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#### NOTE

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| From:    | Presidency  |
| To:      | Delegations   |
| Subject: | The impact of the COVID-19 pandemic on internal security: threats, trends, resilience and lessons learned for Law Enforcement Agencies<br>- outcomes of previous discussions<br>- draft Council Conclusions |

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#### Threats and trends

For over a year now, Member States have been heavily affected by the COVID-19 pandemic in all areas of society. Member States have endeavoured to implement measures, including temporary restrictions on non-essential travel into the EU<sup>1</sup>, to curtail the spread of the virus, while paying attention to the social and economic hardship caused by the pandemic.

As in other areas, the boundaries between the physical and digital world are disappearing in the security landscape too, and criminal groups increasingly exploit technology transformation, as well as global mobility. The COVID-19 crisis triggered even more adjustments, as criminals and criminal networks quickly seized opportunities to exploit the crisis by adapting their modes of operation or developing new criminal activities<sup>2</sup>.

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<sup>1</sup> Council Recommendation 2020/912 of 30 June on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction.

<sup>2</sup> SOCTA 2021 Report, 12ABR21.

The most significant changes were observed in:

- counterfeiting - personal protective equipment, sanitary products, vaccines and pharmaceuticals;
- cybercrime - adaptation to the COVID-19 narrative and COVID-themed malware, ransomware and phishing attacks;
- online child sexual abuse - this increased threat derives from the production and distribution of online material;
- increase in domestic violence – affecting particularly women, elderly people, children and disabled persons;
- public disorder and civil unrest – caused by public protests (sometimes violent) against lockdowns and other restrictive measures.

In this context a new challenge for EU law enforcement was created by the need to adapt to the various lockdown measures (maintaining the right balance between necessary enforcement of lockdown restrictions and respect for citizens' rights) and to develop procedures for securing locations during lockdown (towns, offices, commercial establishments, major sports events) all the while abiding by an ever-changing legal framework, which had a direct impact on citizens' rights and freedoms<sup>3</sup>.

### **Good practices and lessons learned**

From the law enforcement point of view, avoiding risks to public order and preventing the exploitation of the pandemic crises by serious and organised crime is of primary importance:

**sharing relevant, real-time information, in a secure environment, was identified as a key issue while facing the emergency.** Bearing in mind the importance of cross-border cooperation in the EU and Schengen Area, the lessons learned from the following endeavours should be highlighted, with a view to increasing the resilience of EU law enforcement:

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<sup>3</sup> ST 6968 2021 REV1, 15MAR21 “*The impact of the COVID-19 pandemic on internal security: threats, trends, resilience and lessons learned for Law Enforcement Agencies - joint analysis by the Presidency and Europol*”.

## *Working Group on COVID-19 crime threats and law enforcement responses*

In June 2020, Italy and Europol convened the police chiefs of the countries most affected by the first wave of the pandemic in a ***Working Group on COVID-19 crime threats and law enforcement responses*** (hereinafter referred to as COVID-19 WG). The COVID-19 WG<sup>4</sup>, co-chaired by Europol's Executive Director and Italy's Deputy Police Chief, has proven a key initiative to raise awareness, exchange relevant information and share best practices in response to the criminal threats stemming from the COVID-19 crisis.

### *EUROPOL COVID-19 reports: operational facts and analysis*

Since the outbreak of the pandemic, Europol has played a leading role in providing, through accurate and regular reports, assessments of COVID-19's impact on police tasks and on how criminal threats evolved and adapted to (ending up taking advantage of) the pandemic. Europol issued nearly 40 strategic reports, providing an intelligence picture to law enforcement partners, key stakeholders and policy makers, together with useful information for the public.

### *The Core Group on Secure Communications*

The COVID-19 crisis prompted a reassessment of law enforcement cross-border cooperation practices and created a need to identify suitable solutions for operational secure remote communication. In 2020, Europol's Innovation Lab— in partnership with the German BKA – set up a ***Core Group on Secure Communications*** (hereinafter referred to as Core Group). With valuable input from all members, and in partnership with the European Network of Law Enforcement Technology Services (ENLETS), the group produced an overview of existing communication solutions and a roadmap on the way forward<sup>5</sup>.

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<sup>4</sup> The COVID-19 WG met four times and was attended by police chiefs and senior police leaders from various EU countries, UK, Switzerland, Interpol (ensuring global outreach) and Europol. This WG will meet again on 26 May 2021.

<sup>5</sup> Both documents were presented at the COSI meeting of November 19 2020 (Extending Secure Communications for EU Law Enforcement-Draft Roadmap (12554/20) and Extending Secure Communications for EU Law Enforcement - Overview of existing and developing communication tools (12557/20)). The COSI also suggested that the Core Group should continue its work on the short-term actions included in the roadmap for the first half of 2021 (The remaining actions listed in the roadmap for the short term are (1) the drafting of use cases for secure communications and (2) comparison of these use cases with the existing tools, to determine if all functional needs can be met, or if there are any gaps that the existing tools cannot fill), and to draft a result-based proposal to COSI for the funding (and monitoring) of the full roadmap's implementation.

## **Strengthening resilience – Time to deliver a fair recovery**

The EU Security Union Strategy 2020-2025 targets actions on priority areas where the EU can bring added value to national efforts, building upon progress achieved and providing a new focus to ensure a more effective EU security policy and to build a sustainable resilience<sup>6</sup>.

The COVID-19 crisis has put European security into sharp focus, testing crisis-preparedness and exposing vulnerabilities, and thus making closer cooperation on security at all levels ever more essential. A more forward-looking attitude must be adopted, to better anticipate future problems and threats. This can be only achieved by a structured crisis management approach.

A prolonged pandemic will put a heavy strain on European and global economies with significant disruptions, as businesses and citizens are confronted with a wide array of diverging and rapidly changing measures that could be particularly harmful to the European economy. This led to the drawing up of strategies, both at national and at EU level, to promote economic recovery, including the adoption of the largest financial stimulus package ever granted by the EU budget.

However, learning from previous crises, it can be anticipated that a volatile economic situation with growing poverty and social inequality will serve as breeding ground for organised and serious crime and for the infiltration of criminal networks into the legal economy; immediate risks are linked to:

- *Next Generation EU* - As unprecedented financial efforts are made by the EU to boost the economic recovery, it is necessary that Member States law enforcement agencies remain strongly committed, together with relevant EU bodies and other national authorities, to protecting EU financial interests by preventing and countering financial and economic crime across Europe.
- *Financial recovery and fraud* - With potential economic hardship unfolding in the post-pandemic phase, it is expected that different types of fraud schemes will intensify, such as the exploiting and infiltration of organised crime groups in legal businesses (fraud schemes, facilitate the distribution of counterfeit goods and conduct money laundering activities). The trend indicates a threat of defrauding of economic stimulus packages and the risk of criminal infiltration into the legal economy.

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<sup>6</sup> Communication from the Commission to the European Parliament and the Council First Progress Report on the EU Security Union Strategy (14019/20).

- *Risks linked to the vaccination campaign/distribution* - The international rollout of the COVID-19 vaccination opens up a number of additional lucrative opportunities for counterfeiters, exploiting the advantages of the Internet and possibly polluting the legal market. A similar trend can be anticipated for forged or fake COVID-19 tests, COVID-19 test certificates and, in the future, for possible “vaccination certificates”. A new criminal trend seems to be emerging, pointing to targeted fraud attempts affecting public authorities responsible for the procurement of vaccines<sup>7</sup>.

### **Preparing for future crisis situations – police cooperation**

When facing a crisis that presented organisational and operational challenges, **it is important to act and take precise steps/measures to address the vulnerabilities exposed by the COVID-19 crisis to prepare law enforcement for future crises.**

National law enforcement and relevant European agencies, particularly Europol, should reflect on the lessons learned from the current crisis, their business needs, and approaches to performing their duties under exceptional circumstances and in an unpredictable reality<sup>8</sup>. They must further strengthen resilience through a number of actions leading to **Protection, Preparedness and Prevention.**

### **Conclusion**

**Based on the above findings, the Presidency intends to propose Council Conclusions on the impact of the COVID-19 pandemic on internal security: threats, trends, resilience and lessons learned for EU law enforcement, as set out in the Annex to this note. The first draft of the above Council Conclusions will be discussed during the informal videoconference of the Members of the LEWP on 26 April 2021.**

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<sup>7</sup> document WK 2818/21 - Commission information on vaccine fraud from 26FEV21.

<sup>8</sup> Second meeting of the COVID-19 WG of 15 September 2020, which focused on the topic of preparedness of law enforcement agencies to respond to crises.

**DRAFT COUNCIL CONCLUSIONS**

**on the impact of the COVID-19 pandemic on internal security: threats, trends, resilience and lessons learned for EU law enforcement**

BEARING IN MIND the efforts made at European Union and Member State level to secure a high level of protection of EU citizens and, in this context, ensure business continuity in law enforcement and coordinated action against emerging threats;

ACKNOWLEDGING the unpredictable risks and threats and the incoming challenges that this crisis posed to the internal security landscape;

CONSIDERING the importance and benefits of the lessons learned and shared among Members States and EU institutions and agencies;

RECOGNISING that current and similar future disruptive crises may generate systemic security problems, uncover vulnerabilities and require enhanced cooperation;

IDENTIFYING the need to prevent and tackle the proliferation of misinformation about COVID-19 and hate speech, particularly in social media;

RECALLING that more resilient, operational and effective cross-border cooperation and timely exchange of information are essential in a crisis situation, and that emergency police cooperation mechanisms must be activated rapidly in order to increase the level of preparedness and ensure immediate response, as discussed by the Working Group on COVID-19 crime threats and law enforcement responses;

NOTING that sharing knowledge and information leading to the detection of crime threats and trends in organised crime groups is crucial for informed and strategic decision-making on how to approach and anticipate future developments in criminal syndicates;

Furthermore, STRESSING that sharing of operational and sensitive information in a crisis situation – so as to ensure the continuity of ongoing work on cross-border investigations/cases – requires secure communication solutions to replace physical contacts;

THE COUNCIL,

**in order to ensure Protection**

URGES Member States to coordinate the exchanging of cross-border information, police joint operations, best practices and expertise at EU level and to secure critical entities during crisis situations, in compliance with national legal frameworks and planning;

STRESSES THE NEED for the Commission to support Member States in identifying practical solutions to prevent hindrances to strategical, operational and tactical cross-border police cooperation, particularly when intra-Schengen travelling is restricted due to measures imposed;

UNDERLINES THE NEED to prevent the infiltration of criminal networks in the implementation of the *Next Generation EU*. Timely exchange of information – in particular on ongoing fraud investigations, risks, threats, fraud methods and patterns – between relevant EU agencies, especially Europol, OLAF and EPPO and Member States, is therefore essential.

ENCOURAGES EUROPOL to support Member States in line with its mandate in cross-border operations to prevent organised crime, terrorism and, where relevant to EU internal security, exchange of information regarding the prevention of violent demonstrations and civil unrest.

**In order to achieve better Preparedness**

RECOMMENDS Member States to develop – together with international counterparts and especially in cooperation with Europol – common crime indicators at European Union level, derived from the experience of the COVID 19 crisis, to establish common risk assessments and allow both timely reporting and anticipation of threats and risks for the current crisis and for future crises;

PROPOSES to the Commission that it support Member States in the development of scenario-based training and practical exercises between law enforcement agencies, civil protection, medical emergency and local authorities to ensure preparedness and resilience for future pandemics and other crises;

STRESSES THE NEED for the Commission to ensure and define a suitable framework to create a common, resilient and secure instrument for (video and audio) communications in the European police cooperation framework, one that can be used to plan and coordinate joint operations, as well as to exchange confidential and sensitive information during crisis situations among Member States law enforcement agencies and between them and relevant EU agencies and entities;

RECOMMENDS to the Commission that it support Member States in sharing experts, information and communication systems and police equipment in crisis situations, if so requested by one or more Member States;

ENCOURAGES EUROPOL and the Member States to continue the work of the Core Group on Secure Communications and, within the Innovation Lab, to develop the roadmap on new secure communication solutions, such as instant messaging applications and secure video-conferencing tools, in order to provide law enforcement agencies with a unified, interoperable, and secure platform (compatible systems) to exchange strategic and sensitive information on out-of-mandate matters related to a crisis situation;

### **In order to ensure better Prevention**

RECOMMENDS to Member States that they develop and promote information and awareness campaigns for their citizens, benefitting from Europol expertise, in order to prevent the impact of cybercrime activities; particular care should be focused on how to protect children online and mitigate the risk of them becoming victims of criminal organisations;

ENCOURAGES Member States to develop a new and common approach to community policing, given the possibility of more unreported crimes related to domestic violence and sexual crimes in lockdown and crisis situations, increasing the number of contacts between police staff and the potential victims of such crimes;

STRESSES THE NEED for the Commission to support Member States in developing a crisis management mechanism for law enforcement purposes that could be rapidly activated in a crisis situation affecting one or more Member States, and invites Europol to support Member States' law enforcement agencies, particularly through secure communication channels and platforms for information exchange;

URGES the Commission to promote the creation of a forum to foster strategic and operational cooperation, where information exchange flows smoothly and securely between Member States, supporting ongoing cross-border planning and coordination of police operations, and also exchanging best practices in response to major crises like the current pandemic. The example of the Europol Platform for Experts (EPE) v-Room should be considered a starting point;

ENCOURAGES the Commission to develop, in close cooperation with the Member States and concerned EU Agencies, a crisis management concept framework for European police cooperation and develop the coordination platform, with a resilient and flexible approach to its composition (high-level v working level), topics (strategic v operational) and participation (fixed v variable attendance).

