized Crime Threat Assessment, June 18, 2010*



*Participants in the round table on Organized Crime Threat Assessment, from left to right:  
Mr. Peter Allan, Counselor, United Nations Office on Drugs and Crime (UNODC),  
Mr. Jean-Dominique Nollet, Head, Analysis and Information Department, Europol,  
Dr. Ognian Shentov, Chairman, Center for the Study of Democracy,  
Mr. Tsvetan Tsvetanov, Deputy Prime Minister and Minister of the Interior,  
Mr. John Flint, UK Serious Organised Crime Agency (SOCA),  
Mr. Tzvetlin Iovchev, Chairman, State National Security Agency (SANS)*

process of integration. If a state fails to handle organized crime it becomes its exporter. Minister Tsvetanov pointed out the importance of the institutional approach in solving this problem, which will lead to faster justice, which is badly needed in Bulgaria at the moment, and will contain the spreading of crossborder organized crime.

Representatives of the Center for the Study of Democracy presented the main types of reports on organized crime threat assessment and the analytical elements that they should comprise, as an example was given the analysis of cigarette smuggling in 2010.

Organized crime which drastically evolved over the last decade continues to a large extent to do financial harm to the state and its citizens. The impact

of organized crime leads to permanent negative changes in the value system of society and its way of thinking. Annual reports on threat assessment identify “black fields” in the information about organized crime and facilitate its countering. The participants in the discussion recommended an interagency approach and close partnership with academic and law enforcement communities, the judiciary and private sector, as well as institutionalization of the development of organized crime threat assessment. Later this jointly produced assessment report will facilitate the better work of government bodies and enhance the effectiveness of the combat against organized crime. The production of such an assessment assures the public that the government possesses political will to tackle insecurity in the country.

### *Crime markets analysis*

The analysis of crime markets started with the round table entitled *State and Trends of Cigarette Market in Bulgaria* held on 19 October 2010. In the presentations delivered at the meeting it became clear that representatives of the cigarette producing companies (Philip Morris International, British American Tobacco, Japan Tobacco International and Bulgartabak) along with the law enforcement and financial agencies (General Directorate Combating Organized Crime, General Directorate Border Police, General Directorate Criminal Police, National Security State Agency, Customs Agency) made an overview of the dynamics of illegal cigarette market and embraced the idea of establishing a better public-private partnership, as well as developing a common strategy to efficiently counteract cigarette smuggling.

## **II. Monitoring and Prevention of Conventional Crime**

The carrying out of the annual *National Crime Survey* and the public presentation of its findings continue to be in focus of the long-term work of the European Program. At a round table organized on 8 June 2010 at the National Assembly, entitled *Dynamics of Conventional Crime in Bulgaria 2009-2010* the participants were presented with the results of the consecutive National Crime Survey along with the work done by the Ministry of Interior in countering organized crime in 2009.

The National Crime Survey (NCS) gives the big picture of volume crime in Bulgaria. It is not only a sociological survey but a structured process which compares the results of victimization surveys with police statistics. The survey as a policy instrument reflects the

best European practices and enables comparability of results with those of other EU member states. Minister Tsvetanov praised the objectivity of the NCS 2010. As one of the main goals to be achieved by the Ministry of Interior he outlined the reduction of the subjective factor in police work and the efforts directed towards winning the confidence of the public. In this regard a new regulation on crime registration is being developed. He also emphasized the positive effect of the amendments of penal legislation and the law on the Ministry of Interior, as well as the introduction of a complex analysis of and approach to fighting crime. As important achievements, Minister Tsvetanov emphasized the work done in countering economic crime and drug proliferation, areas neglected so far.

The NCS 2010 results show that the fear of a sharp increase in the number of crimes in a time of crisis is not substantiated. A similar trend is shown in other European countries. Despite the increased rates of crimes registered by the Ministry of Interior and the growing number of crimes reported by citizens there is still a high level of non-reported crime, as well as filtering out of significant number of reported crime by the police. The NCS data show decrease in the levels of categories of crimes and markets, but that requires a very careful analysis of the reasons for this decrease, as well as a good consideration should be given to the expected effect of the post-crisis period, the demographic problem and unemployment dynamics. For the first time data were presented with regard to telephone fraud and the state of drug markets and sex services.

Kalin Georgiev, Secretary General of the Ministry of Interior presented statistical data of the Ministry of Interior on volume crime, along with the introduced measures and achieved practi-



*Public Discussion on Dynamics of Conventional Crime in Bulgaria 2009-2010, from left to right: Dr. Ognian Shentov, Chairman, Center for the Study of Democracy, Tsvetan Tsvetanov, Deputy Prime Minister and Minister of the Interior, Anastas Anastasov, Chairman, Internal Security and Public Order Committee, Andreas von Below, Director, Sofia Office, Konrad Adenauer Foundation*

cal results with regard to countering crime. He emphasized that the Center for the Study of Democracy is a barometer of the expectations and attitudes of the public towards the police. "We complement each other, we are united around the idea that the existing consent between the public and private sector is a mechanism for collaboration on a daily basis in our combat against crime."

Anastas Anastasov, Chairman of the Internal Security and Public Order Committee, noted that the more adequately legislative decisions taken last year had proven their efficiency in the

results of the Ministry of Interior. There are new legislative changes lying ahead and they will further enhance the combat against crime.

The participants in the event discussed various approaches to countering conventional crime. They underlined the need of the completion of a Uniform Information System to be used in countering crime, the enhancement of conventional crime prevention and the introduction of new regulations related to repeat offenders, as well as making society play a more active role as a partner to security and law enforcement bodies.



**III. Expanding the field of research and taking part in policy development in the area of justice and home affairs at a European level.**

*The links between corruption and organized crime in all 27 EU member states*

In 2009, the European Commission commissioned a study on examining the links between corruption and organized crime in all 27 EU member states, being the first study of this type. It is based on more than 150 interviews with experts in the area of corruption (police, prosecutors, criminologists, and others.) More than 120 statistical and survey indicators on corruption and organized crime were analyzed in order to examine the trends and patterns of how corruption is used by organized crime.

In April 2010, on the initiative of the European Commission, the study

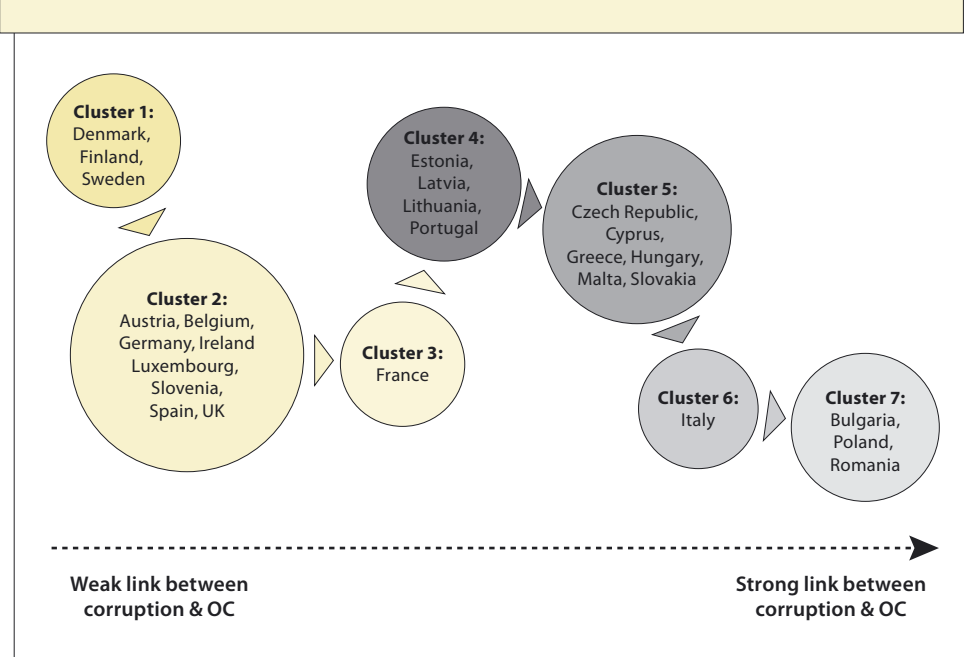
was presented before representatives of Internal Ministries of all 27 EU member states, in June at a hearing of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament, and on 16 November 2010 before the Bulgarian public at a round table entitled *Corruption without Boundaries: The Link between Corruption and Organized Crime in the EU*. The participants were presented with the results and conclusions of the first study that systematically examines the links between corruption and organized crime used as an illicit instrument in all 27 EU member states, along with recommendations to the European Commission and the individual member states with regard to practical measures to be taken and policies to be developed in this area.

Corruption and organized crime are problems encountered by all modern societies, including EU member states. These are relatively known and com-



*Participants in the round table on Corruption without Boundaries: The Link between Corruption and Organized Crime in the EU, November 16, 2010*

**Figure 6. Link between corruption and organized crime: country clusters**



prehensively analyzed problems but the link between them is one of the “blank spots” in social sciences. From a practical point of view it is this link that is of instrumental importance to the development and implementation of policies targeted at countering corruption and organized crime. This analytical study is the first and only analysis of the links between corruption and organized crime in the European Union made so far.

The analysis of collected data provides for the division of all 27 EU member states into seven clusters, each of which represents the link between organized crime and corruption, varying from very weak to extremely strong. Denmark, Norway and Finland form the first group and Poland, Romania and Bulgaria belong to the group where there is a strong link between corrup-

tion and organized crime. The most powerful instrument used by organized crime is political corruption and the strongest corruption pressure is exerted over the police and local authorities. The tangible difference of how corruption is used by organized crime in different countries comes from the fact that in Western Europe the commitment of serious crimes is not related with the traditional forms of organized crime in contrast to East European countries, including Bulgaria.

With regard to existing corruption in police forces, the judiciary and local authorities, the collected and analyzed data show a wide range of measures and practices aiming at countering organized crime and corruption. In some countries the practice is to avoid any public discussion of this issue.

The development of policies that aim to counter corruption and organized crime in the spirit of the Stockholm Program are closely related to the national security of EU member states, the functioning of the common market, and their energy and financial security. The recommendations made to the European Commission, based on the carried out study, are divided into two groups – long-term and short-term ones. In the long run the report recommends the establishment of an independent mechanism for corruption assessment at a European level. In the short-run the European Commission should work towards introducing a common definition of corruption in order to harmonize statistical data on institutional corruption and conduct an assessment of the levels and impact of corruption on private sector. The recommendations addressed to EU member states are

directed mainly towards the more efficient exchange of best practices within the EU and the better use of available instruments for countering corruption and organized crime. It is crucial that member states assess on a regular basis the efficiency of the measures aiming to counter corruption, for example the implementation of the OECD Convention Recommendation on Combating Bribery of Foreign Public Officials in Business Transactions. The report also recommends the enhancement of internal capability of law enforcement bodies to detect corruption, as well as more active collaboration with the private sector.

Tsvetlin Yovchev, Chairman of the National Security Agency, outlined objective and subjective reasons for the existing link between corruption and organized crime. He emphasized how



*Participants in the round table on Corruption without Boundaries: The Link between Corruption and Organized Crime in the EU, from left to right: Mr. Tsvetlin Yovchev, Chairman, State Agency for National Security; Dr. Ognian Shentov, Chairman, Center for the Study of Democracy; Mr. Tsvetan Tsvetanov, Deputy Prime-Minister and Minister of the Interior, November 16, 2010*

important it is to sever the link between ordering and executing persons, make the environment in which organized crime operates unfavorable, improve efficiency of judicial prosecution of perpetrators and weaken the financial might of organized crime and all this will drastically reduce its capability to exert corruption pressure.

Tsvetan Tsvetanov, Deputy Prime Minister and Minister of the Interior, noted that it is a pity that one can speak of symbiosis between organized crime and corruption in Bulgaria. Turning a blind eye to obvious law violations and the lack of political will has led to the inconsistent fight against corruption and organized crime. The leadership of the Ministry of Interior is determined to implement the OCTA project, which aims at introducing a powerful instrument to combat corruption and organized crime. Another step in this direction which will fill an existing gap is the conduct of organized crime threat assessment. In this regard an emphasis was placed on the cooperation among the Serious Organised Crime Agency (SOCA), Europol, Ministry of Interior and the Center for the Study of Democracy as a coordination of the efforts targeting the development of uniform organized crime threat assessment. In order to achieve that goal it is very important to use the expertise of non-governmental organizations and closely collaborate with representatives of authorities at all levels as a guarantee for reducing the negative impact of organized crime and corruption on people's life.

#### **IV. Best practices in the cooperation between border guards and customs administrations working at the external borders of the EU**

In 2010, the European Program continued to conduct wide-scope studies

commissioned by the European Commission. The CSD expert team carried out an analysis of existing best practices in the cooperation between border guards and customs administrations working at the external borders of the EU.

The findings of the study show that a combination of national, geographic, institutional and cultural factors results in different traditions in border management and cooperation practices between institutions. That was the reason for reviewing existing forms of cooperation and identifying problems and best practices. At a European Union level this is part of the effort to enhance border protection and management of the external borders consistent with the concept for "an integrated management system for external borders" (approved at the Leaken European Council in 2001) and other similar documents aiming at enhancing the interagency cooperation at the external borders of the EU.

Despite the effort to develop uniform standards for EU external border management the forms and extent of cooperation between border guards and customs is left at each member state's discretion. This results in different forms of cooperation which vary from state to state, ranging from very productive cooperation in some member states or merging of institutions (as in the case of the UK) to relations characterized by deep division of functions, competition and lack of communication.

Best practices and problems in cooperation were identified on the basis of information collected via electronic surveys designed for customs and border guards employees in all member states (except Luxemburg), 230 interviews and 25 study visits to 12 countries. In addition to the analysis of the regulatory and operative aspects of cooperation, research was carried out in Bulgaria

on the main institutional, political and cultural aspects of the work of border management bodies.

Ten areas of cooperation between border management bodies of 26 member states were analyzed: strategic planning, communication and exchange of information, coordination of work flow at border crossing points (BCPs), risk analysis, crime investigation, joint operations, control outside BCPs, mobile groups, contingency/emergency situations, infrastructure and joint use of equipment and human resources training and management. The study also examined the current state of cooperation as well as opportunities for its enhancement at a European level. The extent of cooperation in these 12 areas varies in each member state and depends on the structure of border management bodies as well as their concrete functions and powers.

A comprehensive analysis was carried out of the cooperation in each of these eleven areas. Furthermore some good mechanisms for cooperation were identified as best practices.

The cooperation between Bulgaria and customs administrations at a EU level is described as fragmental and idle, despite the numerous initiatives launched and efforts made in this direction over the past decade. One of the reasons, mentioned very often by politicians, for the lack of such cooperation is that border police and customs issues are not regulated in a common legal framework and that customs regulations were split in two pillars before the ratification of the Lisbon Treaty.

At the end of the report there are recommendations addressed to both EU and national level politicians directed towards enhancement of cooperation



*Participants in the round table on Drafting a New Security Strategy, held on June 30, 2010*

between Bulgarian customs and those of the other EU member states in order to increase the effectiveness of EU external border management and protection.

### *Discussion of a new National Security Strategy*

Issues related to national security has always been the focus of the European Program. On 30 June 2010 the Center for the Study of Democracy organized a round table discussing the development of a new security strategy of the Republic of Bulgaria.

It was emphasized that the strategy should be a complete political rather than administrative document clearly defining the political goals and values of the government. The latter will define the nature, structure and wording of the strategy.

The leader of the working group Rumen Milanov outlined the philosophy and main principles of the drafted strategy.

The participants in the debate among which Deputy Minister of Defense Ms. Avgustina Tsvetkova, the MP Rumen Petkov, and the experts Nikolay Kamov, Slavcho Bossilkov, Ruslan Stefanov, Todor Galev, as well as representatives of governmental institutions and the media agreed that a lot of work had been done and the drafted strategy contains valuable ideas. At the same time some recommendations were made related to the rearrangement of priorities so that an emphasis is put on its economic part as well as serious editing work should be done to make the document more understandable.

