

National Strategy
against

Organized Crime and Serious Crime

2019-2023

Security is a common project



Catálogo de publicaciones de la Administración General del Estado
<http://publicacionesoficiales.boe.es>



© Author and editor, 2019

NIPO (printed edition): 042190022

NIPO (online edition): 042190038

DEPÓSITO LEGAL: M-4693-2019

Edition date: Jun 2019

Printer: imprenta ROAL, S.L.

All rights are protected by the Intellectual Property Law. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronically, mechanically, photocopying, recording or otherwise without the prior permission of the © Copyright holder.

National Strategy against **Organized Crime and Serious Crime** **2019-2023**

Security is a common project

The National Strategy against Organized Crime and Serious Crime 2019-2023 has been approved by the National Security Council

The following entities have participated in the drafting of this document: the Ministry of Justice, the Ministry of Finance, the Ministry of the Interior, the Ministry of Economic and Business Affairs, the Office of the Public Prosecutor and the National Security Department.

FOREWORD BY THE MINISTER OF INTERIOR

Guaranteeing the free exercise of the rights and freedoms entrenched in our Constitution is a duty shared by all State institutions and, particularly, the Ministry of Interior shall be responsible for guaranteeing public security. To this end, we need strategies to develop efficient mechanisms in order to implement our mission for the benefit of all citizens. The main principles underlying said strategies are action, anticipation, efficiency and resilience.

The 2017 National Security Strategy –adopted by consensus– interprets the Security Policy from a global perspective in which the public-private collaboration and the citizen participation are essential to efficiently preserve this right. This is why we must assume that “security is a common project”.

This Strategy lists organized and serious crimes among the main threats to National Security, whose main objective is to fight against the aforementioned phenomena. For this purpose, a series of strategic action lines have been designed, which are aimed at diminishing the impact of these threats on society.

In the 21st century, not only must we face the threat posed by organized crime and serious crime but also the risks of the interaction between these phenomena and others affecting national and international security such as terrorism, armed conflicts, the proliferation of weapons of mass destruction, espionage, cyber-threats and threats on critical infrastructures.

These increasing connections between different types of threats entail new and more critical scenarios that represent a significant challenge for our Welfare State. Therefore, they must be addressed from a multidisciplinary, crosscutting and comprehensive approach that involves the whole society.

All these threats are complemented by various challenges such as economic and financial instability, energetic vulnerability, irregular migration flows, epidemics and pandemics, emergencies and catastrophes and the consequences of climate change which might lead to situations of instability in society and foster the emergence of new threats.

Due to its transnational dimension, flexibility, resilience and illicit revenue, organized crime is one of the biggest negative impacts on modern societies, with serious consequences on the health of citizens, on the States’ economy, on the environment,

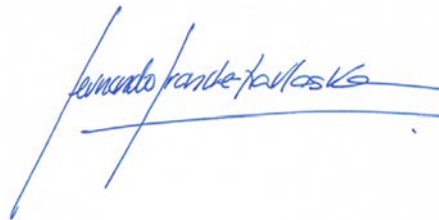
FOREWORD BY THE MINISTER OF INTERIOR

etc. Therefore, collaboration, cooperation and information exchange, both at national and international level, are increasingly crucial to prevent and counter this threat.

In this vein, this strategy reflects an update of the major criminal and social changes occurred in recent years. Since said changes might affect our security scenario, we must establish a strategic reference framework in accordance with the new risks we must face.

The State Law Enforcement Agencies, within their respective fields of activity, must take account of the guidelines set out in this Strategy, which are aimed at tackling these crimes and ensuring coordination at strategic and operational level in the fight against organized crime and serious crime. Furthermore, it will serve as the underlying principle in the relations with the other public and private security actors, both national and international.

In view of the foregoing, it is a great honor for us to present this new National Strategy against Organized Crime and Serious Crime, which is but a tool to achieve real progress towards the ultimate goal of countering these harmful phenomena in the most effective way.



Fernando Grande-Marlaska Gómez

Minister of the Interior

SUMMARY

1. EXECUTIVE SUMMARY	8
2. REFERENCE FRAMEWORK. FEATURES OF ORGANIZED CRIME AND SERIOUS CRIME	16
3. DIMENSION OF THE THREAT POSED BY ORGANIZED AND SERIOUS CRIME IN SPAIN	22
4. INTERNATIONAL SCENARIO OF ORGANIZED CRIME AND SERIOUS CRIME	26
5. PRINCIPLES, OBJECTIVES AND STRATEGIC LINES	30
6. PERIOD OF VALIDITY, ASSESSMENT AND UPDATES	68



1. EXECUTIVE SUMMARY

The National Strategy against Organized Crime and Serious Crime 2019-2023 seeks to review and update the previous Spanish Strategy against Organized Crime 2011-2014. Although many of the issues covered in the previous edition are still up-to-date, the changes to several crime, technology and social aspects as well as the international situation have called for a thorough update several years after its due date in order to draft a new and comprehensive strategic vision. Logically, several amendments were gradually implemented to the previous edition.

Due to the new scenarios entailed by organized crime and serious crime we are now facing new threats and challenges as regards National Security. The main goal of this Strategy is minimizing the negative impact that the aforementioned scenarios can have, bringing the perpetrators to justice, dismantling the existing groups and preventing the creation of new ones.

In general, serious crime refers to the offences that violate important or fundamental rights of people (life, freedom, etc.), the actions which greatly impact the values on which co-existence is based (property, ethic, beliefs, etc.), and those acts that attack the most socially-sensitive contexts or minorities (sexual freedom, vulnerable individuals, i.e., minors, etc.).

When serious crimes are being committed by several people who specifically join their efforts to develop their criminal acts over large territories it becomes Organized Crime. Due to its features, namely, transnationality, flexibility, adaptability and capacity for recovery it can interact with other threat-generating menaces, such as armed conflicts, terrorism, the proliferation of weapons of mass destruction, espionage, cyber-crimes and threats to critical infrastructures. They all activate and enhance each other, increasing their damaging potential and the vulnerability of the society where the organizations operate.



The assessment documents on organized crime drafted by the EU and UN state that it is one of the main threats to security as it can affect social, economic and political structures and values and, in turn, the stability of the country.

While organized crime has the most damaging impact on national structures, the perception of citizens regarding petty, more common crimes must also be taken into account when designing the most efficient possible response.

Currently, there is a need for a comprehensive vision which provides a global response and involves all public operators in the field of security, since the limits between exterior and interior security are currently blurred. Thus, challenges such as irregular migratory flows, economic and financial instability, emergencies and catastrophes, epidemics and pandemics and the effects of climate change go beyond all borders and invade common spaces of the international community, thereby rendering internal and external borders obsolete.

This context does not only call for the participation of society, but also requires the coordination between all administrations involved in the field of security and the

assistance to prosecutors and judges, to enhance all forms of collaboration and exchange of information and intelligence regarding serious crime and organized crime, as well as their relations with terrorism and land, sea, air and economic security.

This Strategy is underpinned by the guiding principles of the National Security policy: unity of action, prevention, efficiency and resilience. The strategic focal points are based on said values.

The Strategy seeks to be a prevention element which helps reduce the future impact of the threat through the application of anticipatory and deterrent public-safety measures. Moreover, it must be configured as a reaction tool to meet the challenges posed by serious crime and organized crime which enables the investigation, prosecution and neutralization of this phenomenon in the most efficient manner. Lastly, it must also assist society and raise public awareness, thereby contributing to support and protect the victims, particularly those sensitive to this problem, namely, minors and socially-vulnerable people.



The cornerstone of this Strategy must be the promotion of proactive and prospective measures in the field of strategic and operational intelligence. It is necessary to produce knowledge and achieve synergies and provide a more efficient and preventive medium-long term response to organized and serious crime.

In this increasingly complex world, citizens need strategies and tools to help them prevent, react and be resilient to problems related to organized crime and serious crime. Similarly, victims need to be supported and assisted. Only in that way will it be possible to guarantee the essential citizen cooperation and collaboration.

Focal points

This Strategy is structured around **ten focal points**, seven of which are core focal points while three are cross-sectional, aimed at providing a global response to this complex multi-dimensional phenomenon with so many distinctive features: organized crime and serious crime.

Core focal points

First focal point: “Intelligence as a means of preventing and anticipating threats”

It seeks to promote the generation of intelligence as a means to anticipate this type of crimes. It is essential to know the situation, the development and the new trends of the criminal context and this is only possible through intelligence.

It is a critical necessity to continue enhancing the intelligence structures, using of the most appropriate tools and improving the communication and coordination channels of all national and international safety public officers as well as promoting all actions in said field. To achieve this, it is essential to have enough capabilities in the field of information technology and an appropriate legislation which enables the availability, rapid access and managing of relevant data for public safety.




“Having enough capabilities in the field of information technology and an appropriate legislation”

Second focal point: “Neutralizing the financial apparatus of Organized crime and criminals”

This point seeks to promote the investigation on the economic and financing structure of criminals and criminal organizations in order to guarantee the seizure of illegal proceeds. This is one of the most efficient ways to neutralize any criminal activity.

To this end, it is paramount to have the most up-to-date regulatory tools on the prevention and fight against money-laundering, to enhance and increase the investigation of assets, the identification and recovery of assets as well as promoting



“Promoting the investigation on the economic and financing structure of criminals”

the exchange of information to involve several national and international players in this field.

Third focal point: “Fighting against criminal markets and serious crimes”

This focal point revolves around minimizing the risk posed by all criminal activities, particularly those with a larger impact on the criminal context in Spain, namely: drug trafficking, corruption related crimes, money laundering, cyber-crime, human trafficking, smuggling of migrants, offences in the field of intellectual and industrial property, public tax frauds, asset-related crimes (robbery), illicit trafficking in arms and environmental crime.



“Minimizing the risk posed by all criminal activities, particularly those with a larger impact on the criminal context in Spain”

Fourth focal point: “Links between Organized Crime and Terrorism”

There must be a response integrating all operational and strategic intelligence on the aforementioned threats, so as to carry out more thorough and creative interpretations which give rise to new prevention, investigation and analysis alternatives.

Fifth focal point: “International cooperation and coordination”

The international collaboration, cooperation, coordination and information exchange mechanisms need to be enhanced not only at a bilateral level –with the strategic partners of Spain– but also at a multilateral level under the umbrella of the International Organizations it belongs to.

Sixth focal point: “Security: a common commitment”

It is vital to involve all public and private stakeholders in the fight against these threats through the enhancement or the creation of communication, relation and information channels. Furthermore, continuous training should be developed to counter this phenomenon more efficiently.



Seventh focal point: “Legislative elaboration and adaption”

It is important to adapt and improve the legislation, adapting the administrative, judicial, criminal and procedural tools to the needs of the fight against the new types of criminal activities.

Regulatory adaptation is particularly important in critical action areas, such as the use of new information and communication technologies, the enhanced protection for protected witnesses and undercover agents, the screening of new illicit psychoactive substances, etc

Cross-sectional focal points

Eight focal point: “Training”

It seeks to update and enhance the expertise of the public servants from the field of security through the continuous adaptation of the working procedures to the new methodologies and techniques used by criminal organizations.

The training in new methodologies related to the information and communication technology (ICT), the operational and strategic intelligence, cyber-crime, money laundering, etc. must generate added value in the fight against these criminal phenomenon.

Ninth focal point: “New technology to fight against the crime of the 21st century”


The goal is to prioritize the use of new technology to face organized crime and serious crime more efficiently. In an increasingly technical world, the use of technological tools in all fields of security must be a cross-sectional strategic focal point to counter the criminal activities by individuals who use said technology to easily achieve their illicit goals.

Tenth focal point: “Preventing organized and serious crime”

The objective is to make use of the intelligence generated at various levels to enable the coordination in the actions of several investigation and prevention units, thereby enhancing their capability to face organized crime and serious crime. The intelligence procedures established by public servants in the field of security need to anticipate the aforementioned criminal activities, both as regards prevention –increasing the

feeling of safety with an efficient police effort– and investigation –by providing a comprehensive response to the problem–.

In summary, this Strategy has been designed to face organized crime and serious crime, reflecting the changes in the threat as well as the lessons learnt from past experiences in relation to this complex issue; although it needs to be reviewed five years after its release or as soon as the changing circumstances of the strategic environments require so. Thus, the police response needs to be dynamic and face these challenges as described in the 2017 National Security Strategy: ***“a phenomenon that increases the vulnerability, and leads to instability which, in turn, may give rise to other threats”***.



“This Strategy has been designed to face organized crime and serious crime, reflecting the changes in the threat as well as the lessons learnt”



2. REFERENCE FRAMEWORK. FEATURES OF ORGANIZED CRIME AND SERIOUS CRIME

Reference framework

The methodological design and production of this Strategy against Organized Crime and Serious Crime is based on the following framework of strategic reference (both national and international):

The 2017 National Security Strategy, as the comprehensive framework at national level that directs and cuts across all strategies, establishes organized crime as one of the dangers that, among others, such as terrorism, armed conflicts or espionage, pose the main threats to National Security. Similarly, there is a series of challenges that need to be met, namely irregular migratory flows, pandemics and

epidemics, emergencies and catastrophes or climate change as the catalysts which increase vulnerability and lead to instability that translates into further threats.

It emphasizes that **“organized crime is a transnational, dynamic and obscure threat. This phenomenon has high destabilizing potential, which contributes to the weakening of the State and disrupts the sound economic governance”**. It also lists the situations that need to be monitored, such as its growing links with terrorism, migratory crises, human-trafficking routes, technology and the geo-strategic position of our country.



The 2010 EU Internal Security Strategy, “Towards a European Security Model”, states that organized crime and serious crime in their many forms are one of the main threats facing the EU in the various areas of internal security.

The foreword of the 2016 Global Strategy for the European Union’s Foreign and Security Policy begins with the obligation of the EU to contribute to peace and safeguard the security of its citizens and its territories, as well as the internal and external security, and reflects on the need to face all the elements threatening said security –organized crime, among others– in a global and coordinated fashion.

The 2013 National Cyber-Security Strategy identifies organized crime as one of the main threats to cyber-security, among others.

The 2013 National Maritime Security Strategy, in relation to organized crime, indicates that **“there are two large groups of threats in the maritime field based on their origin: deliberate criminal acts and accidental or incidental actions that take place as a result of the natural conditions of the sea”**.

As pointed out in the previous sectorial strategies, the National Strategy against Terrorism states that, among others, organized and serious crime are two of the main threats to National Security, particularly given their links with terrorism and radicalism.

Conceptually, it is difficult to find a definition of organized crime that covers all of its features. This type of crime has several dimensions which range from minimally structured criminal organizations to large international criminal groups, with differing criminal activity levels.

Thus, it is important to define this point in more detail to study and analyze this phenomenon thoroughly. To this end, it is essential to combine the analytical criteria established by Europol¹ and the regulatory dispositions as laid down by the main regulatory national and international texts, namely: The UN Convention against Transnational Organized Crime (the Palermo Protocols) adopted on 15 November, 2000, the UE Council Framework Decision 2008/841/JHA of 24 October 2008, on the fight against organized crime, the Criminal Code and the Criminal Procedure Code.

Considering the above, there is a series of main characteristics that define, for the purpose of this Strategy, the essence of the concept of organized crime, which are not always shared by all criminal groups and which mainly revolve around:

- **Primary economic purpose.** Its main goal is the pursuit of profit. Any other potential objective is secondary and subordinate to the aforementioned object.

¹ Document 6204/2/97 Enfopol 35, rev. 2 of EUROPOL. Lists the following characteristics

1. Collaboration of more than two people;
2. Each with own appointed tasks;
3. For a prolonged or indefinite period of time;
4. Using some form of discipline or control;
5. Suspected of the commission of serious criminal offences;
6. Operating on an international level;
7. Using violence or other means suitable for intimidation;
8. Using commercial or business-like structures;
9. Engaged in money laundering;
10. Exerting influence on politics, the media, public administration, judicial authorities or the economy;
11. Determined by the pursuit of profit and/or power

At least six of the aforementioned characteristics have to apply, four of which must be those numbered 1, 3, 5 and 11, for any crime or criminal group to be classified as organized crime.

- **Involvement in illegal activities complemented by legal ones.** In order to achieve their objectives these groups carry out activities prohibited by law, although the revenue gained from these activities usually originates from a combination of illegal and legal enterprises. The latter are mainly carried out as a means to launder money or cover up the aforementioned illegal acts.
- **Collaboration of more than two people.** The criminal group –expressly constituted to carry out criminal activities– takes the form of an organization (hierarchy, with own appointed tasks and distribution of responsibilities) which enables it to develop its criminal activity.
- **Prolonged or indefinite period of time.** The criminal organization is a long-term commitment which seeks to endure over time, that is, the organization is permanent; its members may be replaced, but the structure will be adapted and shall continue existing.
- **Use of security measures.** In order to protect the organization from all interventions of the State or other criminal groups competing in the same criminal markets, safety measures are usually implemented.
- **Adaptability.** The criminal organization modifies its methodology and procedures, takes on new illegal activities, and diversifies its methods and criminal routes, always looking for new advantages to overcome the response of the State and the Institutions.
- **Transnationality.** Organized crime takes advantage of “globalization”. The large number of maritime, air and land connections; the increase in global commercial exchanges; the constant movement of people, assets and capitals; the development of the telecommunication technology; the opening and removal of borders; and the inter-connection between national and international financial markets can be beneficial to them. In summary, the interdependence between countries and regions is used by organized crime to expand its criminal activities at transnational level.

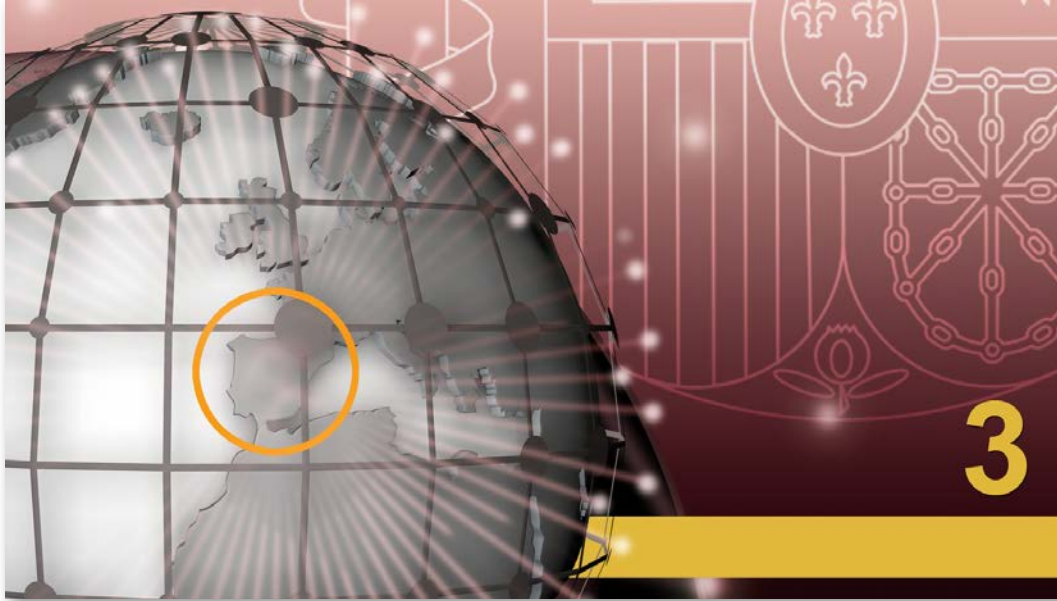
- **It negatively impacts citizens, society and the State and has a high destabilizing potential.** Its criminal activities do not only affect community life, but also the economy, governability and the effective functioning of public institutions. Money laundering derived from criminal activities destabilizes and disrupts the economy, creating a sort of parallel market, an “informal sector” that does not comply with laws, an overlap between legal and illegal economy that may even artificially invigorate certain sectors, thereby reducing productivity, worsening or removing competition or discouraging the entrepreneurial activity.
- **Use of influences or corruption.** It uses corruption and other forms of pressure and influence in order to, sometimes, strengthen its dominant position in the political sphere and act as a sort of lobby to control various institutions.

Moreover, as regards serious crime (included in this Strategy as a complementary threat to organized crime), it is defined as the serious types of crime that jeopardize important or fundamental rights of people (life, freedom, etc.), the actions which greatly impact the values on which co-existence is based (property, ethic, beliefs, etc.), and those acts that attack the most socially-sensitive contexts or minorities (sexual freedom, vulnerable individuals, sexual integrity, peaceful cohabitation, etc.). As with organized crime, due to the impact it can have socially, economically, politically, as regards health or the environment, serious crime can be a cause for great concern among the population and contribute to a subjective feeling of insecurity². Moreover, in view of its seriousness, some of these crimes are given particular consideration by some international legal instruments.³



² This applies to crimes such as: drug trafficking, corruption-related offences, money laundering, cyber-crime, human trafficking, smuggling of migrants, intellectual and industrial property crimes, tax evasion, asset-related crimes (robbery), crimes acts against corporal integrity and freedom (murder, kidnapping, extortion, serial sexual violence, etc.), further enhanced by the illicit trafficking in arms, as well as environmental crimes.

³ This is the case of the criminal acts laid down by the 2016/681 EU Directive on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.



3. DIMENSION OF THE THREAT POSED BY ORGANIZED AND SERIOUS CRIME IN SPAIN

Organized crime and, to a great extent, serious crime, operate in Spain taking advantage of the context of internationality, globalization and interdependence that characterize the current global societies. These phenomena are, more often than not, transnational, part of the constant cycle of social, cultural, technological and geo-political change.

Organized crime and serious crime have shown their great adaptability and, therefore, have increasingly diversified structures and modus operandi, which in turn translates into a greater impact on society. A new criminal landscape is slowly emerging, marked by dynamic criminals and criminal organizations operating in various illegal sectors, increasingly supported by the illicit use of new technology, the rise of individual criminal “entrepreneurs”,

“Organized crime and serious crime have shown their great adaptability and, therefore, have increasingly diversified structures and modus operandi, which in turn translates into a higher impact on society.”

business models based on crime as a service and internationalization as a reflection of a globalized world.


The increasingly growing recurrence and convergence in the activities carried out by organized crime and terrorist organizations inexorably leads to new collaboration and cooperation models regarding security and defense, through an enhanced exchange of information between the Intelligence centers at national level (attached to the Ministry of the Interior and the Ministry of Defense) and international level (with counterpart agencies from partner countries).

**Organized
Crime and
Terrorism**

This criminal overlap prompted the Ministry of the Interior to create the Counter-Terrorism and Organized Crime Intelligence Centre –CITCO– in 2014 in order to unify, coordinate and exchange all information and intelligence regarding both phenomena. Thus, the capacities of the center had to be fully centralized.⁴

It is undeniable that, due to our geo-strategic location and our cultural links with the main hashish and cocaine-producing countries, drug trafficking and drug-related money laundering are still the main challenges posed by organized crime in Spain. However, thanks to its proven efficiency in the fight against the aforementioned activities, Spain has become a retaining wall against drug trafficking in the UE, thereby forcing criminal organizations to look for new routes in other European countries. This has translated into a gradual reduction in the number and size of the criminal organizations involved in drug-trafficking activities in Spain, as illustrated in the yearly national reports on drugs.

However, as regards hashish trafficking, Spain is the main gateway for this drug to be moved to other European countries. This context calls for specific plans to counter this type of criminal activity implemented in particular zones (such as the Strait of Gibraltar and its areas of influence), since it is the strategic entry point for the most of the hashish seized in Spain. In recent years, there has been a concerning exponential growth in marijuana cultivation and trafficking, with an increasing purity level, throughout most of the national territory, which



"Spain is the main gateway for hashish to be moved to other European countries."

⁴ The first coordination structure in the fight against drug trafficking was established in 1994 through the creation of an Analysis and Coordination Office of the Government Representation Office for the National Plan against Drugs (RD 495/1994).

poses a new threat that the authorities need to face. Similarly, close attention will need to be paid to the future development of New Psychoactive Substances (NPS).

Similarly, due to its criminal ramifications, special mention should be made of the illegal trafficking in arms which, in addition to drug trafficking and human trafficking, represent the most profitable illicit activities at global level. That being said, the current trafficking levels in Spain cannot be described as large-scale. It should also be noted that some criminals operate individually frequently reactivate and sell firearms in the illegal market.


Counterfeiting, as well as illegal trafficking in arms are connected with organized crime and serious crime and further enhance both phenomena and therefore need to be handled appropriately.

The criminal activity related to new technology and cyber-crime continues on the rise all around the world and its upward trend will continue affecting several protected legal assets, severely impacting the economies of the physical and legal persons as well as the institutions, thereby generating a social uncertainty that will be hard to overcome in the short term.

Human trafficking, in all of its forms, puts Spain as one of the destination country for the victims. Moreover, some of the organizations involved in this heinous crime take advantage of the vulnerable situation of migrants fleeing from inhumane conditions entailed by poverty or armed conflicts who merely seek to enter Europe through our borders.

Other asset-related crimes, namely, robbery, vehicle trafficking, intellectual and industrial property crimes, smuggling, scams, fraud and corruption (not just institutional, but also within the private sector; i.e. in the field of sport) are frequently linked with organized crime and call for conclusive action so as to reduce its potential impact.

The growing concern about the various criminal activities that due to their characteristics cannot be considered organized crime in a strict sense, despite causing social upheaval, makes it necessary to monitor it as serious crime. This is the case of serial serious crime (sexual violence, homicides, serious bodily harm, etc.), various forms of institutional corruption, certain types of cyber-crime (namely,



"Other asset-related crimes, And institutional and sports corruption are frequently linked with organized crime and call for conclusive action"

child pornography and online scams), environmental crimes, food fraud, medicine-related fraud, etc.

Special attention needs to be paid to the development of the violence exerted by the criminal organizations, whether it is against other criminal groups, the law enforcement forces or society, the emergence and unfolding of new criminal activities (such as fraud relating to online gambling), new types of money laundering (i.e., the use of cryptocurrencies) and the appearance of online-managed criminal markets, mainly on the Deep Web.

Another factor to bear in mind is the significantly high economic damage and direct costs entailed by organized crime for our country, coupled with the economic impact caused by all indirect costs as a result of the prevention and fight against said phenomenon, the loss of human lives, the physical and psychological harm, the assistance services, the costs of ongoing proceedings, etc.

Currently, the threat assessment on organized crime and serious crime in Spain, that is, the likelihood of these threats combined with the harm they could cause on society if they were eventually carried out, is currently at medium level. The institutional response can be objectively defined as notable; it is recommended that prospective strategies continue being developed in order to further reduce the threat posed by these complex phenomena with such a high disruptive potential on National Security.

**Police
efficiency**



4. INTERNATIONAL SCENARIO OF ORGANIZED CRIME AND SERIOUS CRIME

A new landscape of organized crime and serious crime is emerging under the diversification of structures and methodologies, the proliferation of mobile organizations, the relentless advance of new technologies, the links between organized crime and terrorism, the new criminal business models, hybrid threats, demographic changes, economic, political and social international imbalance which result in irregular migratory flows, armed conflicts, poverty, etc.

The increased international cooperation, particularly in Latin America and Africa, helps meet the challenges posed by organized crime in a more efficient and global fashion,

given the convergence between several types of illegal trafficking (migratory, vehicles, arms, human trafficking, etc.) that originate in the aforementioned regions.

Moreover, as regards Latin America, the high incidence of organized crime is a particularly concerning issue in face of its huge dimension and the severe threat that the internationalization of this criminal activity would pose to the security of the region.

Thus, considering the social and criminal tensions that are arising all over Latin America, and which may ultimately entail the mobilization of criminal organizations, Mara gangs and other groups to Spain and the European Union, we need to implement early-detection and addressing measures.

In relation to Africa, its geopolitical context, the possibility of experiencing an exponential growth of its population, the chronic economic imbalance affecting several areas, water scarcity, social tension and conflicts are sources of risk that may translate into an increased migratory pressure towards Europe and, more specifically Spain, as it is the European country closest to Africa.

As regards Asia, its economic growth and the prospects regarding increased international investment in certain countries of the region may generate synergies to enhance its influence potential in Western countries, such as Spain and the rest of the European Union, which in turn may lead to the transfer of its criminal structures. This poses a severe threat that needs to be met, considering the significant incidence of certain criminal activities in this continent, such as illegal trafficking of precursors, the production of new psychoactive substances and cyber-crime.



"The increased international cooperation, particularly in Latin America and Africa, helps meet the challenges posed by organized crime in a more efficient and global manner".



"In Asia and Africa, several complex massive migration phenomena are taking place due to armed conflicts, economic crisis and geopolitical changes."

Migrations

Both continents, as well as other regions, are experiencing complex migratory flows due to armed conflicts, economic crises and geopolitical changes. These circumstances may contribute to the development of criminal activities in the

destination countries in the years to come. At the same time, this could lead to an increase in the number of radicalism-promoting groups, more or less structured, which could translate into violent clashes between homegrown criminal groups and foreign criminal actors.

Furthermore, the cross-sectional issue of overproduction of “classical” drugs, i.e., cocaine and heroin –whose origin is diversified–, may ultimately become a structural problem, which would result in an increased threat with severe repercussions on public health.

Internet

Additionally, the globalization of communications, its misuse and the lack of regulation, combined with the investigation difficulties in the field of new technologies are opening important windows of opportunity for both organized and serious cyber-crime. An increasing number of vulnerabilities of all kinds are being exploited within the digital universe. Thus, it is critical to strengthen the capacities to fight cyber-crime.

In summary, the transnational nature of organized crime and serious crime is an ever-more-common characteristic. The efficient fight against this threat calls for an increased exchange of intelligence and operational coordination at all levels, both national and international.



"The efficient fight against this threat calls for an increased exchange of intelligence and operational coordination at all levels, both national and international."



5. PRINCIPLES, OBJECTIVES AND STRATEGIC LINES

The **principles** on which this Strategy is based are: a comprehensive view of organized and serious crime, taking all criminal forms and their relations with other illegal acts into account; multidisciplinary initiatives, seeking an efficient collaboration between all stakeholders –both national and international, private and public–; constantly adapting to the dynamic context, using the pertinent analysis, threat assessment and responses; and transparency, sharing data regarding the situation and outcomes in said field.

"The principles on which this Strategy is based are: a comprehensive view, multidisciplinary initiatives, constantly adapting to the situation, and transparency."

Objectives

The **strategic objective** is to reduce the threat and uncertainty levels related to organized crime and serious crime disrupting the peaceful cohabitation of people, their interests and those of Spain. The Strategy is implemented in line with

the National Security Strategy, the European Union's Global Strategy for Foreign and Security Policy, the European Union's Internal Security Strategy, the National Cyber-Security Strategy and the National Maritime Security Strategy.

The **main objectives** are as follows:

- Prioritizing the dismantlement of all criminal structures to prevent them from consolidating, progressing and rising within the criminal pyramid.
- Reducing the criminal activities carried out by people or structures involved in serious crime.
- Preventing and hindering the establishment of new criminal groups, launching awareness campaigns on the true face of criminality and its personal and social consequences, as well as developing public policies which enable a more efficient management of social reintegration for the members of the aforementioned organizations.
- Reducing the impact that crime has on society through public policies aimed at assisting, supporting and helping victims recover from the consequences of organized crime and serious crime, thereby reducing their distress.
- Countering the growing links between terrorism and organized crime, two of the main threats to National Security, whose convergence may lead to a critical global scenario, as well as reducing the interaction and mutual feedback between organized crime and other threats such as armed conflicts, espionage and the proliferation of weapons of mass destruction.

Achieving these general objectives, thanks to the experience gained, will only be possible by meeting **ten specific objectives** (seven core and three cross-sectional objectives) which result in the pertinent **strategic focal points:**

Core focal points

First focal point. “Intelligence as a means of preventing and anticipating threats”

Enhancing the intelligence capability, updating the current tools or creating new ones to enable a better and greater generation of strategic and operational intelligence as a prospective means to counter organized crime and serious crime.

Currently, there is no doubt that valid, usable, preventive and anticipatory intelligence is required to face organized and serious crime, so as to minimize these threats and prevent any potential severe harm on the normal functioning of society.

The trend must be directed towards a continuous development of intelligence from more passive or reactive approaches towards more pre-active and proactive methodologies, which generate added value for collective security and prevent these threats from causing any harm or, when not possible, at least enhance resilience. What matters is promoting changes which lead to advantageous scenarios for society.

Lines of action:

- A) Boosting the activities carried out by intelligence units through the development of organizational structures within the law enforcement agencies, with the proper material and human resources, specialization and training to enhance their capability to prevent and respond.
- B) Strengthening, supporting and promoting the production of CITCO intelligence and coordination, by:



**National Office
for Passenger
Information**

- Increasing the technological capacity by updating existing tools and developing new ones to improve the exchange of strategic information and the coordination of investigations, particularly at international level.
- Strengthening, promoting and consolidating the regulatory and technical mechanisms for the full implementation of the transposition of the European Directive 2016/681 on the use of Passenger Name Record (PNR), which enables airlines to send the PNR data as provided by the National Office for Passenger Information (ONIP). Expanding the role played by this CITCO office to achieve full functionality, as the only National Authority qualified to interact with airlines and data providers and responsible for the compilation, storing and processing of these data shall be critical to prevent, detect, investigate and prosecute terrorism-related offenses and serious crime.
- Reinforcing its activities in the field of strategic intelligence, under the framework of its missions, through the reception, integration and analysis of all relevant information to develop its capacities with regard to strategy and prospective, in relation to all law enforcement agencies, which in turn shall submit all analyses and strategic reports to the Center.
- Bolstering and increasing international collaboration with counterpart agencies and centers as regards the exchange of information, good practices and pertinent issues.
- Promotion of a real integration of intelligence from all fields of organized and serious crime, both at national and international level, taking advantage of the synergies achieved in initiatives from EU projects, such as the **European Multidisciplinary Platform against Criminal Threats** (EMPACT) or with other regions, namely, the Ibero-American Strategic System on Organized Crime Operations (SEISOCO).



"Strengthening, promoting and boosting the CITCO's mechanisms for the elaboration of intelligence and coordination".

- Full incorporation of all public security officials into the information-exchange and coordination procedures in the fight against these phenomena, as well as the implementation of mechanisms and tools which enable the transmission and incorporation of all information from other agencies.
- C) Promoting the duty of cooperation between the various administrations responsible for the protection of National Security, such as the fight against organized crime and serious crime, terrorism or aerospace, maritime, land and economic security, through the use of techniques which foster the exchange of information or intelligence.
- D) Fostering the integration of the various security databases, thereby granting full availability and accessibility to useful information for the prevention, investigation and intelligence-related purposes in the criminal field; as well as access to all data-intermediation platforms from Public Authorities.
- E) Promoting the necessary regulatory amendments so that all information available on private databases which may be useful for public safety purposes can be accessed by public security officers. This would enhance the creation and direct access to nationally-interesting data for monitoring purposes regarding the sectors forced to hold a documentary record of activities that could be deemed interesting for society, and translate into a common and unified regulation.

Second focal point. “Neutralizing the financial apparatus of Organized Crime and criminals”

Continue promoting and developing more active policies to seize the revenue generated by organized crime and criminal activities.

According to European Central Bank estimates, global money laundering accounts for 2.7% of worldwide GDP, amounting to near EUR 615 billion. Only 0.2% of the aforementioned sum is seized by the authorities through the financial systems, which illustrates that this highly-profitable venture for criminal organizations is still a pending challenge that the authorities need to meet.

As a result of the regulatory obligation approved by Eurostat in 2014, which provides for the incorporation of the National Gross Income from illegal activities into the national accounts for information purposes, the Spanish National Statistics Institute (INE), has duly included national accounting data generated by illegal activities, which account for 0.87% of the national GDP, some EUR 10.5 billion in 2017. This illustrates the estimated impact that illegal activities have on Spanish economy.

In face of this situation, it is critical to further enhance the mechanisms aimed at tracing and seizing the revenue generated by organized crime, establishing coordinated synergies between public and private and national and international sectors.

Lines of action:

- Contributing to the review and updating of the European regulation on money laundering, enabling a greater legislative harmonization and increased transparency regarding legal persons, as well as enhancing the monitoring mechanisms in relation to suspicious financial transactions and the promotion of central records of bank accounts.

- Developing and fostering the use of Asset Recovery Offices (ARO) of the Ministry of the Interior and the Gafilat Asset Recovery Network (RRAG), both linked to CITCO, among all operational units as a key tool to counter money laundering, both complemented by the Asset Recovery and Management Office (ORGA) which comes under the Ministry of Justice.
- Boosting the number of international joint-operations, establishing joint-investigation teams comprised of judges, prosecutors and public safety actors exclusively involved in the field of money laundering, asset investigations and asset recovery in relation to organized crime, with the direct intervention of the European Anti-Fraud Office (OLAF), Eurojust and Europol, in face of the increasing use by organized crime of international business structures which take advantage of complex financial engineering mechanisms.
- Fostering the activities developed by agencies responsible for the monitoring of the actors responsible for the prevention of money laundering, particularly within the financial system.
- Guaranteeing an effective application of the regulatory dispositions regarding criminal responsibility of legal persons as an efficient means to counter money laundering and economic crime.
- Promoting a regulatory response and international commitments as regards monitoring and investigating new threats of economic nature, such as cryptocurrencies for money-laundering purposes or online-gambling frauds regarding match fixing.

Third focal point. “Fighting against criminal markets and serious crimes”

Fostering criminal investigations on the main criminal activities in Spain.

The EU Policy Cycle determines the strategies adopted within the EU and specifies the priorities with respect to serious crime and organized crime. It is based on the threat assessment conducted by Europol in the *Serious and Organized Crime Threat Assessment (SOCTA)*. Within this reference framework, Spain—given its geo-strategic location and special links with other countries—must face a very specific criminal scenario in which certain groups are of paramount importance, representing one of the main threats against public security. This is periodically reflected in the Annual Report on National Security.

Moreover, the singular characteristics of certain criminal activities have triggered a great concern and social alarm and raise doubts on the efficiency of the State Institutions or even on its legal system. It is therefore necessary to take account of said characteristics given their high strategic interest.

Due to the above, the following crimes are flagged as priorities in this Strategy against Organized Crime and Serious Crime:

a) **Drug trafficking**

In the medium term, the cocaine and hashish-related criminal markets, which account for a significant portion of the activity carried out by criminal groups in Spain, are expected to maintain their importance. In the long term, the threat represented by the illicit markets of synthetic drugs and new psychoactive substances (NPS) is highly likely to increase.

Drug trafficking




These criminal areas will require a substantial portion of the human and material resources to be focused on the fight against organized crime linked with drug trafficking, especially the action of the Investigation and Intelligence Units.

Lines of action:

- Enhancing the detection mechanisms and the control over the trafficking routes in Latin America and the Caribbean as well as in North Africa and the Mediterranean.
- Leveraging the intelligence analysis activities, including the risks, in order to enhance the detection of suspicious shipments and transports, namely containers from “hot” areas and routes.
- Strengthening the exchange of information and intelligence between Spain –as a transit and destination country– and the cocaine and hashish-producing countries.
- Promoting the use of the EU joint investigation teams against the transnational groups that send significant amounts of cocaine and hashish from Spain to the rest of Europe.
- Fostering the application of preventive control measures based on the intelligence on the places of origin and destination of cocaine and hashish, in the possible entry points into Spain, especially ports, coasts and airports.
- Improving the cooperation between judicial, police, customs, port and airport authorities, private security companies or departments and commercial transport organizations in order to reduce the vulnerabilities of the system in relation to drug trafficking and namely, to cocaine and hashish trafficking.
- Favoring the application of active public measures for social awareness concerning the escalation of the damage caused by the consumption of cannabis derivatives, especially marihuana, thereby contributing to debunk the myth of “soft or

therapeutic drugs”, which makes consumers underestimate their actual health hazard. On the basis of the National Strategy on Addictions, intensifying the measures to prevent the use of drugs and addictive substances through the update of the existing specific plans against minor drug-trafficking in educational centers, leisure facilities and similar surroundings; implementing other plans to prevent or raise awareness on the harmful effects of drugs for health, life and coexistence.



"On the basis of the National Strategy on Addictions, intensify the measures to prevent the use of drugs and addictive substances through the update of the existing specific plans." es en este ámbito."

- Establishing solid action plans against organized crime (especially that linked with drug trafficking) in the geographical areas where its presence is notorious. Updating the plan established for the Strait of Gibraltar and its area of influence.
- Boosting the monitoring and action against organized crime groups involved in synthetic and NPS drug trafficking by strengthening the investigation and analysis efforts.
- Reinforcing the action against the organized crime groups involved in the establishment in Spain of illicit synthetic drug laboratories by renovating the current prevention plans to control the trade of precursor chemicals. In this vein, promoting the update of the international standards on the definition of new illicit substances, incorporating more dynamic processes to minimize the legal vacuums developed in the lapse of time between their emergence and regulation.
- Intensifying the intelligence development work with the purpose of enhancing the detection, monitoring and investigation of the illicit trade of new psychoactive substances and synthetic derivatives by determining the modus operandi used and their evolution, including more specifically the online activity of the “individual traders”.
- Contributing to the development of prevention campaigns aimed at showing citizens the unknown and devastating effects for health that this type of drugs may cause.

- Enhancing the prevention efforts regarding synthesis drugs and NPS proliferation by promoting the collaboration between the actors involved in the public and private sectors, more specifically judicial and police authorities, the pharmaceutical industry, Internet service providers and transportation and courier companies.
- Reinforcing the actions against the online sale and distribution of drugs by both enhancing the monitoring of the deep web and the courier companies and fostering the use of IT online undercover agents.


b) Corruption-related crimes

Corruption

This type of crime represents a serious threat to the rule of law and the welfare society since it normally affects large policy sectors or the highest levels of government. The eradication of said crimes is a priority given the urgent need for citizens to regain confidence and trust in their institutions. This requires the implementation of coordinated actions which include effective prevention and monitoring measures.

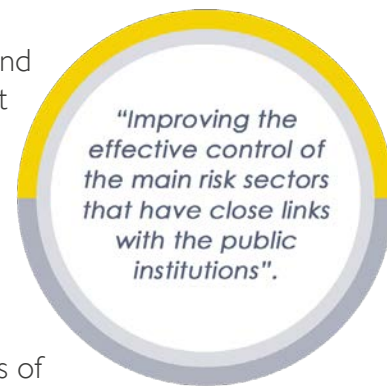
Lines of action:

- Enhancing the regulation on the access to financial databases by security public operators specialized in the fight against corruption, money laundering and other economic crimes in order to increase their use in the investigation and intelligence activities.
- Optimizing the material resources –namely the technical resources– of the units in charge of the investigation of said crimes with the purpose of facilitating further assistance to judges and prosecutors.



"The eradication of these crimes is a priority given the urgent need for citizens to regain confidence and trust in their institutions."

- Promoting the development of asset investigations on the natural and legal persons involved in corruption crimes by fostering national and international cooperation with the agents in charge of tracing and recovering stolen assets.⁵
- Improving the effective control of the main risk sectors that have close links with the public institutions and with the new forms of institutional corruption associated with sectors with major media coverage such as the field of sports.
- Strengthening the international collaboration and coordination between all the actors involved in the fight against these phenomena.
- Completing the implementation of the measures set forth in the Criminal Law Convention on Corruption, ratified by Spain.
- Promoting the establishment and development of codes of ethics and new legal measures among all the administrations, agencies and public companies in order to minimize influence peddling, prevarication, bribery, prohibited negotiations with civil servants, etc. in Spain.



c) **Money laundering**

Money laundering –associated with various offences and sometimes concurrent with other economic and financial crimes– is the main tool used by criminal organizations

⁵ In their respective domain of competence, the Asset Recovery Bureau ("Oficina de Recuperación y Gestión de Activos" - ORGA) of the Ministry of Justice and CITCO.

and criminals themselves to conceal, relocate and access the illicit benefits obtained from their criminal activity.

This strategy, based on the effective coordination of the intelligence, investigation and police activities, is a key action point to counter this threat.

Lines of action:

**Financing
of crime**

- Promoting the elaboration and exploitation of economic and financial intelligence.
- Increasing the monitoring and control of both the emerging money-laundering techniques (e-money, online gambling, illegal gambling, big data/cloud, energy sectors and renewable energies, etc.) and the traditional techniques (money transfers, physical transport, payment institutions, etc.), by providing the public security operators with better and more effective technical tools to facilitate an early detection.
- Setting up a strategic plan against the unlawful enrichment of criminal organizations and criminals, including money laundering and the tracing and recovery of stolen assets. Under the coordination of the State Secretariat for Security (SES) of the Ministry of Interior, this strategy will be jointly drafted by all pertinent actors.
- Enhancing and increasing the simultaneous “organized crime / money laundering” investigations with the ultimate purpose of neutralizing the criminal organizations through the seizure and freezing of their assets.
- Reinforcing the participation of public and private institutions, both at national and international level, allowing the rapid and effective exchange of information between them in order to reduce the use of tax havens by criminals for money laundering, tax evasion or tax avoidance among others.
- Broadening our knowledge on the use of cryptocurrencies in money laundering as well as its recovery and management by launching standards to promote operational transparency in all cryptoassets.

- Improving the intelligence with a view to ascertain the real financial level of the organized crime groups as well as the economic impact their activity has on society by analyzing the information provided at multi-agency level by all the actors who have useful information in this regard such as: The State Tax Administration Agency, Social Security, the Asset Recovery Bureau, financial entities, the Executive Service of the Commission for the Prevention of Money Laundering and Monetary Offences (SEPBLAC), the Land Registry, the Trade Register; the Registry of Personal Property, city councils, supply companies, police authorities, etc.

d) **Cyber-crime**

Although the relentless development of globalized and digital communications and cyberspace provides great opportunities for social and economic development, it also entails numerous risks and threats. In this line, organized crime groups and criminals take advantage of the blurring of borders it provides, its great accessibility and its low operating costs to conduct their activities. Its presence and impact are ever increasing and might potentially influence the economic, social and even political sectors to the point that citizens mistrust online commercial and personal operations.

Cyber-crime

The risk of large-scale cyber-attacks on institutions, natural and legal persons is high compared to other forms of crime. This is shown by the growing level of sophistication of the detected cyber-attacks, the gradual increase in the number of physical means connected to the Internet and the growing volume of sensitive –thus vulnerable– information (personal, health, finance data, etc.) stored in the “cloud”.



Lines of action:

- Strengthening international both bilateral and multilateral cooperation with other regions and countries of interest in cyber-crime in order to avoid proliferation of data havens.
- Reinforcing the control of cryptoassets as a means of payment in cyber-criminal activities.
- Fostering the specialized action of the investigation units involved in the fight against cyber-crime.
- Encouraging collaboration between the public and private sectors, especially in financial and technological terms. Promoting the participation of qualified personnel from the private sector to support the police operational units.
- Optimizing the legal tools in order to face the new forms of crime in this field by adapting the investigation procedures.
- Strengthening the action against cyber-crime with the involvement of the non-specialized police units by promoting their participation in the less complex investigations. Enhance the training of personnel in this field.
- Reinforcing the cooperation with digital service providers, information and e-commerce service providers and technology companies with the aim of enhancing the data exchange systems and the development of training actions among others.
- Raising awareness on cyber-security by creating our own narrative to minimize the threats to potential victims and disseminating information campaigns in social media and mass media. Renewing and updating the plans addressed to raise awareness about this threat in educational



"Raising awareness on cyber-security by creating our own narrative to minimize the threats to potential victims and disseminating information campaigns in social media and mass media."

centers⁶ if appropriate, establishing new specific plans for other vulnerable sectors of the population in social centers (elderly people, destitute persons, etc.) Promoting participation and joint responsibility in said dissemination of the private and professional users and, more specifically, the operators of the critical infrastructure and information systems.

- Improving intelligence and investigation actions, focusing on the intervention on the most harmful cybercrimes, namely: online frauds and scams, *on line* child pornography, extortion, abuse of privacy rights, unlawful trade of personal data and cyber-attacks and theft of sensitive data that might affect the normal functioning of public and private entities in different fields (political, economic, social, information, infrastructures, etc.).
- Enhancing the action of specialized prevention units, the technological research and the forensic analysis of data storage devices, particularly as regards online child pornography offences and other cybercrimes that affect vulnerable groups.
- Strengthening the multidisciplinary coordination mechanism between the national administrations and institutions in order to prevent and respond to mass cybercrimes through a clear and efficient delimitation of tasks and responsibilities.
- Promoting the action of units specialized in the investigation of online offences against sensitive victims (child pornography, online sexual exploitation, harassment, etc.) which have a major social impact and generate a sense of insecurity, thereby reducing their vulnerability. Fostering the exchange of intelligence to identify the victims and increase the preventive activities of the citizen mobilization units.

⁶ More specifically, the Master Plan for Coexistence and the Improvement of Security in Educational Institutions and their Environments of the State Secretariat for Security.

- Reinforcing the security of e-commerce (*on line* payments) by promoting a secure global standard for transactions which facilitates payment blocks as a means of preventing fraud and a rapid information exchange, both at national and international level, in high-volume cybercrimes, such as massive *on ine* scams).
- Increasing the actions in cyberspace against “individual crime traders” who pose continuous cyber-threats through the commission of serious crimes such as data theft, denial of service attacks, hacking attacks, etc., which raise public alarm.

e) Traffic in human beings

Human trafficking is a serious violation of human dignity and freedom. The fight against this scourge –focused on minimizing the impact of this kind of slavery in the 21st century– requires, firstly, due to its transnational nature, a multilateral approach which guarantees cooperation between the (developed) countries that receive the victims and the (developing) countries of origin and, secondly, at national level, an adequate coordination between the various involved actors.

There are strategic national and international reference frameworks which address the relevant aspects of the fight against this form of organized crime. Spain has the Comprehensive Plan on Combating Trafficking of Women and Children for Sexual Exploitation, drafted by the Ministry of Cabinet Affairs, Parliament Relations and Equality, although it is a specific plan for the aforementioned vulnerable groups. The European reference is Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, which establishes certain lines of action.

In this context, the strategic priorities with regard to human trafficking in our country are defined by the following lines of actions:



- Promoting international cooperation given the transnational nature of this type of crime. International cooperation and its various fields (technical, judicial and police support, information and experience exchange, training, etc.) need to be enhanced, especially in the countries of origin of the victims who arrive to Spain.
- Improving the action of specific units in charge of preventing and combating human trafficking and assisting the victims.
- Strengthening the cooperation and coordination of all national public and private actors involved from a twofold perspective: preventing and countering this criminal phenomenon using multidisciplinary approaches that involve all actors. This cooperation mainly involves the Ministries of Justice, Interior, Labor, Migrations and Social Security, Cabinet Affairs, Parliament Relations and Equality, Health and Consumer Affairs and non-governmental organizations.
- Increasing the intelligence work to broaden the knowledge and monitoring of the phenomenon, including new trends or modus operandi, such as those linked to forced marriages, the use of Internet, the presence of minors and economic flows. The aim is to update and improve the methods to meet this challenge and develop complementary specific actions.
- Enhancing operational cooperation with a useful shared intelligence and promoting the development of joint operations and investigations between our national law enforcement agencies and those of the countries of origin or transit of the victims towards Spain.
- Increasing and improving the prevention mechanisms of detection, identification, protection and assistance of the victims of human trafficking



in our country. Updating and renewing the existing victim assistance tools⁷ ; and developing further methods to complement the action in other fields, namely with regard to the problems associated with minors.

- Establishing a specific national strategic plan against human trafficking and exploitation. Under the coordination of the Secretariat for State Security of the Ministry of Interior, this strategy will be jointly drafted by all actors involved.


f) Smuggling of migrants

Smuggling of migrants

The estimates of the United Nations Population Fund (UNFPA) show that the world's population might reach 10.7 billion by the first half of the 21st century, despite the decline of nearly 200 million inhabitants in developed countries (most of them European). The population of the developing countries is expected to grow by 3,200 million people, mainly in Africa.

Additionally, given the international situation of certain regions in the short and medium term –armed conflicts, economic crisis, problems of coexistence on ethnic or religious grounds, environmental disasters–, the migration flows (namely towards Europe) are likely to increase and the situations of need and desperation of the people affected might also be exacerbated. Therefore, the situation of criminal organizations involved in the smuggling of migrants will be further aggravated and become a serious threat to national security in the medium term.

It is a complex problem that mainly affects Spain and Western European countries. The strategies implemented must take account of the actions developed in our European environment.



"The migration flows (namely towards Europe) are likely to increase"

⁷ In particular, the Protocol for the Protection of Victims of Human Trafficking.

Lines of action:

- Strengthening Spain's bilateral cooperation with other countries of strategic interest, particularly with the countries of origin and/or transit of the irregular migration flows towards our country.
- Promoting the exchange of strategic information at national and international level (in particular with Europol and Frontex) in order to elaborate a better intelligence with a broader understanding of this phenomenon at national, EU and international level (trends, incidence of active organized groups, routes, modus operandi, interaction of this phenomenon with other threats such as armed conflicts, terrorism, pandemics, climate change or economic instability).
- Intensifying international operational cooperation by creating joint investigation teams against organized groups and also against facilitators (providers of counterfeit documents) who operate in the countries of origin and transit.
- Updating the use of new face-recognition technologies in external borders (use of automated systems⁸, biometrics, etc.) according to the European standards to ensure better control over the irregular migration flows.
- Ameliorating the treatment and monitoring of the Foreign Unaccompanied Minors by promoting a greater collaboration with their countries of origin.
- Empowering cooperation and coordination between the different Public Administrations involved so as to enable a solidary and responsible action for the prevention and intervention against this threat and to assist the victims.



"Promoting the exchange of strategic information at national and international level (in particular with Europol and Frontex)"

⁸ For instance, Smart Borders or other similar technologies.

g) Intellectual and Industrial Property-related crimes

Intellectual and Industrial Property

In recent years, the offences against intellectual and industrial property have become one of the main lucrative activities for certain segments of organized crime. The high profits provide an excellent opportunity for business with the ultimate end of increasing this transnational activity.

This illicit traffic is developed outside regulated markets and therefore constitutes unfair competition for those who operate within the legal framework. It thus hinders the possibilities to develop new business lines in the legal market and significantly limits the process of economic expansion. Furthermore, offences against intellectual and industrial property rights cause great economic loss to the creators and the industrial sector:

Consequently, this unlawful activity also affects the interests of the Welfare State: it notably reduces economic income since no taxes are paid and destroys jobs in sectors which generate a significant wealth.

Lines of action:

- Contributing to the development of sectorial strategies in this field, particularly the Integral Plan of the Government for the Reduction and Elimination of Activities Suspected of Infringing Intellectual and Industrial Property Rights and the 2017-2020 Strategic Plan for Industrial Property of the Spanish Patent and Trademark Office (OEPM), by implementing operational and collaborative measures with the pertinent organizations.
- Consolidating the production of intelligence related to organized crime in this field, particularly the illicit trafficking towards Spain of counterfeit products stored in all kinds of containers (mainly by sea and air) and illicit markets on the Internet (namely, supply of fake medicines and anabolic substances which severely impact public health).

- Promoting prevention activities in collaboration with public-sector bodies (the Ministries for Health, Consumer Affairs and Social Welfare; the Ministry of Finance and the Ministry of Industry, Trade and Tourism) and the private sector (namely, enterprises and professionals from the most vulnerable sectors, i.e., the pharmaceutical, textile, food and footwear industries). Raising public awareness to put an end to the social acceptance of these types of offences.
- Strengthening the cooperation and coordination with the countries with the largest production of counterfeit products, acting in the States of origin and minimizing the impact of the illicit production and distribution channels.
- Enhancing the prevention and control of the last links in this illegal market (distribution and sale points), investigating their potential relationship with labor exploitation and other forms of organized crime.
- Updating the regulation in this field, enabling a more efficient framework to tackle counterfeit products affecting public health, mainly food and pharmaceutical goods.

h) Public Finance-related offences

Fraud affecting public interests is a dynamic phenomenon. The economy is a continuously-evolving field and this gives rise to new types of fraud. Furthermore, fraudsters adapt their methodology as public control systems are perfected. Thus, the authorities need to enhance their inspection mechanisms to face these new fraud types.

Public Finance-related offences

Informal economy and tax evasion are a serious problem within EU borders, as it amounts to EUR 2.2 trillion⁹. That is, the shadow economy within the EU accounts

⁹ Murphy, Richard. Closing the European Tax Gap.

for one fifth of the total GDP. The cost entailed by tax evasion is higher than the health budget of all Member States combined.

There are several types of tax fraud, the most important being VAT evasion, smuggling, capital flight and the concealment of income generated by legal or illegal enterprises or activities. For example, VAT evasion amounts to 18% of the expected revenue collection in Spain.

There are organized groups specialized in specific types of fraud (mainly VAT evasion). It is common for the fight against this threat to be of transnational nature. This circumstance and the technical complexity entailed by each criminal form, call for the establishment of appropriate Community mechanisms to promote an efficient collaboration and coordination in the fields of prevention and investigation.



Lines of action:

- Enhancing the operational capabilities of the national officers in charge of the fight against this type of fraud, through the timely exchange of information or an easier access to said data, particularly in relation to the requests issued to EU bodies or states regarding illegal tax evasion.
- Promoting a strategic production which translates into a deeper knowledge of the *modus operandi* used by these criminals, including money-laundering mechanisms. Developing a constant flow of strategic, operational and financial intelligence of proactive nature between the involved bodies. Enhancing and broadening the investigations regarding the emerging trends of fraudulent activities identified by the National Fraud Investigation Office

¹⁰ Un ejemplo son los fraudes conocidos como "trucha remota o Remote Missing Trader".

(ONIF)¹⁰, mainly in the fields of computer components, mobile phones and luxury cars.

- Strengthening the international cooperation within the EU, reinforcing the actions of the European Agencies (Europol, Eurojust and Olaf) and enabling timely exchanges of information and coordinated interventions, particularly promoting the joint-investigation teams so as to increase the efficiency of the fight against criminal organizations specialized in specific criminal activities, with particular reference to VAT evasion in intra-community commercial operations. Fostering the collaboration with other key countries in this field in order to maximize the evidentiary intelligence and the opportunities for mutual cooperation.
- Promoting and supporting the common European regulation to improve the prevention and investigation of several forms of tax evasion, particularly the VAT “carousel fraud”.¹¹
- Intensifying the use of the information from the intra-community operators’ commercial records by the pertinent security bodies, guaranteeing a selective access and control.¹²
- Establishing active communication and awareness campaigns to increase social rejection towards this problem, highlighting the seriousness of this threat which affects the revenue for the public purse and favors the establishment of a form of organized crime.

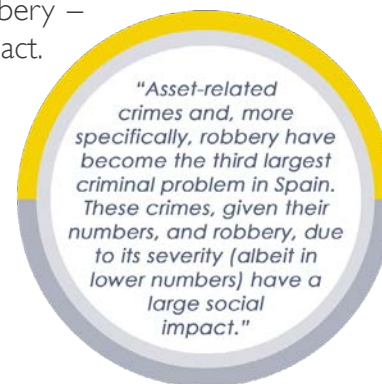
¹¹ Como por ejemplo, considerar la eficacia de cambiar el régimen transitorio del IVA y adoptar el llamado régimen definitivo, basado en la imposición en el estado miembro de origen.

¹² Como referencia, el Registro de Operadores Intracomunitarios (ROI), elemento esencial en la lucha contra el fraude de IVA, ya que un operador no puede actuar si no está inscrito en el mismo.

i) **Asset-related crimes**

In the context of organized crime, asset-related crimes and, more specifically, robbery, have become the third largest criminal problem in Spain, only behind cocaine and hashish trafficking. These crimes –given their numbers– and robbery – due to its severity, albeit in lower numbers– have a large social impact.

The criminal organizations involved in these activities are generally autonomous, have a great mobility which enables them to operate in vast territories (sometimes in several countries), which creates a sense of impunity despite the constant dismantlement of criminal organizations.



Lines of action:

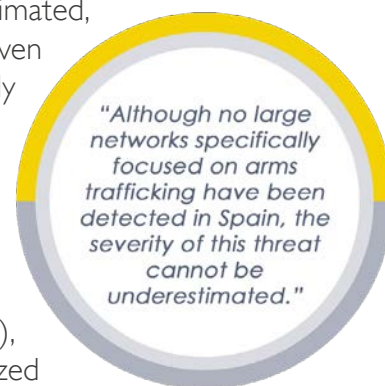
Robbery

- Increasing the central and peripheral coordination of the pertinent operational units, promoting joint-investigation teams as a result of the great incidence of this crime.
- Fostering the use of databases to increase the exchange of information and intelligence between units in order to increase the operational data used by the police units involved in the fight against this phenomenon.
- Keeping functioning and stable relations with the business groups at greatest risk of falling victim to these organizations.
- Developing constant prevention campaigns aimed at the most vulnerable people and groups to reduce the criminal incidence on them.
- Fostering financial and asset-related investigations as a key element to neutralize these phenomena and minimize the revenue generated by criminal activities.

j) Illicit trafficking in arms

Illicit trafficking in arms is one of the most profitable criminal activities globally. Although no large networks specifically focused on arms trafficking have been detected in Spain, the severity of this threat cannot be underestimated, as it is carried out by small multi-criminal organizations, and even specialized autonomous criminals, who occasionally supply various types of arms to both organized and serious crime.

This criminal behavior, particularly with regard to small and light weapons, its parts and ammunition, is closely linked to the nature of the demand, since firearms are used to carry out various violent crimes (murder, homicide, robbery, etc.), increasing the intimidating and lethal potential of both organized and serious crime.



Besides the large international networks, the main supply routes for criminals revolve around online trafficking, the diversion from legal supply and sale channels and the networks engaged in the reactivation of previously disabled weapons or the modification of explosive weapons.

Lines of action:

- Enhancing the production of intelligence to assess the threat posed by the illicit trafficking in arms, parts and ammunition, particularly highlighting its links with other criminal areas, namely, terrorism, the proliferation of CBRN (Chemical, Biological, Radiological and Nuclear) weapons of mass destruction and the diversion from legal trade.
- Prioritizing the investigations on the illicit trafficking in arms and its use by the criminal sphere, particularly focusing on the illegal rehabilitation of disabled, sonic, expansive and detonating weapons, the illicit diversion from

**Illicit trafficking
in arms**

imports, exports and transfers, online trafficking, illicit trade using parcel services or the introduction of illegal weapons from conflict regions into Spain.

- Developing the coordination between all actors at national level, both public and private, involved in the prevention and monitoring of firearms.
- Reinforcing the early-alert system, which enables the exchange of information and intelligence at European level when arms are stolen or lost.
- Strengthening the international collaboration and coordination between all the actors involved in the fight against these phenomena.
- Promoting the efforts of specialized units in the fight against the illicit trafficking in arms, both at administrative and investigative levels.

k) Major environmental crimes

Considering the current social context of concern for the environment as a result of the real challenges that the planet is facing due to human behavior, it is critical to promote security measures aimed at countering certain forms of organized and serious crime that have a significant impact on the environment.

The 2017 National Security Strategy lists the “the protection of the environment” as one of the main strategic objectives. Thus, the criminal activities contributing to this problem are highly relevant.



Lines of action:

- Enhancing the action of units specialized in the fight against this type of offences in the field of prevention, administrative control, intelligence, forensic analysis and investigation, including up-to-date training for the experts in charge of this area.
- Promoting prevention, control and investigation initiatives, particularly in the following spheres:
 - Trafficking in protected species of wild flora and fauna, especially wood trafficking and trafficking in endangered species.
 - Trafficking, management and disposal of toxic waste, and, more specifically, urban waste of all kinds.
 - Polluting emissions and environmental pollution, particularly with regard to the gases that have an effect on global warming and ozone-depleting gases.
 - Arson attacks on forests or waste disposal plants, illegal fishing (both carried out by Spanish vessels in international waters and foreign vessels in Spanish waters), animal and plant health (including illegal force-feeding and illegal pharmacological treatment) or animal cruelty.
- Promoting the exchange of information and intelligence between Spain, the rest of the EU and other countries, particularly through Europol and Interpol; as well as fostering the implementation of joint investigations at international level.
- Focusing on the economic approach in the investigation of environmental crimes, with particular attention to the gains made and the legal instruments to criminally or civilly prosecute the responsible parties.

**Environmental
crime**

- Developing active awareness policies for the population to understand the frailty of the environment, the vulnerability of some species and the importance of avoiding collaborating with illegal waste management agents.


Fourth focal point. “Links between Organized Crime and Terrorism”

Enhance the coordination and interventions in face of the increasing links between organized crime and terrorism.

Organized Crime and Terrorism

In recent years, the organized crime and terrorism phenomena show an increasing and systematic cooperation, which calls for specific monitoring and interventions considering the fact that this link may be greater in the future which, in turn, would translate into a likely and not desirable scenario of increased threat.

This collaboration between both phenomena is mainly based on the use of organized crime by terrorism in order to raise funds and logistical support. However, globalization, new technology, migratory flows as a result of armed conflicts and the international fight against money laundering are enhancing said cooperation. This calls for an updated and improved strategy in face of this growing threat.



“This collaboration between both phenomena is mainly based on the use of organized crime by terrorism in order to raise funds and logistical support.”

CO-TER

Lines of action:

- Reinforcing CITCO action to enhance its organization (appropriately integrating its organized crime and terrorism structures) and response to the increasing links between both phenomena, both as regards the production of strategic intelligence and the efficient coordination of investigations.
- Developing the Passenger Name Record (PNR) as a valuable tool to produce intelligence on the behavior trends of passengers and potentially detect criminal activities related to organized crime and terrorism.
- Boosting the efforts carried out by police units engaged in the fight against organized crime and terrorism, particularly of Jihadist nature, fostering the creation of joint-investigation teams in order to take advantage of both investigation methodologies in a coordinated fashion.
- Enhancing the investigation mechanisms for payments linked to these phenomena outside the financial system, particularly within hawala networks as well as crypto-currencies transfers.
- Promoting the information exchange at international level on organized crime and terrorism with strategically-relevant countries (such as Maghreb and Sahel nations), since they are particularly sensitive countries where both phenomena join their forces.

- Developing training programs for public safety operators which include this new context, updating the investigation methodologies and generating new action synergies.
- Improving the organized crime and terrorism-related databases, as intelligence and operational and coordination tools that enable an earlier detection of potential links between criminal groups and terrorists and their potential targets and inter-relations.
- Maintaining and promoting the penitentiary monitoring mechanisms through the FIES list (inmates kept under close observation), to minimize potential links between organized crime and terrorism.
- Perfecting the monitoring and supervision of materials that could be used as precursors to produce Improvised Explosive Devices (IEDs).

Fifth focal point. “International cooperation and coordination”

Increase the international cooperation, coordination and collaboration.

International cooperation and collaboration is critical, both at bilateral level with strategically-relevant allies and partner countries and within international cooperation organizations.

Lines of action:

- Enhancing the use of EU instruments (such as the EMPACT projects), with an operational focus, which enables the implementation of actions that directly contribute to the neutralization of organized and serious crime.



- Optimizing the actions carried out by LEA representatives abroad (Spanish embassies, organizations and international missions).
- Promoting the use of police and legal cooperation tools as set out in the EU legislation or bilateral agreements, namely, joint-investigation or analysis teams, the European Arrest Warrant, European Evidence Warrant, etc.
- Fostering the collaboration with strategically-relevant countries due to their relationship with organized and serious crime by establishing police and legal cooperation tools (agreements and treaties) with a special focus on the exchange of information and intelligence, joint investigations, training and technical assistance.
- Strengthening the cooperation in Latin American and the Caribbean regions, particularly as regards drug trafficking and human trafficking, further improving the efficiency of the current multilateral instruments¹³, consolidating the operational and strategic information-exchange mechanisms and promoting the use of automatized systems.
- Reinforcing the bilateral police cooperation with strategically and operationally-relevant countries, particularly within the EU, America, the Mediterranean, Maghreb and the Sub-Saharan region.
- Promoting the action of the current international police organizations of joint-coordination to which Spain belongs, particularly as regards transnational crime at sea (such as MAOC-N,JIATF,OCTRIS and CeCLAD-M)¹⁴ facilitating the exchange of strategic and operational information and the coordination of investigations in these fields.

13 Como la Plataforma de Bogotá,Ameripol y la Comunidad Latinoamérica y del Caribe de Inteligencia Policial (CLACIP)

14 MAOC-N (Centro de Análisis y Operaciones Marítimas contra el Narcotráfico. Lisboa, Portugal). JIATF's (Fuerza Operativa Conjunta Inter-Agencias Sur: Florida, EEUU). OCTRIS (Isla Martinica, Francia). CECLAD-M (Centro de Coordinación para la Lucha Antidroga en el Mediterráneo. Paris, Francia).

Sixth focal point. “Security: a common commitment”

Increasing the public and private sector commitment with regard to security.

In an increasingly inter-related society, synergies in the field of safety, among others, call for a greater coordination and participation of all public and private actors. Thus, an updated strategy against organized and serious crime must raise awareness within the private sector for it to be efficiently involved in the fight against this phenomenon.

Lines of action:

- Enhancing and promoting the collaboration between LEAs and the various enterprises and private security departments in the fight against organized and serious crime, particularly through the establishment of training initiatives to enhance the efforts in the private field. Similarly, it is critical to establish the appropriate information channels or fora to increase the knowledge of private security professionals regarding these threats (*new modus operandi*, actions against cyber-crime, asset-related crimes and socio-economic order).
- Enhancing and strengthening the information and awareness campaigns for the community, showcasing the real impact of criminal activities that are more socially accepted, despite entailing severe social and economic problems, namely, crimes against industrial and intellectual property, petty theft, smuggling (particularly regarding tobacco, drugs and anabolic agents), the use of “soft drugs” and prostitution-related offences.
- Encouraging a closer collaboration between public safety actors and the industrial, tourism and financial sectors currently involved in the fight against



organized and serious crime. Build on the activity developed by CITCO, as a coordination and integration entity for several security representatives, to boost the collaboration between said sectors, establishing formal collaboration and knowledge and information-exchange channels regarding matters of interest to counter this threat (new technologies, financial engineering, risk assessment, etc.).

- Fostering the use of citizen collaboration and participation channels by the Public Administration.

Seventh focal point. “Legislative elaboration and adaption”

Organized crime and serious crime, thanks to its flexibility and capability to innovate and adapt to the circumstances of the environment where it carries out its activities, forces public institutions to constantly readjust and adapt to the regulation in force to legally face these threats. The legal instruments are critical in the fight against organized and serious crime.

In this globalized world, the exponential development of technological resources, particularly in the fields of information and communication, is an ongoing challenge for security, since organized crime and serious crime take full advantage of it to enhance its illegal activities. In order to counter their actions authorities need to, among others, implement new, efficient regulatory measures or adapt them.



Lines of action:

- Updating the regulation to protect witnesses and expert witnesses in criminal cases, key legal instruments to counter the criminal sphere, is a key measure to increase their probative value.

- Promoting the timely review and adaptation of the regulation and other general administrative dispositions regarding organized and serious crime and aspects that result in an improved fight against these phenomena, particularly adapting to their development, correcting weaknesses or facing the emergence of new criminal challenges.
- Boosting and refining the legislation governing the figure of the undercover agent (physical and digital) and controlled deliveries to increase its efficiency.
- Promoting the legal regulation of the regular contributor, a critical figure in the fight against organized crime which has already been recognized and endorsed by Spanish Supreme Court case law.

Cross-sectional focal points

Eight focal point. “Training”

In this globalized world, where the transformations entailed by the new technology occurs at break-neck speed, the training, specialization and update procedures must be constant and thorough in all fields, but particularly in public safety, since it safeguards the free exercise of freedom and rights in modern societies.

Thus, the training initiatives referred to in this Strategy must be seen as a key element that complements all the core focal points. It must also take into account all the particular features of public safety actors (justice, police, prisons, customs, money-laundering-prevention entities, etc.).

Lines of action:

- Continue enhancing the refresher courses in all knowledge fields relating to organized and serious crime, both as regards operational (incidence of groups, international activity, trends, new modus operandi, routes, etc.)

and technical aspects (specific regulation, international collaboration, specialized material resources, etc.).

- Intensifying the continuous specialization and training of the members of LEAs in the fight against the various criminal forms which call for specific training (namely, human trafficking, smuggling of migrants, economic crime, fraud, etc.).
- Strengthening the training procedures especially aimed at generating knowledge and improving the investigation proceedings in relation to the information and communication technology and cyber-crime (i.e., actions on the deep web, latest generation malware, the use of cryptocurrencies, etc.).
- Helping create a culture of resilience against the actions carried out by serious crime among all public safety actors. Fostering the collaboration in joint training and specialization programs as well as the exchange of knowledge and experience.

Ninth focal point. “New technology to fight against the 21st century crime”

New technology helps solve various security problems, but also opens new windows of opportunity to criminals and criminal organizations in the century of technological revolution.

A real society now lives with a virtual one, where the transformation entailed by new technology must be taken advantage of in the field of security in order to build on current strengths to face organized crime and serious crime.



Lines of action:

- Promoting the use of new technology in the prospective and investigative procedures regarding organized and serious crime.
- Enhancing the training for public safety operators regarding new technology in the fight against the aforementioned criminal phenomena.
- Increasing the information exchange on technological tools with regard to national and international security.

Tenth focal point. “Preventing organized and serious crime”

The institutional capability to face organized and serious crime must also include anticipatory procedures in its prevention efforts and intelligence must become an efficient element to connect said efforts with the investigation proceeding. This would facilitate the work of the prevention units which would be more efficient in its efforts, with better operational procedures and the most appropriate means for sensitive interventions that call for a specific security apparatus. Prevention knowledge must also be shared with the private security sphere through the pertinent relationship and collaboration mechanisms. This helps discourage and hinder the development of organized crime activities and their subsequent damage to society thanks to a continuous and proactive preventive effort.



The processes to generate security-related intelligence allows for streamlining the coordination efforts between preventive and investigation units, as well as the work between investigation and intelligence experts.

Lines of action:

- Promoting the operational use of intelligence products to enhance the procedures for the design of preventive efforts and, therefore, the anticipatory and reactive work regarding organized and serious crime.
- Stepping up the prevention of these phenomena through the collaboration between operational and investigation units.
- Developing the investigation mechanisms through the collection of information by the operational units and the subsequent processing and analysis of the information by the intelligence units, thereby generating knowledge and taking full advantage of its potential.
- Enhancing the collaboration between LEAs and the penitentiary system to foster the information and experience exchange and facilitating the timely communication of specific alert notifications (monitoring and incidents of particular inmates, etc.).



6. PERIOD OF VALIDITY, ASSESSMENT AND UPDATES


This National Strategy against Organized Crime and Serious Crime shall be concluded for a period of five years since its approval, without prejudice to potential circumstances that may call for an earlier review. The Ministry of the Interior, under the framework of the National Security System, will coordinate these efforts.

Moreover, the Ministry of the Interior –through the State Secretariat for Security– and without prejudice to the competencies of other ministerial departments, is responsible for the final direction and monitoring of the measures, plans and proceedings set out in this Strategy.

"This National Strategy against Organized Crime and Serious Crime shall be concluded for a period of five years since its approval. The Ministry of the Interior, under the framework of the National Security System, will coordinate these efforts."

CITCO

In order to carry out these tasks, under the supervision of the State Secretariat for Security, CITCO –without prejudice to other assigned missions– will promote and coordinate the fight against organized and serious crime. It will produce timely reports as required by the State Secretariat for Security on the monitoring and analysis of the situation and the results entailed by the response to this phenomenon. Similarly, the Ministry of the Interior will publish an annual Report on Organized Crime and Serious Crime, as laid out in this Strategy.



"CITCO will produce timely reports as required by the State Secretariat for Security"

Operational plans

The General Directorates of the National Police and Guardia Civil will produce, pursuant to the guidelines and measures hereby established, their respective Operational Plans of Action, laying down the necessary actions, their implementation period and a common system of indicators which enables to carry out follow-up and assessment procedures.

